

CALIFORNIA PLANNING & DEVELOPMENT REPORT

December 1989

William Fulton, Editor & Publisher

Vol. 4, No. 12

Slow-Growthers Prevail In Most Local Elections

Slow-growth forces made an impressive showing throughout the state in November, winning 75% of growth issues contested statewide and scoring several key victories in city council races.

According to a survey by *California Planning & Development Report*, slow-growthers prevailed on 12 of 16 different land-use issues (in 15 jurisdictions) in the November elections. Growth-control measures won in seven of eight races, while pro-growth measures were defeated on five of eight issues. Last November, the passage rate for growth control measures was only 46%, while the passage rate for pro-growth measures was 57%. (CP&DR, December 1988.)

Perhaps even more important, slow-growth council candidates won virtually every significant election in the state — most notably in San Diego, where political newcomer Linda Bernhardt defeated longtime growth advocate Ed Struiksma. A slow-growth loss was suffered only in Walnut Creek, where incumbent Ed Skoog was defeated, but that campaign was marked by in-fighting between Skoog and his former running mate, Evelyn Munn.

While slow-growth forces were winning elections around the state, however, local tax increases for road construction and other transportation improvements were also popular. Five counties approved local sales-tax hikes, although the *Continued on page 4*

Santa Clarita Challenges L.A. County to Turf War

The City of Santa Clarita, incorporated just two years ago, has challenged Los Angeles County to a turf war over control of the sprawling and fast-growing Santa Clarita Valley just north of Los Angeles.

Right now both entities are engaged in land-use planning for the same territory. The city, now 40 square miles in size, is preparing a general plan for an area covering about 200 square miles. At the same time, however, L.A. County is revising its own general plan for the unincorporated areas of the valley — a move prompted largely by the fact that 45 requests for general plan amendments are pending, which include proposals to build some 38,000 housing units.

Hoping to gain more leverage over the county, the city asked the L.A. County Local Agency Formation Commission for a sphere of influence of 200 square miles. On November 15, however, LAFCO turned down the request, though the commission invited the city to reapply after its general plan is completed sometime next year.

Furthermore, the turf war seemed to intensify after the November election, when voters overwhelmingly rejected a Mello-Roos district to raise money for roads. The district would have included both city and county territory. *Continued on page 2*



Special Report: Election Results

Slow-growth forces do well.	Page 4
Results of city council races.	Page 4
Results of ballot measures.	Page 5

Court Cases

Fifth District strikes down two local fees.	Page 3
Santee jail EIR inadequate.	Page 3
L.A. County's negative declaration upheld.	Page 3

Deals

Pershing Square renovation effort reorganized.	Page 8
--------------------------------------------------------	--------

Briefs

.	Page 2
-----------	--------

COURT CASES

Two Local Fees Struck Down by Fifth District Court

In two separate cases, the Fifth District Court of Appeal has struck down two local development fees in the San Joaquin Valley — though for very different reasons.

In *Rohn v. City of Visalia*, the appellate court ruled that a traffic fee imposed on a zone change in Visalia was invalid because no nexus between the two had been proved. In *Kern County Builders v. North of the River Municipal Water District*, the court struck down a water hook-up fee, saying the charge was really a special assessment.

The Visalia case began when Robert Rohn sought a zone change for a corner lot which contained a single-family house, but which was zoned for multi-family use. Rohn sought a zone change to "professional administrative offices" in order to convert the home. The planning staff determined that the change of use would, in fact, "generate less traffic impact" than redevelopment as apartments. However, the staff recommended dedication of additional right-of-way to permit the realignment of the adjacent street, which was called for in the city's general plan. The city council approved the rezoning for the site, with the dedication of land.

Rohn subsequently sued, claiming that his rezoning would not generate more traffic — as the city readily admitted — and therefore realignment of the street was not reasonably related to the rezoning. Relying heavily on the U.S. Supreme Court's ruling in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), the appellate court agreed.

"The condition is not related to the proposed professional development but is a means of shifting the burden of providing the cost of a public benefit to another not responsible for or only remotely or speculatively benefitting from it," the court wrote. "The proposed dedication bears absolutely no relationship, either

direct or indirect, to the present or future uses of the property.

The *Kern County Builders* case turned not on the nexus issue but on the question of whether the water hook-up fee was in fact a fee. The case involved construction of a 48-unit apartment building in Oildale. Kern County Builders, the developer, chose to join the Oildale Mutual Water Company, rather than receive water from the local water district. When the project was built, however, the water district levied a \$30,150 water development charge anyway.

