

NIMBY (Not In My Backyard) to **YIMBY** (Yes In My Back Yard)

The Path to Successfully Addressing Trail Opposition

2014 California Trails and Greenways Conference

Palm Springs, California

Jonathan Berlin, Rincon Consultants



Greg Maher, Alta Planning and Design



Jeffrey Peters, Questa Engineering



Scott Reese, City of San Diego (Retired)



- Introduction
 - **Jonathan Berlin**
- NIMBYism Overview
 - **Scott Reese**
- Case Study 1 – The Santa Paula Branch Line Recreational Trail
 - **Ventura / Santa Clarita, California**
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 - **Richmond/ San Pablo, California**
 - **Jeffery Peters**
- Case Study 3 – The Park to Playa Trail
 - **Culver City / Baldwin Hills, California**
 - **Greg Maher**
- Strategic Responses to Overcome NIMBY Behavior
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Introductions

- Quick look at history and evolution of Nimbyism
- Create framework for understanding Nimbyism
- Examine emerging trends in community opposition to public projects
- Review three case studies to see how Nimbyism effects a project and what can be done to successfully mitigate its effects
- Review alternative strategies to respond to and mitigate community concerns

Overview

In his 1513 book *Il Principe* (The Prince), Machiavelli summarized the perils of leading change.

“And it ought to be remembered that there is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things. Because the innovator has for enemies all those who have done well under the old conditions, and lukewarm defenders in those who may do well under the new.

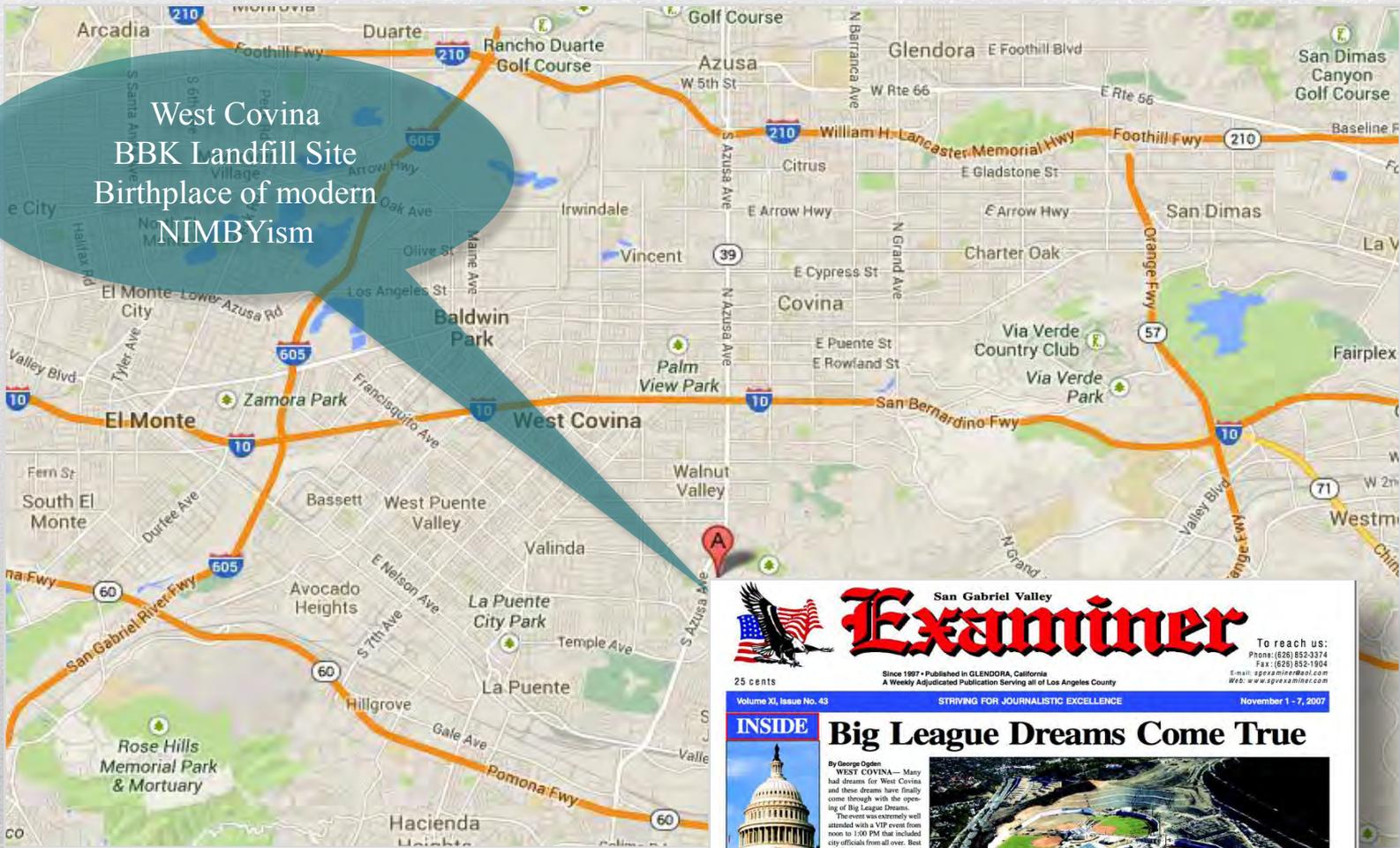
This coolness arises partly from fear of the opponents, who have the laws on their side, and partly from the incredulity of men, who do not readily believe in new things until they have had a long experience of them.

Thus, it happens that whenever those who are hostile have the opportunity to attack they do it like partisans, whilst the others defend lukewarmly...”

Machivelli Observed

- NIMBY idea in literature by **Machiavelli** in his **1513** book **Il Principe (The Prince)**
- Scholars believe modern concept originated in **1977** by **Michael O'Hare** "Not on My Block, You Don't" story entitled Facilities Siting and the Strategic Importance of Compensation
- Term attributed to British writer **Emilie Travel Livezey** for Christian Science Monitor **1980** story entitled Hazardous Waste about BBK Landfill in West Covina, California
- Popularized by British politician **Nicholas Ridley**, Secretary of State for the Environment late **1980's** Thatcher Administration.

NIMBY Defined



BKK Site Location

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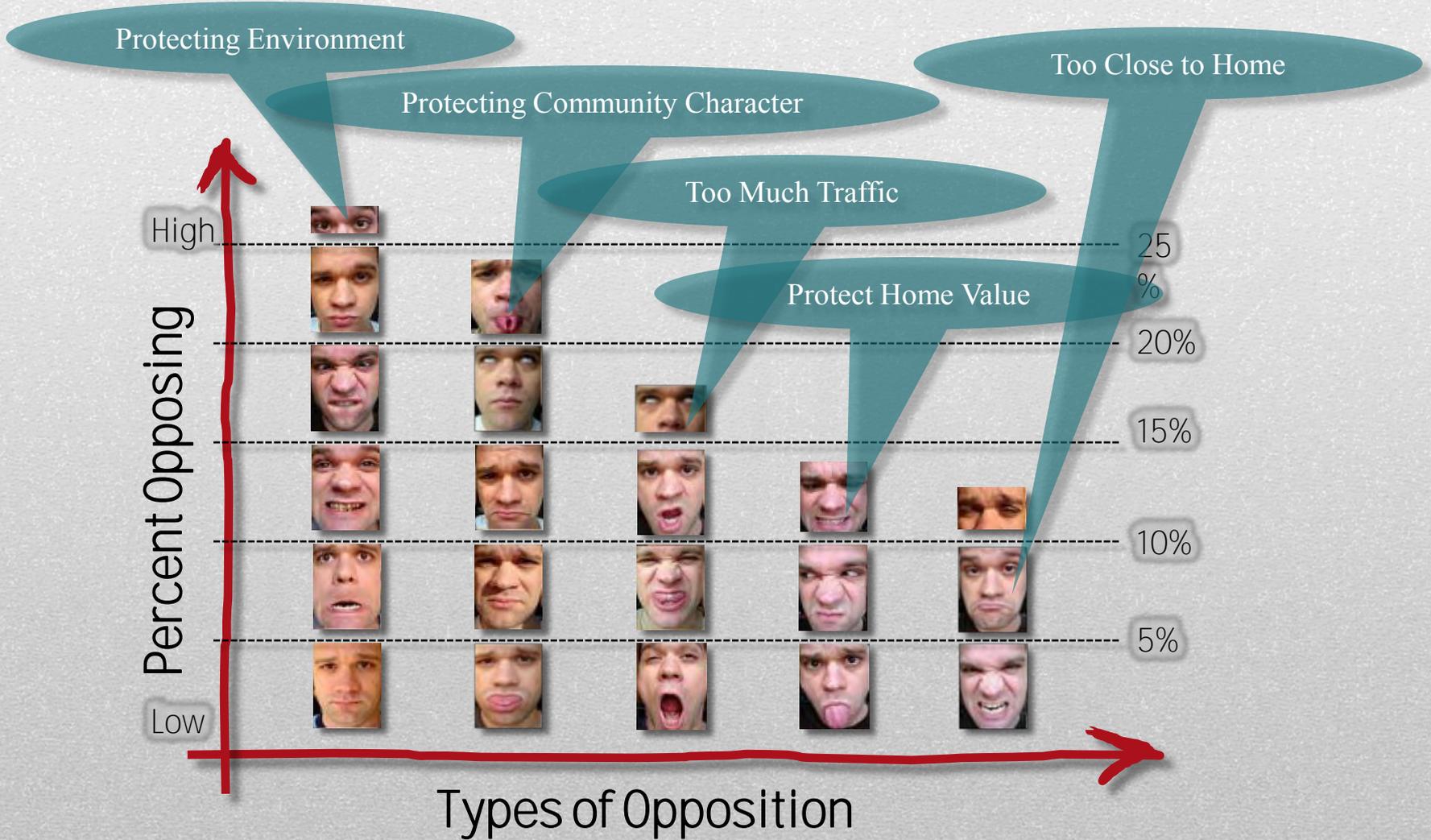
- **NIMBYISM bloomed in 1980's and has increased dramatically across world in last 30 years**
- **Citizens understand when they unite, organize and commit to fight development at the local political level they can win.**
- **NIMBIES have become increasingly sophisticated in techniques, most recently in application of technology and social networking.**
- **Prolonged fight against a well-funded, organized and committed NIMBY groups can add tens of thousands of dollars to project costs and even prevent them.**
- **NIMBY can kill projects, defame organizations and ruin careers.**

NIMBY Refined

- **A recent report has found**

- **Nearly 80% of U.S. residents oppose any type of new development in their community**
- **Highest level of opposition recorded in report's six-year history**
- **First time since 2008 that the amount of opposition has increased**
- **Most active geographic areas of opposition are Northeast and West**
- **Most cited NIMBY concerns**
 - Environmental degradation
 - Community character
 - Traffic
 - Home value erosion
 - Geographic proximity

Current NIMBY Trends



Localist Opposition to Development

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- **Who's afraid (those with the perceived most to lose)**
 - **Elderly / frail**
 - **Women / mothers**
 - **Special populations / special interests**
 - **Small / marginal businesses**
 - **Affluent**
 - **People of color**
 - **Low / fixed income**
- **What do they fear**
 - **Change**
 - **Unknown**
 - **Incivilities**
 - **Lawlessness**
 - **Economic loss**

Nimbyism is a Fear Based Phenomena

- Factors triggering opposition to location of public facilities
 - **Concern that property values, quality or desirability will be reduced**
 - **Fear of damage to locality reputation**
 - **Concern for family safety and health, especially children**
 - **Concern that the siting choice process was unfair**
 - **Mistrust of government**
 - **Fear costs will be irreversible if positive predictions are not fulfilled**
 - **Aversion to coercion**
 - **Concern that project is ill-advised on net-benefits grounds**
 - **Mistrust of the science involved**
 - **Desire not to be taken advantage of**
 - **Erosion of local social capital (threat to community / belonging to it)**

Opposition Triggers

- Threats to neighborhood /environmental quality
 - **Your park / trail brings.....**
 - Traffic
 - Noise
 - Litter
 - Habitat impacts
- Threats to income and property values
 - **The value of my home / business will be reduced**
 - **My ability to sell my home / business will effected**
- Threats to personal security and privacy
 - **Uncivil people use parks and trails**
 - **You are bringing these people to my front door**
 - **You are putting my family and property at risk**

But Opposition Arguments

Cluster Around Three Primary Concerns

- Neighborhood Indicators
 - **More homogeneous neighborhoods (socially or physically) are less tolerant of change**
 - **More affluent neighborhoods /groups are less welcoming**
 - **More special or unique environments or resources with dedicated and networked advocacy / special interest groups are high defensive**
 - **More geographically proximal to homes / businesses show concern roughly equal to inverse of square of distance**
 - **More “saturated neighborhoods” where there is a concentration of facilities expect to be exempted from those neighborhoods not yet hosting facilities.**

