

Witness Accuses Zoning Board of Bias, Discourtesy

The Board of Zoning Adjustment, which functions as an "appeals court," was accused Thursday of bias and bad manners in its dealings with the public.

One board member propped his feet on the desk and drank a cup of coffee in the midst of a public hearing, Paul Boone of 23142 Leonora Drive, Woodland Hills, told a blue-ribbon committee investigating zoning. He did not name the board member.

Boone said that when the applicant in favor of the variance rose to speak the BZA became attentive and polite but that when he attempted to speak in opposition he was repeatedly interrupted.

"I was so disgusted I just sat down," Boone told the committee headed by former Mayor Fletcher Bowron.

The case involved an appeal from the decision of the zoning administrator in turning down a variance for a service station at the northwest corner of Ventura Blvd. and Woodlake Ave., Woodland Hills. The zoning administrator is a civil servant who hears variance cases initially.

Flanagan Held Interest

The applicant was the Antelope Farms Corp. in which former Planning Commission Charles F. Flanagan held an interest. Flanagan resigned in the aftermath of The Times' recent series on zoning irregularities.

The spokesman for Antelope and a principal in the development firm was Ernest A. Schroer Jr. of 10232 Aura Ave. Schroer is a major developer of sites for service stations.

Boone and Mark Outhwaite of 23168 Leonora Drive, appeared at the BZA hearing on Oct. 25, 1966 as spokesmen for property owners opposing the gas station.

Outhwaite told Bowron's committee that the hearing was a "typical railroading operation."

He said the BZA chairman continually "harassed" Boone while he attempted to present the motion pictures to the chairman of the committee.

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LAT 8/4/67

ZONING

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(Roger S. Hutchinson)

Outhwaite added that the chairman's actions "had a terrific bearing on the case."

A zone change for the corner had earlier been turned down by the City Council but despite that, Boone said, the appointive BZA overruled elected officials and granted the variance which permitted the service station.

Since 1961, Boone said, 17 service stations have sprung up within a 1 1/2-mile area on Ventura Blvd.

He said zoning has broken down in Woodland Hills so that Ventura Blvd. now is known as "Honky-Tonk-Down" because of its many beer joints and service stations.

9-1-67
Enterprise

ZONING

BOWRON'S BLUE RIBBON

By JOYCE PETERSON

As a political show the current hearings by the Citizens Committee on Zoning Practices and Procedures are about as lively as a Sunday afternoon chess tournament. Week after week witnesses drone on about technicalities in zoning laws and internal conflicts in the city's planning setup. Speakers from unhappy property owner groups echo the same complaints that can be heard at any two bit zoning hearing.

So far there have been no juicy disclosures of conflict of interest, no angry scenes, no wild charges. Television crews gave up covering the

sessions after the first few meetings. For note-taking reporters, it has often been slow, dull going.

Yet the committee's study may lead to more real zoning reform than any number of flamboyant investigations into wheeling and dealing in zoning. From the outset the committee made it clear its interest was not in pointing the finger at alleged wrongdoers but in cleaning up the procedures that make such wrongdoing (either real or imagined) possible. This has meant getting down to the nitty gritty details which may spell the difference between good and bad zoning.

Two men have dominated

the committee proceedings. One of them has been the chairman, former Mayor Fletcher Bowron. The other is Gordon Whitnall, the city's first planning director. Both Bowron and Whitnall have an intimate knowledge of City Hall planning procedure and the historical background behind them.

Here are some of the areas under discussion.

Zone variances — The appointive Board of Zoning Adjustment has been under heavy fire for granting zone variances to permit projects that have been turned down in zone change cases by the City Planning Commission.

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Judge Bowron

CAREFUL REVIEW OF ZONING UNDERWAY

The Planning Commission's decisions are subject to review by the City Council. In most cases, those of the BZA are not. This creates a situation where non-elective BZA members are in a position to make final decisions having tremendous effects on the value of property.

The BZA has been criticized for granting variances which go beyond the narrow legal limits set in the city charter. However, the practice of using the variance procedure to rezone large pieces of property stems from a defect in the basic zoning law. At present when the City Planning Commission approves a zone change it cannot set conditions to make sure property is developed in a certain way. For instance, a developer may present pretty pictures of a landscaped office building which would do little harm if built adjacent to a residential district. Yet once the zoning is changed the applicant might turn around and sell the land for a fancy price for a different project bad for the neighborhood. Therefore, even career planners have sometimes encouraged use of variances and conditional use permits.

Obvious answers would seem to be (1) to give the City Planning Commission authority to put more

The majority of eye-witness accounts were said to be corroborated by statements of other demonstrators or by photographs taken during the dispersal.

Published by Sawyer Press for the ACLU of Southern California, the report will be available on newsstands and in bookstores. Proceeds from the sale of the report will be used to defray the costs of the defense of the 30 demonstrators arrested at Century City who sought ACLU volunteer attorneys

strings on development of property when a zone is permanently changed, (2) to provide for an appeal to the City Council and the Mayor on any variances or conditional use permits involving major projects.

