CALIFORNIA PLANNING & DEVELOPMENT REPORT

September 1987 | William Fulton, Editor & Publisher | Vol. 2, No. 9

Local Opposition Grows To Redevelopment Areas

Local redevelopment powers are always controversial in California, but in the past few weeks they have been under seige — not just from legislators seeking to impose changes from the top down, but from community activists who oppose the expansion of local governments' eminent domain powers.

Irwindale's successful bid to lure the Raiders focused the attention of the media and the state legislature on the power of redevelopment in accumulating funds for economic development. But far more damage to redevelopment was done in July and August by the efforts of a loose network of homeowners activists based in the San Gabriel Valley and a Pasadena law firm, both of which specialize in fighting redevelopment plans.

In the space of only a few weeks:

- Anaheim's proposed seven-square-mile redevelopment project surrounding Disneyland was withdrawn after some 2,000 angry residents lambasted the idea at public hearing in early July.
- A 500-acre redevelopment project along Beach Boulevard in Huntington Beach was voted down by the city council after an acrimonious nine-month battle between the city's redevelopment agency and residents in the area.
- A bill which would have allowed use of redevelopment powers in dealing with paper subdivisions was killed by an Assembly subcommittee — even though the bill's sponsor, Sen. Marian Bergeson, had rounded up the support of both development and environmental interests.

Continued on page 4

Boundary Fights Lead To Tax-Sharing Debate

Though metropolitan tax-sharing has disappeared from the public agenda in most parts of the country, heightened competition for local tax dollars in California and elsewhere could lead to a renewed interest in the concept.

Tax-sharing plans permit tax-rich communities to share their tax revenues with neighboring jurisdictions. In part, tax-sharing is designed to reduce competition for commercial and industrial development. It is also used to assist communities which are adversely affected by developments outside their borders.

The only metropolitan area in the United States where tax-sharing has been institutionalized is Minneapolis-St. Paul, Minnesota, where local taxing jurisdictions now share about 28% of the region's property tax base. But disputes over local real estate developments have led to a number of ad-hoc tax-sharing deals around the country, including at least one in suburban Denver.

It's unclear, however, whether tax-sharing agreements actually reduce competition among local jurisdictions for commercial and industrial development. In California, cities, counties, and school districts are increasingly coming into conflict over incorporation, annexation, redevelopment, and other boundary-drawing techniques that can affect the distribution of local tax revenue. (*CP&DR Special Report: Drawing Boundaries*, March 1987.) In Sacramento, the debate over the incorporation of tax-rich

Continued on page 5

Landowners May Fight Natomas Settlement

Environmentalists, city officials, and the Sacramento Sports Association have finally reached an out-of-court settlement on a slew of lawsuits challenging development of the 10,000-acre North Natomas area — but other landowners in the area say they may not go along with the deal.

The lawsuits by the Environmental Council of Sacramento (ECOS) were filed after the city approved the North Natomas Community Plan, designed to guide development in the now-rural area and accommodate construction of a baseball stadium and basketball arena.

Major-league sports has become a major public issue in Sacramento, and the Sacramento Sports Association, which own the Sacramento Kings basketball team and land in North Natomas, succeeded in linking the sports issue and the development of the North Natomas area. Environmentalists challenged the legal adequacy of the North Natomas plan on several grounds.

Though some observers argue that ECOS did not have a strong legal case (the group had lost several rounds in court), ECOS president Mike Eaton insisted that the settlement is "more than a graceful retreat for us. We think it's real progress." And, in fact, the agreement does include Sacramento's commitment to impose housing and transportation requirements on developers citywide, not just in North Natomas.

Continued on page 6

Losers Appeal Decision in S.F. Office Competition

The losers in San Francisco's so-called "beauty contest" for downtown office buildings have appealed the Planning Commission's decision to the Board of Permit Appeals.

In July, at the recommendation of Planning Director Dean Macris, the Planning Commission approved three large downtown projects: 600 California St., which will serve as the new home of the Federal Home Loan Bank; 235 Pine, a 147,000-square-foot speculative office building; and 343 Sansome, a Gerald Hines project whose lead tenant is Wells Fargo Bank. Two other buildings were considered but rejected.

The "beauty contest" came about after San Francisco imposed a 950,000-square-foot annual limitation on office space in its downtown plan. Last November, that figure was cut to 475,000 square feet per year by Proposition M. It is called a beauty contest because architectural quality is among the criteria for selection, though marketability of the project is also an important consideration.

