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Legislature Grapples With Growth Issue

As the 1989-90 legislative session opens in Sacramento, growth management appears to be a "live" issue — but it also appears to be a vexing one, as legislators struggle for proposals that hold the promise of both practical value and political acceptance.

"It would be a foolish political mistake to conclude that the growth revolt is over," State Sen. Marian Bergeson, chair of the Senate Local Government Committee, declared at a hearing in December on growth issues in December. To work through the growth issue, she added: "Leadership is needed."

Yet if testimony at the Bergeson hearing is any indication, few opportunities for state leadership exist, given the conflicting interests of cities, counties, builders, and environmentalists. And it is questionable whether legislative interest in the growth issue will rise, given the high-profile defeats of slow-growth initiatives in Riverside and San Diego last November. Only a few legislators, notably Republican Bergeson and Democratic Sen. Robert Presley of Riverside, have made growth a high-priority item.

Last year, the slow-growth movement emerged as a highly visible political force for the first time, especially in Southern California. With the assistance of some environmental lobbyists, slow-growthers were able to play an important role in stopping some builder-sponsored legislation aimed at reining in local initiative powers. Despite their best efforts, however, slow-growth leaders found themselves unable to *Continued on page 5*

Ballot Affects Growth In Seattle, Cape Cod

Ballot measures are beginning to play an important role in growth battles in some areas outside California.

The Massachusetts legislature is grappling with growth restrictions on Cape Cod as a result of non-binding measures approved by voters there in November. And the Seattle City Council has imposed a six-month moratorium on development in that city's booming downtown because of a threatened ballot initiative scheduled for this spring.

Cape Cod voters approved the idea of a building moratorium by a remarkable 71%-29% in the November election. In a separate measure, 73% approved the idea of creating a powerful regional planning commission, similar to the old California Coastal Commission, that would have veto power over individual development projects.

The ballot measures were the brainchild of former U.S. Sen. Paul Tsongas, a Boston lawyer who chairs Gov. Michael Dukakis's Special Committee on Environmental Operations.

Boston's newfound prosperity in the 1980s has brought tremendous growth pressure to the Cape, a narrow, winding, scenic peninsula on the Atlantic Ocean only 40 miles from Boston. Population has grown more than 70% in 15 years, while the value of building permits quadrupled between 1982 and 1987.

Rapid growth on the Cape has also threatened the water supply, leading the federal Environmental Protection Agency to threaten its own moratorium. *Continued on page 6*

Yaroslavsky Withdraws From L.A. Mayor's Race

After months of political maneuvering on growth issues, Los Angeles Mayor Tom Bradley has succeeded in muscling City Council Member Zev Yaroslavsky out of the mayor's race.

Yaroslavsky, who co-sponsored the slow-growth initiative Proposition U in 1986, had hoped to challenge Bradley by exploiting his supposed weakness on growth and development. However, on Jan. 6, Yaroslavsky announced that he would not run against Bradley this spring and, instead, will have to defend his own seat against slow-growth challengers, including Laura Lake, president of Friends of Westwood, a high-profile slow-growth citizen group. His withdrawal leaves Bradley with virtually no opposition.

Yaroslavsky's decision not to run against Bradley came only a few days after the mayor outmaneuvered him on a controversial project in his own district — the proposed expansion of the Westside Pavilion shopping mall in West Los Angeles. Several citizen groups had been jousting with developers over the expansion of the mall. Just before Christmas, when a new proposal with a smaller addition and more parking spaces was brought forth, the city council approved it unanimously, but some citizen groups continued to oppose it. However, Bradley then made headlines by vetoing the council's action, even though his staff had made no objections to it prior to the council vote. *Continued on page 6*

Port of Oakland to Emphasize Real Estate

The Port of Oakland has restructured its staff to place greater emphasis on real estate development, leading its top executive to resign.

Executive Director Walter Abernathy quit after the port's commissioners decided to split the top job into two separate positions, one dealing with port and airport activities and the other directing real estate operations.

The switch does not necessarily mean a dramatic shift in the port's priorities, according to Douglas Higgins, a rubber company executive who serves as president of the port commission. However, Higgins added, the commission hopes to triple the port's current $6-million-per-year real estate income and indicated that Abernathy had not filled the bill. "What we're looking for is achievement," Higgins said. As for the restructuring, he added: "We realized there is a significant distinction between the lines of business involving transportation and real estate development."