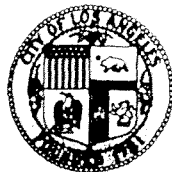
Commission conflicts — Members of the City Planning Commission say they are perfectly willing to file statements showing their real estate holdings. The hangup comes on proposals that commissioners make complete disclosure of their entire personal finances.

The citizen commissioners argue — with some validity — that an individual's net worth may go up for many reasons having no connection whatever with his unpaid job on a city board. Yet he could be laid open to public criticism and suspicion if his affluence shot up sharply during this period.

The hard fact is that it is now virtually impossible to get leading citizens to put in two grueling days a week listening to neighborhood zoning battle cases where somebody always goes home mad. The present \$10 per meeting fee barely covers mileage, lunch and parking. The time requirements are such that a commissioner must either be retired or independently wealthy before he can afford to take the job. If he has any active business connections, it's inevitable that sooner or later these associations will bring him into potential conflict on a zoning case. Yet if commission appointments are limited to the retired and rich, the citizen board will be far from representative of the community at large.

Only time will tell whether the Bowron committee can find the answer to the zoning ills of the City of Los Angeles. But the committee is obviously making a sincere and significant effort in this direction.

CITY OF LOS ANGELES
CALIFORNIA



SAM YORTY
MAYOR

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375 CITY HALL
DEPUTY FOR
WALTER C. THIEL
CITY CLERK

SEP 28 1967

CITIZENS COMMITTEE ON
ZONING PRACTICES AND PROCEDURES

September 28, 1967

Council File No. 132,460

Honorable Sam Yorty

Mayor of the City of Los Angeles

Honorable Council

of the City of Los Angeles

Gentlemen:

The Citizens Committee on Zoning Practices and Procedures considers it appropriate at this time to give you a progress report so that you may be informed concerning its activities up to the present time.

The Committee held its first meeting on April 25, 1967, at which Fletcher Bowron was elected as Chairman and Rudolph Ostengaard as Vice-Chairman. At its second meeting, the Mayor and members of the City Council were invited to meet with the Committee to explain their views as to what the objectives and scope of the Committee's work should be.

The Mayor and six Councilmen attended on May 4, 1967, and at subsequent meetings two other Councilmen have appeared.

The Mayor and the Councilmen attending expressed their full support for the Committee's work. In response to a question as to what he considered to be the purpose, scope or limitation of the Committee, the Mayor replied that within the limits of the time which the members could put in on this work, the Committee should take in any area or expand its scope in any way that it wished. He suggested that the Committee start by reviewing present procedures to see whether any changes were desirable.

The Councilmen supported the Mayor's statement as to the scope of the Committee's work and some mentioned several specific areas for investigation, including a review of the recommendations of the Grand Jury, conflict of interest and full disclosure, expeditors, and problems relating to variances, conditional uses and zone changes, registration of lobbyists, and any other matters which the Committee might deem it of importance to investigate relating to planning and zoning.

The Committee then determined its objectives and methods of procedures. The Committee agreed that it was not its purpose to try to secure any information that might lead to possible criminal prosecution for anyone. Rather, its intent would be to acquaint itself with what is going on in the field of zoning and planning and then to make appropriate recommendations.

On May 18, 1967, the Committee issued a statement of policy which included the following: "The Committee considers that the reasons for its existence are to inquire into the entire subject of zoning in the City of Los Angeles, including the adequacy or inadequacy of applicable law; policies and practices whether legally sanctioned or not; to identify and reveal, if possible, the original purposes that motivated establishing the practice of zoning; to determine, if possible, whether these purposes are being realized or not and, if not, why; and, finally, to recommend such changes in law or practice as it believes necessary to justify public confidence in the practice of zoning but, equally important, to make available to the public an understanding of the subject so clear and comprehensible as to make it increasingly difficult for anyone, serving in any capacity, to deviate from proper and effective policies and practices."

As a matter of procedure, the Committee decided to hold weekly public hearings to which would be invited appropriate persons concerned with zoning practices and procedures. First it invited public officials and City employees who were concerned with planning and zoning matters; then it invited citizens who had any interest in the Committee's work to meet with it and make suggestions for improving practices and procedures.

Through September 21, 1967, the Committee has held nineteen public meetings, for a total of approximately sixty hours of hearings. City officials and employees appearing have included the City Attorney and members of his staff, the Director of Planning and members of his staff, the Chief Zoning Administrator and the Zoning Administrators, the Superintendent of Building and members of his staff. Members of the Board of Zoning Adjustment have appeared, and the City Planning Commission has met with the Committee on two occasions.

Various organizations have sent representatives to the hearings, including several homeowners' groups, chambers of commerce, the Los Angeles Headquarters City Development Association, the Regional Plan Association, and the League of Women Voters. Over ten private citizens, in addition to representatives of organizations, have also appeared to make suggestions.