Kern County Builders argued that the water development charge was not a development fee levied under local police power, but, rather, either a special assessment or a special tax — and therefore invalid. The appellate court concluded that the fee was in fact a special assessment.

"Despite its hybrid character," the court wrote, "the water development charge is more like a special assessment than a special tax: it is a fee levied against property, which will benefit particularly from the expanded district water system, whether it receives water wholesale or retail from the district, to pay the cost of expanding the system."

The court also decided that because the fee was a special assessment, the water district had denied the builders due process because it had not followed the notice requirements necessary to impose such an assessment. Thus, the court concluded the fee is invalid.

The full text of Rohn v. City of Visalia, No. F011088, appeared in the Los Angeles Daily Journal Daily Appellate Report on October 31, beginning on page 13088.

The full text of Kern County Builders v. North of the River Municipal Water District, No. F010621, appeared in the Los Angeles Daily Journal Daily Appellate Report on October 16, beginning on page 12590.

Court Orders San Diego County to Rewrite EIR on Jail

San Diego County must rewrite an environmental impact report for the temporary expansion of its Los Colinas Detention Facility in Santee, the Fourth District Court of Appeal has ruled.

Santee has been fighting Las Colinas both politically and legally for some time. In ruling against the county, the appellate court relied heavily on the California Supreme Court's decision in *Laurel Heights Improvements Assn. v. Regents of University of California*, 47 Cal.3d 476 — especially with regard to any future, permanent expansion of the temporary jail.

Up until 1986, Las Colinas was a jail for women. But in response to severe jail overcrowding, the county decided to add a temporary jail for men at the same site. Santee sued, challenging the EIR.

The court found the EIR "fatally flawed" for two reasons. First, the county did not define clearly what "temporary" meant in its analysis. Only later did the county define "temporary" as meaning seven years; but even then, the county planning board did not confine itself to a seven-year commitment, saying the temporary jail would remain in place until other facilities were available. Second, said the court, "the EIR does not discuss the additional environmental effects, if any, that will result from the existence of the temporary male detention facility at Las Colinas after seven years."

The full text of City of Santee v. County of San Diego, No. D007991, appeared in the Los Angeles Daily Journal Daily Appellate Report on November 1, beginning on page 13131.

L.A. County Did Not Need EIR on Mountain Subdivision, Court Rules

Los Angeles County acted properly in choosing not to require an environmental impact report on a housing tract in Topanga Canyon, the Second District Court of Appeal has ruled.

The Topanga Association for a Scenic Community, as well as Woodland Hills Homeowners Organization, challenged approval of the project, proposed by Oakmont Development Associates. The county had not prepared an EIR, declaring that the 83-lot subdivision had no significant environmental effects.

Much of the case turned on the significance of two archaeological sites discovered in the area after the county's initial environmental study was completed. Consultants from the Northridge Center for Public Archaeology recommended that measures be taken to eliminate or lessen damage to these two archaeological sites. But

the county did not declare these archaeological resources "unique," as required under CEQA, and the appellate court deferred to the county's judgement.

"The board made no finding that the archaeological sites in the project contain unique archaeological resources," wrote Justice Mildred Lillie for a three-judge panel. "Accordingly, the presence of archaeological resources in the project area did not preclude a finding that the project would not cause substantial environmental damage."

The full text of Topanga Association for a Scenic Community v. County of Los Angeles, B042669, appeared in the Los Angeles Daily Journal Daily Appellate Report on October 24, beginning on page 12884.

Santa Clarita Challenges L.A. County to Turf War

Continued from page 1

At the bottom of the turf war is the fact that city officials do not trust the county's Regional Planning Department and the Board of Supervisors. Residents of the Santa Clarita Valley have a long history of animosity with the county. Twice during the 1970s local leaders placed measures on the ballot to detach from the county. Incorporation of the area came in 1987 largely as a result of local discontent with the county's development standards.

In particular, local leaders allege, the county permitted thousands of new homes to be constructed without requiring developers to provide the accompanying infrastructure, especially roads, parks, and schools.

As an example, Mayor Jan Heidt pointed to the county's park fee, which was not increased for 14 years even though the price of land in the Santa Clarita Valley was driven sky-high by speculation during that time. Thus, she argues, developers were permitted to buy their way out of the state-mandated park requirement at a discount by paying the fee, rather than dedicating land for parks they acquired at a much higher price.

City officials also point to the road system as another source of difficulty, because many residents of unincorporated areas must commute through congested city arterial streets in order to reach Interstate 5 and State Route 14, the two main freeways in the areas.