Neighborhood Indicators for Predicting NIMBY Response

- Conflicts of Information
 - **Misinformation or misperceptions or exaggerated fears of project impacts**
- Conflicts of Values
 - **People perceive project as a basic moral conflict between good and evil, powerful and powerless**
- Conflicts of Interests
 - **Projects pit positive interests against negative interests**
- Unmet Emotional Needs
 - **People get involved in debate....**

Personal Indicators
People Engage In Opposition

- Type of program / facility
- Size of program / facility
- Location of program / facility
- Program of use
- Traffic
- Parking
- Noise
- Lighting
- User demographics
- Operating policies and procedures
- Organizational reputation(s)
- Appearance /aesthetics
- Degradation of natural environment

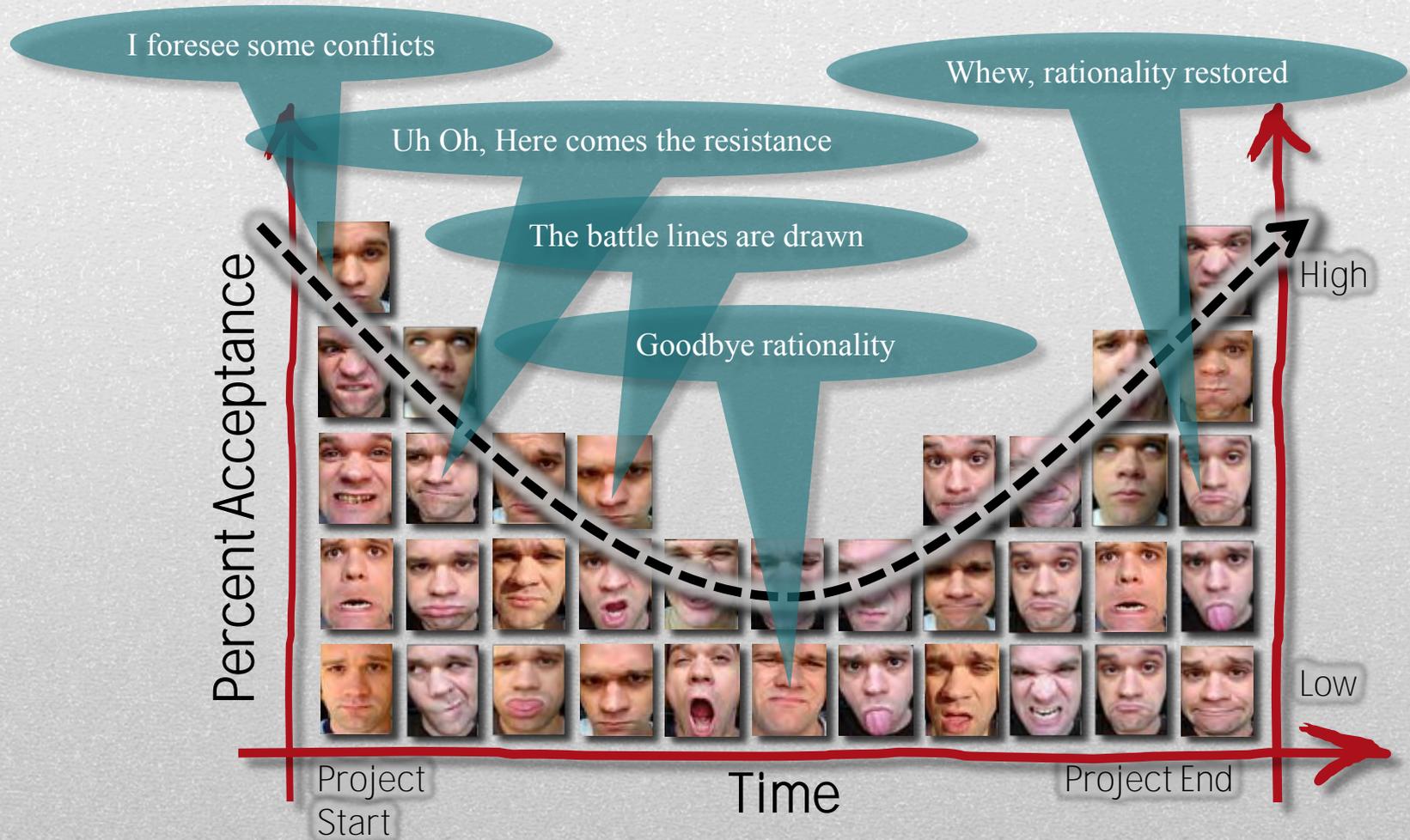
Thirteen Program / Facility Dimensions That Influence Community Perceptions

- **Create an emotional “FUD Factor”**
 - **Fear**
 - **Uncertainty**
 - **Doubt**
- **Persuasion techniques include....**
 - **Peer pressure**
 - **Appeals to fear**
 - **Personal verbal attacks**
 - **Cyber bullying**
 - **Guilting**
 - **Shunning**
 - **Boycotting**
 - **Picketing**
 - **Physical bullying**

Opponents Rely On Emotional Persuasion
To Turn Others Against Project

- Conflict is foreseen
 - **Opposition is identified, assessed, acknowledged and engaged**
- Resistance emerges
 - **Opposition confined to a small, vocal group living near proposed project**
- Battle lines are solidified
 - **Opposition expands to groups with affiliated and associated complaints**
 - **Debate moves into a public forum**
- Opposition moves from rational to irrational
 - **Concern turns to fear**
 - **Fear turns to hysteria**
 - **Psychological damage**
 - **Relationship damage**
 - **Irretraceable positions taken**
- Opposition moves back to rational
 - **Objective conflict resolution occurs (most of the time)**
 - **Frequently long and sometimes inconclusive process**
 - **Victors tend to have more staying-power**

Incidents of Locational Conflict Follow a Five-Stage Sequence

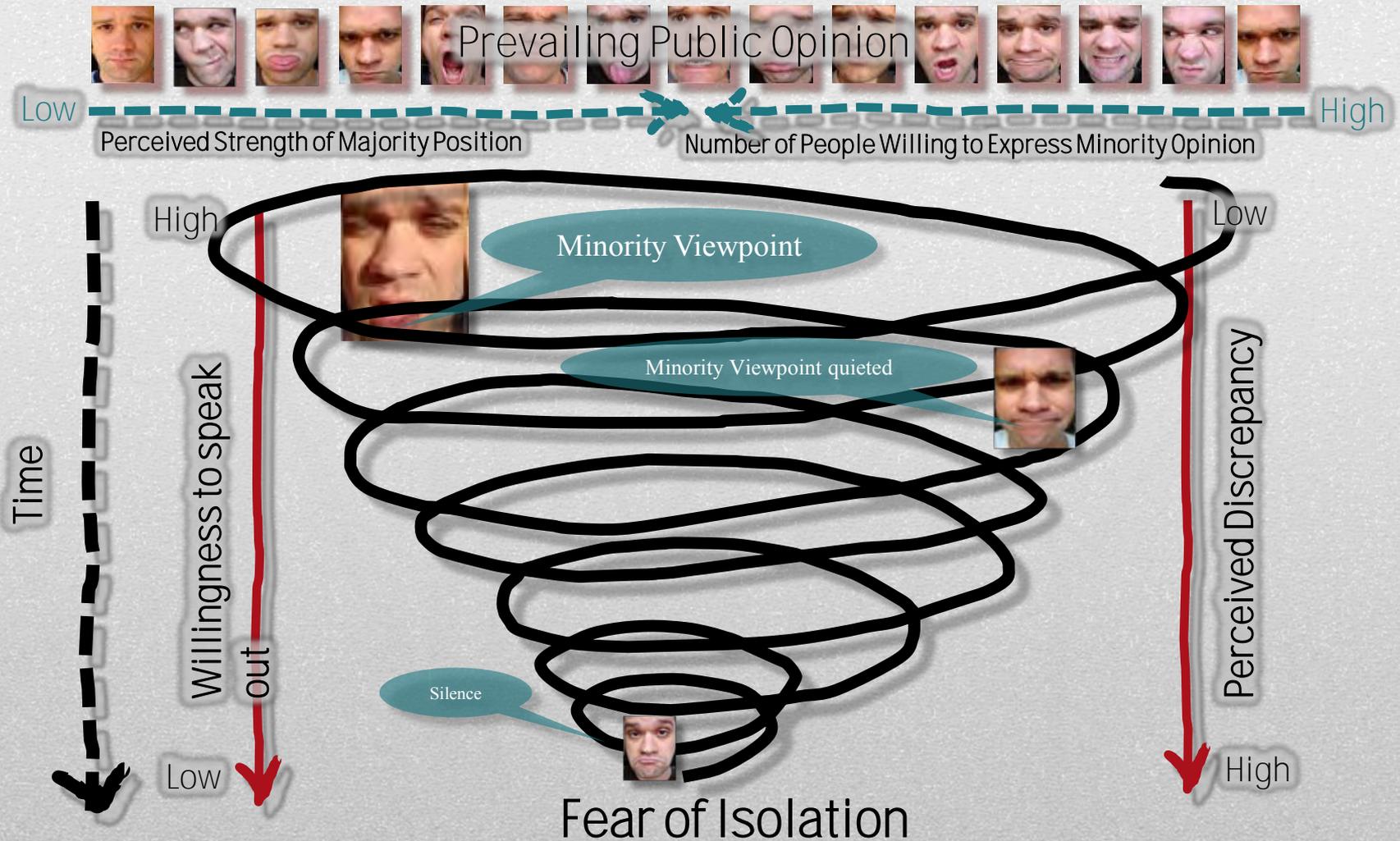


Project Acceptance Sequence

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- **Perception is reality**
- **An individual's perceptions influence their personal behavior and beliefs**
- **A group of individuals with like perceptions and behaviors are self-reinforcing and suppress outside expression**
- **This is called the Downward Spiral of Silence and is one of the main forces sustaining NIMBYism**
- **Justifiable fear of personal isolation creates the centrifugal force that accelerates the Spiral of Silence and quiets reason and minority viewpoints including project support**
- **Overcoming opposition means finding fearless champions and changing perceptions early and creating the opportunity for divergent / minority thinking and free expression**

Nimbyism and the Spiral of Silence



Downward Spiral of Silence

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- Localist Activism / engage and inform
 - **Electioneering at a local, county, regional, state and federal level**
 - **Speaking out at public meetings**
 - **Neighborhood petitions**
 - **Letter-writing campaigns to elected officials and newspapers**
 - **Electronic media storm**
 - **Inviting in collateral organizations**
 - **Engaging regulatory agencies**
- FUD Campaigns / cloud and confuse
 - **Geared to create fear, uncertainty and doubt**
 - **Mis-informational discourse**
 - **Dis-informational campaigns**

Five Categories of Opposition Tactics

- Regulatory Gauntlet / derail and delay
 - **Local land use regulation challenges**
 - **Regional land use challenges**
 - **CEQA challenges**
 - **NEPA challenges**
- Legal Action / lobby and litigate
 - **Threatened Lawsuits**
 - **Restraining orders**
 - **Regulatory challenges**
- Vigilante Action / bully and badger
 - **Rare but may include**
 - Damage to property
 - Treats
 - Verbal/physical abuse
 - Cyber bullying

Five Categories of Opposition Tactics

- Project
 - **Description of the project**
- Setting
 - **Project environment and participants**
- Opposition
 - **Who is opposing the project**
- Issues / Opportunities
 - **What is the root of the opposition**
- Strategies
 - **Methodologies used in response to opposition**
- Outcomes
 - **What happened**
 - **What was learned**

Case Study Approach

- Case Study 1
 - **The Santa Paula Branch Line Recreational Trail**
 - Ventura / Santa Clarita, California
 - **Jonathan Berlin**
- Case Study 2
 - **The North Bay Breuner Marsh Restoration and Pubic Access / Bay Trail**
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Case Studies