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The Committee offered to conduct an evening meeting or meetings to accommodate those who might wish to testify, but could not do so during business hours. An announcement to that effect was made, but the lack of response has not as of this date warranted scheduling such a meeting.

Due to prior long-term commitments of several members of the Committee, there will be no public meetings during October. However, staff work will be continued and members will be studying the material presented to date.

As a result of its extensive hearings, a great deal of information and over 120 specific suggestions for changes have been made. The Committee expects to hold a few more public hearings. However, its future work will be concerned primarily with reviewing and digesting the information received and deciding how to shape up its report and recommendations. Much time and effort will be required in this phase of the Committee's work. The reviewing and classification of the considerable information gathered thus far has already begun on the staff level for the purpose of laying the foundation for findings and recommendations which will form the substance of the Committee's report.

In its consideration of findings and proposals, the Committee will be considering matters which have been brought before it or suggested by members of the Committee in the following general areas:

- History of Zoning Practices and Procedures in Los Angeles
- Ethics and conflict of interest
- Conduct of public hearings
- Revision of the comprehensive zoning ordinance
- Board of Zoning Adjustment
- General zoning and planning practices and procedures
- Variances procedures and policies
- Conditional use procedures and policies
- Zone change procedures and policies
- City Planning Commission

In addition to matters brought up at the Committee's public hearings, several communications have been referred to it by the Mayor and members of the City Council. Also, the City Council has officially referred to the Committee for study and recommendation several Council Files on various subjects, including the recommendations of the 1966 Los Angeles County Grand Jury, filing of campaign contributions, code of ethics for legislators, filing of statements on real estate holdings by City officials acting on zoning matters, and more clearly defining and limiting the jurisdiction of the Board of Zoning Adjustment.

Honorable Sam Yorty, Mayor
Honorable Council - 4

September 28, 1967

The Committee anticipates that it will complete its work during the early part of next year.

Very truly yours,



Fletcher Bowron, Chairman

Rudolph Ostengaard, Vice Chairman
John C. Bollens
J. Robert King
Mrs. Robert Kingsley
Averill H. Munger
Gordon Whitnall

fdg

Practices & Procedures

Summary of Recommendations

After a 14-month study of planning and zoning, the seven-member Blue Ribbon Committee headed by former mayor Fletcher Bowron proposed 36 reform measures. Following is a summary of the committee's recommendations:

A SOUND LEGISLATIVE AND POLICY BASE FOR PLANNING AND ZONING

GENERAL PLAN

CHARTER AND CODE AMENDMENTS

Recommendation 1: Amend the Charter to set forth the purpose, comprehensive nature and essential procedural requirements for the development and adoption of the General Plan of the City. Supplement this by a section of the Municipal Code defining the required content and form of the General Plan and prescribing the specific procedure for its adoption and amendment.

PROCEDURES

Recommendation 2: Provide by ordinance for adoption and amendment of the General Plan according to the following pattern:

- 1—Study initiated by the Director of Planning, City Planning Commission or City Council.
- 2—Preparation of General Plan proposals by the Director of Planning with the advice of the General Plan Advisory Board and the City Planning Commission.
- 3—Public notice and hearing on the Director's recommendations to be conducted by the City Planning Commission or a Hearing Examiner.
- 4—Recommendations by the City Planning Commission. Any changes from the recommendations of the Director shall be referred to the Director for report prior to action by the Commission.
- 5—Transmittal of the City Planning Commission's recommendations to the City Council with a copy to the Mayor. The Mayor may send comments or recommendations to the Council within thirty days.
- 6—Public notice and hearing by the City Council (or the Planning Committee of the Council) not less than thirty days after receipt of the Commission's recommendations.
- 7—Prior to Council adoption, any proposed changes from the Commission's recommendations must be referred back to the Director of Planning for report through the Commission with copy to the Mayor. Such report must be received within 30 days or such longer period as the Council may designate.
- 8—Final action by the Council within 30 days after conclusion of the public hearing if no changes are made, or within thirty days after receipt of the Commission's report if changes are being considered. Adoption of the General Plan or any part shall be by majority vote if in accord with the

recommendations of both the Commission and the Mayor. A two-thirds vote shall be required to deviate from the recommendations of the Commission or Mayor after resubmission.

9—Publication of General Plan as adopted.

AREA-BY-AREA CONSIDERATION

Recommendation 3: Provide for the adoption or amendment of the General Plan on a scheduled area-by-area basis, each area covering less than the entire City, but must involve comprehensive consideration of a logical planning area. The General Plan should be reviewed on this regularly scheduled area-by-area basis, such schedule and areas to be established by the City Council upon recommendation of the Director of Planning and the City Planning Commission.

ZONING

GENERAL PLAN RELATIONSHIP

Recommendation 4: Amend the City Charter to require that in adopting or amending any zoning regulations or zoning maps, the City Planning Commission and City Council shall make specific findings showing that the action is in substantial conformance with the purposes and intent of the General Plan. If the City Council does not adopt the Commission's findings, the Council shall adopt specific findings showing that its action is in conformance with the General Plan.