County officials, however, argue that they are changing their planning policies, partly because of the flood of building requests in the Santa Clarita Valley. Since 1987, the Regional Planning Department has been operating under the terms of a legal settlement with the Center for Law in the Public Interest, which challenged the adequacy of the county's general plan. The settlement forced the county to establish a computerized "development monitoring system," or DMS, which closely ties future development and infrastructure capacity. The county was also required to establish ultimate residential building caps in the Santa Clarita Valley and other unincorporated areas.

BRIEFS

Planning Commissions Bow to Political Pressure

Planning commissions around the state are being reshuffled by political pressure.

The most extreme step has come in Beaumont, where the city council has decided to fire all five members of the commission. The *Riverside Press-Enterprise* challenged the decision, saying it had been made at a private meeting in violation of the state's Brown Act open-meetings law.

In Folsom, the council asked two planning commissioners to resign because of their allegedly rude behavior toward the staff and the public. So far commissioners James F. Reeves Jr. and Bob Bowen have resisted resignation, saying they have been targeted because they refuse to be "yes men" for the pro-growth council there.

And in Lancaster, commissioner Marv Levin was suddenly removed last month by the council member who appointed him. Levin angered local residents by warning them that Lancaster's "rural lifestyle is a thing of the past."

L.A. Questions Santa Monica Project

After two years of planning, the City of Santa Monica's proposal to redevelop property at the city's airport may be held up by two Los Angeles city council members.

Marvin Braude and Ruth Galanter have instructed city building

Continued on page 8

County planners acknowledge that all these new houses cannot be approved under the terms of the legal settlement. The county's growth cap in the Santa Clarita Valley is 93,000 dwelling units. According to John Edwards, the county planner in charge of the Santa Clarita Valley, 48,000 houses already exist in the valley, and another 20,000 have been approved but are not yet built. Under the building cap, that would leave room for only 25,000 new homes. Yet developers have requested 45 general plan amendments to permit the construction of 38,000 new houses.

Faced with this situation, the county has agreed to revise the general plan for the unincorporated Santa Clarita Valley before any more housing tracts are approved. "We're not going to deal with this on a case-by-case basis," Edwards said. "We're going to do it comprehensively." The county has scheduled a hearing on the proposed new general plan for January 4.

Although city officials are drawing up plans for the entire 200 square miles, they have no formal power over the unincorporated area, which takes up about 80% of that area. The cityhood committee's original request for a boundary of more than 90 square miles was pared down to less than 40 by the LAFCO in 1987. And the LAFCO nixed the idea of a larger sphere of influence in November, even though the commission's staff recommended a sphere of almost 90 square miles.

The LAFCO hearing in November, like the pre-cityhood hearing two years ago, consisted mostly of large homebuilders asking that their property be excluded from the city's sphere. In fact, LAFCO Executive Officer Ruth Bennell made a late change in her recommendation, removing some property west of Interstate 5, because developer Dale Poe has filed preliminary papers seeking incorporation of a separate city there. (Though Poe would call it "Sunset Hills," local wags have already dubbed the city "Poe-Dunk.")

Without a sphere, however, city officials have resigned themselves to a war of persuasion — hoping to influence the county's planning process, and perhaps talk some developers into annexation. "The sphere really doesn't have as much to do with this as our own relationship with the county," said Heidt.

Contacts: Ruth Bennell, L.A. LAFCO Executive Officer, (213) 974-1448.

John Edwards, L.A. County Regional Planning Department, (213) 974-6415.

Jan Heidt, mayor, and George Carvalhos, city manager, City of Santa Clarita, (805) 259-2489.

CALIFORNIA
PLANNING & DEVELOPMENT
REPORT

is published monthly by
Torf Fulton Associates

1275 Sunnycrest Avenue
Ventura, California 93003
(805) 642-7838

Subscription price: \$179 per year

Editor & Publisher:
William Fulton

Contributing Editors:
Morris Newman
Stephen Svete

ISSN No. 0891-382X

We're Electronic!

and you'll find us
exclusively on

NEWS

For online access
information call
(800) 345-1301.

In PA or outside
the U.S. call
(215) 527-8030.

SPECIAL REPORT: ELECTION RESULTS

County-by-County Roundup of Local Ballot Results

Here are county-by-county results of important local measures on the November ballot. Some of this information was provided by the California Association of Realtors.

Alameda County

Union City

Faced with tandem measures on the future of hillside development, voters chose a city council proposal, Measure B, over a citizen initiative, Measure C.

Measure B calls for an 18-month moratorium on hillside development while consultants study future development in the area. Measure C would have called for five-acre lots, as well as environmental study of the area.

