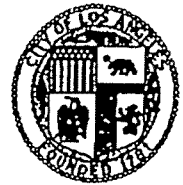


# Exhibit 1



## Executive Office



City Hall • 200 N. Spring Street, Room • Los Angeles, CA 90012

April 8, 2015

TO: All Concerned Consultants, Developers, Engineers, Surveyors and Applicants

FROM: Michael LoGrande, Director of Planning *MLG*

SUBJECT: **GENERAL PLAN AMENDMENT INITIATIONS, REQUESTS TO THE DIRECTOR OF PLANNING**

The City consists of 35 community plans which implement our land use policies throughout the City. A major function of the Department of City Planning (Department) is the periodic updating of these community plans to reflect changes desired by the community. On occasion, applicants and private property owners have requested an amendment to a community plan in order to facilitate consideration of a proposed project. However, it is important to note that all General Plan Amendments, including those limited to a specific property or properties, must be initiated by the City of Los Angeles. Specifically, Plan Amendments can only be initiated by the City Council, the City Planning Commission or the Director of Planning (LAMC 11.5.6 B).

In order to provide early feedback to an applicant considering such a request, the Department's management team, comprised of both policy planning and project planning staff, will convene an internal meeting to review the General Plan Amendment request prior to the actual filing of the application at the Development Services Center. If the Director of Planning determines the request is worth consideration and has the potential of meeting the findings for a General Plan Amendment, the applicant will be directed to proceed with the application. A clearance sheet will be provided for inclusion in the application filing package. Initiating an applicant's request does not imply an approval, but rather that the Department will review and prepare a recommendation to the appropriate decision-making body. If the Director of Planning declines to initiate the applicant's request for a General Plan Amendment, the applicant may meet with staff to discuss other options.

In order to start the process, the applicant is asked to submit some basic information regarding the development proposal including: the project description; the existing conditions and uses of the proposed project site; the requested entitlement package, including information pertaining to the General Plan Amendment request and any zoning modifications; and a description of neighboring land uses and the character of the area. There is no fee or environmental clearance associated with this management-level preview and the turnaround time for feedback is generally one to two weeks. This management review is intended to provide early guidance and set clear expectations for applicants prior to formal submission of the application, thus avoiding unnecessary time delays, costs and major surprises later in the process.

Memorandum - General Plan Amendment Initiations  
April 8, 2015  
Page 2 of 2

Please submit the following materials:

1. A brief 1-2 page cover letter describing the development proposal, the existing land use designation and zoning, the proposed General Plan Amendment request, other requested entitlements, existing site conditions, and the surrounding uses and neighborhood character.
2. 8 1/2 x 11 color maps indicating the existing and proposed land use designations and zoning.
3. Any additional exhibits including site plans, renderings or photographs that will assist the Department's Management Team in their initial review of your proposal.

These materials can be hand delivered, mailed or sent electronically to the following Los Angeles Department of City Planning staff.

Lisa Webber, Deputy Director of Planning  
Department of City Planning – Executive Office  
City Hall, Room 525  
[lisa.webber@lacity.org](mailto:lisa.webber@lacity.org)

Bob Duenas, Senior City Planner  
Valley Neighborhood Projects  
6262 Van Nuys Blvd., Room 430  
[bob.duenas@lacity.org](mailto:bob.duenas@lacity.org)

Conni Pallini-Tipton, Senior City Planner  
Community Planning  
City Hall, Room 667  
[conni.pallini@lacity.org](mailto:conni.pallini@lacity.org)

Shana Bonstin, Senior City Planner  
Metro Neighborhood Projects  
City Hall, Room 621  
[shana.bonstin@lacity.org](mailto:shana.bonstin@lacity.org)

Patricia Diefenderfer, Senior City Planner  
Community Planning  
City Hall, Room 667  
[patricia.diefenderfer@lacity.org](mailto:patricia.diefenderfer@lacity.org)

Simon Pastucha, Senior City Planner  
West-South LA Neighborhood Projects  
City Hall, Room 621  
[simon.pastucha@lacity.org](mailto:simon.pastucha@lacity.org)

Luciralia Ibarra, Senior City Planner  
Major Projects Section  
City Hall, Room 750  
[luciralia.ibarra@lacity.org](mailto:luciralia.ibarra@lacity.org)

# Exhibit 2





## Executive Office

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

### REQUEST FOR INITIATION OF AN AMENDMENT TO THE CITY'S GENERAL PLAN

I hereby request that the Director of Planning initiate a General Plan Amendment from

to \_\_\_\_\_

on property located at \_\_\_\_\_

within the \_\_\_\_\_

District/Community Plan \_\_\_\_\_

\_\_\_\_\_  
(Signed) Applicant/Representative

\_\_\_\_\_  
Date

STAFF USE ONLY: CPC CASE NO. \_\_\_\_\_

To insure a comprehensive review of the request and to avoid the introduction of any "spot" planned land use, staff recommends that the Director of Planning consider initiating additional properties (ADDED AREAS) within the immediate area for a similar change of the plan from \_\_\_\_\_  
to \_\_\_\_\_

Location \_\_\_\_\_

Pursuant to the City Charter and the Los Angeles Municipal Code, I hereby initiate the plan amendment(s) as requested by the Applicant/Representative and the "Added Areas" as recommended by staff.

Michael J. LoGrande  
DIRECTOR OF PLANNING

\_\_\_\_\_  
Date

CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING

INITIATION REQUEST  
AND TIME EXTENSION AUTHORIZATION

Initiation. By law only the City may initiate a Plan Amendment. Your application is technically for a Zone Change only. Therefore you must request that the City initiate the corresponding Plan Amendment by checking the box below:

☐ I hereby request that the City Planning Commission initiate a Plan Amendment consistent with my requested zone change.

Time extensions. The City Planning Commission will hear General Plan Amendment cases in a timely manner. The maximum authorized processing time for General Plan Amendment cases, from the Fee Payment date to Commission action date, is 180 days. By authorizing the maximum allowable processing time and the extension, you may avoid having your case delayed or denied due to lack of time to resolve controversial issues. You should therefore check the following boxes, agreeing to the potential extensions:

☐ I hereby consent to the maximum 180-day time limitations pursuant to LAMC Section 12.32 C 6.

(Signed) \_\_\_\_\_  
Applicant or Representative

(Date) \_\_\_\_\_

SCREEN FORM (Continued)

(1) CRITERIA

(2) ANSWER YES OR NO:

Please refer to the maps on file in Counter N to determine Hillside areas, CRA areas, Specific Plan areas, Open Space areas.

Any YES answer requires consultation with the Geographic Section head prior to filing. A complete plan restudy or other type of planning approval may be required.

IS (DOES) THE PROJECT:

Project area in acres	200 acres or more	_____
New dwelling units in project	1,000 units or more	_____
New non-residential square footage	1,000,000 sq.ft. or more	_____
Acreage within "hillside" areas (shown on CP-6112)	50 acres or more	_____
Acreage for projects located in whole or in part in a CRA area	50 acres or more	_____
Mixed use combining residential and commercial uses	500,000 sq. ft. or more	_____
Specific Plans	In a Specific Plan area	_____
Highway Designation	Require change to Hwy. Desig.	_____
Change Plan text and/or legend	Require change to text/legend	_____
Open Space Designation	In an Open Space Area	_____

# Exhibit 3



# CITY HALL'S "DENSITY HAWKS" ARE CHANGING L.A.'S DNA

BY STEVEN LEIGH MORRIS

WEDNESDAY, FEBRUARY 27, 2008 | 8 YEARS AGO

Soon after taking the job of director of the Los Angeles Department of City Planning in 2006, Gail Goldberg made a declaration that let slip how City Hall is allowing developers to pursue a building frenzy straight out of the storied tale *Chinatown*.

Said Goldberg, newly arrived here from a similar post in San Diego:

"In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true.

"The value of the land is not based on what the zone says ... It's based on what [the] developer believes he can change the zone to.

"This is disastrous for the city.

"Disastrous.

"Zoning has to mean something in this city."

Goldberg probably wishes she hadn't said that, not necessarily because she got reprimanded by L.A.'s famously vindictive Mayor Antonio Villaraigosa, but because Los Angeles County Supervisor Zev Yaroslavsky has repeated her words in public, over and over. Yaroslavsky, who represented the city's affluent Westside District 5 as a councilman until 1994, has been staging a one-man campaign to slow City Hall's feverish promotion of density – a quiet war on the large swaths of suburbia and few hunks of countryside remaining inside the city limits. With little debate, a trio of new "density enabling" ordinances (a real mouthful, known as the Downtown Ordinance, the Parking Reduction Ordinance and the Senate Bill 1818 Implementation Ordinance) has rolled through Goldberg's Planning Department and ended up in the ornate council chambers on City Hall's second floor.

The first two were easily approved, and the SB 1818 Implementation Ordinance passed on February 20, with only council members Dennis Zine, Janice Hahn, Bill Rosendahl and Tom LaBonge opposed. On paper, the three ordinances will let developers bypass the city's fundamental zoning protections – and profoundly alter the livability, look and essence of L.A.

This is no small thing. The rules for how Angelenos wanted to fashion their city were arduously, sometimes bitterly, negotiated among homeowners, developers, environmentalists and politicians in the mid-'80s, led by then city councilmen Joel Wachs, Marvin Braude and Yaroslavsky. Those core rules today hold tremendous power, creating a blueprint that dictates which Los Angeles neighborhoods should be preserved – and which should be dramatically built up.

Yet in contrast to the boisterous civic debate launched by city and community leaders in the 1980s, the Villaraigosa administration has grown accustomed to only tepid public interference and awareness. Through aide Gil Duran, the mayor has for five months ducked *L.A. Weekly's* routine questions about his agenda's potential consequences citywide – much taller and fatter residential buildings than zoning law allows, significantly less green space, obliteration of residential parking in some complexes and removal of older, less expensive housing. (Hours before the *Weekly* went to press, Deputy Mayor Helmi Hisserich finally responded, lashing out at "heads in the sand" sentiments and warning that "the city is not going to stop growing.")

On the City Council itself, the likes of Wachs and Braude are long gone, replaced by avidly prodensity council members such as Jan Perry, Council President Eric Garcetti and Wendy Gruel, who rarely say no to grand construction plans and work in tandem with obscure regional planning commissions that routinely override zoning rules in favor of developers and property owners.

Yaroslavsky, silent for the first two years of Villaraigosa's reign, now snaps, "These density hawks at City Hall are trying to undo 20 years of our work."

The constant overriding of zoning protections has indeed been relentless – a binge of "zoning variances" and "zone changes" granted by longtime Zoning Administrator Michael LoGrande, a little-known official who is the rear admiral of a prodensity flotilla inside City Hall that long predates Villaraigosa's administration.

The variances and zone changes – quite simply, permissions to skirt existing rules – are granted on a case-by-case basis, and LoGrande hands them out like candy. LoGrande did not return numerous phone calls from the *Weekly*. Four biweekly Planning Department reports, randomly selected by the *Weekly* from March, June, September and December 2007, show that requests to increase housing density or square footage rolled in at about 260 annually, slowing only as the mortgage crisis hit. Retired Zoning Administrator Jon Perica explains that while the sought-after density increases are subjected to design, environmental and compatibility review, "the Planning Department historically approves about 90 percent."

For anyone paying attention, and very few people are, LoGrande's decisions – buttressed by the rulings of seven area planning commissions populated with Villaraigosa's appointees – are why some corners of the city are taller and more congested than 10 years ago, even neighborhoods whose legally binding zoning plans were supposed to achieve the opposite.

In the 1960s, a city growth cap of 4.2 million was established as the peak load for Los Angeles' infrastructure and services. This allowed for urban centers like Century City, Warner Center and downtown, while protecting single-family neighborhoods. Three years ago, Perica warned, "growth beyond 4.2 million people would require that existing single-family neighborhoods and lower-density residential areas would have to be 'up-zoned' in the future for more intense multistory density." He added pointedly, "Residents didn't want Los Angeles to look like other higher-density Eastern cities, like Chicago and New York."

Nonetheless, the agendas of builders, land speculators, the chambers of commerce, the Planning Department and elected leaders have produced a virtually nondebated tectonic shift since the residential real estate turnaround of 2002, much increased under Villaraigosa. The shift is pushing L.A. from its suburban model of single-family homes with gardens or pools – the reason many come here – toward an urban template of shrinking green patches and multistory buildings of mostly renters.

To be sure, not everyone sees this in the negative light that people such as *The New Geography* author and social critic Joel Kotkin ("We remain an increasingly suburban nation") and Yaroslavsky do. Downtown developer Tom Gilmore scoffs that Kotkin and other defenders of suburbia and single-family dwellings "take that notion of urbanism and say, 'Oh my god, they're going to do that to your neighborhood too! They're going to make everything a "heat island"!'"

To Gilmore, the attitude in Ventura County and cities such as Santa Barbara, Rohnert Park, Sonoma, Healdsburg, Tracy and Dublin, all of which have enacted residential-growth limits to stop urbanization, denies the inevitable.

Rena Kosnett

(Click to enlarge)

"Oh my god, they're going to do that to your neighborhood!" –Developer Tom Gilmore, mocking those who are worried

"Growth is not an option," says Gilmore. "We can grow with care, with thought and creativity, or we can grow the way we've grown for 150 years. I don't think the Planning Department has got it all right, but I'm happy they've got a template we can argue about."

But his notion of a grand civic debate under way is a façade. The public have little idea what is being allowed even in their immediate area. Downtown insiders such as Ed Reyes – a city councilman and chairman of the powerful Planning and Land Use Management Committee – working with Villaraigosa's handpicked department heads like Goldberg and mayoral appointees like former Councilman Mike Woo (on the Planning Commission) aren't engaging Angelenos in any serious discussion of their "template." And the mayor is assiduously avoiding a public debate in which he might be forced to justify his vision.

Their template could force urbanism onto all but the most protected enclaves of Los Angeles. The truly protected spots are "R1-zoned" – or single-family-residential only – 318,602 of the city's roughly 1.4 million housing units. The other 75-plus percent of housing units in Los Angeles – including thousands of homes in single-family neighborhoods that residents assume are R1 when they are not – could potentially be "up-zoned" for apartment towers and condos. Some of the most vulnerable areas are the eastern and western ends of the San Fernando Valley – the last quadrants containing some open space.

Of 16,874 housing units built the year after Villaraigosa was elected, 86 percent were multifamily – the vast majority of those rentals. Established homeowner neighborhoods – the glue that historian and former California State Librarian Kevin Starr once noted helped hold L.A. together, even in bad times – are an afterthought; the Brookings Institute reports that L.A. is suffering a middle-class decline more pronounced than in any other urban area in America.

To be fair, some of the mayor's focus has been on truly "underutilized" areas – nearly 100 developments of 100,000 square feet or larger are proposed or approved on sites like the old Sears warehouse in Boyle Heights, land in Marlon Square in South Los Angeles, and the aging Valley Plaza in North Hollywood. Councilwoman Gruel and Council President Garcetti tout this "proactive lead from the mayor."

But there's another side: Around Vanowen and Balboa in the San Fernando Valley over the past decade, ranch homes on spacious lots have made way for apartments, condos or McMansions. Hillsides from Hollywood to Mount Washington are so overbuilt that cars are ordered off the streets on "red-flag days." Along Miracle Mile, beautiful Spanish Colonial duplexes that since the 1920s have housed middle-class families sit unprotected from the urbanization steamroller.

Zev Yaroslavsky is a shrewd, politically left-of-center politician and a "slow growth" advocate with two adult children. Now 59, he's been married to health-care and child-care activist Barbara Yaroslavsky for 36 years. Born in Boyle Heights, then home to Jewish immigrants, Yaroslavsky grew up in the Fairfax District, ran track at Fairfax High, and put himself through UCLA (he has a master's in British imperial history) by teaching Hebrew in Long Beach — and playing professional poker.

He knew the gambling had to stop when he was elected to the City Council in 1975. Before he was sworn in, he paid a last visit to his favorite Gardena casino, the Normandie, sidling up to a group of Jewish matrons who said, "Zev, we know you're going to be an honest politician because you never bluff." He remembers thinking, "No, I just look like I never bluff."

Today, he says Los Angeles desperately needs a subway to the sea. But 23 years ago, he and others raised safety concerns about tunneling under the Westside after a 1985 explosion of naturally occurring methane gas ripped through the Ross Dress for Less near Fairfax. Although Yaroslavsky is sometimes blamed for halting federal funds for the line, he called for further safety studies, while Westside Congressman Henry Waxman led the fight to stop federal funds.\*

For his part, Yaroslavsky in 1998 led a successful ballot effort that stopped local sales taxes from being used on the increasingly pricey subway being built under Hollywood. He instead pushed to use those funds for non-subway transit projects.\*

Longtime Westsiders remember it was Yaroslavsky who ushered through the huge expansion of the Westside Pavilion in 1986, despite community outrage over gridlock. Developer Gilmore is one of many pro-growthers who blame "Zev" for so disrupting the old mass-transit scheme that today the Westside is "incredibly dense" and has "the worst traffic in the city," but Yaroslavsky tires of getting blamed for inevitable development pressures in his former Council District 5.

It is, after all, some of the city's priciest and most sought-after housing real estate, running from Palms to Encino and including Westwood and UCLA. It's something of a City Hall tradition to blame Yaroslavsky: Even back in 1987, Mayor Tom Bradley's spokesman Fred MacFarlane, in *The New York Times*, blamed the congestion on him. In the same story, an L.A. businessman noted, "Right now, any slow-growth candidate who does not get arrested for molesting children can get elected." But how times have changed.

Yaroslavsky counters today's dominant voice of pro-growthers in City Hall by saying that had he not halted the \$300-million-per-mile subway, Los Angeles could never have afforded to create the popular Orange Line bus lanes in the Valley or the Gold Line light rail from downtown to Pasadena. Sounding like the old Yaroslavsky, he tells the *Weekly*, "In all corners of the city, a revolution is brewing against the pack mentality at City Hall."



