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May 8, 2010

ITEM 5 PLUM 5/8/12

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**STATEMENT of J.H. McQUISTON on  
UNINTENDED CONSEQUENCES in ZONING**

Honorable Chairman and Members of the Committee:

Article 1, Section 7(b) of the California Constitution requires:

“A citizen or class of citizens **may not** be granted privileges or immunities not granted on the same terms to all citizens.”

In protecting the City from loss of places to be employed, the City prohibited certain persons’ properties from being converted to uses which, **although immensely-more profitable for the property-owners**, denied the citizens of the City reasonable properties for which to pursue occupations related to industry such as **media production**.

**To protect the City it enacted zoning it called “Restricted Industrial” and prohibited property within such zone from any use not “industrial” or “industrially-associated”.**

However, properties zoned “limited” (M-1) instead of “restricted” (MR-1) industrial may be used for *immensely-profitable* commercial uses, but may not be close to “mixed-use” projects such as on this block.

The proposal from a CD5 employee to rezone “subarea 39.4” (Item 13 of Compilation dated March 27, 2012) **conflicts with the above restrictions in the Zoning Code, and California’s general zoning laws.**

**The Planning Department, the Planning Commission, and State Constitution and Laws require this Committee to reject the CD5 employee’s proposal.**

**To allow the proposal would grant an unconstitutional “privilege” to a few parcels prohibited for all other parcels presently in the same “restricted industrial” zone, is prohibited by California in its Constitution, and is prohibited by California’s laws restricting local governments’ laws for property-zoning.**

Respectfully submitted,

J. H. McQuiston

c: Interested parties