Measure C supporters alleged that despite the temporary moratorium, Measure B was really a pro-development measure because developers supported it. But Measure B supporters pointed out that the expensive consultant study will now be paid for by developers, not by the city itself.

Measure B (Council Measure): Yes, 56.1%

Measure C (Citizen Initiative): No, 56.5%

Contra Costa County

Concord

Residents of this East Bay community were asked to determine the fate of Crystyl Ranch, a proposed 725-unit golf-oriented housing project in the southern part of the city. The developers, Braddock and Logan Associates and the A.D. Seeno Co., withdrew their plans after the measure was placed on the ballot, but local slow-growthers pursued the initiative anyway, seeking to prevent similar development in the future. Concord residents overwhelmingly voted in favor of Measure E, which repealed a general plan amendment to permit the project.

Measure E: Yes, 79.9%

Los Angeles County

Hermosa Beach

Residents of Hermosa Beach voted twice on each of two issues: development of a city-owned piece of property, known locally as the Biltmore site, and future construction in a greenbelt owned by the Santa Fe Pacific Realty Co.

Voters continued to confound city officials over the future of the 0.84-acre Biltmore site on the beach. Last year, voters rejected proposals to maintain the current neighborhood commercial zoning and to rezone the property for either residential or commercial use. This year, voters rejected two more plans. Measure D, a city task force proposal to rezone the project for a mix of uses, was soundly trounced, and even a ballot measure to rezone for open space, Measure C, lost narrowly.

The city wants to rezone the land in order to sell it and purchase a greenbelt along a railroad right-of-way. In the meantime, the city has to deal with other problems arising from the fact that the greenbelt is still privately owned. Voters approved Measure F, which permitted improvements to an existing parking area along the greenbelt (and also requires leashed dogs in the area), and defeated Measure E, which did not deal with the parking improvements (and would have permitted dogs to run free). Both measures eliminated a 10% lot coverage requirement on the site.

Measure C (Biltmore Open Space), No, 52.9%

Measure D (Biltmore Mixed Use), No, 71.8%

Measure E (Greenbelt No Leashes), No, 56.3%

Measure F (Greenbelt Parking Leashes), Yes, 56.9%

Lawndale

Lawndale voters rejected the city's general plan, thereby leaving the city without a valid plan — and placing its land-use power in doubt.

A city ordinance requires a vote on the general plan. City officials had never put the plan on the ballot, but an attorney general's opinion forced the issue. Measure G was defeated, however, by a 2-to-1 ratio. Now the city is seeking proposals from planning consultants to revise the plan and, in the meantime, is asking for special permission from the Office of Planning and Research to continue using its zoning ordinance in the meantime.

Voters also rejected two proposals to revise city ordinances regarding the general plan. Measure H would have repealed the voter-approval requirement, while Measure J would have required voter approval, but limited the number of general plan amendments that could be made.

Measure G (General Plan): No, 67.6%

Measure H (Repeal Vote Requirement): No, 79.7%

Measure J (Limit Amendments): No, 64.9%

Rancho Palos Verdes

Voters in Rancho Palos Verdes rejected a citizen initiative to reduce allowable building heights from 30 to 24 feet, opting instead for a council-sponsored reduction to 26 feet.

Measure L (Citizen Initiative): No, 63.2%

Measure M (Council Measure): Yes, 66.6%

Santa Clarita

Voters in the Santa Clarita area (city and unincorporated county territory) resoundingly rejected a Mello-Roos district that would have imposed a property tax to pay for new roads in the area.

Proposition P: No, 79.9%

West Hollywood

West Hollywood residents voted to prohibit construction of buildings in city parks, thereby killing a plan to build a new civic center. Measure B, the citizen initiative, barely edged out the council-sponsored Measure C, which would have permitted the civic center if the project created a net increase in park space.

Measure B (Citizen Initiative): Yes, 56.9%

Measure C (Council Measure): Yes, 53.4%

Marin County

Bolinas

Residents of the hard-to-find Bolinas area decided to keep things that way, voting against a directional sign on the state highway. In the past, each time Caltrans has put up a sign, it has been torn down.

Measure O: No, 72.7%

Corte Madera

Voters in Corte Madera agreed to increase their local Gann limit for four years and use the money to acquire land for open space.

Measure D: Yes, 62.0%

Continued on page 6

SPECIAL REPORT: ELECTION RESULTS

Slow-Growthers Prevail in Most Local Elections

Continued from page 1

measure passed in Monterey County by only 11 votes. Three local transportation taxes lost, including a sales tax in Orange County and a Mello-Roos property tax in Santa Clarita.