ZONING CODE

REVISION

Recommendation 5: A complete revision of the Zoning Code should be promptly initiated. However, since two years or more will be required for this revision, certain changes as recommended in this report should be enacted as soon as possible, pending the completion of the overall revision.

ZONING MAP—

REVISIONS BY AREA

Recommendation 6: Establish a procedure for review and revision of the Zoning Map of the City on a regularly scheduled basis, such areas to be established by the City Council upon recommendation of the Director of Planning and the City Planning Commission. Provide in the Charter that zoning Code, that, unless there are exceptional circumstances affecting the public interest, special zoning changes should be processed for a given area only during the regularly scheduled review of the area in which the property lies.

UNRAVELING THE LEGISLATIVE, ADMINISTRATIVE AND QUASI-JUDICIAL FUNCTIONS

ADMINISTRATIVE FUNCTIONS

Recommendation 7: Amend the Zoning Code to establish uniform regulations and criteria for a specific uses named in the Code as being subject to review and approval with conditions. The consideration and approval of such conditional uses should be an administrative matter under the jurisdiction of the office of Zoning Administration with appeal to the Board of Zoning Appeals and any further appeal to the courts. (The Committee intends to submit more detailed recommendations and proposed legislation concerning conditional use permits in a subsequent report.)

UNCLASSIFIABLE USES

Recommendation 8: Amend the Zoning Code to provide for individual legislative consideration and approval of those few land uses which because of their unusual nature cannot be listed as permitted—either automatically or as conditional uses—in particular zones. Provide in the Code the criteria for the approval of such uses and require that specific written findings showing how the criteria are met must be adopted before approving any such use. Approval of such uses should be by ordinance, with specific conditions or requirements, after recommendation by the Planning Commission in the same manner as for zone changes. The unclassifiable category should be limited to uses such as airports, cemeteries, higher educational institutions, land reclamation projects and natural resource developments.

PLANNED DEVELOPMENTS

Recommendation 9: Planned developments should be treated under the type of conditional use provisions recommended in this report, and not as unclassifiable or supplemental uses.

"Q"-QUALIFIED ZONE

Recommendation 10: The Committee strongly opposes the "Q"-qualified zone concept. The desired objective should be met through condi-

tional use provisions as recommended in this report and through revision of the list of uses permitted in the various zoning classifications. If action is deemed necessary before revision of the Code as set forth in Recommendation 5, the procedure suggested should be followed.

ZONING ENFORCEMENT

Recommendation 11: Provide adequate staff in the Building and Safety Department for regular inspections and follow-up on compliance with zoning regulations, particularly the special requirements of conditional use and variance approvals. The City Planning Department should assist in enforcement by checking compliance with zoning requirements during area planning surveys and referring violations to the Building and Safety Department.

QUASI-JUDICIAL FUNCTIONS

VARIANCES

Recommendation 12: Clarify and strengthen the Charter limitations on the granting of variances as follows:

- 1—Set forth the quasi-judicial nature of variance determinations and prohibit use of the variance to accomplish purposes which should properly be accomplished through legislation.
- 2—State the overall intent and purpose of the variance provisions as a means of insuring equal application of zoning regulations to property in similar situations but prohibiting the use of the variance to grant special privileges.
- 3—Clarify and add to the requirements for the finding which must be made in order to grant a variance. Retain the basic principles contained in the present four requirements, but make them more specific. These tests for granting of a variance should be capable of realistic but strict application.
- 4—Provide that, in granting a variance, self-imposed

hardships are not a proper consideration.

5—Include more specific limitations on the circumstances under which variances from permitted land uses are justifiable.

OFFICE OF ZONING ADMINISTRATION

Recommendation 13: Retain the present powers, relationship and civil service status of the positions of Chief Zoning Administrator and Associate Zoning Administrators.

Recommendation 14: Amend the City Charter to clearly define the authority

of a Zoning Administrator as quasi-judicial, making it clear that no actions shall be taken which usurp legislative authority.

BOARD OF ZONING APPEALS

Recommendation 15: Amend the Charter to change the title of the Board of Zoning Adjustment to its original designation as the Board of Zoning Appeals and to limit the jurisdiction of the Board to appeals from determinations of Zoning Administrators. The Board should not have jurisdiction over matters outside the proper scope of its appellate function.

INSURING FAIR, UNDERSTANDABLE AND EFFECTIVE PROCEDURES

PROCEDURES

UNIFORM REQUIREMENTS

Recommendation 16: Amend the Municipal Code to provide simple and uniform procedural requirements governing applications, notices, hearings, time limits and appeals for all types of planning and zoning cases. Also provide that each agency having jurisdiction in such matters must formally adopt and publish any rules of procedure which are used.

PUBLIC NOTIFICATION

Recommendation 17: Provide timely and effective notification to all interested parties concerning hearings on planning and zoning cases through improvements in the record keeping and data processing procedures of the departments involved.