In the first round of competition last year, the Planning Commission rejected all projects, partly because the San Francisco office market was glutted. This year, Macris stirred controversy by recommending three projects in the Financial District, even though the downtown plan calls for the steering of development away from that area.

In fact, the developers of two South of Market projects which were rejected by Macris took out newspapers ads criticizing the planning director and urging readers to complain to Mayor Dianne Feinstein about the concentration of new development in the Financial District.

Both Macris and Amit Ghosh, director of comprehensive planning, said that because of the tight space limitation under Proposition M, market considerations played a less important role this year than last year. However, both said that significant evidence of pre-leasing and market need were present in all winners. By contrast, the city planning department criticized at least one of the South of Market projects for its lack of pre-leasing.

Contacts: Dean Macris, planning director, (415) 558-6411.
Amit Ghosh, director of comprehensive planning, (415) 558-6264.

UPDATE

Raiders Head for Irwindale — But Roadblocks Loom Ahead

Apparently no one wants the Raiders football team to move to Irwindale except officials in Irwindale.

In August, the dusty San Gabriel Valley city of 1,000 people made Al Davis, the Raiders' nomadic managing general partner, an offer he couldn't refuse: a loan of $115 million which the Raiders could use to build a stadium in Irwindale that the team would own. (*CP&DR*, August 1987.) Late in the month, the city sweetened the pot by offering Davis $10 million in up-front cash — forfeitable if the stadium is not built. Davis accepted the offer and announced he would move the team from the Los Angeles Coliseum to Irwindale in 1991.

The $10 million apparently came from the city's $35 million in accumulated tax-increment funds, gathered through redevelopment from commercial and industrial taxpayers such as Miller Brewing Co. and Home Savings of America.

Almost immediately, however, other public entities moved to block the shift of the Raiders, who came to the Coliseum from Oakland in 1982 only after duel-to-the-death legal battles with both the National Football League and the City of Oakland.

First, Los Angeles County indicated it may not permit Irwindale to build a parking garage for the stadium on land the county leases from the Army Corps of Engineers. Then, Assemblyman Mike Roos, D-Los Angeles, introduced legislation that would prohibit any city from floating bonds to finance a stadium that would compete with an existing publicly owned facility. Irwindale plans to float $80 million in taxable revenue bonds and $10 million in tax-exempt general obligation bonds for the Raiders stadium.

The Irwindale story received massive publicity all over the country, even making the front page of The New York Times. As for television, Johnny Carson phoned Irwindale's public relations consultant, Xavier Hermasillo, on the air one night and asked what inducements the city might offer *The Tonight Show* to move from Burbank.

"I don't know, that's tough," Hermasillo said. "You're not exactly Al Davis."

Quipped Carson: "Well, you're not Tom Bradley, either."

Coronado Manager Picked As S.D. County Planning Chief

San Diego County, which relieved Planning Director Walter Ladwig of his duties in June, has chosen Coronado City Manager Ray Silver to succeed him.

The 38-year-old Silver was expected to start his new job on Sept. 18. He will oversee a department with 200 employees and a $9 million budget.

Currently Ladwig is working in the office of the county's chief administrative officer, Norman Hickey. Last year, a study of the planning department concluded that it was inefficiently run. When Ladwig was removed from his job, Deputy CAO Lari Sheehan said the decision had nothing to do with his professional ability, but, rather, with the county's "shifting philosophy" on development issues. (*CP&DR*, July 1987.)

Silver had been city manager in Coronado for eight years. He leaves that city in the midst of a building boom.

CALIFORNIA PLANNING & DEVELOPMENT REPORT

is published monthly by Torf Fulton Associates

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

Subscriptions:
8306 Wilshire Blvd., Suite 111
Beverly Hills, California 90211

Editor & Publisher: William Fulton
ISSN No. 0891-382X

COURT CASES

Newport Beach Housing Policies Are Fair, Judge Rules

The city of Newport Beach has won a favorable decision in a housing discrimination case that poverty lawyers hoped would be an important landmark similar to New Jersey's *Mt. Laurel* ruling.

In a case that stretches back several years, the Legal Aid Society of Orange County had charged that Newport Beach's zoning and general plan policies discriminated against low-income people.