One of the issues that most sticks in his craw is the aforementioned SB 1818 Implementation Ordinance. Not exactly a household phrase, the ordinance lets developers build new apartment buildings 35 percent larger than the protective local zoning allows – if developers agree to include some below-market “affordable” units in these buildings.

But does it actually produce cheaper housing – its main aim? Yaroslavsky points to a development on Sepulveda in Westwood where a developer wiped out 31 apartments rented mostly to UCLA students for \$1,500, erecting 59 condos with mortgages of about \$3,000 a month. He recalls scornfully, “The developer says to me, ‘Those [\$1,500-a-month] units weren’t affordable anyway.’” Yaroslavsky retorted, “How many of those students can afford your condos after they graduate?” And the trend is spreading. In Miracle Mile, he says, “On Ridgeley and Sixth, there’s four parcels of rent-controlled units. One day I’m jogging there, and they’re gone!”

Under the SB 1818 Implementation Ordinance, the now-destroyed lower-cost apartments on Ridgeley and Sixth can be replaced with a luxury tower that ignores low-growth zoning – as long as the owner agrees to rent 10 to 20 percent of the apartments at “affordable” prices. The developer can now charge the current market rate (of about \$2,300 a month for a two-bedroom apartment) for the rest of the units he builds at Ridgeley and Sixth – far higher than the rents in the now-destroyed building, and enough for a mortgage in most cities.

Fumes Yaroslavsky of this “affordable” housing, “The whole thing’s a fraud. It’s a wolf in sheep’s clothing.”

Yaroslavsky’s passion dates from the mid-’80s, when homeowners associations howled at a wave of construction from Hauser Boulevard to La Brea Avenue on both sides of Sixth Street in Miracle Mile that destroyed beloved, picturesque Spanish Colonial rentals boasting wrought-iron staircases, cozy alcoves and tile work from the 1920s.

The Bradley administration’s urbanization frenzy ushered in shoddy, higher-density, four- and five-story apartment blocks with quickly decaying stucco veneers that looked like they’d been airlifted from Beirut. Indignation generated a wave of grassroots activism. Groups such as the Detroit Street Coalition and Not Yet New York pressured avidly pro-growth City Council President John Ferraro, and Bradley, to protect neighborhoods.

Angry citizens won a huge victory with approval of 35 legally binding land-use plans citywide, now known as “Community Plans.” Largely shaped by residents, Community Plans made it harder for developers to roll through medium-density neighborhoods such as Miracle Mile. Community Plans protected the suburban character of low-density areas being eyed by developers near big streets like Florence, Reseda, Vanowen, La Brea and South Broadway.

But here’s the clincher: SB 1818 trumps restrictions built into the Community Plans because it’s state law. Each Community Plan is slowly being revisited by the Planning Department in negotiations among homeowners, renters, business owners and city planners, so that neighborhoods conform to projected growth. Right now, 12 city planners (plus support staff) are redoing a big batch of Community Plans including Boyle Heights, Central City, Granada Hills, Hollywood, San Pedro, South Central (redubbed Southeast), South L.A., Sunland-Tujunga, Sylmar, West Adams, West L.A. and Westlake.

In this top-down process, the Planning Department contacts each affected neighborhood council (after notifying the City Council member who oversees that neighborhood) that changes are in the wind – usually to densify the neighborhood.

Some areas face unusually dramatic growth, not because their Community Plan calls for it, but because city planners got \$1 million from the prodevelopment Southern California Association of Governments, combined with Proposition A transportation funds and property taxes, to research and plan extremely dense new neighborhoods near train stations in mostly poor areas along Exposition Boulevard in South Los Angeles, along Soto and Indiana streets on the Eastside, and near Gold Line stations in Chinatown, Lincoln Heights and Cypress Park.

Wes Joe, of the Silver Lake Neighborhood Council, says that his Community Plan was rewritten in 2004, just before Goldberg got here from San Diego, so Silver Lake won't be up for review for some time. Joe says city officials contacted one in five Silver Lake households that year to help redo the Community Plan, and those meetings drew the “usual array of Anglo homeowners” in a neighborhood that's also heavily Latino. Steve Leffert, the president of Lake Balboa Neighborhood Council in the Valley, says that Lake Balboa's two adjacent Community Plans were rewritten in 1993 and 1994, and he's heard nothing from the Planning Department – yet.

The ostensible purpose of Community Plans is to manage the growth that is now officially capped at 4.2 million before city services – like sewerage and local roads – are strained beyond capacity. Perica points out that the current population of 3.9 million doesn't include the 300,000 to 400,000 undocumented residents who make up 10 percent of the city, some living in 50,000 to 70,000 illegally adapted garages and storage spaces, according to the Department of Building and Safety. “Keep that in mind the next time you're stuck in traffic,” Perica says. And the planning that exists for that shadow population doesn't begin to address the scale of the problem.

Some residents are stunned by the way the city is trying to circumvent the intent of the Yaroslavsky-sponsored slow-growth measure known as Proposition U, embraced in a landslide vote in 1986, which cut in half the size of buildings allowed on commercial strips adjacent to residential areas.

Voters ushered in Prop. U after then Mayor Bradley, Council President Ferraro and prodeveloper council members like Pat Russell embraced wildly inappropriate projects. Westwood Village was targeted for massive growth, and a huge trash-burning facility, Lancer, was pushed in South L.A. One flash point came with the \$43 million, six-story Encino Terrace Center office tower, which now looms over an attractive Encino neighborhood, wiping out privacy below and casting a permanent shadow.

Prop. U aside, North Hollywood and Hollywood are now targeted for 20-to-35-story skyscrapers that include a mix of residential on the upper floors and commercial on the bottom. The 35-story Columbia Square building will tower over Sunset Boulevard at Gower Street. Such skyscrapers represent dramatic – and virtually undebated – departures for Hollywood and the Valley. Neither skyscraper site is protected by Prop. U, which doesn't apply to Hollywood, downtown or the Metro Rail site in North Hollywood.

Beyond what's in store for Hollywood and the Valley, Yaroslavsky also believes that the SB 1818 Implementation Ordinance places treasured, low-slung neighborhoods such as the Fairfax District's historic rental corridor at risk. But since the mayor is ducking public discussion, Yaroslavsky, a powerful elected official, finds himself instead debating two little-known, if influential, city employees who serve at Villaraigosa's pleasure – Goldberg and Senior City Planner Jane Blumenfeld.

"This is where Gail Goldberg is missing the boat," Yaroslavsky explains of the threats to established, steady neighborhoods. For example, in the Fairfax District, where SB 1818's incentives allow developers to blow past existing zoning, "You've just increased the chance of demolition and redevelopment from impossible to probable."

Though Goldberg counters that the new law doesn't threaten the Fairfax District, in a moment of candor she agrees that SB 1818 is an unavoidable state law that's "a terrible fit for Los Angeles." Blumenfeld, too, concedes that it's "draconian ... but we're trying to make it work."

But Yaroslavsky says it was Blumenfeld, not the state, who pushed the new densities well beyond the state requirements to "35 percent more density," and Blumenfeld then "laid out all the 'findings' to approve it."

Villaraigosa isn't part of this growing rancor. His own views are unknown, aside from his repetitive claim that the "construction crane is the official bird" for Los Angeles.

Meet Jane Blumenfeld, the object of Yaroslavsky's scorn and senior planner for the city of Los Angeles. After receiving her bachelor's in history from the University of Wisconsin, and then a master's in city planning from the University of Pennsylvania, she came here in 1978, working as a planning adviser for Mayor Bradley, just as young Councilman Yaroslavsky was ushering through Prop. U to halt commercial high-rises near homes.

After spending some years in the real estate business, Blumenfeld worked as chief of staff to former Councilman Mike Feuer, then rejoined the Planning Department in 2001. A small woman with a quick wit propelled by spurts of sarcasm, Blumenfeld appears a bit stunned by the charges Yaroslavsky lodges against her, like an elf reacting to the roar of a bear.

"All right ... all right," she says calmly. "Let's just take a look at *his* work."

Blumenfeld leads me through a maze of hallways in City Hall, to an inner office where she points to a color-coded map. "See that?" she says, pointing out that 83 percent of the commercial parcels in the city are marked – indicating Prop. U is in force. "It's not physically possible to build growth there, because Zev has blocked it with Proposition U."

But that's not true. In 2002, under Mayor James Hahn and with virtually no public scrutiny, the City Council watered down Prop. U, creating a new land zone confusingly dubbed "Residential Accessory Services." In such zones, projects can be doubled in size if the developer merely agrees to mix housing units with businesses. In another nod to developers, and calling it "smart growth," the council decided that projects with "affordable" housing can be one-third bigger than permitted if they are within 1,500 feet of a bus stop. Together with SB 1818, much of L.A. is now open to multistory construction. (Click here to download PDF of the map.)

To Blumenfeld, those neighborhoods are underutilized "transit corridors." She also denies Yaroslavsky's charge that Fairfax – as well as other stable villages that make up L.A. – is threatened by SB 1818. Developers still find that "land is expensive, lumber is expensive. The [state] law's been in effect for almost three years, but we've not seen any projects on Fairfax."

"So why write these incentives into the new law?" Yaroslavsky retorts. "The city can't keep talking out of both sides of its mouth."

City leaders first learned of plans to mandate denser California cities in a 1996 memo from the State Department of Housing and Community Development. But Yaroslavsky insists he didn't hear about SB 1818 until last summer, when a mole from the city's Planning Department leaked him a draft of the plan for apartment buildings 35 percent bigger than allowed.

"We were appalled," Yaroslavsky says. So the county supervisor again became the town crier. Pro-density groups begrudgingly credit him for pressuring the council to ban these higher buildings next to or across alleys from R1 (single family) homes. But other neighborhood protections, such as a lengthy appeals process, were stripped away.

"This all comes from the stupidity of doing these things behind closed doors," Yaroslavsky says. "Now everybody's weighing in. They didn't know what was going on. Now the Silver Lake Neighborhood Council is picking this all apart, and rightly so."

On hearing Yaroslavsky's version, Blumenfeld rolls her eyes.

"There's really no secret plans here," she says. "We don't do anything in this department that's not superpublic and transparent, and nobody knows better than Zev the steps we go through to adopt an ordinance. There were many, many public hearings."

She cites a series of committee meetings, describing them as poorly attended: "'Wow! A plan to implement SB 1818! Let me give up my Saturday to go to this!'"

In fact, Angelenos don't have a clue what's been happening, or what's coming. In the 32 months since Villaraigosa was elected, for example, the *Los Angeles Times* and the *Daily News* have written only four stories about a plan to allow apartments without parking in order to squeeze in more units. The phrase "SB 1818" has appeared in just 14 articles. The mayor's czar of zoning variances, Michael LoGrande, is virtually unknown – mentioned just six times in Los Angeles print media in the past two years. And the "superpublic" hearings cited by Blumenfeld were attended almost exclusively by lobbyists, a few activists and the occasional curious neighbor.

"There should be a debate!" Yaroslavsky wheezes, a victim of allergies, dabbing his nose with a handkerchief.

"The proponents of the density hawks, including the director of the Planning Department, and the real estate industry, and the L.A. Area Chamber of Commerce – they had the audacity to say that they negotiated the plan [with homeowners]. Not true, there wasn't one neighborhood group that knew about it!"

Now meet Gail Goldberg, Blumenfeld's boss and philosophical cousin, and the other object of Yaroslavsky's discontent. On a Friday at 8:20 a.m., I step out of a City Hall elevator on the fifth floor, walking down an imposing corridor. There stand the double doors to the offices of the director of the Planning Department, Goldberg.

More than 30 feet back from the unattended public counter sits Goldberg's assistant, Lily Quan, the only person in the vast reception area at that hour. She looks up. "May I help you?"

"I'm with the *L.A. Weekly*, and I just got stood up by the planning director for an 8 a.m. meeting at Starbucks."

Quan offers an expression of withering condescension. "I think you're confused," she says slowly, as if to a mentally impaired person. "Your meeting is scheduled for next Friday."

"I have a copy of the e-mail, sent by you, confirming the meeting for this morning."

Quan consults her computer, tapping buttons.

"Looks like we made a mistake," she concedes. "Sorry ... She's got a 9 a.m. appointment, so you'd only have half an hour."

"That," I say, "would be a good start," pondering how the Planning Department could have so much trouble planning a cup of coffee.

At 8:35, Quan ushers me down a small hallway. Goldberg graciously rises from the seat behind her desk to apologize, greeting me in a manner that is both warm and – since we are in City Hall – imperious.

"So what have I read of yours lately?" she asks.

"You would probably have a better idea of that than me."

"What I mean is, what have you written that might have annoyed me?"

In fact, I had recently authored a piece on the city's "Parking Reduction Ordinance," which lets developers of apartments and condos near train stations and bus stops get a waiver from the city's minimum parking-space requirements. In a radical departure, the city could allow big apartments to be constructed without parking spaces. The developer need only prove he is providing a vaguely imagined "alternative means" of transportation – potentially, anything from carpool programs to bicycle racks to walking canes and foot balm – that a local city-zoning administrator feels is a "viable alternative" to driving.

The "public-transit promoting" Parking Reduction Ordinance is not going over well with some of the very few Los Angeles residents who have heard of it.

The Silver Lake Neighborhood Council says that, among other things, the reduced-parking ordinance will eventually punish the working poor (who actually use public transit), helping to prod them out of neighborhoods where hipster, "transit-oriented" projects lacking parking would almost inevitably be paired with luxury rentals.

Developer Gilmore insists the parking-reduction waiver isn't aimed at "what's happening in Silver Lake today, but what it will look like in 20 to 30 years." Yaroslavsky responds, "I don't think Gail [Goldberg] has a clue as to the impact of what these 'incentives' will be."

When residents of Los Angeles hammered out 35 Community Plans to direct what should happen in the city's loosely connected villages, those plans did not include luxury apartments without parking or skyscraper apartments looming over neighborhoods.

"Good planning has to lead, not follow," Goldberg explains, of City Hall's quiet push to amend those Community Plans, a process she insists will emphasize the need to work together. "We need to get in front of the process with Community Plans, which we're creating right now."

Twenty years ago, Robin Kramer, then chief of staff to Eastside City Councilman Richard Alatorre, told *The New York Times*, in an almost identical comment, that the key question was how City Hall could "best manage the growth and lead it." Now Kramer is back, again as a chief of staff – but this time to Villaraigosa.

At 9 a.m., as Goldberg is preparing to greet members of the Downtown Planning Commission, she advises me of my civic responsibility as a journalist regarding the density debate:

"All I ask is that you don't scare people into paralysis."

The apartment-construction binge began in 2002 but dates to 1993, when the Planning Department, under newly elected Mayor Richard Riordan, rolled out the new-housing component of its General Plan. Although dozens of Community Plans attempted to mute its more dire effects, the General Plan claimed that two-thirds of the city – already the fourth most densely populated in the nation – was "underutilized."

Many found the General Plan laughable and unlikely to ever unfold. But then demographers from California's State Department of Finance and the Southern California Association of Governments (SCAG) prophesied that an inevitable county population increase of 2.5 million people by 2025 had to be met in Los Angeles by the building of far more housing.

That's when city planners started redesigning the very DNA of Los Angeles.

Goldberg says that SCAG bureaucrats want to see 16,000 new housing units per year – in a city many residents view as already overbuilt and grossly congested. (City Hall listens to SCAG, but some cities are sick of SCAG's density drumbeat. Irvine is involved in a bitter lawsuit against SCAG; Palmdale and La Mirada tried to stop SCAG and lost in court.)

SCAG "population projections" of massive, inevitable growth in L.A. are notoriously unreliable, says demographer James Allen, professor emeritus of geography at California State University Northridge.

"I personally don't put any stake in the accuracy of projections from SCAG or anyone else," Allen says. In his college classes, Allen assigns his students to make such projections – showing them how easy it is to manipulate theoretical circumstances to get whatever "population growth" results they desire.

It's a game, Allen explains, with outcomes "all based on assumptions that can't be known." A crash in the local economy, the subprime mortgage debacle, a flood or earthquake, major job growth in the U.S. South – all can send hundreds of thousands of people to other regions.

"But let's say they're accurate," Yaroslavsky conjectures. "Are we being told that we need to rebuild the entire city to facilitate another 2.5 million people in the next 17 years? Good luck. It's not going to happen – economically or politically ... It's preposterous. The deal is that there are a number of developers who see an opportunity here to make a killing."

The actual growth statistics fly in the face of the luxury-apartment future envisioned by the Villaraigosa administration. The U.S. Census says that between 1990 and 2000, 400,000 more residents fled Los Angeles County than moved in from other states and California counties. And significantly, the people who moved here earn an average of \$3,000 less per year than the 400,000 who fled.

Yet the population is expanding, and the two key causes are illegal immigration and the high birth rate among the poor and working poor. Local Latino birth rates are driving it, and in Los Angeles, that means families with a median annual income circling \$25,000.

Who is going to snap up thousands of luxury apartments on the drawing boards, at \$2,500 a month? A few foreign nationals from Stuttgart and London, Dubai and Moscow? Even if Villaraigosa's team comes up with 16,000 new units per year in order to please land speculators, developers and bureaucrats at SCAG, it's highly unlikely that L.A.'s new residents – not hipsters but low-income families – could afford them.

"There's never been the market to support what they've been building," says Joel Kotkin, who notes that L.A. planners mistakenly believe they are creating the next New York or Chicago, when, Kotkin believes, it's more likely they are erecting a dense new Third World city.

There are, to be sure, arguments supporting high-density cities. Peter Gleick, director of Pacific Institute, an ecology-research foundation in San Francisco, says, "In single-family suburban homes, more than half the tap-water supply is spent on lawns and gardens. ... With the expected radical decline in the Sierra Nevada snowpacks, cities like Los Angeles and Las Vegas cannot continue to grow in the 21st century the way they did in the 20th."