Recommendation 18: Establish a subscription service to provide notification to any interested individuals and organizations not otherwise notified.

CONDUCT OF HEARINGS

Recommendation 19: Require that all testimony and other statements of fact be given under oath at all hearings held by or on behalf of the City Planning Commission, Office of Zoning Administration and Board of Zoning Appeals.

Recommendation 20: Make a verbatim record of the testimony at each hearing and retain such records for three years.

FINDINGS IN ZONING CASES

Recommendation 21: Amend the Charter and the Zoning Code to clearly require that appeals be written findings of fact based upon competent evidence of record, and showing conformance or nonconformance to the required criteria, must be adopted in acting upon all zoning matters other than slight modifications as defined in the Charter and the Zoning Code.

APPEALS

Recommendation 22: Amend the Zoning Code to standardize appeal procedures for all types of planning and zoning cases, and include the following provisions:

- 1—Allow a twenty-day period following the original de-

termination of the filing of appeals.

- 2—Provide that those eligible to file an appeal include an applicant, any person aggrieved, the Director of Planning and the Planning Commission.

- 3—The written appeal must show specifically wherein the original findings and determination are not supported by the facts.

- 4—Appeals to the Board of Zoning Appeals, involving as they do interpretations of the provisions of the Charter and ordinances, are to be considered only upon the record of the original hearing and determination. No new evidence may be introduced. If new evidence is offered the case shall be returned to the agency having original jurisdiction for rehearing and redetermination.

- 5—Any modification or reversal on appeal must include written reasons detailing wherein the original determination is not supported by the findings of fact, and must set forth specific revised findings.

- 6—Failure of the appellate body to act within fifty days after filing of an appeal (or longer period when an extension of time is authorized) shall constitute denial of the appeal.

TRANSFERS OF JURISDICTION

Recommendation 23: Amend the Zoning Code to standardize the procedure for transfer of jurisdiction to an appellate body when the original body fails to act, and include the following provisions:

- 1—Failure of the original authority to act within the fifty-day time limit (or longer period when an extension of time is authorized) constitutes neither approval nor denial but permits transfer upon written request of the applicant. The appellate body then assumes all responsibilities and duties imposed upon the original authority, and must act within fifty days of transfer of jurisdiction (or longer period when extended by mutual consent).

- 2—Upon transfer of jurisdiction, public notification shall be made and a hearing held in the same manner as required for an original hearing.

RESOLVING THE PUBLIC INTEREST—A DEFINITION OF ROLES

CITY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

APPOINTMENTS

Recommendation 24: In making and confirming appointments to the City Planning Commission and the Board of Zoning Appeals, the Mayor and the City Council must assume full and equal responsibility for insuring that persons of the highest integrity, competence and interest in civic and public affairs are selected.

ORIENTATION

Recommendation 25: Furnish new appointees with a written manual covering the nature of the planning and zoning functions, the role of the Planning Commission and Board of Zoning Appeals, and the legal, policy and ethical limitations within which they must operate. (The Committee will make more specific recommendations on this in a subsequent report.)

POLICY REVIEWS

Recommendation 26: The Director of Planning should arrange periodic meetings with members of the Planning Commission, the Board of Zoning Appeals, the City Attorney, Zoning Administrators and key staff members to review over-all operations, consider basic policies, examine the relationship of zoning actions to such policies and reevaluate established procedures and policies in the light of advancements elsewhere.

TERMS OF OFFICE

Recommendation 27: Amend the Charter to strengthen the system of overlapping terms of service on the City Planning Commission and the Board of Zoning Appeals as intended by the City Charter. This should be accomplished by providing that:

- 1—Appointments can only be made when an office becomes vacant.

- 2—Vacancy in an office occurs only upon:

- a — Expiration of the term.

- b — Removal accomplished by either:

- 1) Request of the Mayor or approved by simple majority vote of the Council.

- 2) On initiative of the Council by a two-thirds vote. If disapproved by the Mayor, a four-fifths vote required to sustain removal.

- c — By a commissioner or board member filing a resignation with the City Clerk.

- 3—Appointments will be deemed approved if not acted upon by the Council within sixty days.

- 4—In the event the Mayor does not make an appointment within sixty days after a vacancy in an office occurs, the President of the City Council shall make the appointment, subject to confirmation by the Council as in the case of appointment by the Mayor.

COUNCIL ACTION

Recommendation 28: Provide by Charter or ordinance that, for planning and zoning matters where time limits are not otherwise provided, each such matter must appear on the Council agenda each ninety days from the date of transmittal to the Council, until Council action is completed.

MAYOR'S VETO

Recommendation 29: Identify in the Charter and Code those matters that are legislative in character (as distinguished from administrative and quasi-judicial matters) and therefore to be adopted by ordinance with the right of veto by the Mayor.