Under the reorganization plan, the port will hire a transportation director in charge of port and airport operations, a director of real estate development, and a chief executive officer above them. As the top official, Abernathy oversaw three directors, one each for aviation, maritime, and real estate. Apparently Abernathy was considered for the new transportation director job but not the top spot.

Higgins said the reorganization came about partly because the commission feared for the competitiveness of the port, which is operated by the city of Oakland. Though Oakland is not losing business, it is not growing as rapidly as Los Angeles-Long Beach, which is closer to American markets, and Seattle, which is cl to Asia by ship. Oakland's market share of West Coast containerized cargo has dropped from 40% a decade ago to only 14% today. The reorganization came about after several consultants studies, most recently from Kibel, Green Inc., criticized the management's effectiveness and suggested a change in direction was needed.

The port, which controls more than 15,000 acres of mostly undeveloped land, is already deeply involved in non-transportation-related real estate developments, including the $125 million Jack London Square, a mixed-use, mostly commercial waterfront project. Real estate currently accounts for less than 10% of port's revenue, compared with almost 90% for transportation-related functions.

Higgins pointed out that even if the real estate income tripled, to about $18 million, it would still be a small minority of the port's overall revenue. But Abernathy said he is wary of the port's plans to concentrate on providing commercial and industrial space for growing non-transportation facilities, such as biotechnology. "We're not a biotech company," he said.

At $140,000 per year, Abernathy was the Bay Area's highest-paid public official. He had served as executive director for 11 years and had been with the port for 24 years. He said his resignation will become official on Feb. 1.

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Annexation Agreements May Be Affected by Ruling

Annexations could become more difficult under an attorney general's opinion regarding city-county tax negotiations.

In Opinion No. 88-501, the Attorney General's Office concluded that if cities and counties do not agree on a new property tax split within a 30-day negotiating period established by state law, the annexation effort cannot continue.

"There's no question it often takes longer than 30 days," said Bill Davis, executive officer of the Local Agency Formation Commission in San Mateo County. "You can hardly get anything on a Board of Supervisors' agenda in 30 days."

Under law, a city and county are given 30 days to negotiate a property tax agreement after they receive notice that an annexation application is filed. The AG's opinion concluded that the law means what it says: If an agreement is reached more than 30 days after notice is received, the agreement is void and the annexation application is terminated.

The opinion's ruling, however, may not be as far-reaching as it would first appear. For one thing, many cities and counties have negotiated "master" tax agreements that automatically kick into effect if an annexation application is received. For another, annexation experts such as Davis believe that past annexations are not affected by this opinion because, three times per year, the legislature passes so-called "validating" legislation, which forgives local governments minor technical violations of law in their recent actions.

The AG's opinion was requested by Stanislaus County, which had exceeded the 30-day limit in negotiating two annexations with the City of Modesto. According to LAFCO Officer Ron Freitas, the anenxation proposals involved a fully developed 140-acre tract of land whose property owners wanted to join Modesto's sewer system. But the master tax agreement in the county did not apply to this particular tract, since the area's low level of public services made a mutually agreeable tax split more difficult to obtain. This same problem arose when the city and county started the 30-day negotiation.

"They're dead," Freitas said of the two annexation proposals now that the AG's opinion has been issued. New applications could be filed, but Freitas indicated that the same sticky negotiating points would probably come up.

Attorney General's Opinion No. 88-501 appeared in the Los Angeles Daily Journal Daily Appellate Report on Dec. 18, beginning at page 15448.

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COURT CASES

Specific Votes Needed to Approve Low-Income Housing

In a ruling that could have broad implications for public housing projects, the California Supreme Court has ruled that voters must approve such projects based on specific information about where they will be located, not just general information about the number of units to be constructed.

"We conclude that the plain language of article XXXIV (of the state constitution) requires voter approval of specific housing projects," Justice Stanley Mosk wrote for the majority in a 4-3 ruling in *Davis v. City of Berkeley*. "It is not enough for a locality to obtain prospective authority to formulate and implement public housing policy within broadly defined limits."