But density also breeds much more crime – something "density hawks" never mention. A report by the National Center for Policy Analysis says crime rates in dense cities outpace by up to 20 percent the crime in more sprawling, spacious cities. So-called "smart growth" Portland and Seattle lead the pack in property crime.

These colliding issues – of water usage, crime peaks, birth rates, developer greed (or hardship, according to Gilmore), statistical manipulation and City Hall transparency – could and should be the subject of public debate in Los Angeles.

But they're not.

Think of the current process as the urban-planning equivalent of termites gnawing away at the city's crossbeams. Each time a zoning-change application is considered, it must be heard in public in front of a volunteer committee of a regional Planning Commission – all political appointees of Villaraigosa.

The Planning Department is supposed to send notifications to the relevant "certified neighborhood council," and to all neighbors within 500 feet of the property at issue, or to post a notice in any local newspaper. And in addition, the agenda for all such hearings is posted at [www.cityplanning.lacity.org](http://www.cityplanning.lacity.org).

That's how the Planning Department claims to be engaging the public. But a wall of silence between the public and the city is built into the incremental nature of the process.

Few residents know what to make of the strangely worded notifications they suddenly receive in the mail – just 10 days before a hearing. (Some notices, as in the Lake Balboa district in the Valley, arrived after a key hearing had occurred.) There's very rarely media interest, and in a city where few residents know the name of their city-council member (Los Angeles City Council districts contain about 280,000 people, the largest such districts – and many say the least responsive – in the U.S.), fighting City Hall is daunting.

Planning Commission hearings are held during business hours, handy for developers but not for residents. When no residents appear to oppose a developer's plan, the regional commissioners – often local residents, theoretically more invested in the area's welfare than downtown planners – usually go along with the developer. Usually, after the developer completes an environmental report and addresses a few problems, the zoning change or variance is granted.

The Woodland Hills-Warner Neighborhood Council's chairperson, Joyce Pearson, wrote this warning in a recent newsletter to her Valley area: "The public often waits until it's too late to do anything to enhance major developments or to impact any potential problems that may be caused."

Yet the public isn't "waiting," as Pearson puts it. The public is out of the loop – often until the demolition fence is already up.

That seems fine with City Hall. With a few pockets of 1980s-style activism developing at the feistier monthly neighborhood-council meetings in Los Angeles, City Hall has begun responding – by attacking the locals.

For example, the often-clamoring North Hills West Neighborhood Council, in a far-flung Valley area that was a hotbed of secession-movement sentiment, is so distrustful of City Hall that its members attend city Planning Commission hearings en masse. The North Hills group has defeated a series of high-density housing proposals on its rustic fields and meadows.

For their trouble, City Hall came down hard on these citizens. According to homeowner Peggy Burgess, the Neighborhood Council was subjected to an official barrage of blistering, trumped-up charges – even including racism – that originated from a cadre of pro-growthers. The accusers were allowed to file complaints anonymously with the city's somewhat ironically named Department of Neighborhood Empowerment (DONE).

Burgess says that, during a vitriolic December meeting, Manuel Durazo, a city project coordinator for DONE, conceded that he simply forwarded the ugly charges to the Board of Neighborhood Commissioners, and official "decertification" proceedings of the Neighborhood Council got under way – with no city official bothering to investigate the accusations, or allowing the neighborhood council to refute them.

Durazo finally admitted the charges were unsubstantiated. He sent out a letter congratulating the Neighborhood Council on its victory – adding that he'd requested that the city transfer him to a different district.

Since 2005, Villaraigosa has been tirelessly cheerleading for a taller city. He has often pointed to the frenzied construction of mixed-use buildings (apartments, shops and offices) as proof that he is probusiness.



In fact, some counter that L.A. is antibusiness, a city that drives big and small companies to neighboring Pasadena, Calabasas, Glendale, Culver City and elsewhere, earning itself special attention each year in the Kosmont Report on urban areas with backward business policies.

Villaraigosa appears to believe that edifices equate with business, and that the buildings themselves will lure in an educated work force and quality companies. "If we're not creating wealth, if we're not bringing in investment, if the official bird of Los Angeles isn't the crane, then we won't be able to do all the good things we would like to do for our people," Villaraigosa told the *Los Angeles Business Journal* in 2006.

His narrow emphasis on high-density housing construction might cost L.A. if a recession has really arrived. "The burst housing bubble has hit us pretty hard," says Joseph Linton, policy associate for Livable Spaces, a nonprofit developer that's completed mixed-income, transit-oriented residences in Long Beach and Lincoln Heights. The affordable units are selling, "but our market-rate units are going very slowly." Adds Gary Toebben, president of the L.A. Area Chamber of Commerce, "New market-rate housing is just not moving."

Nonetheless, Blumenfeld imagines dense urban villages built around subway stations, populated by the young and old, neighbors who shop on the ground floor and use rail or buses to get about.

Gail Goldberg looks out across the city and imagines residents and developers working side by side, with her department's firm leadership dedicated to the integrity of neighborhoods.

But from his County Hall of Administration office just a few blocks away, Yaroslavsky, his voice rumbling in a basso profundo, waves off Blumenfeld's and Goldberg's utopian plans: "I watched the demolition derby in this town 20 years ago ... I have a platform. I have some credibility. I have something to say. [But] I shouldn't be the one to say it."

*Also read Julia Cooke's article on urban similarities between L.A. and Mexico City.*

*And What's Smart About Smart Growth? by David Zahniser*

\*Editor's Note: This story incorrectly stated that Los Angeles County Supervisor Zev Yaroslavsky fought federal funding for subways after a methane explosion in 1985. In fact, Yaroslavsky called for more study of methane gas dangers while Congressman Henry Waxman championed the federal ban. Later, Yaroslavsky led a ballot effort that prevented local sales taxes from being used on the subway being tunneled under Hollywood, allowing that tax money to go to other transit projects. This story was corrected Feb. 29.

---

Contact: Steven Leigh Morris Follow: L.A. Weekly L.A. Weekly

---

Sponsor Content



See What Dentists And Hygienists Think  
When They See The Results Crest [HD]  
Toothpaste Can Deliver.

Sponsor Content: Crest

# Exhibit 4



OFFICE OF THE CITY ATTORNEY  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

REPORT NO. R 0 5 - 0 3 1 7  
SEP 1 2 2005

REPORT RE:

**AN ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE  
AND MUNICIPAL CODES TO MAKE VARIOUS TECHNICAL AND  
CLARIFYING CHANGES**

The Honorable Los Angeles City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File Nos. 01-0760 and 99-1800  
CPC Case No. 99-0435 - not transmitted

Honorable Members:

We are transmitting to you for your action, approved as to form and legality, a final draft Ordinance to amend the Los Angeles Administrative and Municipal Codes to make various technical and clarifying changes.

**Charter Findings**

Pursuant to Charter Section 559, the Director of Planning has approved this draft of ordinance on behalf of the City Planning Commission and recommended that the City Council adopt it. Should the City Council adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his report dated August 23, 2005, or by making its own findings.

**CEQA Findings**

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning determined that the proposed ordinance is exempt from CEQA, pursuant to Article II, Section 2, Subsection (m) of the City's CEQA Guidelines

Honorable Los Angeles City Council  
of the City of Los Angeles  
Page 2

because enactment of this ordinance constitutes enabling legislation and will have no impact on the physical environment. If the City Council concurs, it must make this finding prior to or concurrent with its action on the ordinance.

**Summary of Ordinance Provisions**

The draft of ordinance amends various provisions of the Los Angeles Administrative and Municipal Codes to correct typographical errors, and to make clarifying and technical changes.

**Council Rule 38 Referral**

A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Departments of Building and Safety and Housing. The Departments have indicated that they have no objections to the draft ordinance.

If you have any questions, feel free to contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235. She or another member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM/SSC:pj(114872)  
Transmittal

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 4.91 and 4.111.1 and repealing Section 4.111.3 of the Los Angeles Administrative Code and repealing Section 11.5.8, adding Sections 11.5.9 and amending Sections 11.00, 11.5.6, 11.5.7, 12.03, 12.04, 12.09, 12.16, 12.21, 12.21.3, 12.21.5, 12.22, 12.24, 12.26, 12.27, 12.32, 12.36, 13.01, 13.02, 13.10, 14.00, 16.05, 16.50, 17.03, 17.06, 17.50, 17.52, 17.54, 41.50, 91.6218.2, Table 62-C of Division 62 of Article 1 of Chapter IX, 91.6305, 91.8607, 97.0201, 151.09, and 152.06 of the Los Angeles Municipal Code to make various technical and clarifying changes.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (f) of Section 4.91 of the Los Angeles Administrative Code is amended to read:

**(f) Retroactive Salary Adjustments.** Step adjustments will be recomputed, if necessary, pursuant to the provisions for any retroactive salary ordinance (for non-represented employees) or Council-approved MOU (for represented employees).

Sec. 2. Section 4.111.1 of the Los Angeles Administrative Code is amended by adding a second unnumbered paragraph to read:

A court of competent jurisdiction is defined as a court within the county in which the employee resides. If the place of appearance is outside the county of residence, it must be within 150 miles of the employees residence.

Sec. 3. Section 4.111.3 of the Los Angeles Administrative Code is repealed.

Sec. 4. The first paragraph of Subsection (l) of Section 11.00 of the Los Angeles Municipal Code is amended to read:

**(l)** In addition to any other remedy or penalty provided by this Code, any violation of any provision of this Code is declared to be a public nuisance and may be abated by the City or by the City Attorney on behalf of the people of the State of California as a nuisance by means of a restraining order, injunction or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City or the City Attorney, on behalf of the people of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, the provisions of this Code or seek any other relief or remedy available at law or equity.

Sec. 5. The second and third unnumbered paragraphs of Subsection E of Section 11.5.6 of the Los Angeles Municipal Code are amended to read:

After the close of the public hearing, the Council may do either of the following:

1. Approve or disapprove the Plan amendment in whole or in part in accordance with Charter Section 555(e); or

2. Propose changes to the Plan amendment.

The Council shall take either of these actions within 75 days after receiving the recommendation of the Mayor, or within 75 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. The failure of the Council to act within that 75-day period shall constitute a disapproval of the Plan amendment.

Sec. 6. Paragraph (a) of Subdivision 2 of Subsection C of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

(a) That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan; and

Sec. 7. Section 11.5.8 of the Los Angeles Municipal Code is repealed.

Sec. 8. Article 1.5 of Chapter 1 of the Los Angeles Municipal Code is amended by adding a new Section 11.5.9 to read:

**Sec. 11.5.9. WITHDRAWAL OF APPLICATION.**

**A. Procedures.** At any time before the initial decision-maker or appellate body on appeal makes a final decision on an application pursuant to the Code sections listed in Subsection C below, the applicant may withdraw the application.

**B. Limitations.** The withdrawal of the application must be in writing and does not require the decision-maker to concur. The withdrawal of the application shall be permanent and any associated authorization shall be void.

**C. Code Sections.** This section applies to applications filed pursuant to Sections 11.5.6, 11.5.7, 12.20.2, 12.20.3, 12.21, 12.22, 12.23, 12.24, 12.25, 12.26, 12.27, 12.28, 12.30, 12.32, 12.36, 12.39, 12.50, 13.01 H, 14.00, 14.5.6, 16.01, 16.02, 16.04, 16.05, 16.50 and Articles 7 and 8 of Chapter 1 of this Code.

Sec. 9. Lettered paragraphs (a) and (f) of the definition of Accessory Use in Section 12.03 of the Los Angeles Municipal Code are amended to read:

(a) all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;

(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C 1, 2 and 3 and subject to the same fees as in Section 19.01 E for relief from fence height limitation.

Sec. 10. The fourth unnumbered paragraph of the definition of Accessory Use in Section 12.03 of the Los Angeles Municipal Code is amended to read:

An approval of an Historic Vehicle Collection and any use allowed by this Code shall be subject to conditions not in conflict with this Code which the Zoning Administrator may deem necessary or advisable to impose in order to protect the peace and quiet of occupants of contiguous property.

Sec. 11. Subsection C of Section 12.04 of the Los Angeles Municipal Code is amended to read:

C. In order to regulate more adequately and restrict the height and floor area of buildings and structures, each lot shall include a height district designation. Height district designations shall be numbered from 1 to 4, CRA 1 to 4, EZ 1 to 4, and CSA 1 to 4 and shall regulate the height or floor area of buildings and structures as provided in Sections 12.21.1, 12.21.2, 12.21.3, 12.21.4 and 12.21.5. The height districts and their boundaries are shown on the Zoning Map by a combination of zone symbols and height district number markings, *e.g.*, R2-1, C2-2, M1-3, C1-CRA1, M2-EZ2, C2-CSA3, *etc.* Where a lot is located in more than one height district, the applicable zone symbol designations shall be separated by a slash mark, *e.g.*, R2-CRA/CSA, C2-EZ1/CRA2, *etc.* The symbol "HD" preceding height district number markings, when shown on the Zoning Map or used in a zoning ordinance, is an abbreviation for the words "height district" and refers to height districts. The height districts for the "CW" Zone are the height districts shown in Section 6 of the Central City West Specific Plan. The height districts for the "ADP" Zone are height districts shown in Section 7 of the Alameda District Specific Plan. The height districts for the "WC" Zone are height districts shown in Section 7 of the Warner Center Specific Plan. The height districts for the "LASED" Zone are the height districts shown on Section 10 of the Los Angeles Sports and Entertainment District Specific Plan.

Sec. 12. Subdivision 4 of Subsection C of Section 12.09 of the Los Angeles Municipal Code is amended to read:

**4. Lot Area** – Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall be 2,500 square feet, except for apartment houses, boarding or rooming houses, and multiple dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone as provided for in Subsection A of this section, which uses shall comply with the lot area per dwelling unit and guest room regulations of the RD1.5 Zone.

Provided, that where a lot has a width of less than 50 feet or an area of less than 5,000 square feet and was held under separate ownership or was of record at the time this article became effective, the lot may be occupied by any use permitted in this section, except those uses requiring more than 5,000 square feet of lot area. In no case, however, shall a two-family dwelling or two-family dwellings be allowed on a lot with an area of less than 4,000 square feet.

Exceptions to area regulations are provided for in Section 12.22 C of this Code.

Sec. 13. Paragraph (a) of Subdivision 2 of Subsection A of Section 12.16 of the Los Angeles Municipal Code is amended to read:

(a) The following amusement enterprises:

- (1) boxing arena;
- (2) games of skill and science;
- (3) merry-go-round, ferris wheel or carousel;
- (4) penny arcade;
- (5) shooting gallery;
- (6) skating rink;
- (7) Strip tease show. This use shall include an adult cabaret, as defined in Section 12.70 B of this Code;
- (8) billiard or pool hall;



(9) bowling alley;

(10) indoor swap meets, unless authorized pursuant to the provisions of Section 12.24 W 42; and

(11) other similar uses, but not including the conducting of any game of bingo authorized pursuant to the provisions of Article 4.5 of Chapter IV of this Code.

Sec. 14. Paragraph (p) of Subdivision 2 of Subsection A of Section 12.16 of the Los Angeles Municipal Code is amended to read:

(p) Gymnasiums, health clubs and other similar uses.

Sec. 15. Subdivision 2 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**2. Other Use and Yard Determinations by the Zoning Administrator.**

The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.

Anyone aggrieved by the Zoning Administrator's determination may file an appeal within 15 days from the issuance of the written decision.

The City Planning Commission shall hear appeals on Zoning Administrator Interpretations where there is no site specific issue. The Area Planning Commission shall hear appeals on site specific Zoning Administrator Interpretations. In no instance, however, shall the Zoning Administrator determine, nor shall these regulations be so interpreted, that a use may be permitted in a zone when that use is specifically listed as first permissible in a less restrictive zone; e.g., a use listed in the C2 Zone shall not be permitted in the C1 Zone, or in a more restricted designation associated with a Pedestrian Oriented District or Specific Plan.

The Zoning Administrator shall also have authority to adopt general interpretations determining the proper application of the yard regulations to groups of lots located in hillside districts or affected by common problems.

Sec. 16. Paragraph (c) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**(c) For Commercial and Industrial Buildings.** Except as otherwise provided in Subparagraphs (1) through and including (7) below, there shall be at least one automobile parking space for each 500 square feet of combined floor area contained within all the office, business, commercial, research and development buildings, and manufacturing or industrial buildings on any lot.

Sec. 17. Sub-subparagraphs 3 and 6 of Subparagraph (3) of Paragraph (x) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code are amended to read:

**3. Wilshire Center/Koreatown Recovery Redevelopment Project Area,** delineated by Ordinance No. 170806;

**6. Any Enterprise Zone** as that term is defined in Section 12.21.4 of this Code.

Sec. 18. Sub-subparagraphs 7, 8, 9 and 10 of Subparagraph (3) of Paragraph (x) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code are repealed.

Sec. 19. The Exception of Subparagraph (k) of Subdivision 5 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**EXCEPTION:**

Lights in compliance with Sections 91.6305 and 91.8607 of the Code.

All parking areas and garages provided for three or more dwelling units or guest rooms shall have an average surface illumination of not less than 0.2 footcandles (2.15 lx).

Sec. 20. Subdivision 11 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**11. Tennis or Paddle Tennis Courts.** A tennis or paddle tennis court, constructed as an accessory use to the primary residential use on the same lot in the A or R Zones, shall comply with specific construction and operation standards as may be established by the Zoning Administrator pursuant to Subsection C 4 of this section and shall be located as required in Subsection C 5 of this section.

Sec. 21. Paragraph (i) of Subdivision 16 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(i) Showers and lockers shall be provided as required by Section 91.6307 of this Code.

Sec. 22. Subparagraph (2) of Paragraph (b) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(2) For any main building on a lot in the RA, RE, RS, R1, and RD Zones, the above required side yard or the side yard required by the zone in which the lot is located, whichever requirement is greater, shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of height of the main building.