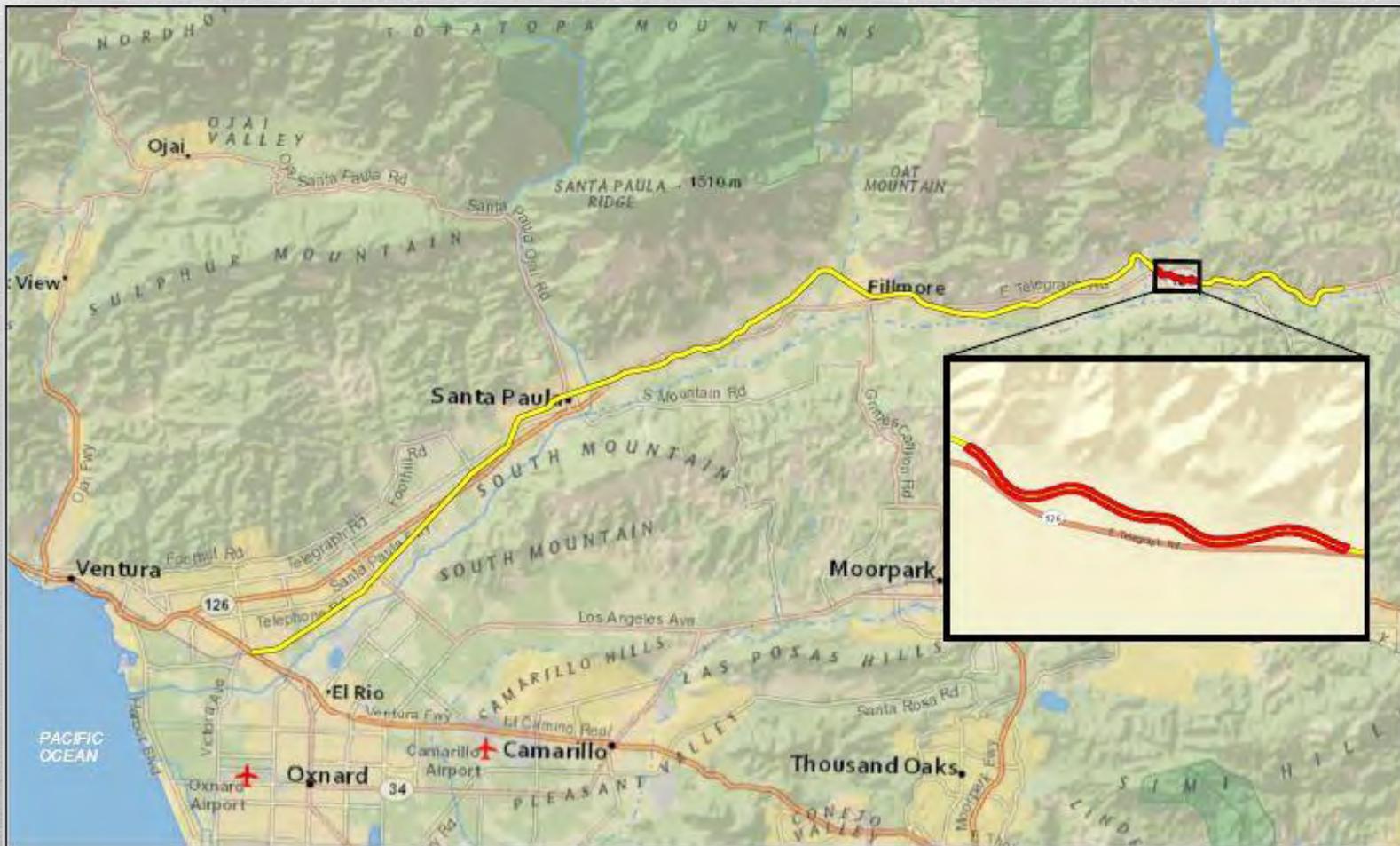


Project Setting

Santa Paula Branch Line Recreational Trail Case Study

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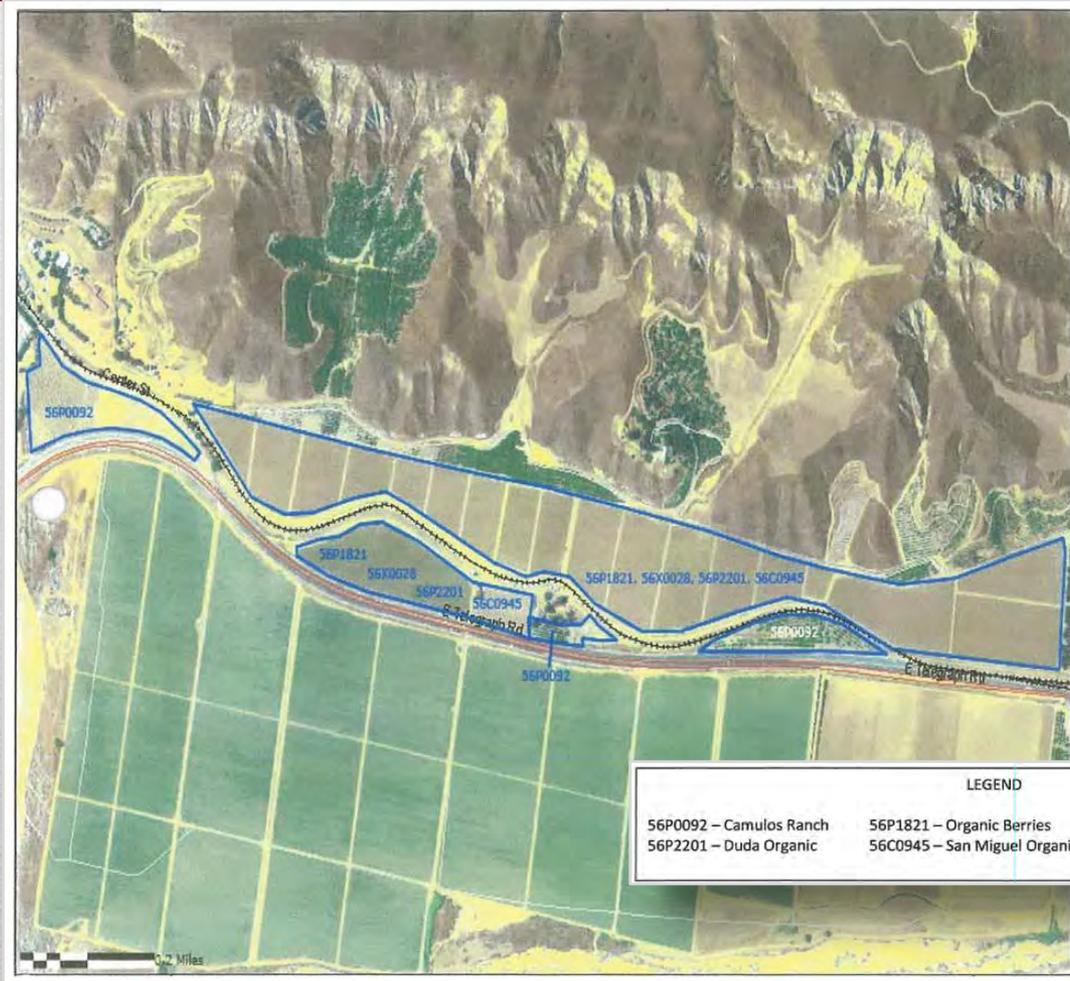


Project Overview

Santa Paula Branch Line Recreational Trail Case Study

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Agricultural Operations Along Trail

Santa Paula Branch Line Recreational Trail Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition





Row Crops Next to Trail Corridor

Santa Paula Branch Line Recreational Trail Case Study

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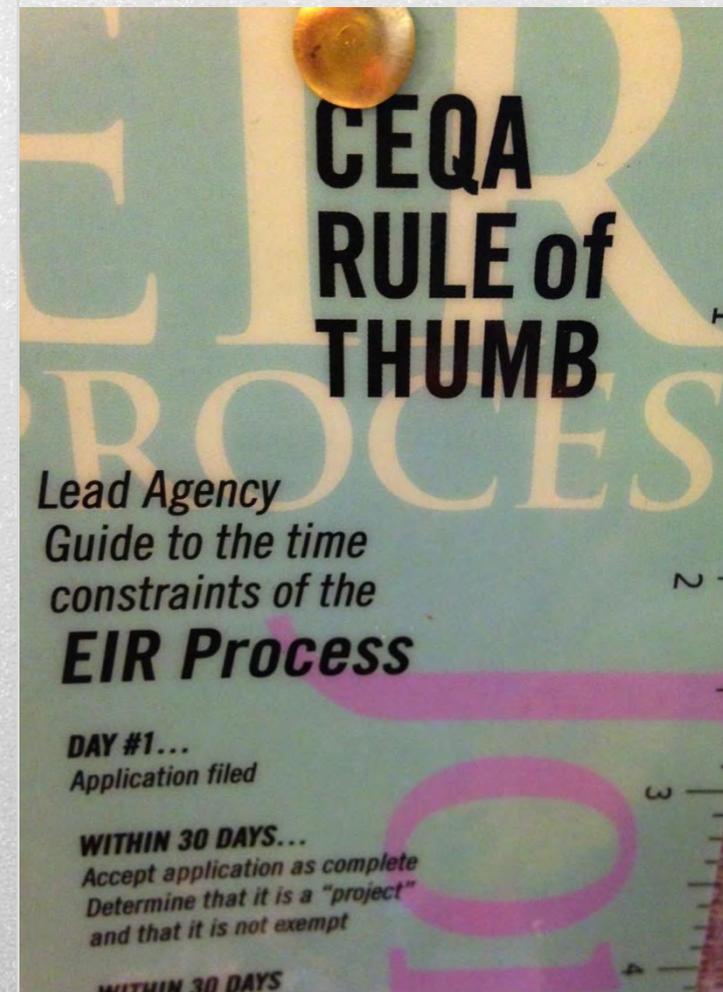
Orchard Next to Trail Corridor

Santa Paula Branch Line Recreational Trail Case Study

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- Complaint: improper CEQA exemption
- Solution: addendum to Trail Master Plan EIR
- Lessons
 - Know what triggers Initial Study, EIR, Addendum
 - Know requirements for public notice

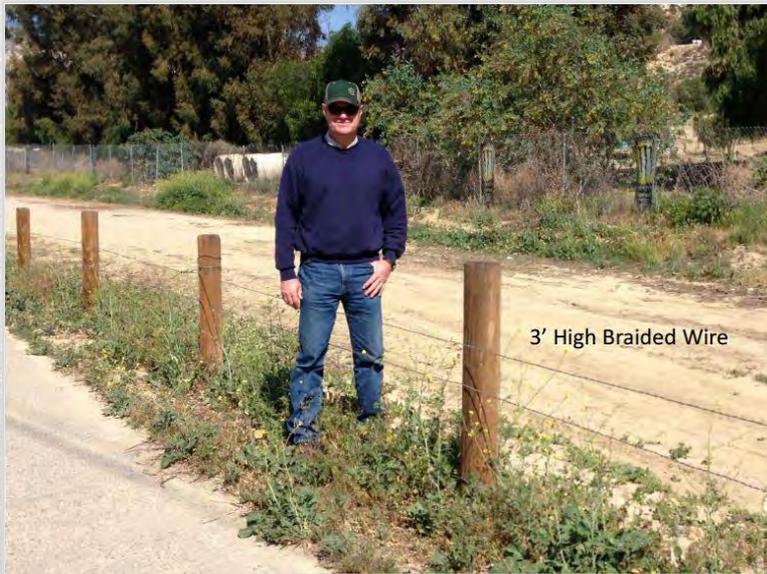


Environmental Review

Santa Paula Branch Line Recreational Trail Case Study

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- Primary opportunities to mitigate opposition
 - Need for improved fencing
 - Need for agricultural crossings

Insecure Fencing?

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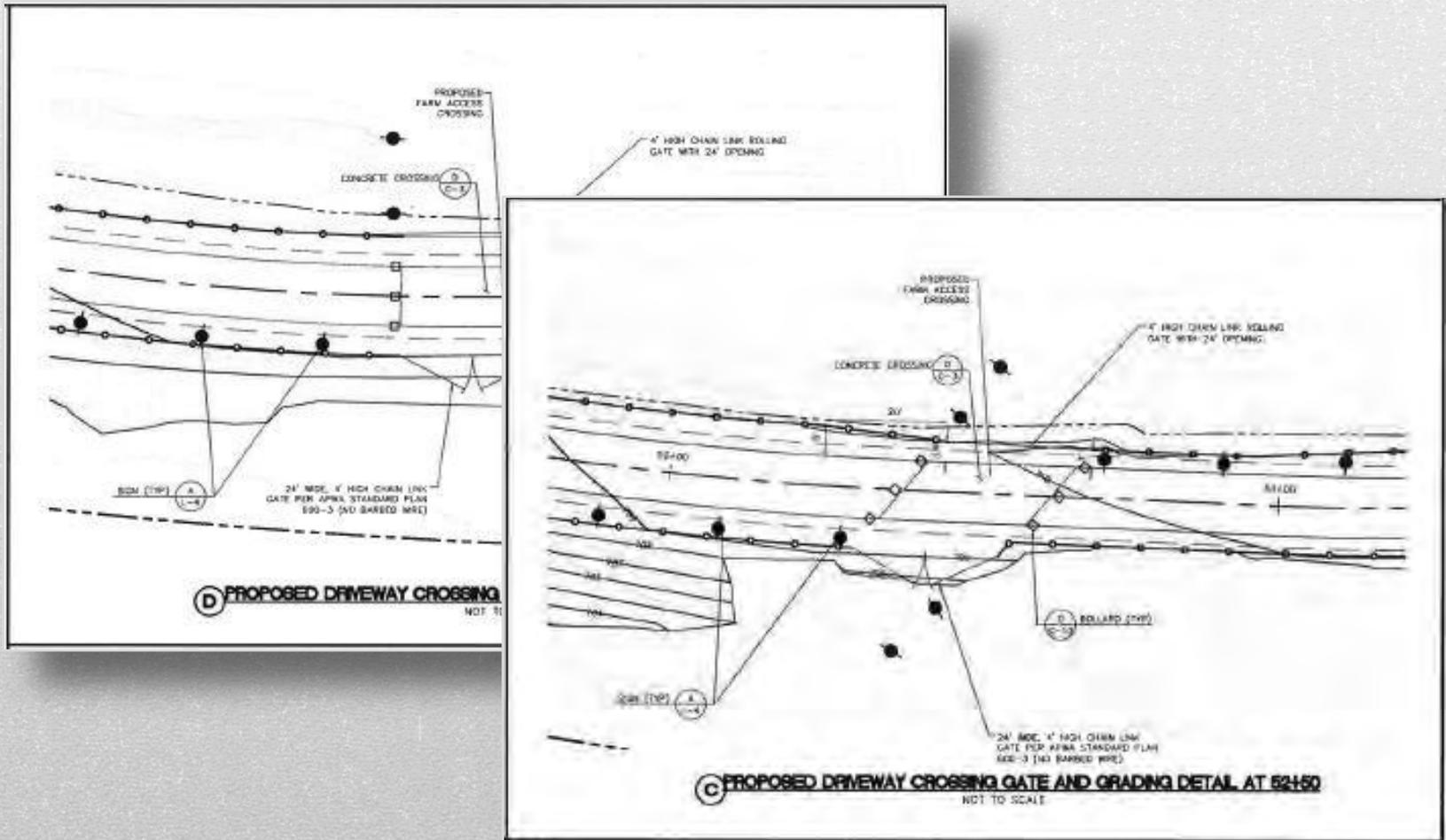


Pesticide Hazards?