Ruling Aug. 20 in *Olive Davis v. City of Newport Beach*, Orange County Superior Court Judge Leonard Goldstein said that while he was "sensitive" to the question of housing discrimination in Newport Beach, "sensitivity is not a substitute for proof and cannot overcome the lack of credible evidence."

Although an appeal seems likely, Crystal Sims, who tried the case for Legal Aid, said a final decision on that matter will wait until Goldstein's written ruling, outlining the grounds for his decision in detail, is handed down.

The *Davis* case was simply the latest chapter in a long history of acrimonious litigation between Legal Aid and Newport Beach. The trial took 11 months and so far the case has cost the city $1.2 million in legal fees.

Representing the low-income resident of a Santa Ana mobile home park, Sims argued that the city's policies, intentional or not, had created a discriminatory situation that must be corrected. This is similar to the reasoning used by the New Jersey Supreme Court 12 years ago in the *Mt. Laurel* decision, which placed an affirmative obligation on the shoulders of local governments to provide low- and moderate-income housing.

The city's lawyers argued that given the high land prices in Newport Beach, affordable housing is difficult to create even with the city's help. Mayor Pro Tem Evelyn R. Hart called Goldstein's ruling "an important case for the cities of California," protecting their right of home rule in zoning matters.

Despite the loss, Sims said because of the Davis lawsuit, Newport Beach had changed its housing policies to make them somewhat less discriminatory. She noted that the city rejoined the federal Community Development Block Grant program, increased housing densities, joined a mortgage-revenue bond program and created an inclusionary housing requirement, and changed the language in the housing element of its general plan.

However, Leonard Hampel of Rutan & Tucker in Costa Mesa, who represented the city, said said it was "baloney" for Sims to take credit for such changes. In fact, he claimed, Sims challenged many of those changes in court as inadequate at the time they were considered. He termed Sims' tactics "harassment."

Contacts: Crystal Sims, Orange County Legal Aid, (714) 825-8806.
Leonard Hampel, Rutan & Tucker, (714) 641-5100.

'Special Tax' for Santa Clarita Schools Upheld

A Los Angeles judge has ruled that five school districts in the Santa Clarita Valley have the power to levy "special taxes" of up to $6,200 on new homes, but the Building Industry Association plans to appeal the ruling.

In late August, Superior Court Judge Jerome K. Fields ruled that Proposition 62, passed by the voters last November, did not eliminate a school district's right to levy a special tax as it was defined in Proposition 13.

The Santa Clarita Valley is a rapidly growing area north of the San Fernando Valley which includes such communities as Newhall, Saugus, and Valencia. It has been the focus of much debate between the development community and local residents, who are attempting to incorporate.

In June, voters in the five districts decided overwhelmingly to levy special taxes of between $5,400 and $6,200 on new homeowners in order to pay for the additional schools made necessary by the new construction.

School officials say they resorted to the tax because the $1.50-per-square-foot fee allowed by state law probably wouldn't generate enough money to pay for the schools, while negotiations with developers for Mello-Roos assessment districts had hit rough sledding. The end result is very similar to what would have occurred if Mello-Roos districts had been established.

The Building Industry Association went all the way to the state Supreme Court in an unsuccessful attempt to block the election. After the new tax passed, the BIA challenged it on Proposition 62 grounds.

In essence, the BIA argued that, although Proposition 13 gives districts the power to levy "special taxes," those districts require enabling legislation to do so — and Proposition 62 took away that enabling legislation.

However, Judge Fields said that the special taxing power of Proposition 13 is embedded in the state constitution and does not require legislation before it may be used by school districts. BIA attorney Al Kaufer said the decision would be appealed.

Contacts: Terry Dixon, school districts' lawyer, (714) 851-1300.
Al Kaufer, BIA lawyer, (213) 612-7828.

Court Upholds Berkeley Action on Low-Income Housing

Cities do not need voter approval to locate and construct specific public housing projects so long as they have "general voter approval" for the goal of public housing, an appellate court in San Francisco has ruled.

In a ruling hailed by low-income housing advocates, the First District Court of Appeal ruled that the city of Berkeley did not have to ask voters to ratify plans to construct 75 low-income units around the city.

In two ballot measures in 1977 and 1981, Berkeley received voter approval to construct 500 units of low-income housing. After only a small percentage of that 500 was constructed, the city council approved a 75-unit project in 1984.