Sec. 23. Sub-Subparagraph (ii) of Subparagraph (6) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(ii) Pursuant to Section 12.24 W 49 of this Code, the decision-maker may allow use of an alternate detailed plan and specifications for landscaping and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The antenna and supporting structure or monopole shall be of a design and treated with an architectural material so that it is camouflaged to resemble a tree with a single trunk and branches on its upper part, or shall be designed using other similar stealth techniques.

Sec. 24. The Maps in Section 12.21.3 of the Los Angeles Municipal Code are deleted.

Sec. 25. The first unnumbered paragraph of Section 12.21.5 of the Los Angeles Municipal Code is amended to read:

Within the boundaries of the Centers Study areas designated on Maps numbered 1 through 3 and 5 through 28 in Council File Nos. 86-0958, 86-0957, 85-0193 and 84-1554, the height district limitations set forth below in Subsections A through F shall apply.

Sec. 26. The Maps in Section 12.21.5 of the Los Angeles Municipal Code are deleted.

Sec. 27. Sub-subparagraph (i) of Subparagraph (10) of Paragraph (a) of Subdivision 23 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

**(i) Landscaping - Setback.** A landscaped, planted area having a minimum inside width of five feet shall be required along all street frontages of the lot and on the perimeters of all parking areas of the lot or lots which abut a residential zone or use.

Notwithstanding the above, in the Downtown Business District as defined in Section 12.21 A 4 (i) of this Code, a landscape (planted) area having a minimum inside width of five feet shall be required on the perimeters of all parking areas of the lot which abut a residential zone or use.

Sec. 28. Subdivision 10 of Subsection C of Section 12.22 of the Los Angeles Municipal code is amended to read:

**10. Rear Yard - Includes One-Half Alley.** Except in the RS, R1, RU, RZ, RMP, and R2 Zones, in computing the depth of a rear yard where the rear yard opens onto an alley or in the RW Zone onto a court of not more than 30 feet in width, one-half the width of the alley or court may be assumed to be a portion of the required rear yard.

Sec. 29. The first unnumbered paragraph of Paragraph (b) of Subdivision 16 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

**(b) Procedures.** An application pursuant to this subdivision involving a nonconforming use shall follow the procedures for variances set forth in Section 12.27 C of this Code, except to the extent an additional appeal is permitted to City Council. The Zoning Administrator may waive the public hearing if the applicant has secured the approval for the reconstruction from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If that approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if the administrator makes the following written findings:

Sec. 30. The first sentence of Paragraph (a) of Subdivision 1 of Subsection E of Section 12.26 is amended by breaking it into two sentences to read:

**(a)** A certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit. The certificate of occupancy shall be issued after the request for it has been made in writing to the Superintendent of Building

after the erection, enlargement or alteration of the building or part of the building has been completed in conformity with the provisions of these regulations.

Sec. 31. Subsection J of Section 12.27 of the Los Angeles Municipal Code is amended to read:

**J. Time for Appellate Decision.** The Area Planning Commission shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Area Planning Commission. If the Area Planning Commission fails to act within this time limit, the action of the Zoning Administrator on the matter shall be final, except as provided in Subsection N below.

Sec. 32. The first sentence of Subsection S of Section 12.27 of the Los Angeles Municipal Code is amended to read:

If the use authorized by any variance granted by ordinance, or by decision of the Zoning Administrator, the Area Planning Commission, City Planning Commission or the City Council is or has been abandoned or discontinued for a period of six months, or the conditions of the variance have not been complied with, the Director, upon knowledge of this fact, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Director and show cause why the ordinance or decision granting the variance should not be repealed or rescinded, as the case may be.

Sec. 33. Paragraph (e) of Subdivision 2 of Subsection G of Section 12.32 of the Los Angeles Municipal Code is amended to read:

**(e) Certificate of Occupancy.** Property shall remain in a temporary (Q) Qualified classification for the period of time provided in Paragraph (f) of this subsection or until a Certificate of Occupancy is issued by the Superintendent of Building for one or more of the uses first permitted by the Qualified zone ordinance. The Superintendent of Building shall notify the Director of the issuance of the Certificate of Occupancy. Once the Certificate of Occupancy is issued: (i) the (Q) Qualified classification shall no longer be considered temporary; (ii) the parentheses shall be removed from the designation; and (iii) the new zone designation shall become finally effective and shall be placed on the appropriate City records with the symbol "Q" being a permanent part of the symbol designation; for example QR3-1. All applicable limitations and/or standards within the Qualified classification ordinance shall thereafter be considered to apply permanently to the specific uses. The temporary Qualified classification and the accompanying conditions that have become permanent and are shown with brackets shall have the same status as those that have become permanent, but shown with neither parenthesis nor brackets.

Sec. 34. Subparagraph (2) of Paragraph (a) of Subdivision 3 of Subsection Q of Section 12.32 of the Los Angeles Municipal Code is amended to read:

**(2) Conditional Approval or Denial.** Notwithstanding Subdivision 2 (a) of this subsection, a vesting zone change may be conditioned or denied if the City Planning Commission or the City Council determines:

Sec. 35. Subdivision 1 of Subsection C of Section 12.36 of the Los Angeles Municipal Code is amended to read:

1. Except as provided in Subdivision 2 below, if a project requires at least one quasi-judicial approval and at least one legislative approval, all of the applications shall be considered by the City Planning Commission. The procedures used for consideration of initial decisions and any appeals of all of the required approvals will be those set forth in Section 12.32 B through D. However, if the Commission fails to act on a quasi-judicial application or appeal, which is a part of a multiple approval, then the quasi-judicial action shall be transferred to the City Council without a recommendation for a decision. If a project requires a plan amendment, notwithstanding the time limits set forth in Section 12.32 B through D, the time limit in which the Council must act on all applications shall run from the time the Council receives the Mayor's recommendation or the time for the mayor to act expires.

Sec. 36. The first sentence of Subsection D of Section 12.36 of the Los Angeles Municipal Code is amended to read:

If a project subject to Subsections B or C of this section also requires a tract map or parcel map approval by the Advisory Agency, that subdivision approval and any appeals shall be decided and governed by the rules applicable to subdivision approvals as set forth in Article 7 of this chapter.

Sec. 37. Subsection E of Section 12.36 of the Los Angeles Municipal Code is amended to read:

**E. Projects Requiring Multiple Approvals, Including Director Approval.** If a project requires more than one approval by the Zoning Administrator and the Area Planning Commission or the City Planning Commission and also requires an approval by the Director, all the applications shall be decided by either the Area Planning Commission or the City Planning Commission, whichever Commission has jurisdiction over at least one of the approvals, as provided in Subsections B, C or D of this section. The procedure used for consideration of initial decisions and any appeals of the required approvals shall be those set forth in Subsections B, C or D of this section. However, if a public benefit approval is combined with a quasi-judicial approval, but neither a legislative nor a subdivision approval is also required, then the initial decision-

maker shall be the City Planning Commission and the appellate body shall be the City Council.

Sec. 38. The definition of "Los Angeles City Oil Field Area" in Subsection B of Section 13.01 of the Los Angeles Municipal Code is amended to read:

**"Los Angeles City Oil Field Area"** shall mean all land in the City within the areas identified on the maps in Ordinance No. 156,166 located in Council File No. 80-3951 and shall include all oil producing zones beneath those areas but no deeper than the third zone beneath the surface of the earth.

Sec. 39. The Maps in Subdivision 4 of Subsection D of Section 13.01 of the Los Angeles Municipal Code are deleted.

Sec. 40. Subsection D of Section 13.02 of the Los Angeles Municipal Code is amended to read:

**D. Other Districts.** In addition to the districts established by Subsection C of this section, other districts within which animal slaughtering is permitted and the conditions applying thereto shall be subject to the approval of development plans by the Administrator.

Sec. 41. Subdivision 1 of Subsection D of Section 13.02 of the Los Angeles Municipal Code is deleted.

Sec. 42. Subsection B of Section 13.10 of the Los Angeles Municipal Code is amended to read:

**B. Establishment of Districts.** The procedures set forth in Section 12.32 S shall be followed except that each Fence Height District (FH) shall include only lots which are in residential zones, and shall not include lots which are in Hillside Areas, in the Coastal Zone, in Historic Preservation Overlay Zones, or in Specific Plan Areas.

Sec. 43. Subparagraph (13) of Paragraph (a) of Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

**(13)** A solid, decorative, masonry or wrought iron wall or fence at least six feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback; and

Sec. 44. Subdivision 2 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is amended to read:

---

2. Any development project with a still-valid discretionary approval, including but not limited to those listed in Subsection B 2 of this section, shall be exempt from site plan review only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking, access) and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code. The Department of City Planning may require supplements to the environmental documentation to maintain its currentness. The Director is authorized to establish procedures to process determinations required under this subdivision.

Sec. 45. The second unnumbered paragraph of Subdivision 5 of Subsection E of Section 16.50 of the Los Angeles Municipal Code is amended to read:

An applicant requesting approval of a proposed modification to a project shall do so in writing. The request shall include an illustrated description of the proposed modification and a narrative justification. Written proof that a modification is required by a public agency shall be submitted with the request. Copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information at the time the request is submitted to the Planning Department. There shall be no fee for a review of a modification required by a public agency. An applicant may also request a minor modification which is not required by a public agency. In that case, a fee shall be paid pursuant to Subdivision 2 (e) of this subsection.

Sec. 46. The sixth unnumbered paragraph of Subsection A of Section 17.03 of the Los Angeles Municipal Code is amended to read:

If the final decision-maker imposes a condition as part of an action on a related application that differs from a condition of approval on a tentative tract map, then the Advisory Agency shall have the authority to make the tract map conditions consistent with the final decision-maker's action.

Sec. 47. Subdivisions 3, 4 and 5 of Subsection A of Section 17.06 of the Los Angeles Municipal Code are amended to read:

**3. Appeal to the Appeal Board.** The subdivider, the Mayor, any member of the City Council, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Advisory Agency with respect to the tentative map or the kind, nature or extent of the improvement required to the Appeal Board.



Appeals to the Appeal Board shall be filed in duplicate, in a public office of the Department of City Planning on forms provided for that purpose within ten days of the date of mailing of the written decision of the Advisory Agency and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for a public hearing before the Appeal Board.

The Appeal Board, upon notice to the subdivider, the appellant and the Advisory Agency, shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. At the time established for the hearing, the Appeal Board shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The Appeal Board may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the Appeal Board may desire to inquire.

Upon conclusion of the hearing, the Appeal Board shall within ten days render its decision on the appeal based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or ruling of the Advisory Agency, and shall make findings consistent with the provisions of this article and the Subdivision Map Act.

**Failure to Act.** If at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to subdivision 5 of this subsection, the Appeal Board fails to act, the appeal shall be deemed denied; the decision from which the appeal was taken shall be deemed affirmed and an appeal may be filed and taken to the City Council pursuant to Subdivision 4 below.

**4. Appeal to Council.** The subdivider, the Mayor, any member of the City Council, the Advisory Agency, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Appeal Board with respect to the tentative map or the kinds, nature or extent of the improvements required by the Appeal Board to the City Council.

Appeals to the City Council shall be filed in duplicate, in a public office of the Department of City Planning on the forms provided for that purpose within ten days of the date of mailing of the written decision of the Appeal Board and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form

and file shall then immediately be transmitted to the City Clerk for a public hearing before the City Council.

The City Council shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board and the Advisory Agency. At the time established for the hearing, the Council or its Committee shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The City Council may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the City Council may desire to inquire.

Upon conclusion of the hearing, the City Council shall within ten days render its decision on the appeal based upon the testimony and documents produced before it. The City Council may sustain, modify, reject or overrule any recommendations or rulings of the Appeal Board and shall make findings consistent with the provisions of this article and the Subdivision Map Act.

If at the end of the time limit specified in this subsection, or at the end of any extension of time pursuant to Subdivision 5 of this subsection, the City Council fails to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed. It shall be the duty of the City Clerk to issue the decision.

**5. Extension of Time.** Any of the time limits specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency, the Appeal Board or the City Council, as the case may be.

Sec. 48. Subsection F of Section 17.52 of the Los Angeles Municipal Code is deleted.

Sec. 49. Subsection A of Section 17.54 of the Los Angeles Municipal Code is amended to read:

**A. Procedure.**

**Appeal to Appeal Board.** An applicant or any other person claiming to be aggrieved by an action or determination of the Advisory Agency with respect to a preliminary Parcel Map, certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35 or an exemption from the Parcel Map regulations pursuant to Section 17.50 B 3 (c) of this Code may, within a period of 15

days after the date of mailing of the decision of the Advisory Agency, appeal to the Appeal Board for a public hearing. Appeals to the Appeal Board shall be filed in duplicate in a public office of the Department of City Planning on forms provided for that purpose and shall be accompanied by the fees required in Section 19.02 of this Code. The appeal shall not be considered as having been filed unless and until the form has been properly completed and all information required by it has been submitted. The complete appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for hearing before the Appeal Board.

The Appeal Board, upon notice to the applicant, the person claiming to be aggrieved, if any, and the Advisory Agency, shall hear the appeal within 30 days after the expiration of the 15-day appeal period unless the applicant consents to an extension of time pursuant to Subsection B of this section. At the time established for the hearing, the Appeal Board shall hear the testimony of the applicant and witnesses in his/her behalf, the testimony of any aggrieved persons, if there are any, and the testimony of the Advisory Agency and any witnesses on its behalf. The Appeal Board may also hear the testimony of other competent persons respecting the character of the neighborhood in which the division of land is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other relevant phase of the matter into which the Appeal Board may desire to inquire.

Upon conclusion of the hearing, the Appeal Board shall within 14 days declare findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendation or ruling of the Advisory Agency and may make findings consistent with applicable provisions of this article.

**Failure to Act.** If at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to Subsection B of this section, the Appeal Board fails to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed.

Sec. 50. Subsection A of Section 41.50 of the Los Angeles Municipal Code is amended by deleting the numbering of paragraphs within this subsection.

Sec. 51. Subsection 2 of Section 91.6218.2 of the Los Angeles Municipal Code is amended to read:

2. No portion of an off-site sign or sign support structure shall be located in that half of a lot located farthest from the street frontage when residentially zoned property is located to the rear of that street frontage.

Sec. 52. Table 62-C of Division 62 of Article 1 of Chapter IX of the City of Los Angeles Municipal Code is amended by changing the heading in the second "Proposed Sign" column from "80 sq. ft. to 330 sq. ft." to read "80 sq. ft. to 300 sq. ft."

Sec. 53. Section 91.6305.1 of the Los Angeles Municipal Code is amended to read:

**91.6305.1. Light.** All parking garages serving dwelling units or guest rooms shall be provided with an incandescent light bulb (minimum of 60 watts) or other artificial light at a maximum height of eight feet (2438 mm) and shall provide a minimum average surface illumination of 0.2 footcandles (2.15 lx) at floor level. Where, in any specific case, different sections of the Los Angeles Municipal Code specify different requirements, the most restrictive shall govern.

Sec. 54. The second sentence of the first unnumbered paragraph of Section 91.8607 of the Los Angeles Municipal Code is amended to read:

Owners of all lots developed with an apartment house shall provide lights and locks or metal bars or grilles that comply with the provisions of Sections 12.21 A 5 (k), 91.6304.2, 91.6305 and Division 67 of this Code in any of the following circumstances:

Sec. 55. Section 97.0201 of the Los Angeles Municipal Code is amended by adding a second "Exception" to read:

**Exception:** No license shall be required to operate any Mobile crane with a boom length of 25 feet or more or a maximum rated load capacity of 15,000 pounds or more.

Sec. 56. The second unnumbered paragraph of Subdivision 4 of Subsection C of Section 151.09 of the Los Angeles Municipal Code is amended to read:

Therefore, notwithstanding any provision of this chapter to the contrary, if the termination of tenancy is based on the ground set forth in Subdivision 10 of Subsection A of this section, then the following provisions apply:

Sec. 57. Subsection I of Section 151.09 of the Los Angeles Municipal Code is amended in its entirety to read:

I. If the termination of tenancy was based on the grounds set forth in Subdivisions 8 or 10 of Subsection A of this section, the landlord shall file with the Department a declaration on a form prescribed by the Department within ten calendar days of the re-rental of the rental unit. This declaration shall indicate the address of the rental unit, the date of the re-rental, the amount of rent being charged to the current tenant, the name of the current tenant and such further information as requested by the Department.

Sec. 58. Subsection K of Section 151.09 of the Los Angeles Municipal Code is repealed.

Sec. 59. Subsection E of Section 152.06 of the Los Angeles Municipal Code is amended to read:

E. A landlord may choose to place a tenant's rent and any other required payments in an escrow account. All costs of opening and maintaining the escrow account shall be borne by the landlord. Monies deposited into the escrow account shall be distributed in accordance with guidelines or regulations established by the Commission. The cost of opening an escrow account is not recoverable under Section 151.07 A 1 d of this Code.

(111211)

Sec. 60. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

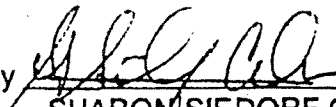
By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By   
SHARON SIEDORF CARDENAS  
Assistant City Attorney

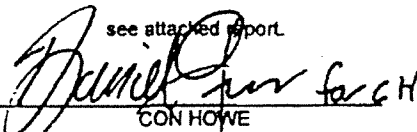
Date AUG 24 2005

File No. CF 99-1800 & 01-0760; CPC 99-0435

Pursuant to Charter Section 559, I approve  
this ordinance on behalf of the City Planning  
Commission and recommend  
it be adopted .....

August 23, 2005

see attached report.