The ruling will effectively stop the common practice of asking for voters to approve a certain number of public housing units without specifying the size or location of particular projects. Estimates are that some as-yet unbuilt 70,000 housing units have been approved in California under such elections, with 30,000 in the City of Los Angeles alone.

The ruling struck down two city elections in Berkeley authorizing 500 units of public housing in that city. In 1987, the Court of Appeal in San Francisco affirmed the validity of those elections (*CP&DR*, September 1987). In overturning the lower court ruling, however, Mosk wrote: "While we reject plaintiffs' contention that the specific site and design of each proposed housing development must be submitted for voter approval, we conclude that the relationship between the undifferentiated block of 500 units approved by the city's electorate and (a) subsequently developed 75-unit project is so a ated as to effectively empty (the constitutional requirements) o ignificance."

However, the ruling stopped short of requiring Berkeley to hold another election seeking voter approval for the 75-unit public housing project in question, which has been under construction while litigation has been going on.

Under the state constitution, no "low rent housing project" may be developed by a government agency without voter approval for "such project." Berkeley voters approved construction of 200 units of public housing in 1977 and authorized construction of 300 more in 1981. Subsequently, a 75-unit project was built under the authorization of these votes — but its legality was challenged by five neighborhood residents who objected to them.

In ruling against Berkeley, Mosk concluded: "(W)e emphasize that our holding should be understood to allow localities reasonably broad discretion to develop public housing in the manner they determine to be most effective and appropriate" — meaning subsequent voter approval is not needed for reductions in the number of units or locations added after the election. But, he said: "(L)ocal governments may not be permitted to completely disregard the plain language of article XXXIV."

In a dissenting opinion for a three-member minority, Justice John A. Arguelles criticized Mosk for reversing a method that has been standard policy up and down the state since the passage of this constitutional provision in 1950, affirmed by several attorney general's opinions and the legislature's implementation provisions. "It is difficult to understand why the majority pays so little heed to this long-standing and well-established application of article XXXIV," Arguelles wrote. He added that Mosk's opinion "will ... not only seriously set back the ongoing development plans of dozens of municipalities throughout the state ... but will also make it extremely difficult, and in many cases impossible, for this type of low-rent public housing to be successfully developed in the future, even when the voters of a community strongly favor such development."

The full text of Davis v. City of Berkeley, S002285, appeared in the Los Angeles Daily Journal Daily Appellate Report on December 21, beginning at page 15797.

Appellate Court Strikes Down Santa Clarita School Taxes

An appellate court has struck down expensive school exactions imposed on new housing units in the Santa Clarita Valley, declaring that school districts don't have the power to levy special taxes under Proposition 13.

The exactions, ranging between $5,400 and $6,200 per unit, were approved by voters as special taxes in five Santa Clarita school districts in June of 1987. The money was to be used to construct new schools required to accommodate children living in the new houses.

The Building Industry Association of Southern California sued almost immediately, claiming that Proposition 62, which passed in 1986, eliminated the right of a school district to levy a special tax as it was defined in Proposition 13. Los Angeles Superior Court Judge Jerome K. Fields ruled against the BIA. (*CP&DR*, September 1987.)

On appeal, however, a three-judge panel of the appellate court overturned Fields' ruling, saying that school districts can't impose special taxes and further ruling that the Santa Clarita exactions don't qualify as legitimate school development fees under state law.

In a unanimous opinion written by Justice Walter H. Croskey, th urt of Appeal agreed with the BIA that Proposition 62 did, in fa minate the school districts' ability to levy "special taxes." The court stated, however, that even before the passage of Proposition 62, the special tax provisions of Proposition 13 were not "self-executing" so far as school districts are concerned, meaning special legislation would have to be passed to permit such a tax to be levied.

The court therefore concluded that the Santa Clarita exactions were development fees — and, for that reason, illegal under the state's school fee law. Croskey called the exaction "a novel but transparent attempt by the school districts to circumvent the dollar limitations" imposed by the legislature on districts that want to impose development fees. The legislature has limited such fees to $1.50 per square foot for residential construction and 25 cents per square foot for commercial and industrial projects. School officials have openly acknowledged that the exaction was used because the normal school fees would not raise enough money and they had been unable to reach an agreement with developers to establish Mello-Roos financing districts. The final result of the exaction process was very similar to a Mello-Roos arrangement.