CP&DR's tally of ballot measures differs considerably from similar figures compiled by the California Association of Realtors. CAR found that voters had passed only 9 of 16 growth-control measures, or 56%. But CAR's calculation included all individual ballot measures, even when multiple measures appeared on the same local ballot dealing with the same local issue. The CAR survey confirmed CP&DR's low passage rate for pro-growth measures.

Here are some highlights from the November election results:

- The Orange County sales tax came much closer to passage (47.5%) than it did in 1984 (29%), largely because of the support of many slow-growthers. But not all slow-growth leaders supported Measure M, and its defeat was due largely to lingering skepticism about the development community's enthusiastic support of it.

The sales-tax proposal arose partly out of the June 1988 defeat of Measure A, a growth-control initiative. After that election, slow-growth leaders and the development community collaborated on growth-management plans. One element of their effort was a sales-tax proposal patterned after a tax that passed in Contra Costa County last year.

The Orange County sales-tax included a laundry list of roads to build, but also would have required local governments in the county to adopt growth-management plans in order to receive the funds. But not all slow-growth advocates in the county supported the measure; many argued that the road-building projects were designed mostly to assist new private development, not to relieve existing traffic congestion.

After the election, developer Bruce Nestande, a former county supervisor who led the Measure M campaign, vowed to place the measure on the ballot again in 1990. The Orange County measure may also be considered a bellwether for the June 1990 vote on the state gas-tax increase, which also contains a congestion management program. "We're going to have to take our case and sell it county-by-county," said Assembly Transportation Chair Richard Katz, author of the congestion-management provisions, after the Orange County defeat.

- Restrictions on commercial and industrial development passed in two slow-growth Central Coast cities, Santa Barbara and San Luis Obispo.

Santa Barbara residents voted decisively to place a cap of 3 million square feet on commercial and industrial development in the city over the next 20 years. San Luis Obispo voters agreed to extend a residential building cap of 2% per year to commercial and

industrial projects. Under a longstanding city policy, the 2% cap on residential building is scheduled to drop to 1% in the 1990s.

- Anti-redevelopment activists scored victories in Gilroy and Moorpark. In a heated race in Gilroy, voters rejected a redevelopment plan that would have covered about 40% of the city. The vote was 60%-40%, even though the city council had already voted to eliminate the power of eminent domain from the plan. In Moorpark, voters agreed to take away the city council's power of eminent domain in redevelopment projects, even though the council had already adopted such a policy. Anti-redevelopment activists oppose the use of eminent domain and often express distrust of governmental agencies even when those agencies promise not to use their eminent domain power to achieve redevelopment goals.

- In Lawndale, voters resoundingly defeated a ballot measure to approve the general plan, leaving the city without a valid planning document. Yet voters also rejected proposals to eliminate or trim back their own power to review the general plan at the polls.

Though city ordinances call for general-plan approval by the voters, the plan had never appeared on the ballot before. City officials used the plan as if it were valid, but a state attorney general's opinion upheld the ordinance calling for a vote. Now Lawndale must apply to the Governor's Office of Planning and Research for permission to continue using the plan until a new plan can be prepared and approved by the voters. Lawndale is now seeking a planning consultant to help with the job.

- Though CP&DR's own calculations show that slow-growth forces rebounded in 1989, the California Association of Realtors' figures show what officials there call a "levelling off" in public support for initiatives.

CAR found that 56% of growth-control measures passed in November 1989, compared with 50% in November 1988, 92% in November 1987 (the high-water mark by all counts), and 73% in November 1986.

For all of 1989, CAR found that 59% of growth-control measures passed, while 54% of pro-growth measures also passed. According to CAR, the passage rate for council alternatives in 1989 (city council-sponsored alternatives to citizen initiatives) was 43%. Over the years, CAR has found the pro-growth passage rate holding consistently steady in the 45-55% range. But the growth-control passage rate has dropped 20 points from 70-75% passage rate in 1986 and 1987.

CAR also found that the total number of ballot measures dropped dramatically, from 109 in 1988 to 48 in 1989. In fact, the 1989 total was the lowest since widespread use of land-use ballot measures began in 1986.

Roundup of Significant City Council Elections Statewide

Here are the results of city council races around the state in which growth issues played an important role:

Contra Costa County

Walnut Creek

In a somewhat bitter campaign, two incumbents who were swept into office with the Measure H growth-control initiative in 1985 had a falling out and met with different fates. Victorious was Evelyn Munn, who broke with Measure H's sponsor, Citizens for a Better Walnut Creek, over a June ballot measure. Ed Skoog, who retained the citizen group's endorsement, was defeated by Ron Beagley, an

AT&T public-relations specialist who, like Munn, was endorsed by the local Chamber of Commerce.