  
CON HOWE  
Director of Planning

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

CITY PLANNING COMMISSION

MABEL CHANG  
PRESIDENT  
DAVID L. BURG  
VICE-PRESIDENT  
JOY ATKINSON  
ERNESTO CARDENAS  
SUSAN CLINE  
MARY GEORGE  
MICHAEL MAHDESIAN  
BRADLEY MINDLIN  
THOMAS E. SCHIFF  
GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

EXECUTIVE OFFICES

CON HOWE  
DIRECTOR  
(213) 978-1271  
GORDON B. HAMILTON  
DEPUTY DIRECTOR  
(213) 978-1272  
ROBERT H. SUTTON  
DEPUTY DIRECTOR  
(213) 978-1274  
FAX: (213) 978-1275  
INFORMATION  
(213) 978-1270  
[www.lacity.org/PLN](http://www.lacity.org/PLN)

August 23, 2005

Council File Nos. 01-0760; 99-1800  
City Plan Case No. 99-0435

The Honorable Rockard J. Delgadillo  
City Attorney  
Room 700, City Hall East

Stop 140

Attention: Sharon Siedorf Cardenas  
Assistant City Attorney

AN ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE CODE AND MUNICIPAL CODES TO MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES

On May 26, 2005, your office transmitted a letter and draft ordinance making various technical and clarifying changes to the Administrative and Municipal Codes in conformance with the Council's previous actions stemming from the Charter and incorporating additional technical changes. These additional technical and clarifying changes have been incorporated in to this ordinance to meet the intent of the original City Planning Commission and City Council reports to provide internal consistency. Subsequently, the City Attorney has prepared a revised draft ordinance stemming from the Charter and incorporating additional technical corrections.

Environmental Impact

The subject ordinance was determined to be exempt from the California Environmental Quality Act (CEQA) under Article II, Section 2, Subsection (m) of the Los Angeles City California Environmental Quality Act Guidelines, the adoption this ordinance is enabling legislation and will have no impact on the physical environment.

Findings

1. In accordance with Charter Section 556, that the subject ordinance is in substantial conformance with the purposes, intent and provisions of the City's General Plan. The proposed ordinance makes technical and clarifying changes to the Administrative and Municipal Code provisions. The technical corrections clarifies language or correct errors in order to continue to implement the Charter by creating clear and consistent rules for processing of applications and is an effective means of implementing the City's General Plan and zoning regulations; and

2. In accordance with Charter Section 558 (b) (2) the subject ordinance makes technical and clarifying changes to the Administrative and Municipal Code will have no adverse effect upon the General Plan, specific plans or any other plans being prepared by the Department of City Planning. The subject ordinance does not change the general plan, specific plans or any other plans, rather the ordinance clarifies procedures relating to the applications for entitlements and other matters processed through the Department of City Planning.

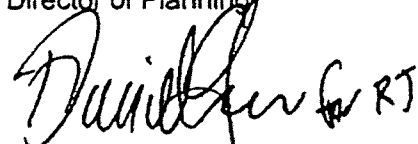
Further, the subject ordinance implements the City Wide General Plan Framework Element Economic Development Objective 7.4 "to improve the provision of governmental services, expedite the administrative processing of development applications" in order to "develop and maintain a streamlined development review process to assure the City's competitiveness with the... region" (policy 7.4.1) and objective 7.8, "maintain and improve municipal service levels throughout the city to support current residents quality of life and enable Los Angeles to be competitive when attracting new development"; and

3. In accordance with Charter Section 558 (b) (2), that the subject ordinance is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice in that its provisions, which recognize current development constraints and practices makes and amends the Municipal Code to be more in conformity with them, making it easier for everyone to understand and utilize the provisions of the Code. Further, the ordinance clarifies apparent internal discrepancies and provides consistency within the Municipal Code; and
4. That the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof, pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines, that enactment of this ordinance constitutes enabling legislation and will have no impact on the physical environment.

#### Charter Section 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that my action conforms with all applicable portions of the General Plan and with the January 27, 2000 action of the City Planning Commission implementing the provisions of the enacted City Charter, and I, therefore, approve this ordinance (attached) and recommend that it be adopted by the City Council.

CON HOWE  
Director of Planning

  
Robert Janovici  
Chief Zoning Administrator



# Exhibit 5

CITY OF LOS ANGELES  
CALIFORNIA

WALTER C. THIEL  
CITY CLERK

WHEN MAKING INQUIRIES  
RELATIVE TO THIS MATTER,  
REFER TO FILE NO.

132460



SAM YORTY  
MAYOR

OFFICE OF  
CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIF. 90012  
MADISON 4-5211

December 21, 1966

Los Angeles County Grand Jury for 1966  
548 Hall of Justice  
Los Angeles, California 90012

Planning Committee

In accordance with Council Rules, communication from the  
Los Angeles County Grand Jury for 1966, submitting  
zoning study report on zoning case in West Valley section  
and recommending that study be made in zoning matters,  
was referred to the Planning Committee.

City Clerk

km

*Planning  
Committee*

ZONING STUDY REPORT & RECOMMENDATIONS

DEC 21 1966

On November 22, 1966, this Grand Jury completed its investigation with respect to a complex zoning case in the West Valley section of Los Angeles. The evidence before us indicated that a developer had represented to his partners that he could secure favorable zoning treatment from the City of Los Angeles in exchange for payment of monies. While this jury could not legally conclude that such monies were actually paid for the very favorable zoning obtained by the developer, there were many circumstances in the case that caused us grave concern. Mainly, this body heard evidence indicating that the zoning sought in this case had adverse recommendations from every city agency that considered the application from its inception and, yet, when the matter was finally appealed to the Los Angeles City Council, the developer was successful in reversing all of these agencies that had previously considered the application. As a result of our concern generated by this case, we undertook a supplemental zoning study and heard testimony from several knowledgeable and informed persons in the field of zoning. [We regretfully report that evidence we heard demonstrated that influence can and has been and in all probability will be exerted through the medium of campaign contributions, political obligations and friendships.] This Grand Jury feels that it might be of assistance to issue certain recommendations as a result of conclusions reached from considering this evidence. Therefore, in the spirit of hope for continuing progress in the field of efficient and honest government practices at all levels and in all fields, the following recommendations are made:

DECEMBER 21 1966

PLANNING COM.

1. That specialists in the field of zone problems who have been identified by various terms such as land consultants, expeditors, zoning advisors, etc., be required to register as practitioners in that line of work and that certain minimal ethical standards be established for the conduct of their affairs. It appears that these men perform a valuable function for persons desiring land zoning changes, but that representation is totally unregulated and that community interests would be better served by knowledge of who performs these types of services, when their services are performed and by whom they are employed.
2. While there is no doubt that the zoning and classification of property is a complex field encompassing a multitude of applicable laws, it is nonetheless a function of government that should allow an individual owner an opportunity to apply for desired zoning without necessarily employing a specialist to represent him at great additional cost. It would appear compatible with sound governmental practices to provide ample public information through knowledgeable governmental employees to that individual seeking a zoning change by his own individual efforts. This information should minimally include advice on applicable standards and guidance in the procedures to be followed in prosecuting an application.
3. While we discuss zoning as a general term, we, of course, also wish to include different forms of zoning which would embrace Conditional Use Permits. The evidence before us indicates that in most forms

of zoning reclassification, the Mayor, as an elected public official, has veto power. However, in a Conditional Use Permit no such veto power exists and the ruling of the City Council is final. It is, therefore, recommended that appropriate legislation be passed to authorize veto power on the part of the elected executive officer of the city on all property reclassification cases and that such an additional check and balance would serve in the best interest of the community.

Evidence further disclosed that rulings of the Board of Zoning Adjustments are final and not appealable other than by expensive recourse to the courts. It is submitted that the interests of the community would be better served if the ruling of this agency were appealable to the City Council with veto power by the Mayor, and it is so recommended.

4. A growing area of concern in all levels of government has been in the field of conflicts of interest, that is, where an official called upon to act in a given field might have some interest in that field which would inhibit that official from acting in a wholly objective and uninfluenced manner. Certainly, the field of zoning administration ranks high as a field of governmental activity calling for regulation of the officials practicing in said field to be free of any conflicting interest. For one example, it is certainly plain to see the disservice to the public interest if an official called upon to vote on some zoning matter,

passage of which would obviously enhance the value of surrounding land, did, in fact, own an interest in some of that surrounding land.

Therefore, it is recommended the immediately upon appointment and/or election, whichever applies, and every six months thereafter while on the City Planning Commission, Board of Zoning Adjustments, or City Council, each member of those bodies shall file a sworn affidavit with the Mayor and City Attorney of Los Angeles listing all real estate properties, their location, zone and use, in which he has any direct or beneficial interest and any part of which are within the city limits of Los Angeles or within five hundred feet outside its borders, except that only his percentage ownership of total stock outstanding need be reported in companies owning more than ten parcels of land so located. These lists shall be confidential and for official reference of the Mayor and City Attorney and any duly authorized law enforcement agency only, unless clear cause has been demonstrated for indirect reference to or release of the lists in whole or in part by the City Attorney. The lists submitted by each member of the City Planning Commission, Board of Zoning Adjustments, and City Council shall be returned to him within ten days after he no longer serves on the Commission.

5. In the spirit of promoting greater public knowledge and awareness of what different governmental units are doing, it is recommended that except in public meetings or in the regular governmental offices of the City Planning Department and City Council in City Hall, discussion of zone changes by applicants, their representatives, and other directly

- interested parties with members of the City Planning Commission and members of the City Council be incorporated as part of the Brown Act.
6. At any formal hearing wherein the advisability of granting, changing, or modifying zoning is under consideration, both the proponents and opponents shall be placed under oath.
  7. The applicant shall, under penalty of perjury, file with the City Clerk a detailed list of any campaign contributions made or promised to any elected official who may vote on the application; said affidavit must be made at least five days before the hearing and must be a part of the file.
  8. Finally, in view of our concern over the evidence in the case which gave rise to this zone study, to wit rejection of the zoning application until it was finally passed upon at the Councilmanic level, it is recommended that when the recommendation of the City Planning Commission on any matter before it under the provisions of the City Charter is
    - 1) in accordance with the Master Plan adopted by the Commission, and
    - 2) substantially the same as the recommendation of the City Planning Department to the Commission, a four-fifths vote of the City Council shall be required to reject the recommendation of the Commission; or, if the zoning requested is 1) not in accord with the Master Plan adopted by the Commission, and 2) the application is rejected by the Planning Department and the Planning Commission, a four-fifths vote of the City Council should be required to reverse the rejection of the

City Planning Department and the City Planning Commission.

CONCLUSION: In conclusion, the Grand Jury has heard much evidence that demonstrates existing wrongs in the field of zoning administration which are subject to correction. Yet our study was one limited to evidence growing out of only one case. It is apparent that a projected and in-depth study of this field is not only overdue, but one which would be invaluable to the interests of our community. It is our recommendation that such a study be undertaken as soon as possible. While it is not within our purview to set forth guidelines for such a study, common sense dictates that such a study should be undertaken by an agency which is in no way answerable to any of the city agencies which are objects of the study itself.



# Exhibit 6

# Residents Often Victims in Zoning Ch

## Wife of Soldier in Vietnam Loses Leased Home After Expediter's Visit to App

BY GEORGE REASONS

Times Staff Writer

The wife and children of a soldier fighting in Vietnam lived in the house. And they liked it.

The home sat on a large, heavily wooded lot and had an 18 by 36-foot swimming pool in the rear.

The soldier's wife held a lease on the place good for another six months with an option to renew for another year.

She liked the home despite the fact that the Golden State Freeway bordered the property. She planned to stick it out there until her husband returned from the war.

But the decision wasn't to be hers. Unbeknownst to her, the property had changed hands and plans were afoot to turn it into a site for a service station.

An application had been filed for a zone variance, and that's what brought a field investigator from the city knocking on her door.

He was trying to substantiate the claim made by an expediter, now dead, representing the new owner that freeway traffic noise and the glare of headlights made it impossible to keep tenants. This was the sole basis behind his application for a hardship zone variance.

The field investigator questioned the soldier's wife and in August, 1966, he wrote a report based on what she had told him.

During the field investigation it was discovered the residence was not vacant but is occupied by a tenant who holds a lease until February, 1967, with an option to extend it another year.

Conversation with the tenant revealed she is waiting for her husband to return from Vietnam

that she and her children were used to the freeway traffic and she said, "After a while it almost kills you to sleep."

She added that heavy growth around the home provided more than enough protection from freeway noises and the glare of headlights.

The variance was rejected by the city's zoning administrator, a civil servant who ruled that development of a service station would be injurious to other property in the residential neighborhood.

But that wasn't the end of it. The expediter appealed the decision to the politically appointed Board of Zoning Adjustment.

One member of that body, a quasi-judicial appeals court, whom has the final word on variances pointed out that the developer's case didn't make sense.

Noting that the property was then in escrow, he said the expediter in effect was arguing that his client bought a piece of property he knew he couldn't rent and by doing it created a hardship for himself.

### Board Upholds Appeal

Despite the objections, the appeal was granted and the Valley has one more service station.

Why the woman in the house gave up her option to lease for another year is a matter for conjecture.

Zoning Administrator Huber Smutz, a civil servant who makes the initial decision on zone variances, has been highly critical of the role of expeditors in the zoning process.

In an inter-departmental memo he wrote:

"Too much credence is given to statements of expeditors who after

all are not planning experts over the statements and findings of qualified, experienced zoning administrators."

The record will show that the board has granted almost every appeal handled by certain well-known expeditors.

The well-known expeditors number only six or seven but this small group handles an unusually large number of important cases often involving millions of dollars in potential profits.

The expediter, in effect, is a lobbyist who sometimes gets "line" possible things done because of his key contacts.

Some of the more successful lobbyists are personal friends of business partners of planning commissioners or councilmen. Others are heavy campaign contributors, buy "line" of \$100 tickets to testimonial dinners and otherwise support the establishment.

Some, but not all, have professional backgrounds in planning. Some are developers as well as expeditors. All of them appear to have some special connection with one or more of a number of key officials.

Some of the more successful ones are:

Ernest A. Schroer, Jr., of 19232 Aurora Ave., Northridge, has been connected through a development firm known as Antelope Farms Corp. with Planning Commissioner Charles R. Flanagan. Schroer, who came here from Las Vegas, also is a friend of and substantial contributor to Councilman James B. Potter and Thomas B. Shepard.

George Carey, a friend of Board of Zoning Adjustment member Roger S. Hutchinson and has acted as

expediter for Councilman Louis Nowell's brother, Ernest.

George E. Moll, of 18455 Burbank Blvd., Tarzana, who was the first president of Antelope Farms, then headquartered in his office.

Don Cunningham, 3723 Wilshire Blvd., who has acted as expediter on cases in which Planning Commissioner John J. Pollon had an interest before he was appointed to the commission, is a friend of Commissioner Flanagan and a frequent political contributor to key people.

His name appears first on a list of contributors solicited by BZA member Hutchinson for Yorty's campaign in 1965.

After returning an indictment in a controversial rezoning case in Chatsworth, the 1966 county grand jury conducted a brief study of city zoning practices at which four expeditors were summoned to testify.

### Grand Jury Study

In its report on the study, the grand jury said:

"We regretfully report that evidence heard demonstrated that influence can and has been, and in all probability will be exercised through the medium of campaign contributions, political obligations and friendships."

One of the expeditors heard by the grand jury was the man who handled the property on which the family of the soldier in Vietnam lived.

He was one of those singled out by Smutz in his criticism that too much stock is placed in what expeditors say.

Smutz might have made another point but didn't—expeditors and others who appear before the

Planning Administrative Adjustment Board.

The variances other than but even hidden.

Under when hug it is not a jammed w changes f basis of m

On occa known to tent "que administr

In the zoning chi such as retail store out to be a

Frequer the applic to be the

The cas considered when it is has held tl instead o brought it immediate

Often a application name of o owns the the deal m erships.

In some omitted fr related to business ti

Plen



# Residents Often Victims in Zoning Changes

## Life of Soldier in Vietnam Loses Leased Home After Expediter's Visit to Appeals Board

### ORGE REASONS

Times Staff Writer

and children of a soldier in Vietnam lived in the house they liked it.

She sat on a large, heavily cushioned sofa and had an 18 by 36-foot pool in the rear.

Her wife held a lease on the house for another six months with an option to renew for

the home despite the Golden State Freeway property. She planned to stay there until her husband returned from the war.

The decision wasn't to be hers. To her, the property was a home and plans were made to turn it into a site for a home.

A petition had been filed for a variance and that's what the investigator from the city was on her door.

She was trying to substantiate the petition by an expediter, now entering the new owner's house, traffic noises and the bright lights made it impossible for her to see the tenants. This was the first time his application for a zone variance.

The investigator questioned the wife and in August, she wrote a report based on what he told him.

In the field investigation, it was found the residence is not occupied by a tenant. The lease until February, 1965, in option to extend it

in option with the tenant. The wife is waiting for her husband to return from Vietnam.

that she and her children were used to the freeway traffic and she said, "After a while it almost lulls you to sleep."

She added that heavy growth around the home provided more than enough protection from freeway noises and the glare of headlights.

The variance was rejected by the city's zoning administrator, a civil servant who ruled that development of a service station would be injurious to other property in the residential neighborhood.

But that wasn't the end of it. The expediter appealed the decision to the politically appointed Board of Zoning Adjustment.

One member of that body, a quasi-judicial appeals court, which has the final word on variances, pointed out that the developer's case didn't make sense.

Noting that the property was then in escrow, he said the expediter in effect was arguing that his client bought a piece of property he knew he couldn't rent and by doing it created a hardship for himself.

### Board Upholds Appeal

Despite the objections, the appeal was granted and the valley was one more service station.

Why the woman in the house gave up her option to lease for another year is a matter for conjecture.

Zoning Administrator Huber Smutz, a civil servant who makes the initial decision on zone variances, has been highly critical of the role of expeditors in the zoning process.

In an inter-departmental memo he wrote,

"Too much credence is given to statements of expeditors who after

all are not planning experts over the statements and findings of qualified, experienced zoning administrators."

The record will show that the board has granted almost every appeal handled by certain well-known expeditors.

The "well-known" expeditors number only six or seven but this small group handles an unusually large number of important cases often involving millions of dollars in potential profits.

The expediter, in effect, is a lobbyist who sometimes gets "impossible" things done because of his key contacts.

