

Fee troubles Valley builders

Air fee also affects affordable housing

By Gerald Carroll, Staff writer

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Bob Hamer doesn't want to see the current forward momentum of Visalia's expanding affordable-housing efforts slowed by a looming legal dispute between builders of new homes and the San Joaquin Valley Air Pollution Control District.

"Any time new fees are assessed, that just shuts out more people from getting the affordable housing they need," said Hamer, who has seen the city's assisted homebuyers grow from nine to 17 in just three months' time since the city increased its second-mortgage cap to \$75,000.

Hamer's organization, Visalians Interested in Affordable Housing, has a contract with the city to help qualified prospects in securing affordable housing.

"Financing is now in place for 23 prospects, and with 17 already participating, that leaves six slots," said Hamer, "and we already have applications coming in for those."

The current settling of home prices, and even declines in some cases, has also opened wider the window of opportunity.

But all this could come crashing down if the San Joaquin Valley Air Pollution Control District's ambitious "indirect source" air pollution fees take hold. The fees, which will amount to \$780 for each new home built in developments of 50 homes or more, and separate fees for both commercial builders and individual new buildings of any kind, could quickly torpedo affordable-housing projects, advocates say.

The fees, imposed by the Valley air district earlier this year as a result of a state legislative mandate, are being challenged in court by the California Building Industry Association, affordable-housing advocates and business organizations. Hearings on the suit begin Dec. 6 in Fresno.

The Coalition for Urban Renewal Excellence, a nonprofit builder whose sole purpose is to develop affordable housing in the Central Valley, has joined the BIA as a plaintiff in the suit. CURE has no choice but to challenge the fees, said executive director Nathan Magsig.

"That \$780 per house is going to become \$1,800 in three years and even more later," said Magsig of the district's plan. "That can put a house out of reach for the very people we are trying to help."

"Property expense is a tough enough obstacle without any new fees," said Magsig, who earlier this year tried to purchase a Tulare County parcel in Lindsay to get an affordable-housing tract jump-started. "We were out-bid in that one, but we've had more success getting affordable housing built in Fresno County" because land is less expensive there, he said.

The fees now instituted by the Valley air district will put many nonprofit projects out of reach, Magsig said.

Bob Keenan, executive vice president of the BIA working out of the organization's Visalia office, said the suit is necessary because of ambiguities in the Valley air district's fee structure and lack of a suitable payment method.

"As far as I know, none of these fees have been paid yet," said Keenan, "at least by builders around here." Keenan added that the Valley air district has been trying to assess such "indirect" air pollution cause fees since 1992, and have yet to arrive at a suitable plan.

Furthermore, the BIA views such fees as illegal taxes, Keenan said.

However, district spokeswoman Brenda Turner said that "some fees have been collected" but the district is steering clear of spending any of that money pending resolution of the suit.

"Everyone has to do their part in reducing this air pollution," said Turner, who admitted the district has no jurisdiction over the thousands of diesel-burning cargo trucks steaming through the Valley on Highway 99 and I-5.

"And those trucks often never buy a drop of the specially formulated California diesel fuel," said Magsig. "They come up from Mexico, from Nevada, and go straight through the Valley burning the dirtiest fuels possible" and nothing can be done by the Valley air district.

"No doubt mobile pollution is the worst problem," Magsig said.

New commercial buildings will not be spared. Anything larger than 2,000 square feet will be subject to fees. Even public buildings and schools will pay the fees. Nobody is exempt, including nonprofits, Magsig said.

This might delay such Visalia projects as a major shopping center complex planned for the corner of North Dinuba Boulevard and Riffin Avenue, said Visalia's community development director Mike Olmos.

"No question there would be an impact" if the Valley Air District's fees took full effect, Olmos said. "Such fees, in some form, are becoming reality in dealing with air pollution control in this area."

The large Food 4 Less-anchored shopping center now under construction just south of the proposed project on North Dinuba Boulevard would likely have been delayed considerably, scaled down or even eliminated under the extra fees called for in the Valley air district's rule.

"It's something we'll be taking a careful look at in new commercial development," Olmos said of the fees.

Last week, the district received support from the Medical Advocates for Healthy Air, Environmental Defense and the Sierra Club. All three organizations filed a proposal to be "intervenor" in the suit on behalf of the Valley Air District. Arguments on their behalf to join the district will be heard Dec. 6.