"The consequences of the normal 'developers vs. local governing bodies' roles have been reversed," Croskey noted somewhat wryly. "Whereas it is generally the developers who insist that a challenged exaction is a special tax and not a development fee (for the purpose of having it voided because it was not approved by two-thirds of the voters), here it is the school districts which are insisting that the exactions are special taxes and not development fees, for the purpose of avoiding the statutory limitation on such fees."

The full text of California BIA v. Newhall School District et al., B030733, appeared in the Los Angeles Daily Journal Daily Appellate Report on Dec. 2, beginning at page 14995.

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Fresno Planning Chief Permitted to Appeal Commission Rulings

Under a new system in Fresno, the planning director will be able to appeal some planning commission decisions to the city council — with the blessing of the state attorney general.

A recent attorney general's opinion concluded that under the state subdivision map act, a city planning director may appeal a planning commission's decision to the city council. That gives Fresno the go-ahead to modify its urban growth management (UGM) system, which is designed to pull more decisions down from the planning commission to the staff level.

According to Supervising Planner Gil Haro, the city staff devised a proposal to simplify the UGM process by not requiring city council approval for some applications. Instead, the planning staff would make the decision, appealable by the applicant to the planning commission and to the city council if necessary. But that left the question of how to handle to get a case before the city council if the planning commission agreed with the applicant and disagreed with the planning staff. The proposed solution was to grant the planning director a right of appeal. "We held that we already have that right under the map act," Haro said. "We wanted to make it expli[illegible] our local ordinance."

The San Joaquin chapter of the Building Industry Association wasn't sure, however, and asked pro-builder Assemblyman Jim Costa to seek an attorney general's opinion on the matter. In writing the opinion, Deputy Attorney General Clayton P. Roche agreed with the city's position.

The opinion turned on the question of whether the planning director is an "interested person adversely affected by the decision" within the meaning of the law (Government Code section 66452.5). In his opinion, Roche wrote that the planning director is an "interested person" because the director has an official interest in commission decisions that may not conform with local land-use planning ordinances.

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BRIEFS

The Planning and Conservation League is putting together a **$1-billion-plus rail bond issue** to be placed on the June 1990 ballot.

PCL appears to be using the same strategy that succeeded in the campaign for last June's $770-million park bond issue: obtain signature-gathering funds from specific interest groups, then earmark funds for those groups' pet projects.

In an issue paper, PCL pegged the cost needed for rail construction in urban areas at $13 billion.

The San Francisco Giants will stay in the Bay area — but where will they play?

Just before Christmas, Giants owner Bob Lurie made the commitment that the team wouldn't move out of the area. And likely stadium sites have been narrowed to two, downtown San Francisco and the City of Santa Clara.

San Francisco Mayor Art Agnos has revived the idea of a downtown stadium there, though on a different site than the one voters rejected last year. Meanwhile, Santa Clara is considering a site near the Great American theme park, though some local opposition has ben encountered.

California has added **a state the size of Maryland** since 1980 — and one larger than Utah in just the last three years, the U.S. Census Bureau estimates.

According to the Census Bureau's latest figures, California now has a population of about 28 million, having added 4.5 million in this decade and 1.8 million since 1985. If California's 1980s immigrants were a separate state, they would constitute the 20th-largest state in the union, with a population of about the size of Maryland, Washington, and Louisiana.

Over the past three years, no state has come even close to California's sheer numbers, though Florida, with less than half of California's population, added 1 million people during the three-year period. In percentage terms, California ranked sixth, behind Nevada (12.8%), New Hampshire (9.9%), Arizona (9.6%), Florida (8.9%), and Georgia (7.1%).

Sacramento developer Gregg Lukenbill may sell all or part of his interest in the Kings basketball team, the Hyatt Regency, and land surrounding his emerging sports complex, Sacramento newspapers report.

The Bee and the Union reported that Lukenbill is strapped financially because of the amount of cash he laid out up-front to purchase land, build the Arco Arena and other improvements in the sports complex, and invest in the Hyatt, which is running behind financial projections.