In 1985, however, five residents sued, claiming that voter approval for the project was required under Article XXXIV of the state Constitution, which requires voter approval for any "low rent housing project ... developed, constructed, or owned ... by any state public body."

The residents claimed that this provision required an election on the 75-unit project. Writing for the court in *Davis v. City of Berkeley*, , A036530, Justice John Racanelli concluded that "only ... *general authority* to pursue a public housing project must be sought from the voters."

The full text of this case appeared on page 4626 of the Los Angeles Daily Journal Daily Appellate Report (July 30).

Local Opposition to Redevelopment Grows

Continued from page 1

These three developments — and particularly the defeat of the two Orange County redevelopment plans — appear to reflect what one redevelopment official called the "changing dynamics" of the redevelopment game in California.

If Anaheim and Huntington Beach are any indication, cities are looking to redevelopment powers more and more to finance transportation improvements they can't otherwise obtain. But under recent legislation and case law, "project area committees" required in redevelopment areas have become far more independent and vocal. This has opened the door for lawyers and knowledgeable citizen activists to play a far greater role in opposing redevelopment projects.

In all three instances listed above, citizen fear of eminent domain appeared to be the driving force behind opposition to redevelopment.

And though they were not directly involved in each instance, anti-redevelopment activists Sherry Passmore and Christopher Sutton have apparently helped shaped that opposition. Passmore is a Temple City homeowner who heads a loose network of citizens opposed to use of eminent domain, while Sutton is a lawyer with the Pasadena firm of Gronemeier, Barker & Huerta who specializes in representing redevelopment opponents.

In Huntington Beach, the project area committee engaged Passmore as consultant and Sutton as attorney. In Anaheim, Sutton advised local residents, though only after the pivotal hearing in early July when 2,000 citizens appeared. As for the paper subdivision bill, the lobbying of Passmore and her network appears to have been almost completely responsible for killing it.

Continued on page 5

Details of Three Failed Efforts in Redevelopment

Here are the details of the three recent instances where redevelopment has had rough sledding:

Anaheim

Anaheim's redevelopment proposal was one of the most ambitious anywhere in the state in recent years — a 4,300-acre project area that included Disneyland and nearby hotels as well as many residential neighborhoods, some deteriorating and some stable.

According to Norm Priest, Anaheim's redevelopment director, the meat of the redevelopment proposal was an ambitious transportation improvement plan that included street improvements and a people-mover. Over the 35-year life of the project, redevelopment was to kick in $400 million for transportation.

However, the project area also included many residential neighborhoods. While Priest acknowledges that Anaheim intended to use redevelopment powers in some rundown areas, he also claims that the city hoped to use tax-increment funds to help stabilize and improve other residential neighborhoods.

Apparently, many property owners first heard of the redevelopment project when they received registered letters, standard in the redevelopment business, describing the city's power of eminent domain in the area. Priest claims rumors were circulated that the redevelopment proposal was a ruse to allow the razing of residential neighborhoods and "a ploy for Disneyland's expansion", both of which he said were untrue.

In any event, after the early July hearing attended by 2,000 people, the city dropped the redevelopment proposal. Priest said Anaheim has no alternate plan at the moment to fund the transportation improvements.

Contact: Norm Priest, Anaheim Redevelopment Agency, (714) 999-5164.

Huntington Beach

According to redevelopment planner Steve Kohler, financing transportation improvements was also a principal reason for Huntington Beach's desire to institute a redevelopment project area along Beach Boulevard. But the city also wanted to use redevelopment powers to guide the development of the area, now a hodge-podge of land uses, and the project area committee objected from the beginning.

Kohler acknowledged that the redevelopment plan included a budget for assembling land through eminent domain. He said the city was at odds with the project area committee for the entire nine months the plan was under consideration.

The PAC claimed that the area was not blighted because private development was occurring. And city officials don't disagree that this was happening to some extent.

Al Robertson, a principal with Katz Hollis Coren & Associates, the city's redevelopment consultant, said that during the time the plan was being drawn up, almost half of the blighted parcels in the project area were redeveloped privately. Kohler acknowledged that such private development was occurring, but asked, "Is it the kind of redevelopment that we want?"

In early July, after an eight-hour public hearing, the city council voted 5-2 not to approve the redevelopment plan. Shortly after the vote City Manager Charles Thompson resigned, although some observers say his decision was not directly related to the redevelopment vote.

Contacts: Steve Kohler, Huntington Beach, (714) 536-5376.
Al Robertson, Katz Hollis, (213) 629-3065.

