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● **McQUISTON ASSOCIATES**

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September 26, 2011

CF11-1556  
 ITEM 3, PLUM 9/27/11  
 M. Espinosa

**STATEMENT of J.H. McQUISTON on  
 MOTION to APPROVE UNLAWFUL AND UNSAFE CONVERSION**

Honorable Chairman and Members of the Committee:

**I was shocked at the Commission Hearing, because this property was modified *massively* by a scofflaw.**

**This Appeal defies the *raison d'être* of zoning: To Protect the Unsuspecting Public. The Councilmember's Motion *must be rejected* because it's *unlawful and unsafe*. And, the Councilmember was advised that the California Supreme Court decreed that an *unlawful use cannot be made lawful by a variance*.**

**In *Philip Anaya v City of Los Angeles*, in 2006 it mandated on the City that use-variances are prohibited, and that the City *must obey requirements set forth in the Supreme Court's decision Topanga Assn v County of Los Angeles*.**

***Anaya* addressed the same incursion into a zone as this case. Its Minute Order and its Mandamus prohibiting the City from issuing such use-variance, *then and in the future*, apply exactly to this case.**

**Each Councilmember on this Committee was served with *Topanga*, and each was put on Notice regarding the reach of *Anaya*.**

**Every subsequent purchaser using "due diligence" *would know* the property is unsafe and *must be restored* to a lawful state.**

**Be reminded: Los Angeles zoning was set forth to promote the General Welfare of the City. Breaking the Covenant of Zoning *degrades the General Welfare* and bestows an *unconstitutional privilege* on the anti-social property-owner.**

**Be reminded: Los Angeles Officials take a solemn Oath required by Section 215 of the City Charter:**

**"I do solemnly swear (or affirm \* \* \*) that I will support the Constitution of the United States and the Constitution of the State of California and the Charter of the City of Los Angeles, and that I will *faithfully discharge the duties of the office* \* \* \* according to the *best of my ability*" (*emphasis added*)**

**This Committee must not fail to deny the Motion. Scofflaws must not be encouraged by unlawful action by the City.**

Respectfully submitted,

c: Interested parties

J. H. McQuiston, P. E., Offended Property Owner