"Builders haven't been doing their fair share," said Katherine Phillips of Medical Advocates for Healthy Air. "Agriculture has done its share, and the state's smog testing program has also helped. But the building industry has just stood by."

Keenan countered that view by pointing out that the current Visalia City Council has been very meticulous in steering developers into environmentally friendly developments that meet or exceed the Valley air district's guidelines.

"But where the new developments get in trouble is their distance from shopping and the downtown areas," Keenan said. "That seems to negate all the great things we try and do to make the neighborhoods less prone to air pollution."

A Growing Clamor Over Leaf Blowers

Autumn's Soundtrack Grates On Neighborhood Nerves

By Adrian Higgins

Washington Post Staff Writer

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The autumn leaves -- looking particularly good this year -- have begun their dazzling avalanche. Honey, pass me the Bose Noise Cancelling Headphones.

The whining roar of the leaf blower begins in earnest, filling the November air with a seasonal symphony: the growl of the gasoline engine, the siren call of its inner fan, the steady hiss of air blasting to 200 miles per hour. Electric versions, a little quieter, replace the gas engine's howls with a high-pitched scream that seems to gnaw at something deep in the brain.

This layer of sounds, a cacophony unknown to man or beast until a generation ago, now seems to define the landscape's passage to winter. Manufacturers of leaf blowers shipped a record 2.74

million gas-powered units this year alone. In addition, more than 3 million electric blowers are sold annually in North America. That's a whole lot of wind for sale.

When you think about it, the leaf blower forms an uncanny reflection of the fault lines in modern American society: It's a machine reviled by leftward-thinking intellectuals and beloved by red-blooded, horsepower junkies. It is an essential work mate of the laboring immigrant classes.

Montgomery County bans the sale and use of leaf blowers generating more than 70 decibels, but most area jurisdictions seek to regulate them through general noise ordinances that restrict hours of use. Elsewhere, however, they are banned outright.

Blower bashing reached a peak in the late 1990s when Peter Graves, Meredith Baxter and other Hollywood stars lobbied politicians to prohibit the machine. More than 20 communities in California joined Los Angeles in banning them, the latest the generally serious-minded and well-heeled citizens of Palo Alto.

Since the ban was enacted by the city council in June of last year, most of the complaints have been against landscape maintenance crews. Stacey Henderson is the Palo Alto police department's officer assigned to enforce the ban, which affects residential areas. In the city's sylvan neighborhoods, she issues two warnings to each offender and then a citation. "I've had one gardener who's been cited seven times, and it's \$100 a ticket," she said. "He just won't stop."

Henderson has sent out more than 5,000 warning letters to residents and their landscapers who have been subject to complaint. The result has been a quieter city, she said, though the rainy season is approaching, when the landscapers like to switch back to gas blowers to avoid getting electric shocks.

In Santa Barbara, where a similar ban on gas blowers went into effect eight years ago, "it's a lot better, but it's not perfect because there are still the electric ones," said Ashleigh Brilliant, who led the ballot initiative to enact the ban. "There are still people who defy the law, but the streets are much quieter and I think there's less dust in the air."

Brilliant by trade is an epigrammatist: He coins witticisms. He is particularly fond of one: "There are worse things than noise, but I can't think of any because of all the noise." A little verbose for my tastes, I prefer his "Make peace, not noise." Or, "Honk if you like peace and quiet."

Like an increasing number of people in the 21st-century cyberworld, Brilliant works from home, and it's the residential neighborhoods that can get aurally assaulted for hours on end.

"More people are working from home," said Brilliant, "and there just isn't an awareness of how badly detrimental noise can be as a factor in one's life."

Cambridge, Mass., is considering a ban or other restrictions on gas blowers, said Richard Rossi, the deputy city manager. "We are going to be looking at various ordinances that exist around the country, talk to cities and see how effective they are," he said.

Cambridge has more than 100,000 residents crowded into an area of little more than six square miles, with more people if you count the daily influx of students, workers and tourists. "A lot of people in this community work from home," said Rossi. A landscape crew may spend only 10 minutes at one property, but if they visit half a dozen on a street, said Rossi, "you multiply that time by five or six. People feel that's a disturbance."