The Bergeson Bill

SB 442 was part of a four-bill package prepared by Marian Bergeson, who chairs the state Senate Local Government Committee, and Madelyn Glickfeld, a Malibu planning consultant hired by the committee.

Glickfeld had discovered that at least 400,000 "paper" lots exist in California, and that speculation on them was apparently on the rise.

Seeking to stem this tide of speculation on unbuildable lots, Bergeson introduced a package of bills designed to make it easier for private property owners to band together and redraw boundary lines in paper subdivisions. The guts of SB 442 would have allowed cities to use their redevelopment powers — most particularly eminent domain — to help these private land associations buy up the holdout landowners.

Bergeson had lined up an impressive array of supporters from all across the political spectrum, but she didn't count on Sherry Passmore, the anti-redevelopment activist from Temple City.

Passmore vehemently opposed the bill, fearing that its provisions could be used to break up existing, stable neighborhoods. She lobbied hard against it, saying it would allow local governments to "bail out illegal subdividers."

Bergeson made several amendments to the bill. First she agreed to prohibit its use in neighborhoods more than 20% developed. Later she offered to strike the eminent domain provisions altogether. However, Passmore continued to oppose the bill, and in late August it died in an Assembly Ways & Means subcommittee on a 3-3 vote.

Technically Bergeson could revive the bill, but it is uncertain whether the Local Government Committee chairman, a Republican from Orange County, will do so given the fact that it is opposed by activists who say it would harm private property rights.

Contacts: Senate Local Government Committee, (916) 445-9748.
Madelyn Glickfeld, planning consultant, (213) 456-2217.
Sherry Passmore, redevelopment opponent, (818) 447-5500.

Local Opposition to Redevelopment Grows

Continued from page 4

These anti-redevelopment activists are not always successful, however. Both Sutton and Passmore were involved in an attempt last year to kill a redevelopment project in Baldwin Park and recall members of the city council who supported it. After residential neighborhoods were deleted from the project area, voters approved the redevelopment plan in November. And while the members of the council were recalled, two of them (and the widow of the third) subsequently regained their seats.

Currently, Sutton is also representing Save Hollywood Our Town (SHOT), which has launched a legal attack on the Hollywood redevelopment project.

Both Sutton and Passmore claim that a city's eminent domain powers under redevelopment are often used to benefit big development interests at the expense of residents and small business owners. Passmore said her vigorous opposition to redevelopment arose after she saw friends bankrupted by the cost of eminent domain proceedings against them. Sutton, who was an anti-redevelopment activist in Pasadena before he became a lawyer, calls redevelopment "a political tool to get rid of property owners you don't like."

Sutton's firm played a critical role in shaping the current redevelopment environment by winning an important case in Downey two years ago. The case, which is now on appeal, established that project area committees must include representatives elected from the area proposed for redevelopment. Many city officials believe, as Huntington Beach redevelopment planner Steve Kohler puts it, that this leads to "self-selection for those who have the most worries, concerns, or fears."

Kohler said he and other redevelopment officials from around the state will discuss the new citizen movement — and possible responses to it — in sessions at the regional conference of the National Association of Housing and Redevelopment Officials (NAHRO) in Monterey Nov. 15-17.

Contact: Christopher Sutton, Gronemeier, Barker & Huerta, (818) 796-4086.

Boundary Fights Lead to Tax-Sharing Debate

Continued from page 1

Citrus Heights has led to public discussion on the possibility of metropolitan tax-sharing, as well as a consolidated metropolitan government.

In part, the reason for this heightened competition among local jurisdictions is the fact that Proposition 13's tax limitations made local government finance a "zero-sum game". As one legislative staffer put it, that means any reform proposal has financial losers who are "easily identified and easily mobilized."

But one advocate of tax-sharing argues that, in the long run, tax-sharing is not a zero-sum game. Marshall Kaplan, dean of the University of Colorado's Graduate School of Public Affairs in Denver, said that because development patterns shift over time, winners and losers shift as well.

Kaplan claimed that if tax-sharing catches on, it will be because local officials understand they can win or lose in long-term cycles. "It's important to understand that the economy of metropolitan areas change; some places go up in a certain cycle and some go down," he said. "What tax-sharing does is even out the cycles."