Some of the more successful lobbyists are personal friends or business partners of planning commissioners or councilmen. Others are heavy campaign contributors, but instead of \$100 tickets to testimonial dinners and otherwise support the establishment.

Some but not all have professional backgrounds in planning. Some are developers as well as expeditors. All of them appear to have some special connection with one or more of a number of key officials.

Some of the more successful ones are:

Ernest A. Schroer Jr. of 10232 Aura Ave., Northridge, has been connected through a development firm known as Antelope Farms Corp. with Planning Commissioner Charles E. Haganagan. Schroer, who came here from Las Vegas, also is a friend of and substantial contributor to Councilmen James B. Potts and Thomas D. Shepard.

George Carey, a friend of Board of Zoning Adjustment member Roger S. Hutchinson, and has acted as

expediter for Councilman Louis Nowell's brother, Ernest.

George B. Moll of 18455 Burbank Blvd., Tarzana, who was the first president of Antelope Farms then headquartered in his office.

Don Cunningham, 3723 Wilshire Blvd., who has acted as expediter on cases in which Planning Commissioner John J. Pollon had an interest before he was appointed to the commission, is a friend of Commissioner Haganagan and a frequent political contributor to key people.

His name appears first on a list of contributors solicited by BZA member Hutchinson for Vorty's campaign in 1965.

After returning an indictment in a controversial rezoning case in Chatsworth, the 1966 county grand jury conducted a brief study of city zoning practices at which four expeditors were summoned to testify.

### Grand Jury Study

In its report on the study, the grand jury said,

"We beg to report that evidence heard demonstrated that influence can and has been and in fact, probably will be, exerted through the medium of campaign contributions, political obligations and friendships."

One of the expeditors heard by the grand jury was the man who handled the property on which the family of the soldier in Vietnam lived.

He was one of those singled out by Smutz in his criticism that too much stock is placed in what expeditors say.

Smutz might have made another point but didn't—expeditors and others who appear before the

Planning Commission, zoning administrator and Board of Zoning Adjustment do NOT testify under oath.

The applications they file for variances or changes of zone, on the other hand, are sworn statements—but even here ownership often is hidden.

Under these circumstances and when huge profits often are at stake it is not unusual that the record is jammed with cases in which zoning changes have been granted on the basis of misstatements of fact.

On occasion, expeditors have been known to deliberately evade persistent questioning by the zoning administrator.

In other cases they have sought zoning changes for a stated purpose, such as development of a small retail store, but later the store turns out to be a service station.

Frequently the alleged owner on the applications they file turns out to be the former owner.

The case for a zone change is considered to be somewhat stronger when it is sought by someone who has held the property for some time instead of by a developer who bought it intending to rezone it immediately for commercial use.

Often an expediter will file an application for a zone change in the name of one person and indicate he owns the property when actually the deal might involve a dozen owners.

In some of these cases, those omitted from the application were related to city officials by blood or business ties and were not anxious

Please Turn to Page 6, Col. 1

## EXPEDITER'S FUNCTION EXPLAINED

# Residents Often Victims When Zoning Is Changed

Continued from First Page

for their names to appear. "Because of this provision, property owners sometimes find their land being rezoned when they have nothing to do with the application. Applications from descees and from those in escrow buying property are also accepted, and are legal."

For a variance, however, all affected property owners must sign.

Most of the successful expeditors are on a first-name basis with the planning officials with whom they deal. They address one another by their first names at public hearings.

Often their business comes from referrals made to them by planning commissioners and councilmen who later will decide officially whether the change is to be granted.

It often works this way. A realtor or property owner who has land he wants rezoned goes to his councilman or a planning commissioner for advice.

Giving advice to constituents is a normal part of a councilman's job.

The councilman or commissioner listens, perhaps gives a snap judgment on the chances of success and suggests the person hire professional help. He then often refers him to a specific expediter.

Because of this arrangement, several expeditors handle cases which almost always fall within a specific councilman's district.

If a councilman vetoes a zone change in his district—which sometimes happens when the community is aroused—his colleagues usually respect his wishes when it comes to the council floor and vote it down.

For his work, the expediter may get several hundred dollars or several thousand, depending on the difficulty of the case or the potential profits involved.

"I charge whatever the traffic will bear," one expediter told the grand jury.

In the Chatsworth case in which expediter Bryan Gibson was indicted, grand jury testimony revealed that the developers who engaged him had put up more than \$30,000 to

by O'Melveney & Meyers at the behest of Mayor Sam Yorky, who turned to the private law firm instead of the city attorney, because, he said, he and the city attorney "didn't seem to be able to get together on what we wanted."

The city attorney's office at the time reacted swiftly and in anger. Asst. City Atty. James A. Doherty wrote a scathing report to the city's Governmental Efficiency Committee in which he charged Yorky's ordinance was revealed at a press conference and no member of the city attorney's office was consulted on it.

When he submitted pointed criticism of the ordinance which later accounted in part for its defeat.

Doherty pointed out that the ordinance would have benefited lobbyists who dealt with the council but not those doing business with the mayor or the commissions which the mayor appoints. He put it that way in his report.

"The ordinance is extremely comprehensive when dealing with the council, is less comprehensive so far as persons dealing with the mayor, but is completely silent as to persons dealing with commissions."

Many zoning matters, including variances and certain kinds of conditional use permits, are handled exclusively by civil servants and the appointive Board of Zoning Adjustment. They never come before an elected official.

Other zoning cases, such as those

## PROCEDURES FOR ZONING CHANGES ARE EXPLAINED

When use of property in certain ways is precluded by zoning classification on master or land use plans, developers may get around it by seeking three kinds of action:

1—**ZONE CHANGE**—Changes in zone by ordinance. Acted on first by the Planning Commission, it requires approval by City Council and



#### Indicted for Grand Theft

Before crucial votes were cast in the case, it was testified, some of the money had been passed on to Councilmen Thomas D. Shepard and John Gibson, and to then Councilwoman Rosalind Wyman, as campaign contributions.

The expediter was indicted for grand theft and conspiracy to commit bribery. He currently is awaiting trial. No charges were brought against the council members.

Frequently property owners won't pay the price demanded by an expediter, even though they charge that unless they do they don't get their zoning.

Most of them are afraid to complain publicly because the financial risk is too great. An attack on the system would end any future chances they might have to get their rezoning.

Some, however, do speak out.

Mrs. Marjorie Boyd, an Encino realtor, said she twice has attempted to have single family residential property she owns at 4965 Genesta Ave. rezoned for apartments.

Both times she has lost, even though her property abuts commercial property and the master plan for the area calls for it eventually to be zoned for apartments.

#### Approached by Expediter

After her last defeat, Mrs. Boyd said she was approached by an expediter who told her she would never get rezoning her way but that he could take care of it for her for \$20,000. She refused.

She said she will sit on her property until she is before paying \$20,000 for something to which she feels she is rightfully entitled.

Another case in which the property owner refused to talk publicly involved a full acre of land in Winnetka.

This property owner said an expediter told her he could get a change of zone for \$5,000. She refused, tried it without him and lost.

A short while later, a developer attempted to buy the property from her for \$180,000 but told her she would have to kick back \$50,000 of it to take care of the rezoning.

The property is still zoned for single family residences.

Charges of this sort are common, particularly in the San Fernando Valley.

Lobbyists who appear before the State Legislature and the federal government are required to register but there are no city laws controlling their activities.

Whether there ever will be is a matter of conjecture.

Lobby control laws were proposed and then defeated in October and November of 1963.

Currently, another lobby law is being considered to plug the loopholes. This time it was urged by the 1966 county grand jury after it conducted its investigation of city

administrative act to relieve a hardship imposed by zoning. It is granted by the zoning administrator, a city servant, whose action may be appealed to the Board of Zoning Adjustment, an appointive body. Elected officials do not vote on zone variances.

#### CONDITIONAL USE PERMIT

Provision for certain problem and community service uses at special types of locations and not anticipated in zoning plans. Those which might have some bearing on master plan or overall land use, such as cemeteries, airports, schools, etc. are approved by the Planning Commission.

Conditional uses for parking lots, hospitals, churches, golf courses, mortuaries, trailer parks, drive-in theaters and the like are approved by the zoning administrator.

Appeals from most zoning administrator's decisions on conditional uses go to the Board of Zoning Adjustment and a few matters to the Planning Commission. Appeals from Planning Commission decisions on conditional uses go to the City Council.

Involving zone changes are decided by the Planning Commission, subject to what usually is routine approval by the council and mayor.

Boyd made it clear that her city's ordinance contained serious loopholes.

#### At Departmental Level

As the council well knows, he said, much of the city's important business is conducted at the departmental level where final decisions are made by commissions.

After the 1966 grand jury recommended reform in zoning, Mayor Yorty again pointed to the need for a lobby law.

When lobbyists are employed to influence legislation, the council, its committees and commissions, the mayor's office or any other interested city official, any city taxpayer should be able to find out who is spending how much, for what, and the source of the funds, he said.

Although I have formally and informally proposed this to the City Council, he added, to date that body has not seen fit to adopt the appropriate legislation.

The current lobby measure prepared by the Council's Governmental Efficiency Committee covers not only boards and commissions but general managers of departments and all elective officials including Mayor Yorty.

It goes to the Council floor today.

This is the final article in a four-part series on zoning procedure and the individuals involved. More articles stemming from the month-long investigation which resulted in the series are in preparation and will appear in future editions of the

# Councilman Says Zoning Board Has Made Some 'Funny Deals'

BY RICHARD WEST

Times Staff Writer

The Board of Zoning Ordinance, business session held by the committee, has made some awfully funny deals since it was formed, Holland identified the owner of the property only as a San Remondo Valley developer, who he said acquired the property only recently.

Records of the county recorder and assessor show that one to 13,000 to is assessed to Charles A. and Agnes A. Kenworthy, 200 B. 57, Encino.

Kenworthy is a San Remondo valley developer mentioned prominently in the Times series of articles on zoning earlier this week. He has received several controversial zone variances.

The northeast corner of Western and Main street, 194 1/2 of which 3828 was assessed last year for \$500 and taxes of \$1503 were levied on the vacant land.

Holland said of a session zoning practices which appeared in the Times. "Some of these people who

Please Turn to Page 29, Col. 1

citizens' committee seeking ways to improve zoning procedures was told Thursday by City Councilman John G. Holland.

For example, he said, attempts have been made to tie up 40 years to have residential property on the northeast corner of Western and Franklin Aves. rezoned to a service station, to be built there.

This recently, the BZA was going to approve it, Holland said. "The (Los Angeles) times from Ogden busy, and this committee had not been formed, the BZA might have granted it."

The board would have taken this action, he said, despite the fact that the whole neighborhood does not want an all-night service station on the corner.

Holland did not say how he knew of the alleged impending action.

At the City Hall meeting, the first



## ZONING BOARD

Continued from First Page  
are denying things don't have good memories."

Other witnesses before the blue-ribbon committee, which is headed by former Mayor Fletcher Bowron, included Mayor Sam Yorty and Councilmen Paul H. Lampport, Gilbert W. Lindsay, Marvin Braude, John S. Gibson Jr. and L. B. Timberlake.

### Yorty's Opinion

"My view," said Yorty, "is that a man who acquires a piece of property has a constitutional right to develop that property as long as he doesn't hurt his neighbor."

Yorty said that to refuse to grant a zoning change sometime "can amount to confiscation" of the property.

The mayor said he has a strong sense of rights of individuals and that a zoning change should be

City Council, the mayor said.

"You're welcome to take in any area and expand your scope any way you wish. The files are open to you. You can look at anything you want."

### Hits Pressure

Lampport said he regarded the pressure of organized property owners as "more dangerous" than that exerted by "someone who contributes to a councilman's campaign."

Hillside groups tell you if you don't vote with them you can no longer expect to be a councilman," he said. "That kind of pressure is very dangerous and unfair and unclear."

Lindsay agreed with Lampport, saying:

"The greatest pressure groups are those that aren't paid. Those are the people who say, 'I'll remember you on election day. I'll get out the campaign against you.'"

Gibson said that a source

wouldn't have so much trouble," he said.

He also urged a full-time employee to represent citizens in presenting zoning matters to the board.

Braude told the committee he expected it to "view recommendations of the grand jury" on zoning matters.

"The council hasn't done this," he said. "We have given this burden to you. This should be your first order of business."

### Timberlake's Views

Timberlake, the council president, commented on current criticism of zoning practices.

"Wherever humans are involved you are going to have such cases, no matter how hard you try to correct them."

"I'm not too alarmed by charges of corruption in planning. I'm sure some exist, but I feel it's minimal and not the general practice."

*The Times' official position on issues is expressed only in the two columns below. Other material on this and the next page is the opinion of the individual writer or cartoonist and does not necessarily reflect that of The Times, unless otherwise indicated.*

## Mayor Yorty's Responsibility

The Times on Sunday began publication of a series of articles revealing unmistakable—and often flagrant—conflicts of interest in city zoning practices.

Evidence clearly showed that decisions on land use were being made by appointed officials whose friends or associates would gain financially from such rezoning or variance action.

The Times undertook the investigation in the public interest, for it is the public that loses from such breaches of trust. One improper land-use decision can irreparably ruin a neighborhood or area, and thus make a mockery of orderly planning.

Members of the 1966 Grand Jury considered the situation so serious that they declared that influence in zoning cases "can and has been and in all probability will be exerted through the medium of campaign contributions, political obligations and friendships."

On Wednesday, however, Mayor Sam Yorty responded to The Times' disclosures by terming them a "smear" of his administration and of himself personally. The mayor sought to absolve his appointees and to brush away the evidence as politically motivated.

The Times series was no more of a "smear" than the Grand Jury's harsh criticism of influence peddling in City Hall. We suggest that Yorty re-read the articles and reconsider his remarks.

The mayor's defense of his commissioners is easily destroyed by the official record, as The Times pointed out in Thursday's editions.

In view of that evidence, the four appointees involved should resign or be fired from their seats on the Planning Commission and Board of Zoning Adjustment.

Yorty frequently complains that he lacks the authority to function as an effective mayor. But in the present instance he has the full power to remove Planning Commissioner Charles W. Thompson and John J. Hallen and Board of Zoning Adjustment members Gordon C. McGinnis and Roger S. Hallen.

The mayor is elected by all of the people of Los Angeles and is responsible to all of them. If an appointee abuses the trust of the mayor and the public, he should be removed.

The quality of appointments to commissions and boards is the most important single safeguard against planning and zoning abuse. No system or set of procedures is any better than the men involved.

Action should be taken, nevertheless, to make municipal zoning and variances procedures more effective and less vulnerable to abuse.

A commendable step this week was the preliminary City Council approval of an ordinance requiring the registration of zoning "expediter" and other City Hall lobbyists. The measure, supported by Mayor Yorty, would apply to those who for pay seek to influence the Council and its committees, boards and commissions and the mayor and other city officials.

Proposals to curb conflict of interest were bucked by the Council to a special citizens committee headed by former Mayor Fletcher Bowron. This committee, whose membership includes Averall Munger, foreman of the 1966 Grand Jury, has a unique opportunity to propose reforms wherever needed in planning and zoning practices.

Every aspect of the rezoning and variance procedures should be studied with the knowledge that an aroused public will demand reforms even if city officials are indifferent.

Mayor Yorty in his appearance before the Grand Jury last year said: "I believe that the zoning concept should be the servant and not the master of community development."

The development of the city of Los Angeles is badly served by zoning officials and zoning practices in which political influence and personal gain are considerations.

Sound reform therefore, to challenge that, should not be limited by Mayor Yorty's own view of his authority.



*File New York  
Building Code  
Feb 11-67*

*A. JAMES*

# Yonk Requests Police Probe of Zoning Charges

## Mayor Again Denounces Times Articles But Will Take Any Action Justified

### BY RICHARD HERRHOLZ and JACQUELINE

Mayor John Lindsay said Wednesday he has asked the police department to investigate charges of misquoting officials, some of his appointees in zoning matters.

But by the same time, the mayor again repeated his determination to take steps for its investigation and publication of zoning regulations and of calling in an editorial for the repetition of some 1964 zoning laws.

"I am not going to any further," he said Monday when asked if he intended to request the resignations of planning commissioners Charles H. Hines and John P. Johnson and the mayor, Roger S. Friedman, of the Board of Zoning Adjustments, and city planner Gordon MacLean.

"I will investigate the situation and if it is not satisfied by the facts, the mayor said, but then he added:

"I don't intend to displace four men with unblemished records of public service."

### Number of Conversations

Police Chief Thomas Healy said he has had a number of conversations with city officials concerning the zoning matter, and said his office is currently conducting an investigation of possible criminal activities. The chief pointed out that his department has jurisdiction only in criminal matters, and not in cases of possible conflict of interest.

City said it has long been interested to let the police investigate in any zoning matter, particularly in any situation of irregularity, but the plan of any city official involved.

BE  
not encourage the  
way, he said, they  
give the matter  
needed authority.  
should have the  
mayor planning and  
sent, planning and  
through a job series  
does them without  
action.  
master and the  
apparent situation  
S. Hines and John  
has grow and too  
but have the then  
by said that while  
then Johnson may  
been the effort in  
ing, thereby at  
the strengthening  
are sure any Pres-  
if certain the windings



*The Newspaper  
Clipping Copied  
out*

*5-14-67*

*L.A. TIMES*

men with unblemished records of public service.

#### Number of Conversations

Police Chief Tom Reddin said he has had "a number" of conversations with Vorty recently concerning the zoning matter and said his office is currently conducting an investigation of possible criminal activities.

The chief pointed out that his department has jurisdiction only in criminal matters, and not in cases of possible conflict of interest.

Vorty said it has long been impracticable for a police investigation in any zoning matter, and that if any investigation is required, it will be the work of any interested party.

The mayor told in which they should make no mistake about this fact that he is not investigating the zoning situation because he suspects something is wrong.

Repeatedly, the mayor has indicated the Times series of articles on zoning and the editorial which followed.

I hope they (the Times) and the Police Department, he said.