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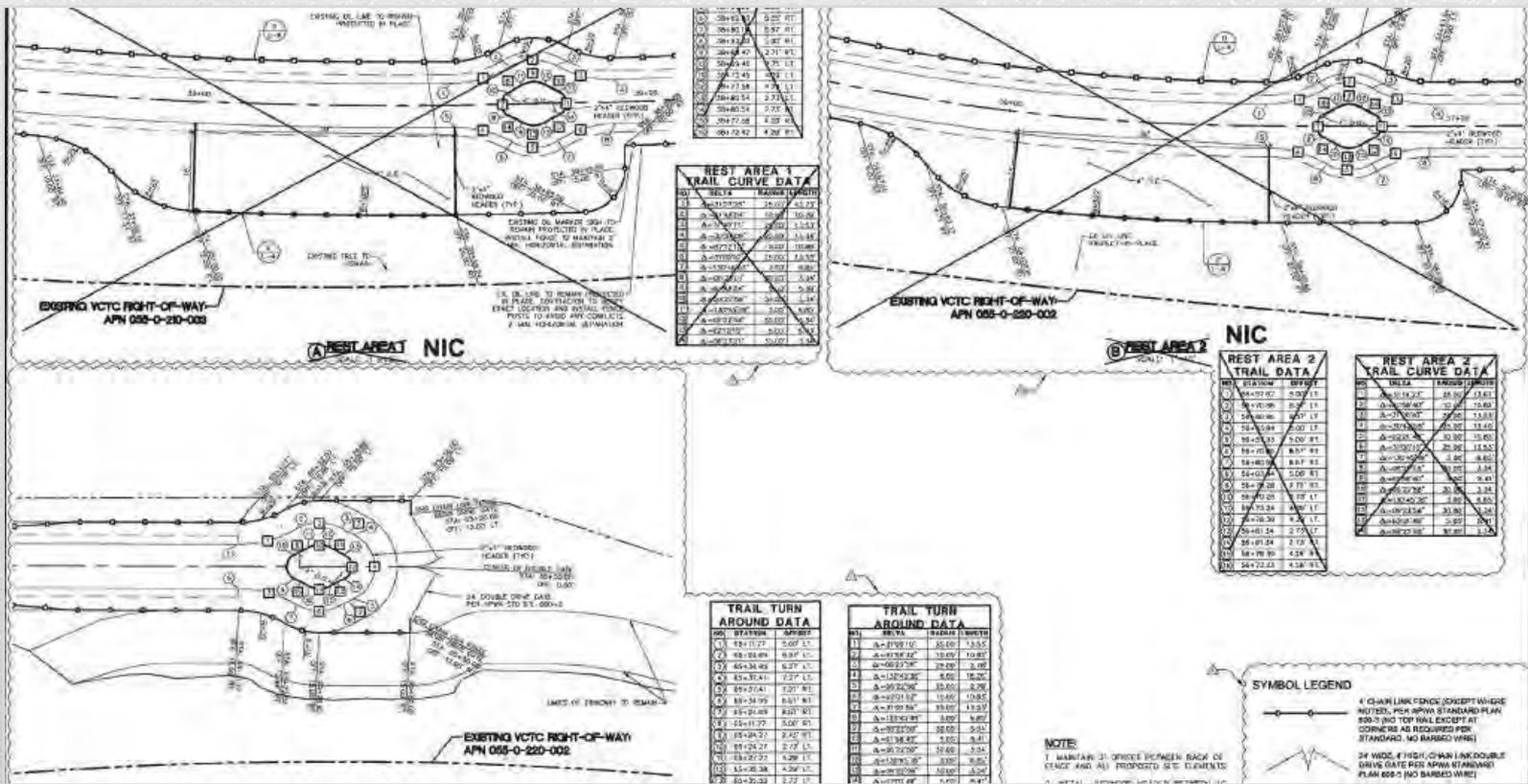


Agricultural Crossings

Santa Paula Branch Line Recreational Trail Case Study

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- What was learned
 - **Re-design and mitigation can resolve conflicts**
 - **Understand motivations: simmering concerns about government interference with property rights in general**
 - **Cultivate support of community**

Lessons Learned

Santa Paula Branch Line Recreational Trail Case Study

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- East Bay Regional Park District-Owner / Sponsor
- City of Richmond in Contra Costa County
- South of Point Pinole
- West of UPRR Tracks
- North of Gun Club



Project Description

Breuner Marsh Restoration and Public Access Project

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition

- 150-acre project area within economically disadvantaged community
- Restore and protect 52-acres of tidal & seasonal wetlands
- Enhance 98-acres of coastal prairie
- Construct 1.25 miles of San Francisco Bay Trail
- Provide staging area with restroom
- Create picnic and overlook areas

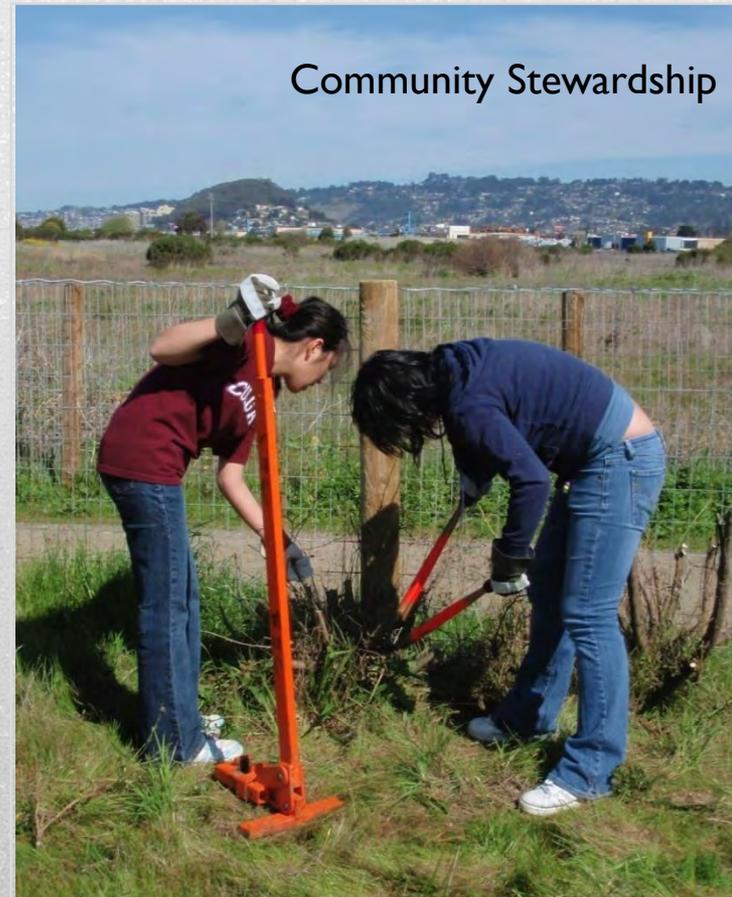
Project Description

Breuner Marsh Restoration and Public Access Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



- Habitat Restoration
- Enhance Special-status Species
- Design for Sea Level Rise ~55”
- Provide Public Access
- Foster Community stewardship
- Encourage Public Participation



Project Goals

Breuner Marsh Restoration and Public Access Case Study

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- Imported Fill
- Hazardous Materials
- Water Quality
- Wetlands/Wildlife
- Property Boundaries
- Cultural Resources
- Public Uses
- Land Uses
- Proposed Development

Existing Environment

Breuner Marsh Restoration and Public Access Case Study

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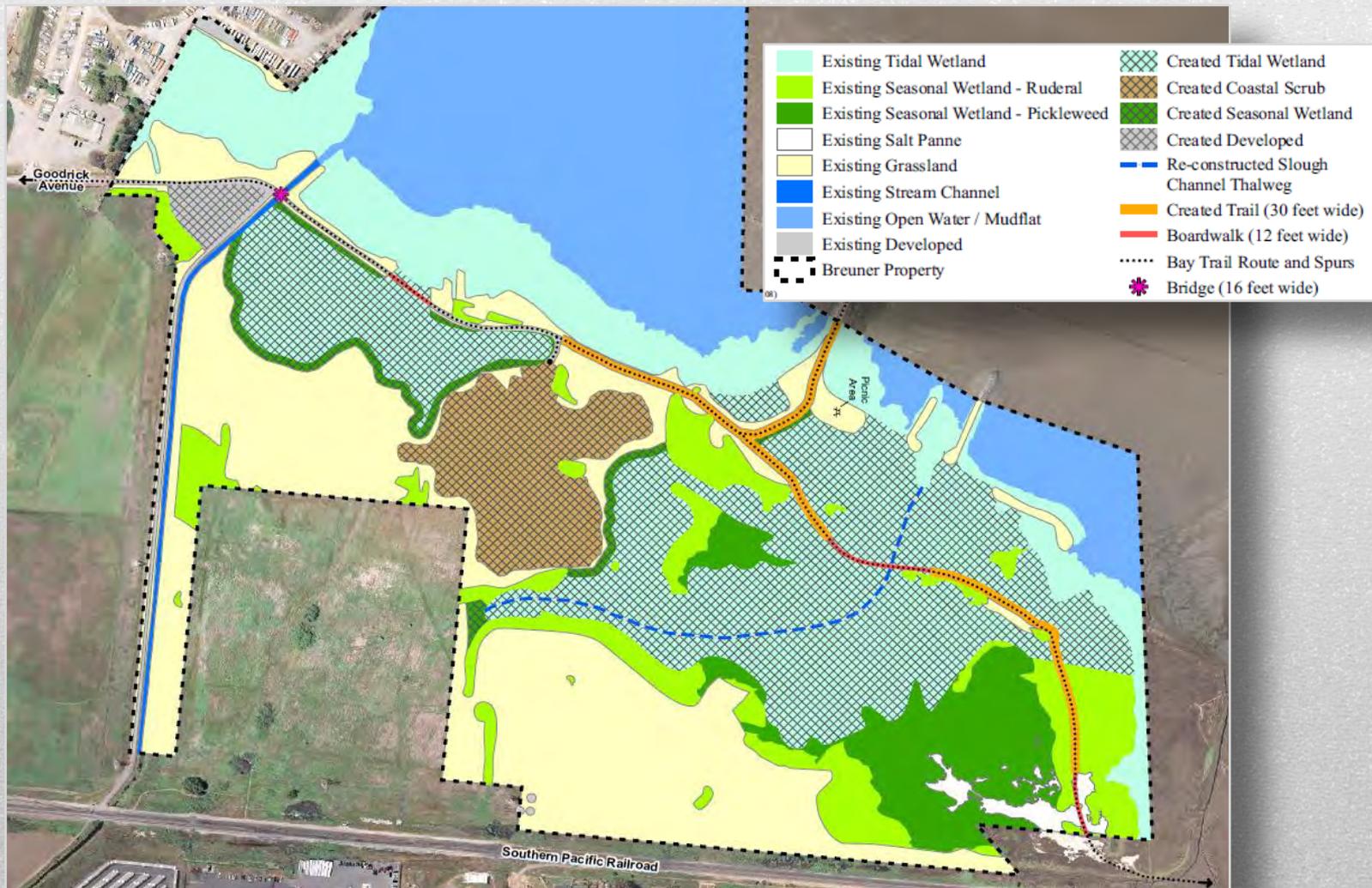
- **Project Process**
 - **22 Agencies**
 - **10 Grants**
 - **8 Permits**
- **Project Permits**
 - **COE – §10 & 404**
 - **USFWS - §7**
 - **NOAA - §7**
 - **CDFW - §1600**
 - **RWQCB – §401**
 - **SHPO – Effects**
 - **BCDC – Major**
 - **Richmond – Grading**