Placer County

Colfax

In this tiny community along Interstate 80 in the Sierra, three incumbents were swept out of office in an election that turned on growth issues. All three challengers opposed annexation of territory considered likely for development as housing.

Continued on page 7

SPECIAL REPORT: ELECTION RESULTS

Roundup of Significant City Council Elections Statewide

Continued from page 4

Roseville

On the cusp of development moving north out of Sacramento along I-80, Roseville ousted two incumbents, replacing them with two slow-growthers. But it was a close election. Challengers Pauline Roccucci and Harry Crabb, both of whom called for slower growth, received about 20% of the vote, as did incumbent Mel Hamel. Incumbents Phil Ozenick and Tom Chambiss received about 17% of the vote.

Riverside County

Riverside

Though runoff elections are still to come in January, a strongly slow-growth council seems to be the likely outcome. Mayoral candidate Teresa Frizzel and council candidates Robert Buster and Terri Thompson, who supported each other and identified themselves with the slow-growth movement, have all made the runoff. Frizzel forced incumbent Mayor Ab Brown into a runoff, while Buster, a slow-growth leader in the city, and Thompson, a school board member, are both running for open seats. Ray Becker, a developer and former Riverside County Building Industry Association president, failed to make the runoff with Thompson.

Sacramento County

Sacramento

The election of Heather Fargo creates a female majority on the council. But more important, the election of Fargo and Josh Pane, replacing David Shore and Douglas Pope, may tip the scales against

the development community. Many growth issues have been decided on 5-4 votes lately, and the addition of Fargo and Pane is likely to strengthen the hand of Mayor Ann Rudin, who has urged a cautious approach to growth.

San Diego County

San Diego

Slow-growth forces scored a major political victory when 30-year-old Linda Bernhardt dislodged incumbent Ed Struiksma, a powerful pro-development force on the council. In addition, slow-growth incumbent Abbe Wolfsheimer, Bernardt's former boss in City Hall, hung on to win re-election against challenger Bob Trettin.

In the campaign, Bernardt, a land-use consultant endorsed by the Sierra Club, called Struiksma "Bulldozer Ed" and her advertisements claimed that it was "time to dump the 'dozer." Her election may give slow-growth forces a true majority on the city council for the first time.

Ventura County

Ventura

Aided by Patagonia Inc., the environmentally oriented clothing manufacturer based in Ventura, three slow-growth candidates were elected to the city council, giving slow-growth forces a 5-2 majority. The election results may jeopardize California State University's plan to build a campus on a hilly, ocean-view site near downtown Ventura.

cityhood with an 88.8% positive vote. The only organized opposition disbanded after a revised fiscal forecast showed the city in good shape. Laguna Niguel joins two other new cities in south Orange County, Dana Point and Mission Viejo; other incorporation campaigns are pending.

Temecula, Riverside County: Residents here approved incorporation with 87.6% of the vote. Some cityhood advocates had originally called for a city that encompassed mostly the historic town of Temecula, but the boundaries were later expanded to include many sections of Bedford Properties' huge Rancho California development.

Yucaipa, San Bernardino County: This town east of Redlands became a city on the fourth try. Incorporation garnered 72% of the vote this time, up from 45% just two years ago.

the Sacramento linkage fee, a Pacific Legal Foundation lawyer was incorrectly identified as John Quillan. In fact, his name is John Groen.

County-by-County Roundup of Local Ballot Results

Continued from page 6

Yolo County

Winters

Residents of the small city of Winters, near Davis, rejected a growth-control measure that would have imposed a population cap of 8,000 people by the year 2000 (the city now has about 4,200) and required the creation of one job for every four housing units built in the city.

Measure C: No, 69.4%

Incorporations

Three new cities incorporated, all in areas where incorporation has been a controversial issue over the years.

Laguna Niguel, Orange County: Voters in Laguna Niguel approved

Corrections

The November *California Planning & Development Report* contained two factual errors. In a story about development fees, Douglas Williford was incorrectly identified as a planner for the City of Oceanside. In fact, he works for Santee. In a story about

SPECIAL REPORT: ELECTION RESULTS

County-by-County Roundup of Local Ballot Results

Continued from page 5

Monterey County

A half-cent sales tax for transportation improvements was approved by a margin of 11 votes out of more than 40,000 cast.

Measure B: Yes, 50.01%

Nevada County

A half-cent sales tax for transportation improvements in Nevada County, in the Sierra northeast of Sacramento, was soundly defeated.