#### Sees Nothing Wrong

Vorty said he saw nothing wrong in zoning except the professional lobbyists for zone change applicants, getting to know planning commissioners, the men with whom they have to do business.

He accused the Times of working for months on the zoning investigation, then "spinning it on me" without prior notice.

In answer to a question, Vorty said he was not asking the intent of the city charter by keeping many of his appointees dangling in city service without renewing their appointments.

Thirty-six city commissioners now are serving after their terms have expired and without mayoral reappointment. Another 20 will be added to the list this summer.

The charter calls for term appointments by the mayor, subject to council confirmation. But Vorty said the charter also provides his appointees will serve until their successors are

**BE**

only encourage the city, he said. They give up what they created initially.

He should have not power plants (as in recent bombing raids) unless a lot sooner, since their military action.

mayor said the apparent escalation of military efforts was slow and too late to have any effect.

He said that while Fort Johnson may have been too recent in passing military efforts, there's nothing

after, as in any case, that candidate who has





## Planning Official, in Broker Role, Bid in Rezoning Case

BY ART BERMAN

Times Staff Writer

The plan to develop a shopping center on 12 acres across from the Motion Picture Country House and Hospital looked like a good business deal.

It looked so good, in fact, that City Planning Commissioner Charles R. Planagan, functioning as a real estate broker, offered \$1 million for the property.

But Planagan was outbid.

And in the end, the planning commissioner voted to disapprove of the City Council's action, which rezoned the 12 acres for a shopping center.

Commissioner Planagan's turnabout, opposing a project he once sought for himself, was the last

This is another in a continuing series of articles on zoning practices in the city and inter-relationships between zoning officials and applicants. The series results from a months-long investigation by staff writers George Reason, Gene Blake, Bob Jackson, Art Berman and Ed Meagher.

remarkable gesture in an extraordinary rezoning case.

It was a case that became so potentially explosive that Mayor Sam Mouty's executive secretary, Robert L. Goe, felt compelled to express assurances that no pressure was being exerted from City Hall.

Planagan told *The Times* that he heard rumors of pressure in the zoning case, but doesn't know of pressure actually having been exerted.

The planning commissioner defended his vote to disapprove of the

rezoning ordinance, saying it was a formality to clear the way for implementing the ordinance.

"I abstained when that case first came before us," Planagan said.

The case had rather ordinary beginnings in 1964 when a master

Please Turn to Page 26, Col. 1



# REZONING CASE

Continued from page 25

... something that only he and officials of the bank could know for sure. Planagan said there was up pressure exerted that he knows of.

Robert Vatter, a Gen. Atty. Gen. attorney who appeared in the case of the negotiations for the property, declined to discuss the case in detail. "There is nothing further to be said," he said, "because it was all very subtle."

But he added that he was sure that the money was being used to buy the property which was being developed by the Heller family.

At least one of the Heller family members, who was a partner in the Heller family, was a partner in the Heller family.

But there was a Gray back, the site was zoned R-2, which meant it could be developed only for residential purposes, but the Heller family had a plan to develop it for a shopping center.

But there was a Gray back, the site was zoned R-2, which meant it could be developed only for residential purposes, but the Heller family had a plan to develop it for a shopping center.

But there was a Gray back, the site was zoned R-2, which meant it could be developed only for residential purposes, but the Heller family had a plan to develop it for a shopping center.

... the east boundary of the proposed shopping center. A revision with 600 sq. ft. of area, resulting in a shopping center of 12,000 sq. ft. was presented.

The hearing examiner reported the audience was 24 to 21 in favor of the zone change.

On Dec. 9, 1965, Planning Department examined the site and recommended against the zone change.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

... the east boundary of the proposed shopping center. A revision with 600 sq. ft. of area, resulting in a shopping center of 12,000 sq. ft. was presented.

The hearing examiner reported the audience was 24 to 21 in favor of the zone change.

On Dec. 9, 1965, Planning Department examined the site and recommended against the zone change.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

... the east boundary of the proposed shopping center. A revision with 600 sq. ft. of area, resulting in a shopping center of 12,000 sq. ft. was presented.

The hearing examiner reported the audience was 24 to 21 in favor of the zone change.

On Dec. 9, 1965, Planning Department examined the site and recommended against the zone change.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

... the east boundary of the proposed shopping center. A revision with 600 sq. ft. of area, resulting in a shopping center of 12,000 sq. ft. was presented.

The hearing examiner reported the audience was 24 to 21 in favor of the zone change.

On Dec. 9, 1965, Planning Department examined the site and recommended against the zone change.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

On Dec. 23, 1965, the Planning Commission recommended that the zone be changed to R-2, which would permit residential subdivision in the area.

LAT 6/7/67

# FLANAGAN QUILTS PLAN COMMISSION; YORTY HITS TIMES

BY JOHN B. WARE

Times Staff Writer

Mayor Sam Yorty Tuesday announced the resignation of City Planning Commissioner Charles F. Flanagan with a blast at The Times for a "massive campaign of harassment."

The announcement came after the first edition of today's Times carried a story dealing with a zoning case in which he had also acted as a representative of Ralphs Grocery Co.

Accompanying Yorty's news release was a five-page statement by Flanagan and an affidavit, dated Monday, in which he denied any improprieties as commissioner in connection with Don Mallas, a San Fernando Valley developer.

The relationship of Flanagan and Mallas was detailed in a recent series of articles appearing in the Times.

## Flanagan Quits Post on Plan Commission

Continued from First Page

Times. Some of the points denied by Flanagan in his affidavit were not alleged in the articles, and other facts disclosed in the series have not been answered.

The mayor said Flanagan reported Monday that a Times reporter called Flanagan to announce, "We're going to keep checking on you and printing everything we can about you."

A reporter called Flanagan Monday night to ask him for comment on his role as a representa-

The mayor said he has received "several complaints" from city commissioners who have reported The Times "is prying into their backgrounds—both private and public—in an attempt to dishonor their civic contributions."

He noted that the Police Department is continuing its investigation, "as I promised it would." Yorty announced the investigation after the series of articles on zoning appeared in The Times.

"Chief Thomas Reddin informs me his department has been unable to produce any criminal offense," Yorty said. "The department's investigations to date have resulted in nothing more than The Times has written—a series of meaningless innuendos. Nothing positive."

Yorty said The Times, in a front page story in the Tuesday editions, "had to retract" some of its statements concerning Charles

Text of statement by Charles F. Flanagan on Page 23, Part I.

tive of Ralphs in the rezoning of Woodland Hills property for a shopping center sought by the Motion Picture Country House and Hospital.

The reporter made no statement as alleged by Yorty.

that Kenworthy was responsible for an arson fire in a home he owned.

Yorty charged it was "cleverly clouded with additional copy to make The Times look innocent in the whole matter."

"The Times by its actions in these and other matters is discouraging good, dedicated citizens to give their time and talents to Los Angeles city government and making it increasingly difficult to obtain qualified replacements," the mayor charged.

Flanagan's term ended in July, 1966, but he remained in office when Yorty did not appoint a successor. In his statement Tuesday, he said he informed his fellow commissioners in February he was leaving as soon as the newest member became familiar with the job.

"When the newspaper articles were published," he said, "I decided that I would never again expose

my family to such notoriety.

"I have attended no meetings since that time and I will not again serve on this or any other commission . . .

"I feel that as a private citizen and a businessman, I cannot expose myself and my family to such unfounded and undocumented personal harassments as I have recently experienced."

A. Kenworthy, another San Fernando Valley developer.

The story referred to was an answer to a charge by Kenworthy that The Times' earlier story contained certain "insinuations." All of the facts stated in the earlier story were restated in the story mentioned by Yorty, along

with the clarification that The Times did not imply



# Times Seeks to Crush Commissions--Yorty

BY JACK SMITH  
Times Staff Writer

Mayor Sam Yorty has accused The Times of attempting to "destroy the commission form of government in Los Angeles" with its continuing investigation into zoning practices.

"What they (The Times) are probably really after," the mayor told a gathering of 50 city commissioners, "is me."

Yorty said he did not intend to stand idly by and leave his commission to the wolves.

The mayor said he was very concerned over what The Times has done to Charlie Alanagan and what they might do to other "good" commissioners.

## Resignation Told

The mayor referred to former City Planning Commissioner Charles T. Alanagan, whose resignation Yorty announced Tuesday after The Times published a story detailing Alanagan's role in a rezoning case in which he had also represented a grocery chain.

But don't let The Times discourage you in your civic pursuits," the mayor declared during a half-day, city-sponsored Commissioners' Institute at Barnsdall Park Tuesday.

"I need, and so does the city, your help in running city government even

though The Times is trying to destroy our commission form of government and the image of Los Angeles," Yorty said.

"The Times wants to ruin you and believe me, you don't have to sit around and wait to be summoned to Times Square," he continued. "This newspaper wants to ruin you, ruin you."

## Assignments Cited

Yorty complained that The Times has five men assigned to the zoning study, "and yet they only assign one to all of City Hall to report the constructive things we are doing."

"If they wanted to, they could assign a thousand men to zoning practices. If The Times really had anything in this area, they would have given it to the grand jury long ago."

Yorty charged that The Times wanted "another stooge" for mayor, but promised that won't happen while he is in office.

He expressed hope that radio and television might help us avoid such pitfalls as The Times policies.

"We have a great city," the mayor said. "We have a No. 1 police and fire department, and we do much better than many large cities in which news-

papers report on known racketeering."

"It is so refreshing to come back to Los Angeles and see what we have got here. And then to see a big newspaper like The Times go after a decent citizen like Charlie Alanagan who is trying to do his job by giving his time and energies—well, it really makes me wonder."

Yorty thanked the commissioners for their work and told them, "You are all leaders and we appreciate the great job you are doing for the city of Los Angeles."

Asked by one commissioner why he thought The Times was against the commission form of government, the mayor responded, "I don't think they are. If they could appoint the commissioners."

LAT 6/8/67

# Flanagan Praised by Yorty, Called Zoning Scapegoat

BY RICHARD BERGHOLZ

Times Political Writer

Mayor Sam Yorty said Wednesday he finds nothing unethical about the conduct of Charles J. Flanagan, who resigned Tuesday in the wake of a probe of zoning irregularities.

He told his weekly City Hall news conference he believes Flanagan is being made a "scapegoat" in a campaign really directed at himself.

Flanagan resigned after The Times disclosed Tuesday that while serving as planning commissioner and holding a vote on zoning matters, he acted as a broker in an attempt to buy and develop a 12-acre parcel of land from the Motion Picture Relief Fund in Woodland Hills. The deal was dependent on a zone change for the property to permit construction of a shopping center.

## Disapproved by Commission

Flanagan was outbid on the property and the Planning Commission later disapproved the requested zone change with Flanagan absent. Later, the City Council voted against a City Council action granting the zone change. He said this week that this vote was a formality.

Yorty said Flanagan told him he had not represented the prospective buyer—Ralphs Industries—but may have represented the Motion Picture Relief Fund.

However, William T. York, executive director of the fund, and Robert Vallier, its attorney, stated unequivocally that Flanagan had represented the buyer. A spokesman for Ralphs said he could not confirm or deny the arrangement. And Flanagan himself has told The Times he represented Ralphs.

After repeatedly assailing The Times for its investigation of zoning irregularities in the city, Yorty was asked:

"Is it ethical for a member of a commission to represent a party in a matter which might come before this commission?"

Yorty answered:

"Provided he discloses his interest

Please Turn to Page 34, Col. 1



# Yorty Lauds Flanagan, Calls Him 'Scapegoat'

Continued from Third Page  
and does not take any part in the decision—yes. Otherwise, you see, you can't operate this commission form of government.

The mayor said the Planning Commission, authorized by law to pass on planning and zoning matters, first handled by civil service employees, is made up of persons who donate their time and efforts to city service.

Yorty said planning matters are very technical and you can't put people on the commission who know nothing of planning.

Flanagan originally appointed by Yorty, was a real estate developer at the time of his appointment by Yorty and was involved in development afterwards. Continuing in Flanagan has disclosed that Flanagan repeatedly ran into conflict of interest situations involving associates and friends while on the commission.

The investigation involved that Flanagan represented Ralphs Industries in the proposed deal for the Motion Picture Relief Fund property.

One point in his news conference, Yorty said he didn't think Flanagan represented Ralphs Industries in the deal that may be he represented the seller (the Motion Picture Relief Fund) and that besides, he really didn't offer to buy the property "outright" with his \$1 million offer.

## Shows Anger

Later in the conference, the mayor angrily said, "Mr. Flanagan said he didn't represent Ralphs and I'll believe him before I'll believe you."

He was talking to a Times reporter.

Contacted by The Times Monday night, Flanagan freely admitted he represented Ralphs.

him when the fund decided to put the property on the market and that Flanagan clearly identified himself as representing Ralphs.

Contacted Wednesday after Yorty's press conference, Kirk declared his story stands just as it was stated in The Times.

Mr. Flanagan came to us as a real estate broker to make an offer on behalf of Ralphs.

In reply to Yorty's statement that perhaps Flanagan represented the Relief Fund in the deal, Kirk said the never represented the fund. He came as a buyer.

Yorty also said that Flanagan hadn't really offered to buy the motion picture property "outright."

But Kirk replied that Flanagan had in fact done so. He made an outright cash offer of \$1 million for the property, no strings, Kirk said.

## Attorney Agrees

Walker, attorney for the Motion Picture Relief Fund, backed up Kirk.

Kirk (Flanagan) came with the buyer, Walker told the Times. He brought Ralphs to the Motion Picture Relief Fund with an offer to buy the land.

Walker conceded that if the deal had gone through, the relief fund would have paid Flanagan's commission. But he said any implication that the relief fund hired him is "nonsense."

Richard Ralphs, president of Ralphs Industries, had told The Times earlier it was "probably true"

that Flanagan represented his firm. He pointed out the offer was turned down and the deal was not consummated.

His brother, Albert Ralphs Jr., said Wednesday there must have been an arrangement between the broker and the relief fund because the seller was to pay the commission. However, he said he could not confirm "one way or another" if Flanagan represented Ralphs.

Even if Flanagan disqualified himself from any participation in the zone change request before the commission, Yorty was asked, is it possible that he might have sought to influence other commissioners in deciding the case?

"Oh, it's possible but not probable," the mayor said. "I don't think he would influence the rest of the commission."

## Views on Press

Yorty said in answer to another question that he believes the press has the right to check on the backgrounds of his commissioners, his staff, even himself—as long as it is done fairly.

The Times, he insisted, has sought to "smear" him because "they think I might run for U.S. senator next year and I'm not their candidate for the job."

He said the Flanagan resignation and the continuing investigation of zoning matters makes it very hard for him to find "good people" to serve on city commissions.

Yorty said he has no person yet in mind as a replacement for Flanagan but he said he will not rule out the possibility of appointing another real estate broker to serve on the Planning Commission.

Flanagan had said he decided last February to resign, Yorty said he knew

of this just as he knew that Flanagan's term had expired in July, 1966.

Asked why he hadn't acted on Flanagan's desire to resign earlier, Yorty said, "I haven't wanted to replace him, he's very knowledgeable."

The mayor claimed that neither The Times nor his own police investigators have been able to find any criminal acts by any of the appointees and he charged that the newspaper had erred in other stories.

But Flanagan, as a public official, doesn't have equal claim to protection from libel as does a private citizen, Yorty said.

Through inadvertence, Flanagan's recapitulation of his actions with respect to developer Don Mallis, as contained in an affidavit, was incomplete when reproduced in The Times Wednesday.

## Full Recapitulation

Flanagan listed what he said to be official records of cases in which Mallis was the applicant or was known to have an interest. Flanagan's complete recapitulation follows:

Applications filed: 3; commission approval of applications: 0.

Details of commission actions:

1. Disapproval as filed but approval of staff recommendation of adopted master plan for subject property; 2. disapproval with no alternate recommendation; 4 (two of the cases were sent to the City Council with no recommendation by the commission due to lack of a quorum; however, the council adopted the staff recommendation of disapproval).

My personal voting record on the six cases was as follows:

Abstained from discussion or voting: 3; voted on disapproval: 1; voted for approval: 1 (the commission vote was 2-2 for disapproval).

LAT 6/8/67

# Planning File Ruled Available to Public

State Rep. Amberghe urged yesterday that the Planning Board men cannot close its records to public inspection—a move proposed by Planning Commissioner Joan Upton to stop the Times probe into zoning irregularities.

A formal opinion requested by Planning Director Calvin S. Hamill, Amberghe said, any citizen has a right to inspect the records so long as it does not disrupt the orderly conduct of city business.

Called proposed at a policy session of the commission held June 15 that Times reporters be forced to get court orders to inspect the records and that he would be willing to test in court.

His dissent proposal apparently was prompted by a systematic examination by a team of five Times reporters into the files of the commission and the Board of Zoning Adjustment.

The records search came as part of a continuing Times investigation into zoning irregularities and corruption.

Please Turn to Page 8, Col. 3

LAT 6/23/67

Geo. M. [Signature]



## RECORDS

Continued from First Page  
conflicts of interest involving zoning officials.

Pollon had been named earlier in a Times series on zoning involving conflicts of interests and his resignation was demanded in a later editorial.

In his attempt to close the records, Pollon accused The Times of "infamous" motives and said "these people (Times re-

porters) are so low enough in character they're liable to plant things in our files and then take pictures of them."

He said The Times as a profit-making organization should not be at "liberty" to delve into our files as if they were a public body.

"I don't think they have a right or any individual has a right to try to gather evidence from the public files for their own purpo-

ses," Pollon said.

In his ruling, Arnebergh answered two questions raised by Hamilton as a result of Pollon's remarks.

One was at what point do preliminary staff reports, rough drafts, notes and working papers become public documents which must be open to inspection?

The second was: Must people be shown the entire file when they ask for

general information on a case or must the citizen ask for a specific document?

To the first question, Arnebergh said preliminary reports, rough drafts and other papers which later are discarded are not public documents.