Kaplan said turf battles in Colorado are just as fierce as they are in California. "Annexation is wrongly perceived by communities as economic development," he said. But he added that the recent weak economy in Denver has bred more cooperation.

Recently in Colorado, tax-starved Denver and the suburban city of Aurora agreed to share taxes as part of a larger compact involving the development of a suburban shopping center. According to Thomas A. Gougeon, an aide to Denver Mayor Frederico Pena, the shopping center is surrounded on three sides by Denver even though the developer wanted to annex it to Aurora.

After considerable negotiation, the two cities agreed to annex the site to Aurora, reduce the size of the proposed shopping center, conduct site and transportation planning jointly, and split the local sales tax revenue. At first, the Aurora/Denver split will be 90/10, because Aurora is paying off infrastructure improvements. After the infrastructure is paid for, Denver's share will increase to 25%.

In Colorado, such a tax-sharing arrangement can be authorized by a simple intergovernmental agreement. In California, it would require approval of voters in both jurisdictions.

Perhaps the most striking example of Kaplan's point about long-term shifts is Minneapolis, which for many years was a financial winner in the Twin Cities' fiscal disparities program. But commercial and industrial development has been so strong in Minneapolis in recent years that the city now contributes more to the metropolitan tax-base pool than it receives.

Under the fiscal disparities program, which has been in place there for 16 years, local jurisdictions share not tax *dollars*, but tax *base*. Each community in the region must contribute 40% of the increases in its commercial and industrial property tax base — new growth and increased assessments — into a metropolitan pool, which is then redistributed according to need, as determined by population and tax base. Each community then levies the same tax rate on its share of the pooled tax base as it does on its own tax base.

Participants in the program include 195 cities and townships, seven counties, and 50 school districts. Local sales tax revenue, which has become strategically important in California and elsewhere, is not shared.

According to the Citizens League, a Twin Cities civic organization, this year the pooled portion of the tax base reached $1.5 billion, or about 28% of the metropolitan total. (This figure has risen from 6.7% in 1975 and 16.2% in 1981.)

The fiscal disparities law does in fact narrow the gap between the wealthiest and the poorest communities. According to the Citizens League, the commercial-industrial tax base gap is cut from about 18:1 to about 4.5:1. Under tax-sharing, the per-capita tax base (commercial and industrial only) in the affluent suburb of Eden Prairie is shaved from about $6,400 to about $4,400. In the depressed rural area of Champlin, it is boosted from about $400 to about $1,200.

Charles Weaver, a Minneapolis lawyer who helped draft the fiscal disparities law as a state legislator, said he believes that the program has, to some extent, reduced competition for land uses.

"It (new development) has become much less a matter of concern," Weaver said. "It used to be a matter of survival." He acknowledged that competition for jobs is still an important factor, however.

Paul Gilje of the Citizens League has a different view. "Cities are doing everything they can do to get development within their boundaries," he said. "There's no question that competition for commercial and industrial development has accelerated. I think it's jobs, prestige, and also land ownership. The people who own the land want to make as much money as possible."

Though it hasn't reduced competition for big tax generators, Gilje said, it has encouraged communities to stop zoning out low tax generators such as small houses.

Contacts: Marshall Kaplan, University of Colorado at Denver, (303) 556-2825.
Tom Gougeon, Denver mayor's office, (303) 575-2721.
Paul Gilje, Citizens League, Minneapolis, (612) 338-0791.
Charles Weaver, Minneapolis attorney, (612) 338-6610.

Landowners May Fight Natomas Settlement

Continued from page 1

But other landowners appear to feel that they have not been well represented by Sports Association chief Gregg Lukenbill, who has been the highest-profile landowner in the negotiations. The other landowners are also party to the lawsuits.

After several months of negotiation, the city council approved an agreement that included the following points:

- Developers will construct a drainage canal inside a public greenbelt that, environmentalists hope, will serve as the northern limit for growth in the city.
- The developers will use the earth from the drainage canal to construct an adjacent levee for flood-control purposes.
- Developers will finance a study on the adequacy transportation proposals in the area.
- The city will require major commercial and industrial developers throughout the city to create one new housing unit or pay $3,800 for every 15 jobs their developments create.
- The city will also require all major employers to participate in ridesharing, staggered work programs, and other methods to reduce traffic congestion.

Unresolved is the question of airport noise, which may require some proposed housing units to be shifted from one part of the development to another. Eaton said the geographical distribution does not concern him so long as the jobs-housing ratio called for in the community plan is not disrupted.