PROTECTING THE PUBLIC INTEREST

PUBLIC INFORMATION PRIVATE

COMMUNICATIONS

Recommendation 30: Strengthen the City's program of keeping the general public adequately informed as to the purposes, requirements and procedures of sound planning and zoning and as to the activities and decisions of City government in planning and zoning matters. This program should include the following:

- 1—Make available to the public simple and clear explanations of adopted objectives, policies, plans, regulations and procedures.

- 2—Place capable personnel in public contact positions and provide adequate training for such personnel.

- 3—Provide adequate records and staff at each branch office of the City Planning Department.

- 4—Prepare a statement to be available for use at public hearings and meetings which explains clearly and simply the procedures which will be followed in the matters to be considered.

Recommendation 31: Enact an ordinance requiring that interested parties and members of the City Planning Commission or Board of Zoning Appeals concerning any matter pending before the Commission or Board shall be limited to oral statements in open public meeting and written statements addressed to the Commission or Board as a whole. Engaging in private oral or written communications concerning such matters shall constitute a misdemeanor by all of the parties involved and misconduct in office by City officials.

Recommendation 32: With respect to the Board of Zoning Appeals, field inspections by its members should be made only as an adjourned meeting of the Board and in the company of representatives of both sides of the issue. Findings of fact based upon inspections must be on the basis of such inspections by the Board as a whole.

FIELD INSPECTIONS—BOARD OF ZONING APPEALS

Recommendation 33: Amend the Charter and enact municipal legislation to supplement State law concerning campaign contributions, including consideration of gifts and gratuities, which may affect planning and zoning, with a view to requiring itemized reports from all elected officials and candidates for elective office listing donors and amounts from each donor. Such reporting should include indirect contributions handled through campaign committees, campaign management firms or other individuals or organizations. (Further details on this subject are to be developed in a subsequent Committee report.)

CAMPAIGN CONTRIBUTIONS

Recommendation 34: The Committee recommends that the City Council adopt a code of ethics for City officials and employees involved in planning and zoning matters. Prior to such action, the Council should undertake further study of this broad area including consideration of recent constructive developments elsewhere.

CODE OF ETHICS

Recommendation 35: Require by ordinance and amplification of the Charter that prior to consideration of any planning or zoning matter, each member of the City Planning Commission or Board of Zoning Appeals who has a private or personal interest in the matter must so state. If at any time during the consideration of a matter it becomes evident to a member that a conflict exists, he shall at that time so indicate. (The Committee will submit additional recommendations concerning conflict of interest in a subsequent report.)

CONFLICTS OF INTEREST

Recommendation 36: The Committee recommends that the Mayor and Council request the State legislature to expand the powers of grand juries to permit investigation of municipal planning and zoning matters on their own initiative.

Recommendation 37: Amend the Charter and enact municipal legislation to supplement State law concerning campaign contributions, including consideration of gifts and gratuities, which may affect planning and zoning, with a view to requiring itemized reports from all elected officials and candidates for elective office listing donors and amounts from each donor. Such reporting should include indirect contributions handled through campaign committees, campaign management firms or other individuals or organizations. (Further details on this subject are to be developed in a subsequent Committee report.)

GRAND JURIES

Recommendation 38: The Committee recommends that the Mayor and Council request the State legislature to expand the powers of grand juries to permit investigation of municipal planning and zoning matters on their own initiative.

Sweeping Reforms in Zoning System Urged

Report by Blue-Ribbon Committee Criticizes Officials, Offers 36 Ways to Improve Code

BY GEORGE REASONS
Times Staff Writer

The Citizens Committee on Zoning Practices and Procedures Tuesday recommended sweeping reforms in a report criticizing both elected and appointed city officials for abuse of the system.

The committee, headed by former Mayor Fletcher Bowron, said it agrees with the 1966 County Grand Jury that "campaign contributions, political obligations and friendships" influence zoning decisions.

The blue-ribbon committee also:

- 1—Singled out the Board of Zoning Adjustment for reaching arbitrary and illegal decisions and for treating the public with disrespect.

- 2—Criticized the City Council for practicing "minority rule" in allow-

Summary of Recommendations on Page 10, Reaction on Page 11, Part 1.

ing individual councilmen to control zoning decisions in their districts.

At a press conference following delivery of the report to Mayor Sam Yorty and the City Council, members of the seven-man committee accused the City Council of shirking its responsibility in rubber-stamping the appointment of commissioners to the BZA and Planning Commission.

Without naming him, the committee also criticized Mayor Yorty for the practice of allowing commissioners to serve at his "sufferance" without reappointing them after their terms expire.

The committee said zoning decisions are being reached under outmoded procedures which permit "government by men instead of by law" at the expense of the public.

Suggestions Offered

In 36 recommendations contained in the report, the citizens' committee proposed generally to correct abuses by:

- 1—Rewriting the zoning code, streamlining procedures and developing a comprehensive general plan (master plan) to provide a firm legal basis for decisions.

- 2—The changes also would minimize the discretionary power of appointed and elected officials in reaching zoning decisions.