Project Process and Permits

Breuner Marsh Restoration and Public Access Case Study

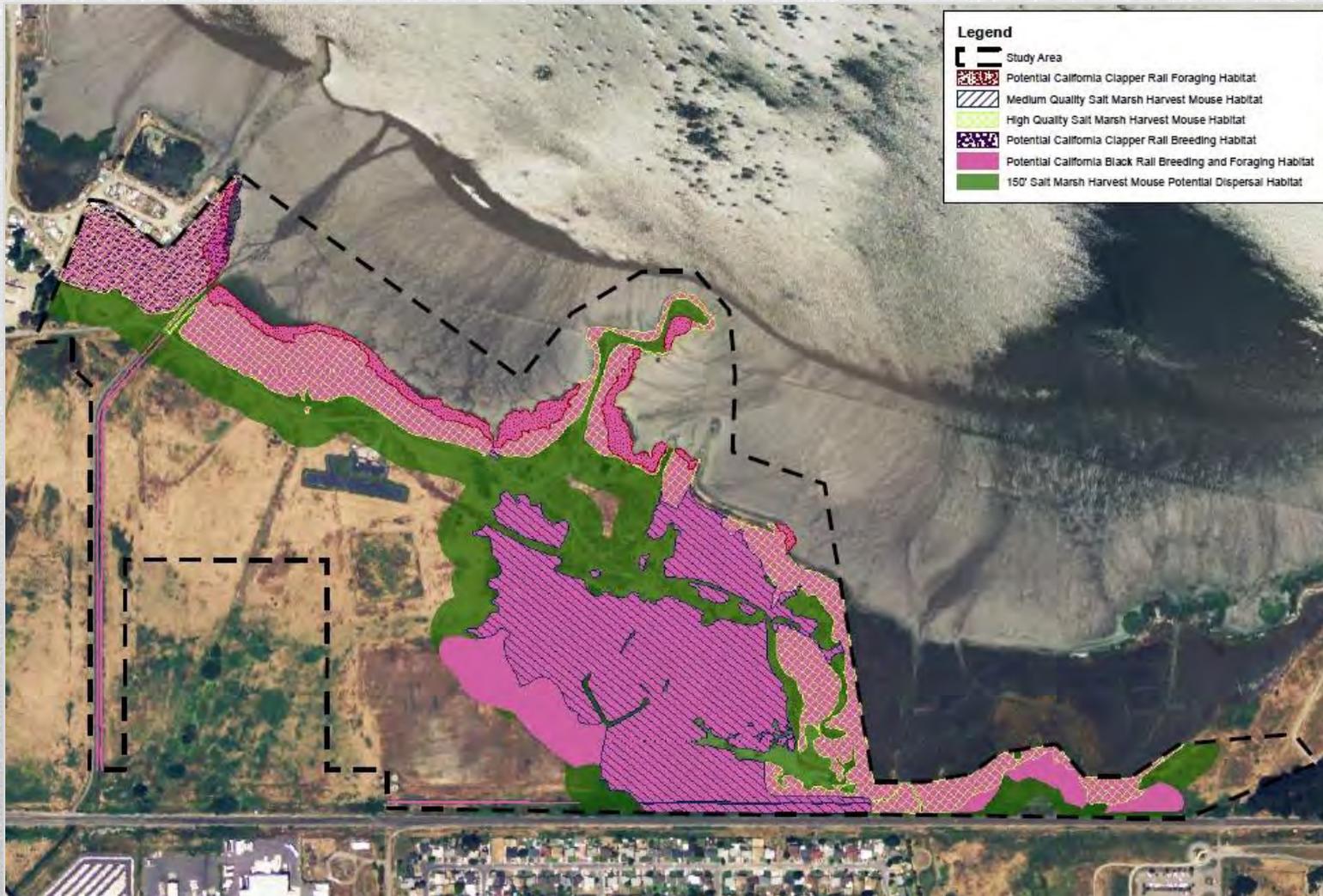
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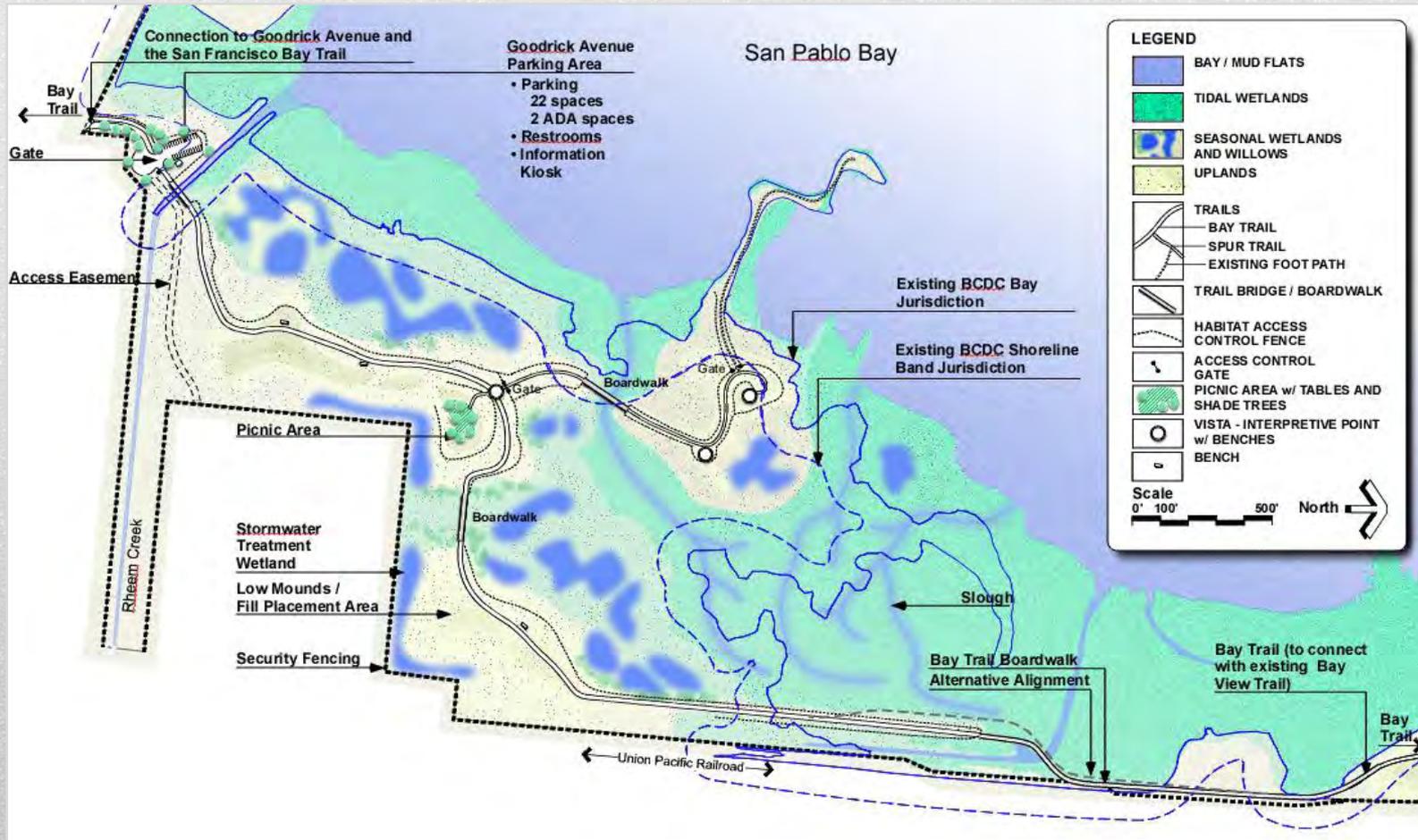
Original Concept

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



Endangered Species Habitat

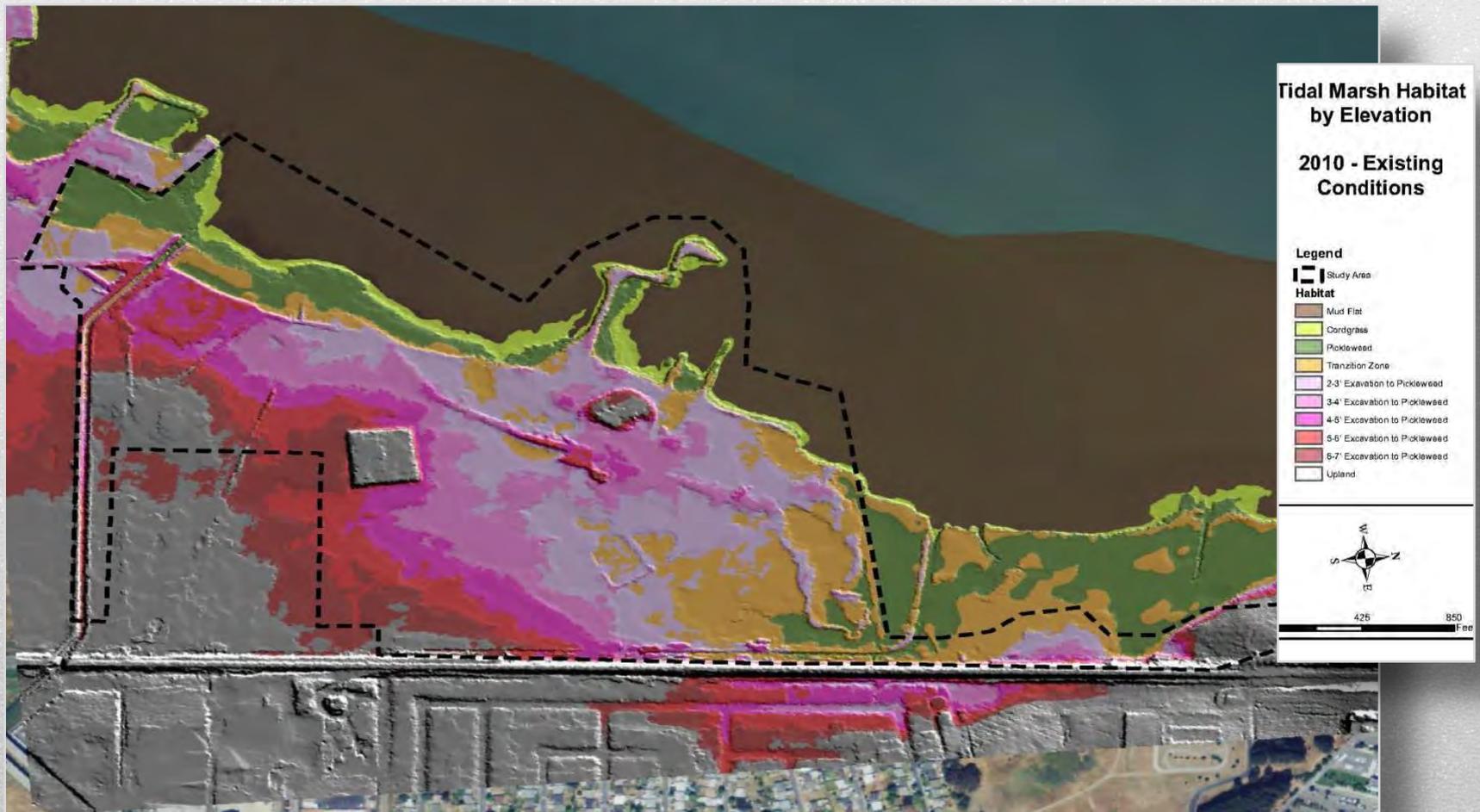
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Restoration and Public Access