However, four other large landowners in the North Natomas area may not go along with the Sports Association's deal. Attorney Greg Thatch, who represents owners of 1,200 acres of land in the area, said his clients were not part of the settlement negotiations.

Although Thatch said the other parties now are discussing the settlement with him, he added that his clients have serious problems with the proposed agreement. One problem, he said, is the greenbelt and levee.

One of his clients owns property north of the urban greenbelt, beyond what environmentalists hope will be the urban limit. But Thatch also said that he is skeptical as to whether the levee will truly serve to control flooding, or will instead control urban growth. "It ought not be a symbol," he said.

Thatch's other objection concerns the airport noise question. He said he fears that if housing is transferred from the airport noise corridor to elsewhere in North Natomas, it will wind up on his clients' property -- even though, he said, they are already heavily committed to construction of housing and the Sports Association is not.

"If you're going to transfer the housing, fine ", he said. "Just don't do it to our land."

Contacts: Mike Eaton, ECOS, (916) 447-6099.
Greg Thatch, attorney for landowners, (916) 443-6956.

BRIEFS

Private developers will pay for a specific plan for the Center City West area of Los Angeles, which has been subject to heavy land speculation in recent years.

Center City West Associates will fork over an estimated $300,000 to ensure that the specific plan will be prepared in the near future. A memorandum of understanding, however, makes it clear that the city will control the planning process.

Center City West is located between the Harbor Freeway and Macarthur Park. As downtown property has become more expensive, developers have looked to the area in hopes of constructing less expensive downtown-type development. The existing community plan, however, calls for low densities.

The City of Santee failed in an attempt to block San Diego County from building a temporary 600-bed jail next to an existing detention facility.

San Diego Superior Court Judge Andrew G. Wagner refused to issue a temporary restraining order Aug. 24. Santee wanted the TRO to block construction while an environmental impact report was done, but Wagner said the county was not so far along in the process that a TRO was needed.

The county plans to spend $6 million on the temporary jail next to the Los Colinas Women's Detention Facility until a new jail in Otay Mesa is completed.

Biggest surprise of the month: Thirteen of California's 15 fastest-growing cities are in the south, according to the Center for the Continuing Study of the California Economy.

No. 1 is Palmdale, which has experienced a 40% population increase since last year and a 130% jump since 1980. The center's growth index also takes into account retail sales, per capital income, and job growth. No. 2 is the Contra Costa community of Hercules. The only other northern city on the list is Folsom, near Sacramento.

Growth among counties was more evenly distributed geographically. Though Riverside and San Bernardino ranked 1-2, seven of the top ten counties lie north of the Tehachapis. Last year's top-ranked county, San Luis Obispo, slipped to fifth this year.

A $50-a-day fine for zoning violations is under consideration by the El Cajon City Council.

Like other cities, El Cajon may now prosecute zoning violations as criminal infractions or misdemeanors. But prosecution can be slow and costly. Under the proposal prepared by City Attorney Lynn MacDougal, however, the $50-a-day fine would begin when the city orders a property owner to cease the violation, and the city could demand payment or even place a lien on the property.

An appellate court has confirmed what local officials have known all along: At least some city planners are public figures.

Specifically, the Second District Court of Appeal ruled that James A. Webber, who had been fired from his job as a planner with San Luis Obispo County, is a "public figure" under law. The ruling makes it more difficult for Webber to win a libel suit against the Telegram-Tribune, which in 1982 described letters he wrote to county supervisors as threatening.

Seeking reinstatement to his job, Webber wrote letters to several people, including one to superior court judges demanding they intercede on his behalf or else he would throw a cup of gasoline and a lighted cigarette in the face of any supervisor who opposed his reinstatement.

But in *Webber v. Telegram-Tribune*, 2d Civ. B017381, the appellate court ruled that by taking such action, Webber had intentionally created a newsworthy story and made himself part of it, rendering himself a public figure.

Private developers will pay for half of Sacramento's new $67 million central library and integrate the facility into a downtown office complex, according to a plan approved by the city council there in early August.

The entire complex, known as Library Plaza, is scheduled to include a five-story, 120,000-square-foot library, an 11-story office building, a 700-car parking garage, and a galleria. As with downtown Los Angeles's library renovation, which was also funded in part by private office developers, the new library may not be built unless the development team decides to proceed with the office building.