As recently as November, Lukenbill denied any cash-flow problems.

BART's real estate manager was placed on unpaid leave amid allegations that he was involved in a kickback scheme.

Michael Sharpe was placed on paid leave in September, when the FBI raided his office. However, in December, BART decided to stop paying his salary because of additional allegations, made on television, of a kickback scheme involving an appraiser.

Orange County slow-growthers have **admitted defeat in their attempt to recall two county supervisors.**

The effort was called off in December, when the slow-growth leaders acknowledged that they were far short of the 20,000-plus signatures needed to place the recall on the ballot.

The San Diego City Council has **placed a residential construction ban near Brown Field** in hopes of preserving it as a possible site for a new airport.

The one-year moratorium was imposed because Brown Field, in southerly Otay Mesa, and the Miramar Naval Air Station are the two most likely sites being considered by a committee charged with replacing Lindbergh Field.

However, Otay Mesa's councilman, Bob Filner, said Brown Field should be eliminated from consideration because considerable residential development has already taken place.

A vote on Southern California's clean-air plan **was postponed because of changes in an environmental impact report.**

James Lents, executive office of the South Coast Air Quality Management District, had set a Dec. 16 deadline for approval of the controversial plan. However, business interests seeking to postpone the plan discovered several technical deficiencies in the EIR, which forced the AQMD's legal staff to advise a delay.

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transcend municipal boundaries and establish their power on the county or regional level, which increasingly appears to be the primary growth battleground. Facing well-financed opposition from builders, countywide growth initiatives were defeated in Riverside, San Diego, and Orange counties. (*CP&DR*, December 1988.)

Legislators such as Bergeson and Presley do not necessarily agree with the slow-growthers' goal of severely restricting new construction. But they cannot craft successful legislation unless the slow-growthers, or some other interest group, can wield enough political clout in Sacramento to get the legislature's attention.

One pressure group with enough clout to move growth up Sacramento's legislative agenda is business. And indications are that business leaders outside the building industry are beginning to view traffic congestion and affordable housing as issues that must be dealt with in order to keep California competitive with other states. "Two of Orange County's largest employers are seriously considering moving out of the state," reported Robert Shelton, representing the California Business Roundtable, at Bergeson's mid-December hearing.

At that hearing, the Roundtable testified in favor of regional efforts to improve jobs-housing balance and increasing the amount of revenue available for construction of transportation facilities.

In policy terms, the biggest obstacle in constructing successful legislation appears to be in defining the role the state government should play in growth issues. Since traffic congestion, air pollution, and other growth-related issues spill across municipal boundaries, the state must determine whether, to address the growth issue, it must reorganize local government or oversee the locals more strictly.

This same question has been a big issue in growth management le[illegible]tion in other states. In Florida, after experimenting with local p[illegible]ng requirements similar to California's, the legislature passed a new set of laws requiring far stronger state review of local plans. (In fact, the second-generation Florida law was passed partly out of fear of California-style local growth initiatives.) By contrast, New Jersey passed a state planning law that permits negotiation between municipalities and the state on overall planning objectives. (*CP&DR*, August 1988.)

A staff report prepared by Bergeson's top local government aide, Peter Detwiler, identified three possible approaches to the state's role in California.

"First," Detwiler wrote, "(the state) could heed the advice of those who say that the current organization of state and local responsibilities will never result in meaningful change. This is a choice of grand restructuring which could involve the abolition of some governments in favor of new agencies with expanded duties and powers.

"The second choice is to accept existing government structures as they are but to accelerate the incremental changes that improve their decisions. The Legislature might require local decisions to be consistent with statewide goals and require that regional plans reinforce one another.

"In the third option," Detwiler added, "the Legislature would create the processes that bring about better policy choices at local and regional levels. Agencies would be told to adopt and adhere to growth management policies but the contents would be left up to them."

However, consensus on which option to choose is almost certainly a long way off. Not only are the interest groups in considerable disagreement over this issue, but the legislators on Bergeson's committees are worlds apart as well. At the December hearing, Sen. Reuben Ayala sharply questioned one witness by saying: "I suggest to you that the solutions ought to be in local government, not with the state of California." Yet Presley was equally adamant when he said: "I think local government has already demonstrated that they're not doing it (dealing with growth effectively), or else we wouldn't be in the pickle we're in. I think we've got to get into regional planning and that sort of thing."