Measure K: No, 66.1%

Orange County

In Orange County, a half-cent sales tax for transportation improvements received only 47% of the vote, despite a \$2-million-plus campaign financed mostly by developers.

The sales tax proposal was an outgrowth of past elections. In 1984, a similar measure was soundly defeated. Then, last year, Orange County voters defeated a growth-control measure. Subsequently, pro- and slow-growth forces in Orange County got together to create Measure M.

Patterned after a similar measure in Contra Costa County, the measure combined a sales-tax increase with a requirement that cities pass growth-management plans in order to obtain some of the sales tax funds.

Measure M: No, 53.0%

Newport Beach

In Newport Beach, voters decided not to give the city permission to sell a small — but extremely valuable — beachfront lot. The property may become a vest-pocket park.

Measure S: No, 51.4%

San Bernardino County

Unlike Orange County voters, San Bernardino County residents approved a half-cent sales-tax increase for transportation purposes. A similar measure had been defeated in the past, but this time the Board of Supervisors agreed to allocate a larger amount of money to the restive High Desert area.

Measure I: Yes, 59.7%

Colton

Colton voters approved a proposed zone change from residential to commercial use.

Measure O: Yes, 64.8%

City and County of San Francisco

San Francisco voters passed a half-cent sales tax increase for transportation improvements, but narrowly defeated Mayor Art Agnos's plan for a new baseball stadium in the Mission Bay area. With the defeat of the ballpark, the San Francisco Giants are expected to leave the city.

Proposition B (Sales Tax): Yes, 65.6%

Proposition P (Ballpark): No, 50.5%

San Luis Obispo County

Cambria

In an advisory vote, residents of the unincorporated Cambria area rejected a proposal to acquire land near Santa Rosa Creek and set it aside as open space.

Measure F: No, 61.3%

San Luis Obispo

In the city of San Luis Obispo, voters agreed to expand the annual 2% growth limit, which currently affects only residential projects, to include commercial and industrial development as well.

Measure G: Yes, 68.3%

San Mateo County

Half Moon Bay

Two ballot measures in Half Moon Bay directed the city to acquire parkland. However, voters chose the measure that ordered creation of a park with "passive" uses rather than a park with "active" uses.

Measure G (Passive Park): Yes, 60.7%

Measure H (Active Park): No, 62.4%

Santa Barbara County

County voters approved a half-cent sales tax for transportation improvements.

Measure D: Yes, 55.0%

Santa Barbara

In a hotly contested election in the City of Santa Barbara, voters endorsed a 20-year cap on commercial and industrial development. The passage of Measure E means that commercial and industrial development in the city will be limited to 3 million square feet over the next two decades.

Measure E: Yes, 56.2%

Santa Clara County

Gilroy

A controversial redevelopment plan was decisively turned down by voters in Gilroy. The project encompassed 40% of the city's area and was opposed by property-rights advocates with ties to Southern California's active anti-redevelopment/anti eminent domain movement. The loss came in spite of the fact that the council agreed not to use eminent domain to acquire any property in the project.

The campaign over Measure B also helped propel anti-redevelopment activist Sara Nelson onto the city council.

Measure B: No, 59.8%

Ventura County

Moorpark

Redevelopment and eminent domain also became an issue in Moorpark, where citizens voted overwhelmingly to prohibit the use of eminent domain inside redevelopment areas. The city council had already agreed not to use eminent domain in its existing redevelopment plans.

Measure A: No, 72.9%

Continued on page 7

DEALS

Back to Square One on Pershing Square

Nearly everything seems to have gone wrong so far in the public-private effort to beautify Pershing Square, a plaza of cracked concrete that is the oldest public park in downtown Los Angeles. Three years after a much-ballyhooed international design competition, no working drawings exist. The development partnership is insolvent. The scheme is almost universally unpopular, and the architect is expected to be dismissed.

The revival of Pershing Square, however, is far from dead. Behind the scenes, the most powerful developer in downtown Los Angeles is quietly taking the matter in hand and putting together a new coalition of city agencies and real estate interests. And plans are proceeding to use a Mello-Roos district for the first time in financing a major urban redevelopment project.

The explosive office market of downtown Los Angeles forms the background of the Pershing Square fiasco. A notorious eyesore, the park is hemmed in by unsightly parking ramps. Pershing Square is also an attraction for the homeless and drug dealers on the edge of the financial district. In short, the tiny park is perceived by the local real estate industry as an obstacle to downtown development.