On the second question, he wrote:

"Every citizen has a right to inspect and take a copy of any public writing of this state except as

otherwise expressly provided by statute.

"If the file contains public documents, a citizen has a right to inspect all of such documents. Although the public has a right to see the entire file, this does not mean that such public inspection must be permitted to interfere with the required duties of the official in charge of the records.

"Such officials in charge shall make the records

available during reasonable business hours and when the records are not otherwise in use."

Senior City Planner Robert D. Wilson informed the Planning Commission and Pollon during the discussion on closing the records that Times' reporters examined the files in the proper way, in the planning department's own offices under scrutiny of the secretary's staff.

EQUAL RIGHTS  
**Los Angeles Times**  
LIBERTY UNDER THE LAW TRUE INDUSTRIAL FREEDOM

## LETTERS PAGE

4-Part III SATURDAY MORNING, JUNE 24, 1967

### ETHICS AND THE CITY HALL

# Mayor Challenges Times

*The following letter from Mayor Sam Yorty is published in full. Italicized paragraphs are The Times' replies to certain points raised by him.*

The Times' editorial "Ethics and the City Hall" on June 8 prompts me to write a letter to The Times so its readers who might not otherwise have the opportunity to hear or read the other side of the planning and zoning issue may have a chance to do so.

I am indeed disappointed The Los Angeles Times is still pursuing its massive campaign of harassment against my zoning and planning commissioners in its news and editorial columns. I have learned that other commissioners on other city commissions also are being investigated and that their public and private lives are being looked into as basis for possible future accusations by The Times denoting conflicts of interest.

*(The Times is seeking only facts and will print only facts in its continuing investigation of zoning and planning practices.—Ed.)*

A commission appointment is a thankless task which pays commissioners \$10 a meeting. They meet once a week. In addition, many hours a week must be spent preparing for these meetings. A commissioner, therefore, must be a public servant who often puts his civic responsibilities ahead of his private and professional affairs. We in Los Angeles are indeed fortunate to have these dedicated men and

involved in The Times' planning and zoning articles without a hearing or without an independent check of the alleged facts is an un-American type of proceeding. As I have said before, I will not allow The Times to act as accuser, prosecutor, judge, jury and executioner on matters affecting these dedicated citizens.

I should like to note that Newsweek magazine two weeks ago emphasized The Times' lack of reporting its current anti-trust suit involving purchase of the San Bernardino Sun. Reports of this suit are visibly absent from The Times' daily news columns.

*(The Times printed articles when the suit was filed, when the trial opened and when testimony ended, as is customary in civil suits of this nature. At the conclusion of oral arguments scheduled for Sept. 14, The Times will publish a summary of the entire case. Ed.)*

Perhaps the Times has some feeling of what it made former commissioner Charles Flanagan go through before it so disgusted him that he resigned from the Planning Commission. But unlike The Times, the federal government is giving The Times a fair and proper hearing. I am positive no decision will be rendered in this federal case until all the facts and all the parties have been heard. It is the only fair way to decide an issue. Mr. Flanagan, on the other hand, resigned a few days ago without a proper hearing because of editorial harassment which unduly affected both his private and professional life.

*(The Times does not consider it*



sioners \$10 a meeting. They meet once a week. In addition, many hours a week must be spent preparing for these meetings. A commissioner, therefore, must be a public servant who often puts his civic responsibilities ahead of his private and professional affairs. We in Los Angeles are indeed fortunate to have these dedicated men and women devoting their wisdom to the smooth functioning of the city.

*(The Times articles have not impugned commissioners in general, but have merely called attention to specific instances of conflicts of interest.—Ed.)*

It would be absurd, however, for me to assume that possible conflicts of interest, especially borderline ones, would never occur in a commission form of government. I hope, for instance, that all my commissioners have friends. They would be very unusual people if they did not. My only logical recourse when accusations are made in so-called "conflict of interest" cases is to ask the police department to conduct its own investigation in these matters, whether these accusations originate from *The Times* or a private citizen. The police department, conducting an investigation with the district attorney's office, is now looking into *The Times*' charges involving the planning and zoning commissions. But, as yet, neither the police department nor the district attorney has been able to substantiate these charges or find evidence of criminal intentions.

*(The Times articles have neither said nor implied that the conflict-of-interest situations exposed have constituted criminal violations. They are not covered in present laws. However, The Times deems it to be in the public interest to expose them—and will continue to do so in hopes that a searching look at present laws will result.—Ed.)*

I wish to emphasize this point. I have investigated every charge of a zoning irregularity during my years as Mayor of Los Angeles. As a result, I—*not The Times*—have caused Los Angeles County Grand jury investigations of two cases—one of which is currently before the courts. I shall continue to investigate alleged irregularities and to take appropriate action if any are substantiated.

But until the police department and the district attorney complete their investigations, I can only assume that *The Times*' charges are innuendoes. Only a week ago, *The Times*, to avoid a libel suit, had to completely retract a serious charge against San Fernando Valley developer Charles A. Kenworthy. I will not and cannot in all fairness to any

until all the facts and all the parties have been heard. It is the only fair way to decide an issue. Mr. Flanagan, on the other hand, resigned a few days ago without a proper hearing because of editorial harassment which unduly affected both his private and professional life.

*(The Times does not consider it "editorial harassment" to ask for the resignation of a public official on evidence that he has abused his position of trust by being involved in conflicts of interest. Ed.)*

A few days ago, I received with interest a copy of a letter to Mr. Flanagan from the four remaining commissioners on the Planning Commission. As a tribute to Mr. Flanagan, I wish to include it here:

"Although you had informed us some months ago of your intention to resign from the commission when it had again reached full strength after several personnel changes, we received the public announcement of your resignation with deep regret.

Your contributions to sound, forward-looking planning in this city have been invaluable and will be reflected many fold in the years ahead. To catalogue them will be an impossible task.

May we say that your services as a commissioner have been characterized by extensive technical knowledge of the problems involved, great knowledge of the physical characteristics of the city, direct experience with economics as a force in planning, effectuation, tenacity in pursuing the defined goals, generous allocation of your personal time to city business, careful concern with zoning and planning matters, intense loyalty to your city, and involvement far beyond the call of duty.

"Our thanks to you, Mr. Flanagan, on behalf of the City of Los Angeles and your colleagues on the commission, who shall miss you greatly indeed."

*The Times* has editorialized for an omnibus man to protect citizens against unfair actions of bureaucrats. Our commissioners are the people's ombudsmen and these commissioners should not be expected to never differ with or reverse the decisions of full-time city officials.

Moreover, it is the responsibility of ethical newspapers to inform its readers of irregularities in city government. I am disappointed that *The Times* has seen fit to assign five reporters to the matter of planning and zoning and, yet, to continue to base its charges of commissioners' conflicts of interests solely on innuendo. By contrast, *The Times* has only one reporter—an excellent one—assigned to cover all the day-to-day news in City Hall.

hope, for instance, that all commissioners have friends. They would be very unusual people if they did not. My only logical recourse when accusations are made in so-called "conflict of interest" cases is to ask the police department to conduct its own investigation in these matters, whether these accusations originate from The Times or a private citizen. The police department, conducting an investigation with the district attorney's office, is now looking into The Times' charges involving the planning and zoning commissions. But, as yet, neither the police department nor the district attorney has been able to substantiate these charges or find evidence of criminal intentions.

*(The Times articles have neither said nor implied that the conflict-of-interest situations exposed have constituted criminal violations. They are not covered in present laws. However, The Times deems it to be in the public interest to expose them—and will continue to do so in hopes that a searching look at present laws will result.—Ed.)*

I wish to emphasize this point. I have investigated every charge of a zoning irregularity during my years as Mayor of Los Angeles. As a result, I—not The Times—have caused Los Angeles County Grand Jury investigations of two cases—one of which is currently before the courts. I shall continue to investigate alleged irregularities and to take appropriate action if any are substantiated.

But, until the police department and the district attorney complete their investigations, I can only assume that The Times' charges are innuendoes. Only a week ago The Times, to avoid a libel suit, had to completely retract a serious charge against San Fernando Valley developer Charles A. Kenworthy. It will not and cannot in all fairness to any of my commissioners ask them to resign on the basis of this type of unobjective and scurrilous reporting.

*(The article referred to was in no sense a retraction. It repeated all the facts contained in the original article and denied Mr. Kenworthy's complaint that there was an innuendo he was somehow connected with setting a fire.—Ed.)*

The Times demand that I summarily dismiss the commissioners in

to resign from the commission when it had again reached full strength after several personnel changes, we received the public announcement of your resignation with deep regret.

"Your contributions to sound, forward-looking planning in this city have been invaluable and will be reflected many fold in the years ahead. To catalogue them will be an impossible task.

"May we say that your services as a commissioner have been characterized by: extensive technical knowledge of the problems involved; great knowledge of the physical characteristics of the city; direct experience with economics as a force in planning effectuation; tenacity in pursuing the defined goals; generous allocation of your personal time to city business; careful concern with zoning and planning matters; intense loyalty to your city; and involvement far beyond the call of duty.

★  
"Our thanks to you, Mr. Flanagan, on behalf of the City of Los Angeles, and your colleagues on the commission, who shall miss you greatly indeed."

The Times has editorialized for an ombudsman to protect citizens against unfair actions of bureaucrats. Our commissioners are the people's ombudsmen and these commissioners should not be expected to never differ with or reverse the decisions of full-time city officials.

Moreover, it is the responsibility of ethical newspapers to inform its readers of irregularities in city government. I am disappointed that The Times has seen fit to assign five reporters to the matter of planning and zoning and yet to continue to base its charges of commissioners' conflicts of interest solely on innuendo. By contrast, The Times has only one reporter—an excellent one—assigned to cover all the day-to-day news in City Hall.

*(The five reporters assigned to the planning and zoning investigation—all excellent ones too—are searching only for facts. It is a complicated and time-consuming task requiring extensive manpower. As for innuendo, the mayor states the fact that the record laid out in The Times series remains unretracted and.)*

I can only hope that as The Times continues its campaign to harass my commissioners, I will concede their right to a fair hearing and independent determination of the facts before jumping to previously planned conclusions.

SAM VORTY, Mayor  
Los Angeles

BIBLE THOUGHT — Except the Lord keep the city, the watchman waketh but in vain. — Psalm cxxxv, 1.



# Unethical in Zoning Job

There is nothing ethically wrong with a city board member voting on matters concerning his personal friends, Roger S. Hutchinson, chairman of the Board of Zoning Adjustment, maintains.

The BZA chairman also contended that his financial links to persons appearing before his board have not affected his judgment.

Hutchinson was replying to a story on Page One of today's Times which disclosed his relationship to applicants before his board.

Hutchinson stated his position after The Times asked him about his relationships with three BZA applicants, uncovered by a team of reporters investigating zoning practices.

## Confirms Ties

The BZA chairman readily confirmed his relationships with two of the three applicants, but said his actions as a city official were not affected by personal links.

"I feel that I can make fair judgments based on the law without regard to whether he (an applicant) is a friend or not," Hutchinson said.

If city commissioners and board members were barred from voting in cases involving friends the commission system of government could not function, Hutchinson contended.

"It seems to me that the commission system of government has worked reasonably well over the many years, although it has its critics," he said.

## Defines Stand

"It seems to me that it brings individuals into the government from all the community at large and if you state that anybody who is a good friend on a board should not vote his conscience either for or against a company or party who is before the board because they know one another and are good friends I don't think the commission system can operate."

Hutchinson confirmed that he borrowed \$6,600 from Mrs. Rose Rodin, mother of zoning expeditor Morton G. Rodin, before Rodin presented five cases to Hutchinson's board.

"It's true that the loan was made with these parties because of my knowing Mr. Rodin," he said. "There's no question about that."

But as far as my being indebted to Mrs. Rodin, why, that was an arm's length transaction and she

the loan was made against secured property which is my home."

He also said he entered the loan "to help her at his (Rodin's) request because she had the money and she could use the interest. I previously had the loan in a regular bank."

(Rodin, however, said Hutchinson wanted to refinance his first trust deed and "asked me if I knew anyone interested in making the loan.")

Hutchinson said he thinks he paid 10% interest, and could have made a similar loan at any bank.

"She had nothing to do with matters before the board," he said.

The loan from Mrs. Rodin was made initially in the name of the Rodins' attorney, Alan K. Schwartz. And Schwartz later was listed as the representative of an applicant for a zoning variance, William Ezralow.

But Hutchinson, who voted to grant Ezralow's request in part, said he never considered the \$6,600 transaction a loan from Schwartz.

## Similar Comments

"It was always Mrs. Rodin," the BZA chairman said. "It's fair to say that I know her and Mr. Rodin, but I don't think it's fair to say I know Mr. Schwartz or Mr. Ezralow."

(Schwartz and Rodin made similar comments to The Times. Schwartz said his client, Ezralow, is traveling in Europe.)

Hutchinson added he was not aware that Schwartz was the attorney of record in the Ezralow case.

The BZA chairman confirmed his friendship of many years with George Cary, a zoning expeditor who has obtained favorable votes from Hutchinson in 13 out of 20 cases.

## Policy Explained

Hutchinson attributed Cary's success and the success of other professional expeditors to the policy of appealing only those cases which are likely to win BZA approval.

One zoning expeditor, he said, had a practice of rejecting "maybe nine out of 10" cases brought to him by prospective clients.

Hutchinson also acknowledged that he and Cary were involved in a series of real estate transactions in Benedict Canyon in 1960.

"You understand," he said, "that the transaction was entered into and happened to be concluded before I became an official of the city," he

LAT

6/28/67



# Attorney on Zoning Board Votes on Cases of 2 Clients

## James R. Tweedy Favored Controversial Variance for Developer While Representing Him in a Valley Lawsuit

Attorney James R. Tweedy has voted on cases involving at least two of his clients which came before the Board of Zoning Adjustment on which he sits, The Times has learned.

The clients' court records show are developer Charles A. Kenworthy and Mulard D. (Tex) Collins, president of the Automotive and his Northridge-based auto parts concern.

Tweedy voted to grant a controversial variance to Kenworthy at the same time he was representing the developer in a civil suit in the San Fernando branch of Superior Court.

Tweedy said he didn't realize when he voted that the applicant in the case was Kenworthy.

In the case involving Cal Automotive, Tweedy made a motion eliminating expensive street improvements on property the firm had bought in Sun Valley.

Tweedy said the seller, the Carter Co., 2975 Wilshire Blvd., would have had to pay for the improvements. He said his vote actually was against the interests of his client.

### Vote Considered Helpful

The facts indicate, however, that Tweedy's vote was helpful in closing the deal and avoiding litigation.

Regardless of the merits of either argument, the fact that Tweedy took an active part and voted on a case involving his client is undisputed.

Tweedy, 36, a former city planner, ground director and later a deputy sheriff, became an attorney only five years ago. Financial success came quickly.

In a divorce action filed last year, his wife, Denise, placed Tweedy's annual income at \$35,000 and listed among his property a yacht at Marina del Rey.

She said he earned \$50,000 in 1965, his fourth year of legal practice.

Mayor Sam Yorty, who appointed Tweedy to the BZA on May 10, 1963,

This is another in a series of articles on zoning practices in Los Angeles resulting from a continuing investigation by The Times. Led by staff writer George Reason, the months-long study is being conducted by staff writers Art Berman, Gene Blake, Bob Jackson and Ed Meagher.

(The BZA is a quasi-judicial body which hears appeals from decisions of the zoning administrator, a civil service official.)

Kenworthy got little support from Tweedy until three years after his appointment. By that time, Tweedy had become Kenworthy's lawyer.

In a Kenworthy case filed in 1964, Tweedy voted with his colleagues to reject the developer's appeal for a variance for a service station at 23155 Ventura Blvd.

In another case filed in 1965, Tweedy was absent when the crucial vote was taken on a variance for a store building Kenworthy wanted to erect on residential property at 18060 Parthenia St.

The BZA approved the request March 2, 1965.

Kenworthy filed his next appeal with the BZA Feb. 7, 1966, almost a year later.

Before it came to the BZA for a vote, Tweedy had become Kenworthy's lawyer. Acting as Kenworthy's expediter on the case was George Cary, a close friend and associate of another BZA member, Roger S. Hutchinson.

Approval of a variance requires three votes. There are five members on the board.

The case was one of the most

Please Turn to Page 6, Part 2

LAT  
6/19/67



## Citizens Invited to Offer Reforms in Zoning Procedures

Citizens views on possible improvements in zoning procedures were solicited by a blue-ribbon citizens investigating committee Tuesday.

The seven-member group, headed by former Mayor Fletcher Bowron, has heard primarily from public officials since it began hearings three months ago.

Beginning Aug. 3, however, the committee announced, it would like to hear from private persons or organizations with suggestions for possible reforms in zoning planning procedures.

Individuals desiring to appear before the committee were requested to write to the Secretary, Citizens Committee on Zoning Practices and Procedures, Room 375, City Hall.

The request, the committee stressed, should clearly estimate the amount of time required, the subject matter and how it relates specifically to suggestions for improvements of existing practices and procedures.

Function of Committee Stated

The committee emphasized that it is not its responsibility to rehear evidence on specific zoning cases.

Rather, it declared, its function is to:

1—Inquire into the "adequacy or inadequacy of present laws and procedures"

2—Consider ways in which they can be improved to justify public confidence in the practice of zoning

3—Make it "difficult for those officials and employees involved in zoning cases to deviate from proper and effective policies and practices."

The committee was established last Jan. 19 as an outgrowth of recommendations by Mayor Sam Yorty and the County Grand Jury resulting from the jurors' investigation of a Chatsworth rezoning case. Woodland Hills developer Bryan D. Gibson was convicted of grand theft as an outgrowth of the inquiry.

Among those who have presented their views to the committee thus far are Yorty, several councilmen, members of the City Planning Commission and Board of Zoning Adjustment, zoning administrators who make determinations on zone variances, director of planning Calvin S. Hamilton and other city officials.

File: Planning  
Zoning Practices &  
Procedures  
LA 9 7/26/67