- 3—Adopting a code of ethics for zoning officials and also strong laws prohibiting conflicts of interest, private contacts between zoning officials and interested parties in pending zoning cases, and requiring complete, itemized reporting of campaign contributions.

Please Turn to Page 10, Col. 5

ZONING REFORMS URGED IN REPORT

Continued from First Page

The committee also called on the Mayor and City Council to seek state legislation so the County Grand Jury can investigate city planning and zoning matters on its own initiative.

Invitation Needed

Under present law, the grand jury can investigate only if invited by the city or during the course of a criminal investigation.

The Bowron committee was appointed by the council and Yorty on the recommendation of the 1966 grand jury.

Other committee members are Rudolph Ostengard, vice president of United California Bank; Dr. John C. Bollens, UCLA political science professor; J. Robert King, president of King Nutronics Corp., an aerospace firm; Gordon Whitnall, a planning consultant and the city's first planning director; and Averill H. Munger and Mrs. Robert Kingsley, members of the 1966 County Grand Jury.

Influence Claimed

In asking for the investigation, the grand jury said "influence can and has been and in all probability will be exerted through the medium of campaign contributions, political obligations and friendship."

The citizens committee set the stage for its recommendations in the first paragraph of an introduction to the report which declared the committee agrees with the grand jury statement.

"Tremendous wealth can be accrued from zoning actions," the report said. "Thus, the opportunity and incentive to grant zoning favors... present a fertile field for corruption."

Prosecution Problem

The committee pointed out that criminal prosecution in zoning cases is difficult because "necessary corroborating evidence is almost impossible to develop."

Questioned at the press conference, Bowron said the committee was not empowered to develop criminal evidence to present to the district attorney or grand jury.

He said if public complaints were accepted at face value, influence ped-

dling in zoning decisions in the past were "quite widespread."

Whether money has changed hands or not, the committee said favoritism in zoning not only has contributed to a "growing ugliness" in the city but has undermined public confidence in city government.

"We conclude," the committee said, "that the public welfare will be better served by not enumerating charges of suspicious illegal actions, but rather to recommend changes... which will make favoritism in planning and zoning matters very difficult."

Code of Ethics

One of the most important sections of the committee report calls for a code of ethics, conflict of interest laws and stronger laws in reporting political contributions.

The report recommended that the City Council adopt a code of ethics which would "be helpful" in the overall area of maintaining high ethical standards.

The report also recommended strong conflict-of-interest laws banning action by a commissioner on matters in which he had a private or personal interest.

Commissioners with interests would be required to declare them prior to consideration of the case in question.

Open Meetings

The committee noted the ban against secret meetings under the Brown Act, and said it also felt in zoning matters "private communications whether written or oral" should be prohibited between zoning officials and interested parties, including the mayor and councilmen.

If private communications occurred inadvertently, the official would be required to disclose it or face misconduct in office charges and possible removal.

Deliberate violations would constitute a misdemeanor.

The committee said zoning matters are "nonpolitical" and all members of such commissions should have access to identical information in the public record.

Noting that political contributions have influenced zoning decisions, the com-

mittee declared the present system of reporting contributions "entirely inadequate" and recommended strengthening it to require detailed accounts of the contributors and how much each gave.

Exact accounting would be required not only of amounts contributed directly to elected officials but amounts also collected for them by campaign committees, and professional firms.

"We believe that a candidate should be held publicly accountable for all campaign contributions on his behalf," the committee said.

On the subject of appointments to commissions, the committee recommended that the City Council share equal responsibility for the quality of appointees.

Responsibility Cited

Asked at the press conference if the council had shirked its responsibility in the past by rubber-stamping the mayor's choices, Bowron replied: "Frankly, we think they have."

The committee pointed out that councilmen are elected in a particular district but owe a responsibility to the city as a whole in zoning decisions.

"Practices which permit a councilman individually to control decisions affecting his district is in effect a form of minority rule and should be eliminated," the report said.

The committee also criticized the practice under which individual councilmen delay zoning decisions by holding the file in committee or in their offices.

Removal Power

In recommending that the council assume equal responsibility for appointments, the committee also recommended that the council as well as the mayor have power to remove commissioners.

The council would be able to remove a commissioner by a two-thirds vote with the approval of the mayor and a four-fifths vote if the mayor vetoed it.

The committee expressed "serious concern" about the way the BZA has functioned in recent years, and the consequent loss of public confidence in the agency.

Wed 7/31

City Councilmen React Favorably to Report

Recommendations of Committee on Zoning Practices and Procedures Earn Praise

Recommendations of the Citizens Committee on Zoning Practices and Procedures drew favorable reaction Tuesday from members of the City Council.

Mayor Sam Yorty said he had not studied the report, but he was expected to comment on it at his news conference today.

Planning Director Calvin S. Hamilton said he would present his views to the Planning Commission Thursday.

Principal city planner Thomas Golden, however, told the council's Planning Committee that the report would be given prompt attention and that the department was "anxious to move on it."

Golden said some of the recommended changes might be accomplished without revisions in the code.