Opponents of leaf blowers say noise isn't the only pollutant. The fumes from the gas engines foul the air and the machines kick up particulates containing mold, pesticides, dried animal waste and plain old dust. John Murtagh, a city council member in Yonkers, N.Y., is pushing his colleagues to ban leaf blowers during the summer, as other communities in Westchester County have done. Murtagh said 13 percent of the city's children suffer from asthma. He said that other than in the fall, the machines' "utility is dramatically outweighed by the pollution they generate."

Les Blomberg, founder of Noise Pollution Clearinghouse, an environmental resources nonprofit group in Montpelier, Vt., said the machine is an absurdly inefficient contraption as a replacement for leaf rake and patio broom. "You would never take one of these things into your house and

dust with it," he said. "Because it's outside, some of that dust is going to settle in somebody else's yard."

Landscapers and manufacturers argue that leaf blowers dramatically reduce the time spent gathering leaves and cleaning littered surfaces. And the industry has invested heavily in making the machines cleaner and quieter, said Bill Harley, president of the Alexandria-based Outdoor Power Equipment Institute, a trade group.

"The equipment is 75 percent cleaner than it was in the early '90s, and we've made great strides in sound levels," he said.

Larry Will, a retired vice president of engineering for Echo, a major manufacturer, said engineers have now reduced the sound levels of the quietest gasoline models down to the level of electric machines and without "the scream." Advances include redesigning the wind-making impellers to reduce the whine, encasing engines in soundproofed covers and enlarging mufflers.

In Echo's current lineup, three hand-held models and two backpack versions meet the gold standard of relatively quiet blowers: 65 decibels, measured at 50 feet. Its five other backpack types -- more powerful and aimed at the commercial market -- range in noise from 71 to 74 decibels.

The sound level at the machines is considerably higher.

If the machines are still meeting resistance in communities across the country, they aren't with homeowners and landscapers who see them as a way to clean up properties rapidly.

Harley's organization reported shipments this year of 2.16 million hand-held gasoline blowers, an increase of more than 10 percent over last year. A total of 579,390 backpack blowers were shipped to market, a 24 percent climb over 2004.

Both types "have had a significant growth in the last few years," said Joe Fahey, vice president of marketing for Echo. He said the boom in the housing market and the greater need or desire of homeowners to have contractors do their yard work have fueled the demand. And some do-it-yourselfers have turned to hand-held gas models while others are gravitating to the more comfortable backpack versions.

Fahey said that for all the attention given to local blower bans, noise levels aren't the first attribute buyers are looking for. "Certainly, sales of low-noise models are increasing, but the lion's share of the business is for standard units," he said.

Also, many people have managed to tune out the sound or find that it melts into the whole cacophony of modern life. Amy Rothstein, a piano teacher in McLean, said the noise of neighbors' remodeling projects and the construction of two infill houses is more of a bother. "There's machinery going all the time," she said. "The blowers are just a small part of it."

"Personally," said Brilliant in Santa Barbara, "I'm very conscious of noises, and to me this was always a desecration of our community, which is otherwise famous for its beauty and charm."

"I find jackhammers to be really annoying," Fahey said. "But you know what? They serve a purpose."

Fears of bureaucracy, higher pump prices killed oil tax initiative, experts say

Worries about pump prices and bureaucracy doomed Prop. 87, according to observers.

By Marc Lifsher, Times Staff Writer

L.A. Times, Thursday, November 9, 2006

After months of being hammered with threats of higher gas prices at the pump, voters yielded to concerns about Proposition 87 and turned down the proposed tax on crude oil, supporters and opponents agreed Wednesday.

The "no" side swept most parts of the state with 54.7% of the vote. The "yes" side received 45.3%, carrying only Los Angeles County, the Bay Area and a handful of Northern California counties.

"Voters were interested in the specifics of the proposal, and the more they looked for details, they found flaws," said Al Lundeen, spokesman for Californians Against Higher Taxes, the "no" campaign.

Proposition 87 spokeswoman Beth Willon conceded that the opposition - mainly oil companies - was "able to plant seeds of doubt on the issues of cost and accountability."

The initiative sought to levy a tax of 1.5% to 6% on the price of every barrel of oil pumped from a California well. The estimated \$4 billion that would have been raised over 10 years was to be given as grants to scientists and universities or as subsidies to industries for developing nonpolluting alternatives to petroleum.

