



● **McQUISTON ASSOCIATES**

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**CF10-1832**

**ITEM 2, PLUM 4/5/11**

M. Espinosa

**STATEMENT of J.H. McQUISTON on CD10-CD5 MOTION to  
VIRTUALLY-DESTROY CITY'S RESIDENTIAL-ZONING**

Honorable Chairman and Members of the Committee:

In *Philip Anaya v City of Los Angeles*, BS 099892 (2006) *entering Mandamus per Topanga Assn v County of Los Angeles* (11 C3d 506(en banc)), the City of Los Angeles without appeal consented to the *Anaya Court's* order not to violate nor repeat any violation of the law regarding property-zoning restrictions:

"\* \* \* [N]or shall private property be taken for public use, without just compensation." U.S. Const. Amt V.

"'Variance' [defined legally] is a departure from current zoning." Black's Law Dictionary.

"A variance **shall not be granted** for a parcel of property which authorizes a use or activity **which is not otherwise expressly authorized by the zone regulations governing the parcel or property.**" §65906, Calif. Government Code.

"[S]ection 831 of the Civil Code provides: "An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown." \* \* \* [S]ection 1112 of the Civil Code provides: "A transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil of the highway in front to the center thereof, unless a different intent appears from the grant." \* \* \* A dedication is legally equivalent to the granting of an easement." *Jones v Deeter*, 152 Cal App 3<sup>rd</sup> (2 Dist 1984).

**The Easement-form granting street-dedication to the City of Los Angeles merely grants the right to pass-over and doesn't grant the right to use the property in the easement for any other purpose, such as establishing a commercial use such as a produce or other market on an R-zoned property.**

**The City may not grant another non-property-owner the right to use its easement for a use not specifically-authorized in the City's zoning code. The City also may not grant someone the use of another owner's property, without the Amendment-V-mandated payment to the property-owner.**

**The City may not subdivide another's property, to appropriate the City's easement, without just compensation per Amendment V to the owner of the easement-property.**

**CD5 In this Committee heretofore accused the owner of a world-renowned residential-property of criminal intent because the owner maintained at his residential-property a genetically-significant preserve of the species *camellia*. The result of CD5's attack was forced-sale and destruction of this unique biologically-important preserve and its plants' extinction, with substantial economic loss to the world and to the property-owner.**

**CONCLUSION**

**The Motion must be declared in contempt, unfeasible, dangerous, fiscally- and legally-irresponsible.**

Respectfully submitted,