In her questioning at the December hearing, Bergeson herself showed a willingness to dive into one of the touchiest aspects of the growth issue: the competition for taxes that drives the land-use decisions of many local governments. Cities often seek commercial or industrial development over new housing for revenue reasons, and counties sometimes encourage rural development or oppose city incorporations because, under state law, they lose most of their taxes to cities.

Virtually all the witnesses agreed that fiscal matters stand in the way of solutions on the growth issue. "No matter what we do, until we address the fiscalization of land use, everything we do will pale in comparison to Proposition 13," declared environmentalist Larry Orman, director of the San Francisco-based Greenbelt Alliance. "It is critical that we take the fiscal incentive out of land-use decision-making."

Some witnesses came up with ideas; the Business Roundtable proposed, for example, that regional transportation agencies should be given "block grant" funds as incentives for local governments to engage in better land-use planning. But because cities and counties both covet the tax revenue that new developments provide, their representatives quickly retreated into a "turf defense" on the funding question. Modesto Mayor Carol Whiteside, representing the League of California Cities, described a "turf battle of escalating importance" with the Stanislaus County government — but she naturally stopped short of recommending that the sales and property tax laws be revised so that counties get a larger share.

One idea which may be gathering support is the idea of state legislation to support regional planning efforts initiated at the local level. Such a concept was supported by environmentalists, some local officials, and business witnesses. But it remains to be seen whether legislation to permit bottom-up regional planning could be crafted without rendering regional planning the same sort of "paper tiger" it is now.

BRIEFS

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Who's rising fast in the real estate world?

INC. magazine ranked J.P. Rhoads Development Co. of Santa Ana as 21st on the INC. 500 listing of the fastest-growing small b[illegible]sses in the country. According to the magazine, Rhoads's sa[illegible] grew 7,000% between 1983 and 1987, from $464,000 to $33 million — while the number of employees increased from 18 to 22!

Other California developers on the list: A-M Homes of Santa Barbara (No. 142, with sales up 1,900%), Forecast Mortgage of Rancho Cucamonga (No. 159, with sales up 1,753%), and Glen Ivy Financial Group (No. 376, with sales up 838%).

Environmentalists in Sacramento are reorganizing in hopes of gaining more clout in development battles there.

The Environmental Coalition of Sacramento, or ECOS, is planning to convert itself from a coalition of 17 environmental groups into a dues-paying organization that will be more "pro-active" in nature.

ECOS has been highly visible in recent development fights in Sacramento. The organization forced significant concessions in the development of the vast North Natomas area and, more recently, has proposed an alternative plan for downtown Sacramento's R Street corridor, the subject of considerable controversy.

L.A. Approves New Plans for Hollywood, Westwood

As part of its ongoing community plan revisions, the City of Los Angeles has approved plans to restrict development in both Hollywood and Westwood.

City Council approval of the Hollywood community plan and the Westwood Village specific plan came on consecutive days in December, marking important steps in Los Angeles's transition to a much more tightly controlled city.

City Planning Director Kenneth Topping characterized the new Hollywood and Westwood Village plans are "kind of a transition" between L.A.'s old sky's-the-limit zoning and the city's new community-oriented planning process, which will presumably restrict development throughout many parts of the city. Though community plan revisions will be drawn up in the future with the involvement of permanent community planning boards, the Hollywood and Westwood plans were not.

Approval of the Hollywood plan was complicated by the fact that the council approved a redevelopment plan for Hollywood's core in 1986. The downward revisions in the larger community planning area necessarily mean downward revisions in the expected redevelopment build-out as well. Though Hollywood councilman Michael Woo called this problem a "complicated contradiction," Topping said his department had worked hand-in-hand with the Community Redevelopment Agency in shaping the revisions. The 1,100-acre redevelopment project area constitutes just a fraction of 23-square-mile community plan area, which stretches from Griffith Park to West Hollywood.