The argument over whether a tax on oil company production would be passed along to motorists dominated television commercials since early spring.

The oil industry spent about \$95 million to back Californians Against Higher Taxes. Meanwhile, supporters at Californians for Clean Energy raised \$57 million. The battle was the most expensive in California initiative history.

Proponents of Proposition 87 knew from the start that the potential impact of the tax on retail gas prices could be an issue. With that in mind, they included a provision in the initiative that made it illegal to pass the tax along to motorists, and they highlighted the provision in their ads.

But that assurance never seemed to persuade voters. Analysts said that despite extensive television exposure, proponents never could overcome people's concerns that Proposition 87 would affect "what he or she pays at the pump" just as gasoline prices are coming down, said Larry N. Gerston, a political science professor at San Jose State.

Many voters also were apparently swayed by the oil companies' contention that the initiative would create an unaccountable bureaucracy to pass out grants and subsidies from the proceeds of the extraction tax.

"Bureaucracy is a bad word anywhere," Gerston said.

The barrage of televised criticism made it hard for the "yes" campaign to get its message across "to make the value of our initiative clear to the voters," said Anthony Rubenstein, a Los Angeles community organizer who had the idea for Proposition 87.

Election day exit polls conducted by the Los Angeles Times Poll indicated that a majority of votes cast "were all about the money" that motorists feared they might have to pay because of a new tax, said poll Director Susan Pinkus.

In the poll, 79% of Republican voters opposed Proposition 87, and only 65% of Democrats supported it. Independent voters were split, while majorities of men and women voted no. White voters opposed the measure, while Latinos were split and Asians and blacks voted yes, the poll said.

Propelled primarily by the personal wealth of Hollywood producer Stephen L. Bing, and combined with campaigning by former President Clinton and a bevy of movie stars, the campaign couldn't allay voters' skepticism and the fear of higher gas prices sowed by oil company advertisements.

Environmentalists placed much of the blame for their defeat on being outspent two to one by the oil industry.

"The take-home lesson here is that with \$100 million and scaremongering tactics, it's hard to fight," said Roland Hwang, a San Francisco-based official with the Natural Resources Defense Council.

But political observers countered that the loss couldn't be written off solely due to a lack of money.

The campaign should have been able to take advantage of the many Californians who worry about pollution and global warming, and harbor deep suspicions of international petroleum corporations, said Julie Buckner, a Los Angeles media consultant involved in the early stages of the Proposition 87 campaign.

"The campaign had enough resources to win. But it didn't do a good enough job of raising doubts about who was the opposition," Buckner said.

Indeed, some of the pro-Proposition 87 ads that ran earlier in the campaign featured "windmills and clean air" and were not aggressive enough in criticizing oil companies for allegedly keeping America dependent on petroleum, said Terry Tamminen, who recently resigned as a top environmental advisor to Gov. Arnold Schwarzenegger. "Those arguments needed to be made sooner," he said.

Meanwhile, the oil companies that bankrolled the opposition campaign - mainly Chevron Corp. and Aera Energy LLC, a joint venture of Exxon Mobil Corp. and Royal-Dutch Shell - were careful to stay out of the campaign limelight, referring all campaign queries to their political consultants and allies in the California Chamber of Commerce.

Environmentalists, though disappointed with Proposition 87's defeat, said they remained hopeful that the fight over the initiative may have stoked people's interest in combating the nation's dependence on polluting oil from overseas and California's oilfields.

Hwang of the Natural Resources Defense Council said: "Everyone agrees that we've got to figure out a way to solve this problem."

[Letter to the Fresno Bee, Thursday, November 9, 2006:](#)

Try carpooling

I enjoyed reading "Carless for a week" (Oct. 29). I hope people don't use it as a justification for not changing their commuting routine.

I, too, cringe seeing the beautiful Sierra Nevada clouded in the haze of pollution coming from our cars and, as the article pointed out, with the present Fresno County public transportation system and urban sprawl, going without one's car may not be practical.

But car pooling to work often is. It adds only a few minutes to the commute time while cutting exhaust pollution almost in half. Is an extra 5-10 minutes too much of a sacrifice to ask of us all when our Valley's health is at risk?

I challenge Bee reporters and editors and all Valley commuters to give carpooling a try.

Anne Merrill, Sanger