Breuner Marsh Restoration and Public Access Case Study

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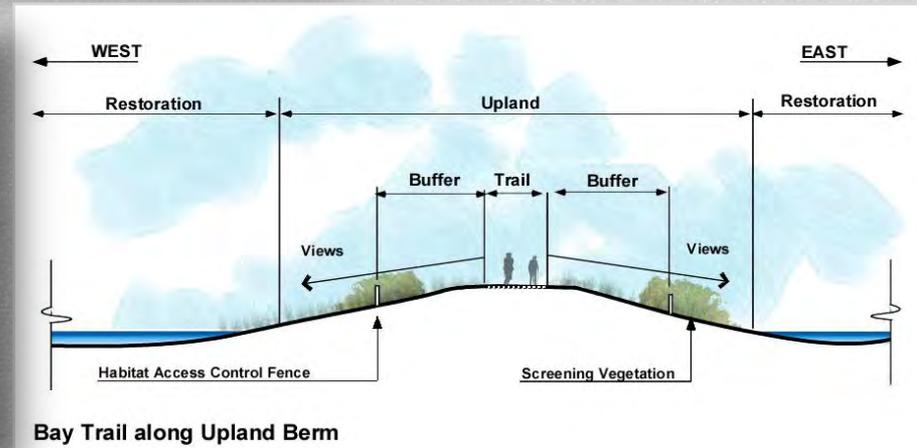
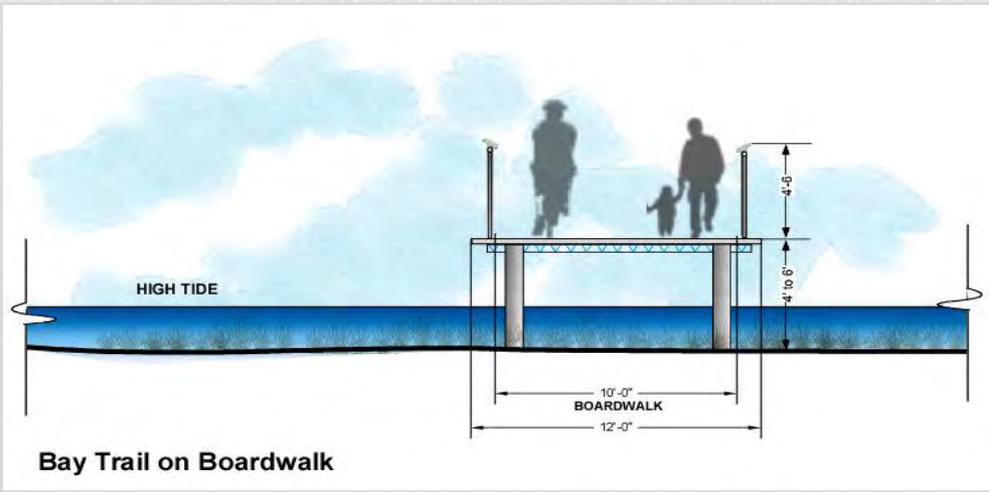
2010 Sea Level Rise

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2080 Sea Level Rise

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



Trail Design

Breuner Marsh Restoration and Public Access Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition





Bay Trail



Design & Interpretive Features

Breuner Marsh Restoration and Public Access Case Study

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- Long process, difficult to streamline
- Complex regulatory approvals
- Need good science, good engineering & good luck for permitting
- Need to educate regulators on overall project benefits vs. impacts
- Community support is vital



Lessons Learned

Breuner Marsh Restoration and Public Access Project

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



Segment C

The Park to Playa Trail Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



- Seamless, high-quality trail experience
- Connectivity and efficiency for trail users
- Compatibility with existing park uses and facilities
- Promote and create safety
- Resolve conflicts between trail users
- Environmental sustainability



Project Goals

The Park to Playa Trail Case Study

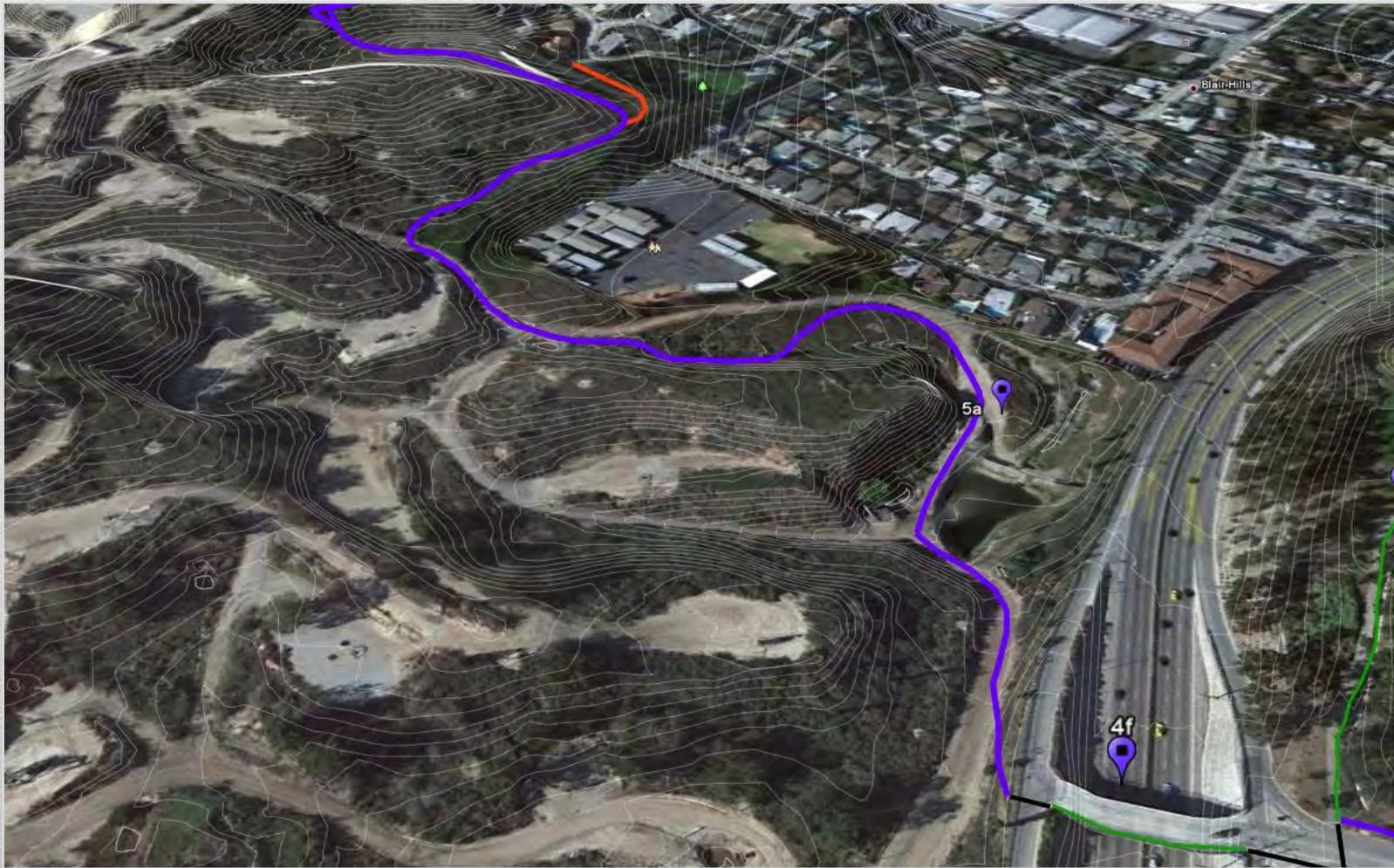
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Segment C Overview

The Park to Playa Trail Case Study

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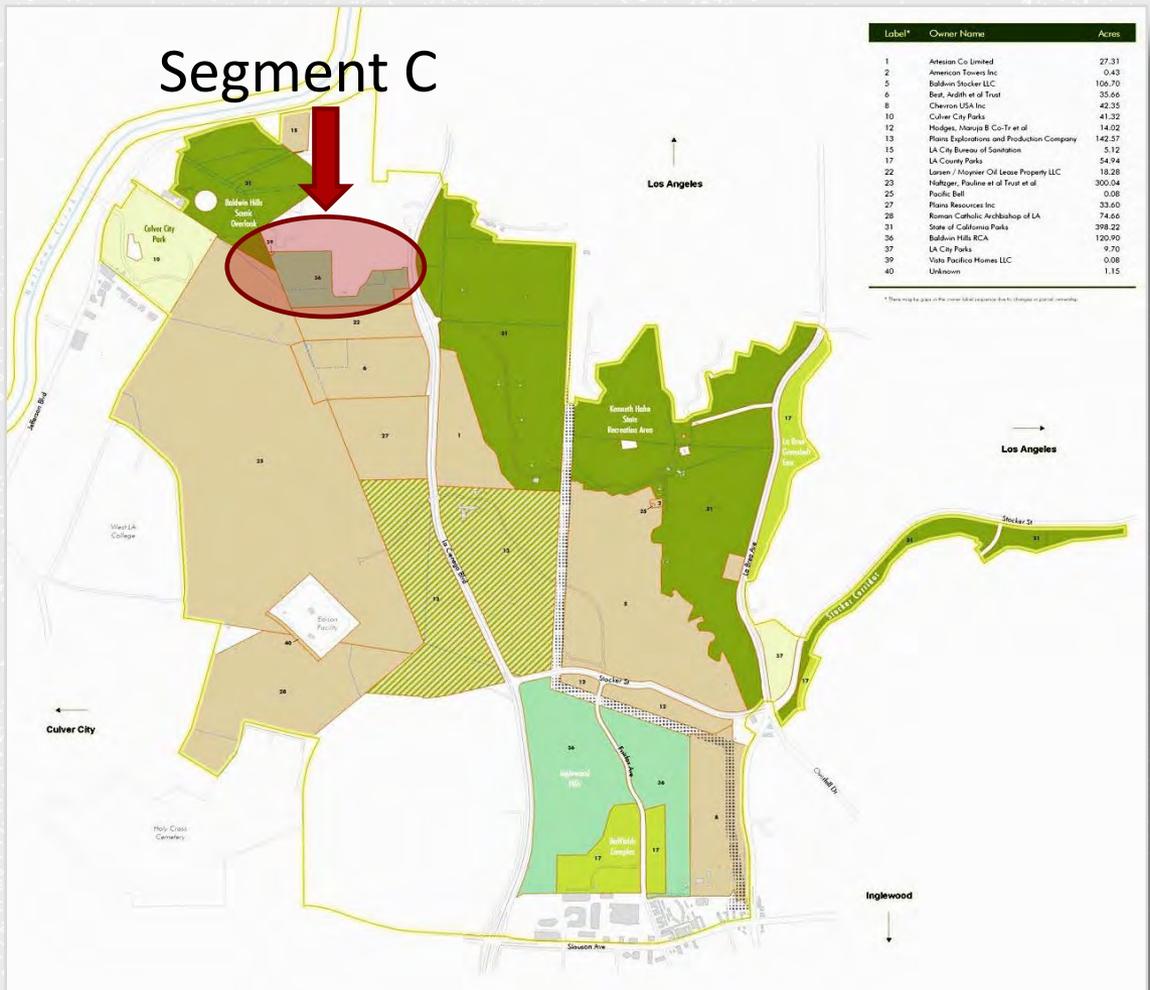


Segment C Topography

The Park to Playa Trail Case Study

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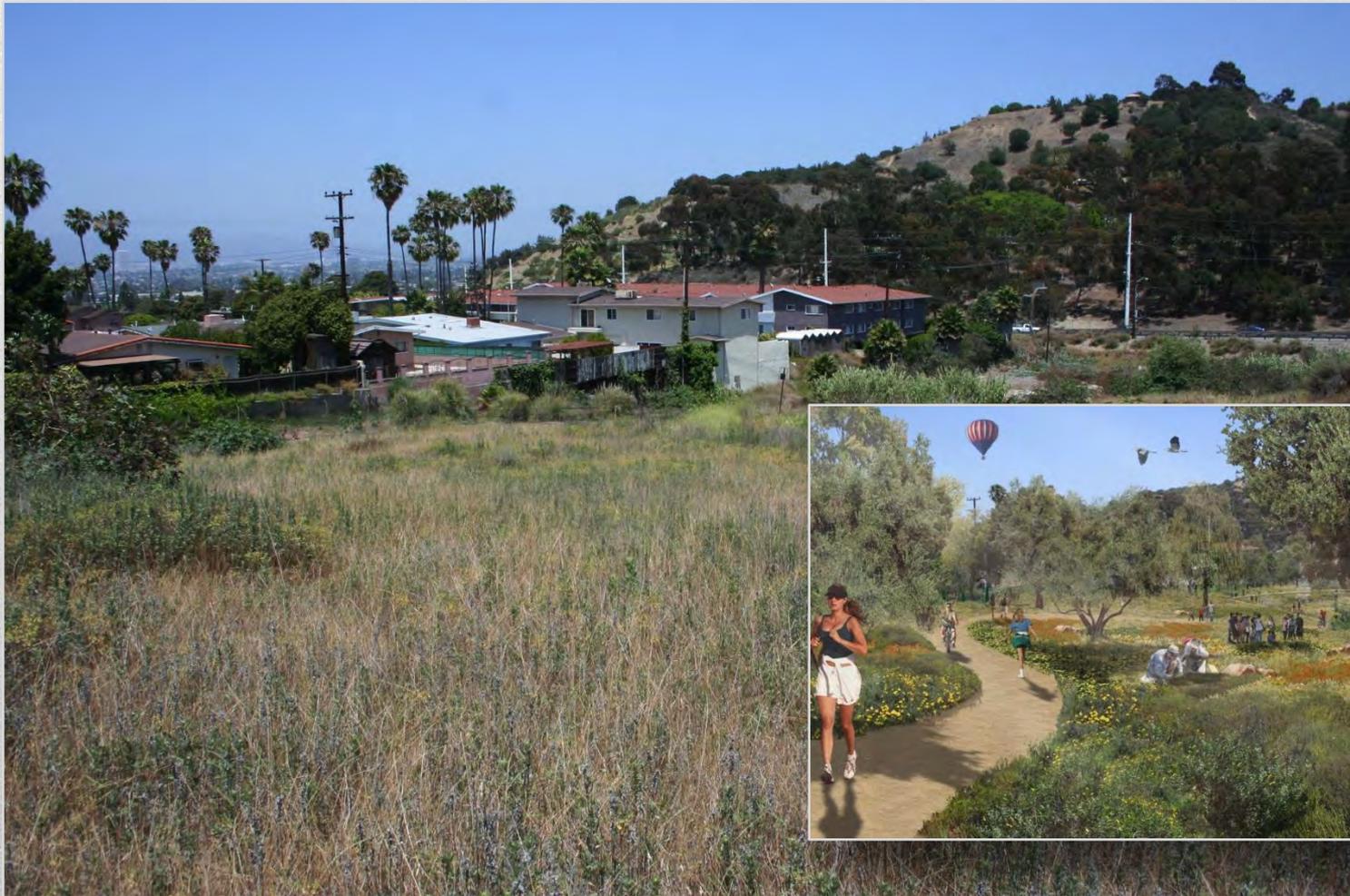