The scheme to redevelop Pershing Square is unusual. Instead of relegating the improvement project to the city's parks department, the Los Angeles Community Redevelopment Agency, which controls downtown development, joined forces in 1984 with local property owners to create the Pershing Square Management Association as a mutual-benefit corporation under California law. The CRA agreed to chip in \$6 million to a \$12.5 million park-improvement budget. Another \$4 million would be raised from surrounding property owners, while park tenants, such as restaurants, would pay the remaining \$2.5 million in the form of rent. Wayne Ratkovich, the well-known restoration-oriented developer, was elected president of the group.

To create public support for such a project, PSMA sponsored an international design competition for a new Pershing Square. The competition drew more than 240 entries world-wide, which were displayed during the summer of 1986 in a tent erected on the park site. A team of architects and developers selected the winning scheme: a checkerboard plaza with rolling topography that featured occasional outcroppings of trees and novel park furniture, such as automobiles cast in concrete. At night, the interstices between squares of pavement would light up like a disco ballroom floor. Jurors praised the scheme by SITE Architects of New York for, among other qualities, acknowledging that the park sits atop a concrete parking garage, instead of a grassy knoll.

But if the design panel of architects and city officials liked the unorthodox design, most of the surrounding property owners hated it. SITE is best known for work that offers a questioning, often sardonic, view of urban life; the firm's best-known projects include a seemingly collapsed wall of rubble on the facade of a Best Store in Texas and a freeway off-ramp in Vancouver featuring concrete cars tumbling into the Pacific Ocean. The property owners surrounding Pershing Square, however, seem to desire an urbane centerpiece for granite-covered office buildings, not an avant-garde playground whose guiding metaphor is city-as-junkyard. For this reason, a movement gained momentum inside PSMA to dump the project.

Cost was the rationale used to sandbag the SITE project. According to a source close to the Pershing Square project, the SITE design was considered unworkable because it would cost more than \$20 million to build. Besides the threat of cost overruns in constructing such an original project, the costs of maintenance were also a question.

But the problem is that the \$20 million estimate is largely hypothetical, since the architects did not specify materials in their

contest design. SITE, in fact, was never instructed to proceed with the design beyond the rudimentary scheme that won the design competition. SITE has done no work on the design since 1986, with the exception of a study of the parking-lot ramps that surround Pershing Square. According to SITE's Michelle Stone, Pershing Square Management Association never signed a formal contract with the architects. The designers received only the prize money and payment for the ramp study.

Meanwhile, Maguire Thomas Partners, the Santa Monica-based developer that is responsible for four high-rise office buildings in downtown Los Angeles, entered the Pershing Square story earlier this year when the developer bought out a long-term lease on the garage from parking-lot operator Ben Nunn for \$12 million.

This fall, with Pershing Square Management Association verging on Chapter 11 proceedings, the time had come for Maguire's coup. Early in November, in a closed-door meeting, about 70 developers, property owners, and city officials met downtown and took an impromptu tour of Pershing Square. Included were officials from CRA, the Los Angeles Cultural Affairs Commission and the members of a new public-private coalition, Pershing Square Property Owners Association. The president of the new group, John McAlister, is a vice president of Maguire Thomas. Mexican architect Ricardo Legoretta, who recently designed part of Maguire's much-praised La Solana office park near Fort Worth, was on hand, offering to prepare a preliminary design for Pershing Square on speculation. Ursula Hyman of Latham & Watkins has been hired as counsel for the new park-improvement partnership.

Although Latham's Hyman would not disclose the membership of the new Pershing Square coalition, she did say the old Pershing Square Management Association is insolvent and has ceased operation. And she confirmed that plans for a Mello-Roos district are moving forward.

The story of Pershing Square so far could be a morality tale about the relationship between public space and private real estate. It also could be a fable about the differences in taste between design competitions juries and the people who must live with their decisions. In a project that will help to shape the public realm, who should have the final word: the public, or the real estate interests who are paying for it?

Morris Newman

BRIEFS

Continued from page 2

officials not to provide the L.A. city permits needed for the project until traffic questions are resolved.

The project, to be built on Santa Monica city-owned airport land, is scheduled to include six six-story buildings and four parking garages on 37 acres. But the only access to the new project would be via the airport's entrance on Bundy Drive, which is in the city of Los Angeles.

Meanwhile, Santa Monica city residents have been gathering signatures in an attempt to force a referendum on the project.

Roundup

Los Angeles County decides to assess **Big Rock Mesa homeowners \$500 per month** to stabilize their landslide-plagued Malibu neighborhood... A bistate commission chooses **Anaheim, not Palmdale, as terminus for a high-speed train** to Las Vegas, mostly because of tourist traffic.