The new Hollywood plan further downzones commercial areas in Hollywood, which have already been dramatically reduced in recent years. Topping noted that the city's notorious 1946 zoning ordinance, still being reconciled with city planning documents, permitted a maximum 13:1 floor-area ratio in Hollywood's commercial areas. A community plan drawn up in 1973, but never implemented with zoning, cut that figure somewhat, and the redevelopment plan reduced it to 6:1. The new community plan cuts it even further, to 4.5:1 — and then only if developers agree to assist with transportation improvements.

Residential development will also be considerably restricted under the new plan. Large apartment buildings are virtually prohibited outside the redevelopment area. Overall, Hollywood's population would rise from 205,000 to 231,000 in the next 20 years under the revised community plan. By contrast, the 1973 community plan called for an ultimate population of 330,000 residents.

The Westwood Village specific plan contains more specific provisions to implement the revised Westwood community plan, which was passed by the council early last year. It does not deal with the larger Westwood area, including the row of office towers along Wilshire boulevard. The plan is designed to protect the low-rise, pedestrian atmosphere of Westwood's village section. Some streets would be closed, virtually all new structures would be limited to three stories, and construction of more movie theaters and fast-food restaurants would be discouraged.

Overall, drive-through businesses will be prohibited, parking ratios will be increased, and the total "build-out" of the village, in terms of square footage, would be cut in half. The plan was praised by both Zev Yaroslavsky, the area's councilman, and Westwood slow-growth activist Laura Lake, who is running against Yaroslavsky this spring.

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Yaroslavsky Withdraws From L.A. Mayor's Race

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Bradley rested his veto on the legal argument that retail shops on a proposed bridge linking the mall's two sections would violate the provisions of Proposition U, a slow-growth initiative which Yaroslavsky himself co-sponsored. On Jan. 3, Yaroslavsky reversed his position and agreed to Bradley's proposed ban on retail shops along the bridge. He complained that the mayor had engaged in a "publicity stunt" designed to hurt him politically, but two days later he withdrew from the mayor race.

With the assistance of Deputy Mayor Michael Gage, his top political aide, Bradley has shored up his image on growth issues immeasurably in the past year. Though he has continued to defend growth as necessary for L.A.'s continuing emergence as a world-class city, he has taken many actions to slow or control it — notably restrictions on sewer hook-ups over the next three years, which affect not just in the City of Los Angeles but neighboring cities that use L.A.'s sewer lines. In many cases Bradley has been forced by the courts, citizens, or other circumstances into taking such actions, but he has used them to enhance his new controlled-growth image.

In a press conference, Yaroslavsky said he believed his prospective challenge had made Bradley "a better mayor." "Tom Bradley has embraced my vision of the city more than the other way around," the Westside councilman said.

Apparently, however, the growth issue was not the only reason Yaroslavsky decided to drop out of the race. In a press conference, he said Bradley's enduring popularity with the voters, quite apart from the growth issue, was simply too strong to overcome.

Growth Goes to Ballot in Seattle, Cape Cod

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The water supply may also be affected by toxic waste seepage from a nearby air base.

The Dukakis Administration apparently sees passage of the Tsongas ballot measures as an opportunity to push for its long-stalled bill to establish a regional planning commission on Cape Cod. In addition to establishing a Cape Cod Commission, the bill would also designate environmentally sensitive areas and encourage local planning.

Meanwhile, in Seattle, the city council imposed a downtown building moratorium after it became apparent that a citizen measure to restrict downtown growth, Initiative 31, would qualify for a special election in the spring.

Initiative 31's most controversial provisions would place a cap of 500,000 square feet per year on commercial construction downtown, similar to the provisions of San Francisco's Proposition M. After five years, the cap would increase to 1 million square feet per year.

At first, the city council considered preparing a California-style competing ballot measure on downtown development. Such competing measures, devised by city councils as a ballot alternative to citizen initiatives, have become common in California growth-control battles. In fact, Mayor Edward Royer proposed a compromise that would impose some restrictions on growth and height.

However, shortly before Christmas, a council committee rejected the idea of placing an alternative growth plan on the ballot for the special election in April or May, claiming not enough time was available to craft a thoughtful proposal.

Even if the spring initiative fails, however, some growth restrictions on the downtown area seem likely. While rejecting an alternative ballot measure, the council committee voted to initiate a revision of Seattle's 1985 downtown plan — though these revisions would not likely be ready for a year or more.