Baldwin Hills Area Ownership

The Park to Playa Trail Case Study

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Feasibility Study

The Park to Playa Trail Case Study

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PLANNING + DESIGN
www.altaplanning.com

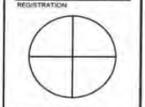
448 S. Hill Street Suite 501
Los Angeles, CA 90057
P: 213.489.7433 F: 213.489.7444

BLAIR HILLS CORRIDOR

Park to Playa Trail

Los Angeles, CA

PHASE		30% CD
NO.	DATE	ITEM



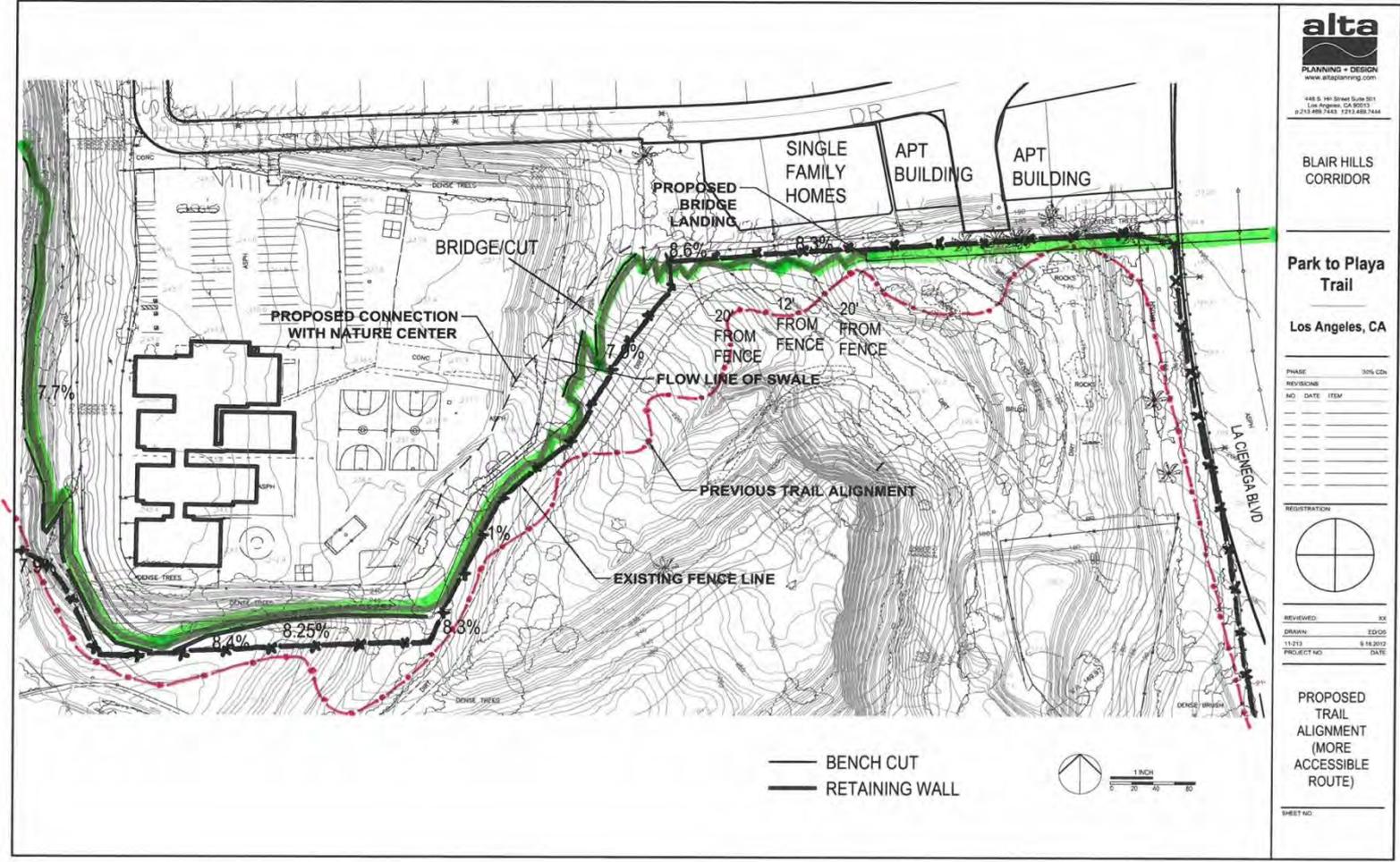
REVIEWED	BY
DRAWN	EDOS
TITLE	8/18/2010
PROJECT NO.	DATE

PROPOSED TRAIL ALIGNMENT (MORE ACCESSIBLE ROUTE)

SHEET NO.



PLANNING + DESIGN



Old vs New Trail Alignment

The Park to Playa Trail Case Study

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Pedestrian Bridge Option 1

The Park to Playa Trail Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



Pedestrian Bridge Option 2

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Pedestrian Bridge Option 2

The Park to Playa Trail Case Study

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition



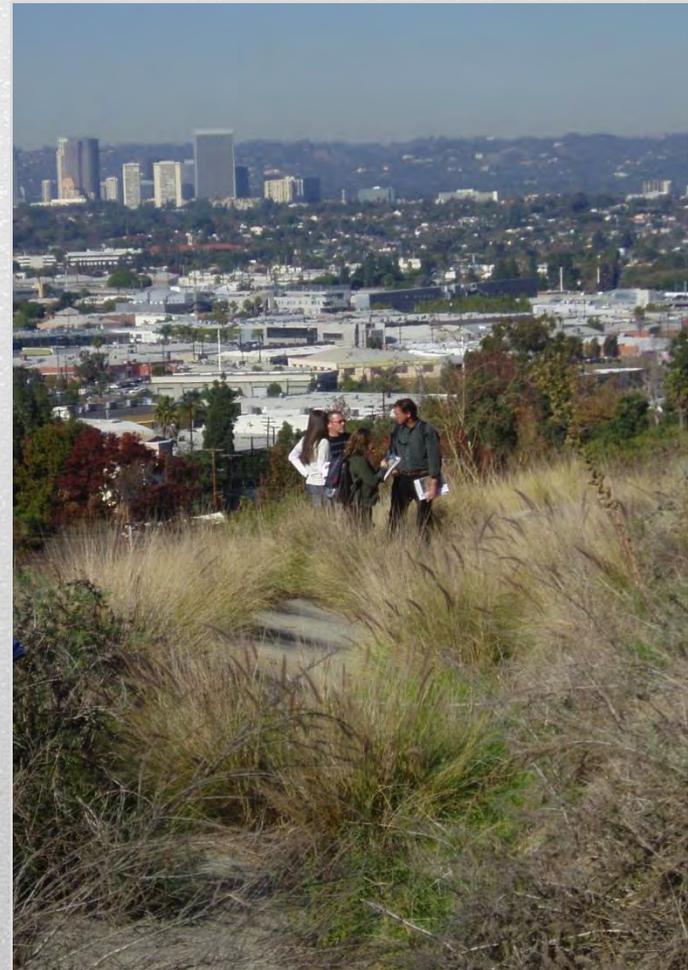


Pedestrian Bridge Option 2

The Park to Playa Trail Case Study

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- What was learned
 - **Concentration on the Big Picture**
 - **Commitment to project goals**
 - **Willingness to meet halfway**
 - **Having a political champion**
 - **Meaningful public engagement**
 - **Close work between consultant and agencies**
 - **Carefully resolved and applied design standards**



Outcomes

The Park to Playa Trail Case Study

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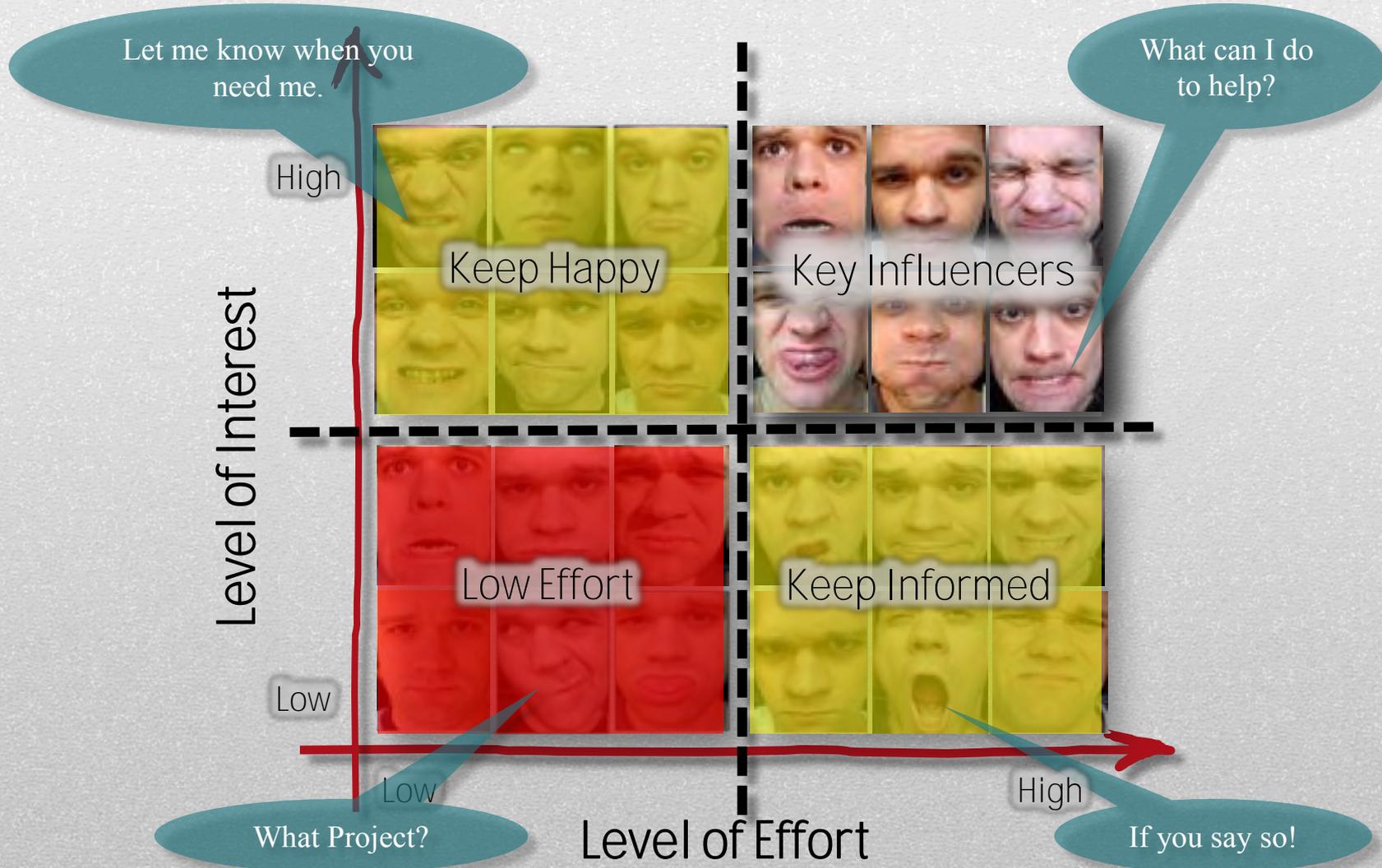
- Prepare comprehensively
- Plan resonantly
- Consult frequently
- Design Sensitive
- Communicate Actively
- Act Professionally

Six Strategies to Solve Opposition

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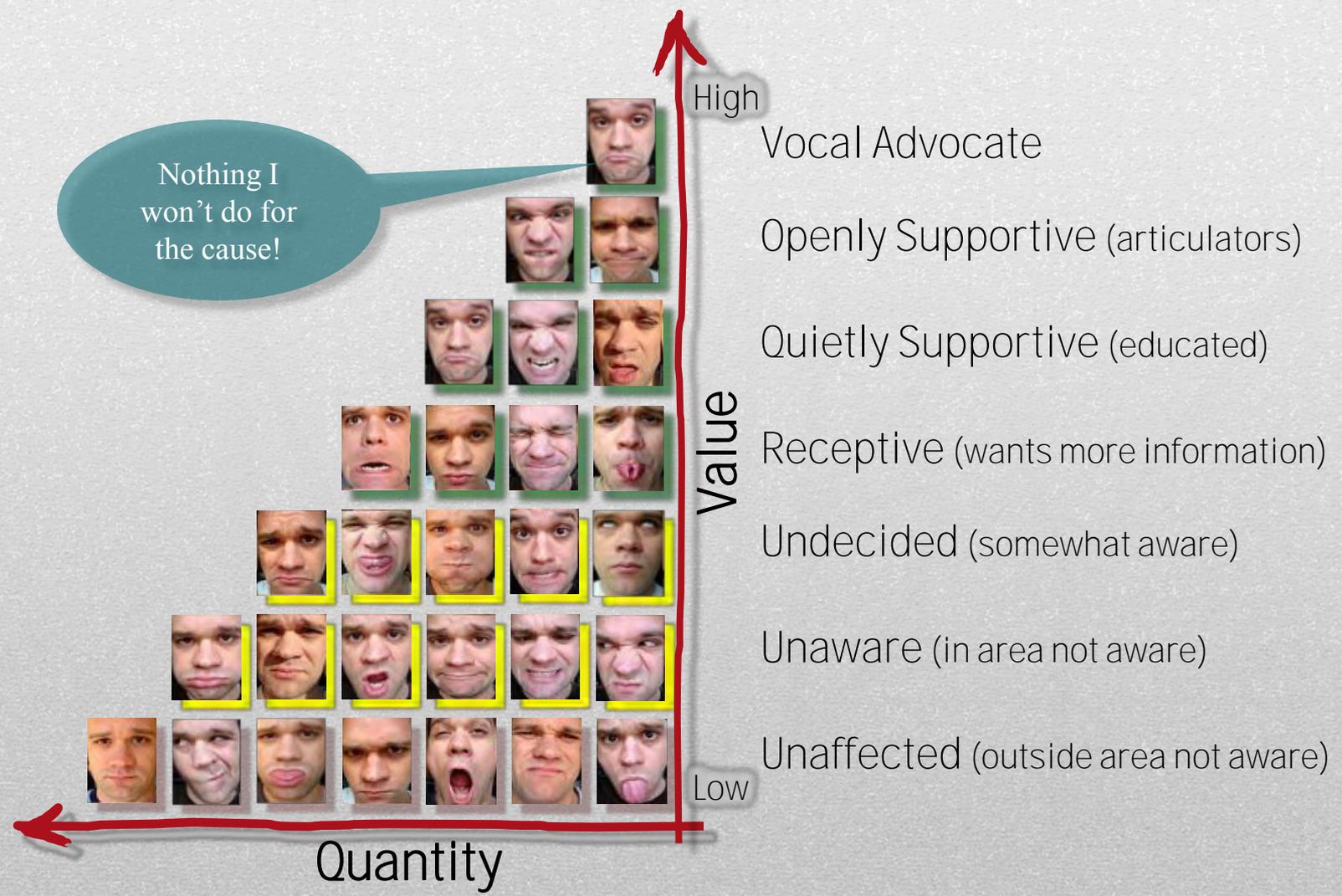
- There must be a solid project team and reliable consultants
 - **Consummate story tellers**
 - **Technical wizards**
 - **Credible and unflappable**
- You must build in time flexibility
 - **Extended project schedules**
 - **Be prepared to change schedule**
 - **Relate to opposition calendar**
- You must set aside appropriate funding and reserves
 - **Increase budget for outreach**
 - **Increase budget to offset inflationary erosion**
 - **Increase budget contingency for specialty, emergency and unforeseen**
- You must assess and create a well of community support
 - **Seek support from a broad and diverse group**
 - **Alliances**
 - **Agreements and understandings**

Prepare Comprehensively



Project Supporter Assessment Matrix

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Seven Levels of Supporter Advocacy

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- **You must create a fit between....**
 - **What the agency needs / wants to develop and**
 - **What the community will support**
- There must be a high probability of support
 - **Involve the neighborhood / perimeter ownerships as soon as possible**
 - **Engage community owned businesses**
 - **Engage community organizations**
 - **Delay contracts, acquisitions or expenditures until support is confirmed**
 - **Delay project start until critical path is known and FUD factors are identified and reduced as much as possible**
- There must be superior planning
 - **Comprehensive environmental scan**
 - **Detailed impact analysis**
 - **Provide relevant positive examples**
 - **Stress test for tolerances and thresholds**

Plan Resonantly

- Emphasizing consultive process will bring acceptance and support
 - **Create sustainable mechanisms for consultation**
 - **Consult on process establishment**
 - **Consult before action / finalization**
 - **Be consistent with community attitudes**
- Emphasizing or hiding behind process will bring mistrust and contempt
 - **Follow mandated process requirements and timetables precisely**
 - **Be flexible where possible**

Consult Frequently

- Adjust the project to fit the neighborhood / community land uses and activity cycle
 - **Project content / elements**
 - **Project size**
 - **Project placement**
 - **Project quality**
 - **Project construction schedule**
 - **Project use schedule**

Design Sensitive



- **Trust is built on information that is....**

- Accurate
- Informative
- Credible
- Balanced
- Frequent
- Timely
- Transparent

- **Mistrust and skepticism is created by information that is....**

- Inaccurate
- From questionable sources
- Imbalanced
- Late
- Sales propaganda
- Not fact based

Communicate Actively

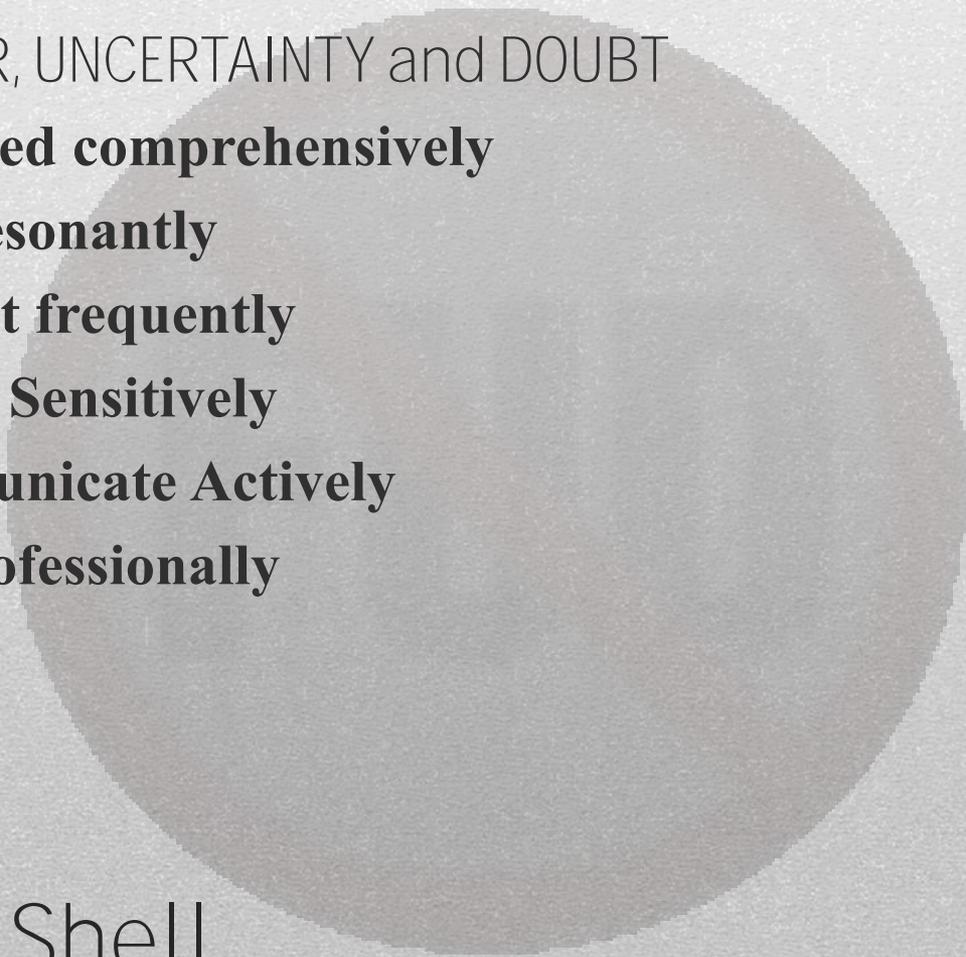
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- Maintain honesty and integrity
- Listen carefully
- Grow a thick skin
- Retain credibility
 - **You and team must have it before you begin**
 - **Don't lose it along the way**
- Be open-minded
- Be willing to negotiate and compromise

Act Professionally

- **Start early but don't start until you know you can finish**
- **Expect and provide for delays**
- **Study feasibility thoroughly**
- **Set clear geographic boundaries and scope limitations**
- **Devise a clear but flexible plan**
- **Identify and use local support**
- **Ask questions and push for real /brutally honest answers**
- **Invest time and information with stakeholders**
- **Know the process and do not skip steps or approvals**
- **Be honest**
- **Admit mistakes / missteps**
- **Be willing to negotiate**
- **Know when to disagree and when to let go**
- **Say what you will do and do what you say**
- **Leave no loose ends or open questions**
- **Stay cool**

Sixteen Behaviors to Facilitate Acceptance

- 
- All solutions flow from education to overcome
FEAR, UNCERTAINTY and DOUBT
 - **Prepared comprehensively**
 - **Plan resonantly**
 - **Consult frequently**
 - **Design Sensitively**
 - **Communicate Actively**
 - **Act Professionally**

In A Nut Shell

- The Path to Successfully Addressing Trail Opposition
 - **Jonathan Berlin, Rincon Consultants**
 - jberlin@rinconconsultants.com
 - **Greg Maher, Alta Planning and Design**
 - gregmaher@altaplanning.com
 - **Jeffrey Peters, Questa Engineering**
 - JPeters@questaec.com
 - **Scott Reese, City of San Diego (Retired)**
 - scott.o.reese@gmail.com

Thanks for your interest and attention
Questions please

- BAN's • **Builders Against NIMBYs [Not In My Backyard Activists]**
- BANANA • **Build Absolutely Nothing Anywhere Near Anything**
- CAPROS • **Citizens Against Parks, Recreation Open Space**
- CATpeople • **Citizens Against Trails**
- CAVEpeople • **Citizens Against Virtually Everything**
- GOAH • **Gedoudaheah**
- GOOMBA • **Get Out Of My Business Area**
- GOOMBY • **Get Out Of My Back Yard**
- GUMBY • **Gaze Upon My Backyard [Opponents of residential walls and fences]**
- KIIMBY • **Keep It In My Backyard**
- LULU • **Locally Unacceptable Land Use**
- NIABY • **Not In Anyone's Backyard**
- NIMD • **Not In My District**
- NIMEY • **Not In My Election Year**
- NIMFOS • **Not In My Field Of Sight**
- NIMFYE • **Not In My Front Yard Either**
- NIMTOO • **Not In My Term Of Office**
- NIML • **Not In My Lifetime**

Localism Acronym Game

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition

- NIMM • **Not In My Marsh**
- NITL • **Not In This Lifetime**
- NOMBYD • **Not On My Block, You Don't**
- NOOS • **Not On Our Street**
- NOPE • **Not On Planet Earth**
- NORF • **No Observable Redeeming Features**
- NOT • **None Of That**
- NOTE • **Not Over There Either**
- NOMDB • **Not Over My Dead Body**
- NUMBY • **Not Under My Backyard**
- PARC • **People Against Recreation Construction**
- PIITBY • **Put It In Their Backyard**
- PIMBY • **Please In My Backyard**
- POOL • **Please On Our Land**
- QUIMBY • **Quit Urbanizing In My Backyard**
- RUDE • **Residents Under Delusions Of Entitlement**
- SOBBY • **Some Other Boggers Back Yard**
- WIIFM • **What's In It For Me?**
- YIMBY • **Yes In My Backyard**
- YIMBY • **Yes In My Back Yard...but at a big cost to You**

Localism Acronym Game Part Deux

NIMBY to YIMBY - The Path to Successfully Addressing Trail Opposition