Nowell Motion

On the recommendation of Councilman Louis R. Nowell, the committee sent the report to the Planning Commission and Planning Department for study and recommendations.

Only six of the 15 councilmen said they had read the voluminous report, and several emphasized that they were only able to scan it.

But all agreed it was a significant contribution to the understanding of the zoning-planning process.

And there was general agreement that the recommendations on a code of ethics, conflict-of-interest and full disclosure on campaign contributions would receive sympathetic consideration in the council.

Councilman Marvin Braude said he was "overwhelmed" not only by the scope of the report but by its thorough review of all

the complicated problems regarding the zoning process.

"I think it is a foundation on which we can prepare effective reforms," he said.

Whether one agrees or not with the 36 individual recommendations, the "important thing," he noted, is that "here is information and study upon which judgment can be made."

Braude said he was "particularly delighted" that the commission submitted recommendations on a suggested code of ethics, conflict-of-interest disclosures, and campaign contributions reporting.

"These are the fields in which I made recommendations and feel that reforms are urgently needed," he said.

The report, Braude said, should be studied by councilmen, commissioners concerned with the planning process and all concerned citizens.

Another councilman who warmly endorsed the report was Ernani Bernardi.

He, too, placed special emphasis on the sections relating to ethics, conflict-of-interest and campaign donations.

Would Go Far

"We would go a long way toward solving many of our problems if a way can be found to implement the campaign contribution recommendation with enforceable penalties," Bernardi said.

(It recommends the itemization of direct and indirect contributions to independent committees or other organizations.)

Bernardi said the commendation that the mayor and council request

his recommendation "to expand the powers of grand juries" to permit investigation of municipal planning and zoning matters on their own initiative "was almost a necessity."

Appears Objective

Overall, he added, the report appears "rather objective" and there is "no indication that the committee pulled its punches."

In the final analysis, however, he cautioned, the report's real worth will depend upon implementation by the council and the mayor.

Councilman Robert M. Wilkinson said he was impressed by the committee's position that powers of the Board of Zoning Adjustment should be expanded and that city officials should not act in

which are personal or private.

He termed full disclosure of campaign donations a very good idea, not only for elected officials but commissions and other exempt officials as well.

Praised by Lampert

Councilman Paul H. Lampert praised the report as "erudite, intelligently prepared and clearly explained."

It faces the issue squarely, making many recommendations I can support," he said, adding:

"We picked the best people we could get and they gave us the best report they could. I don't see anything I would have to oppose on the council floor."

Councilman Arthur K. Snyder said he was "very much in favor of the report's stand on a code of ethics and full disclosure of campaign contributions," but that he would have to give more thought to suggested changes in planning and zoning techniques.

Councilman Edmund D. Edelman said he had looked at the document only briefly, but that "many suggestions appear to be very good."

L.A.T.

WEDNESDAY, JULY 31, 1968

Unfortunately, the City Charter, although clear as to intent, does not provide adequate restrictions against violation of this principle," the report said.

The committee criticized the mayor for failing to replace or reappoint commissioners whose terms expire and for replacing them before their terms expire "simply by appointing someone else."

Whitnall said Planning Commissioner Melville Branch's term expired in 1965 and he is serving at the mayor's "sufferance" with no idea of whether he is to be replaced or not.

Whitnall said threat of removal under such circumstances potentially could be used to control a commissioner's vote.

Called Improper

Whitnall called it "improper and dangerous" and said it defeats the intent of the charter.

To make sure commissioners are not subject to arbitrary removal, the committee recommended requiring that appointments could be made only when an office became vacant.

The mayor would be allowed to remove commissioners before their terms expire but he would need a majority vote of the council to do it.

The committee also recommended that the council president appoint commissioners to vacancies if the mayor fails to act within 60 days, thus preventing commissioners serving at the mayor's sufferance.

'Resignations' Hit

On a related matter, the committee condemned the practice of requiring commissioners to submit signed resignations when they are appointed to the mayor to use at any time.

Former Planning Commissioner Ellis A. Jarvis testified before the committee that he had been required to submit such an application.

"Such practices hardly contribute to the exercise of independent judgement on the part of appointees," the committee report noted.

To halt the practice, the committee recommended

that commissioners must file their resignations with the city clerk when they resign.

The committee expressed "serious concern" about the way the BZA has functioned in recent years, and the consequent loss of public confidence in the agency.

The report said citizens, too, lodged numerous complaints against the BZA charging:

1—Decisions were made at private conferences before public hearings were held.

2—Hearings were a "mere sham."

New Evidence

3—The board heard new evidence which it properly shouldn't have considered.

4—The board acted "arbitrarily and capriciously" and reached decisions without supporting evidence.

5—Protestants were not given equal opportunity to present their case.

6—Protestants were "treated with disrespect" by the presiding officer, who, almost without exception, exercised arbitrary control over the conduct of the hearings.

Bowron identified the presiding officer as Roger S. Hutchinson, who resigned after articles in The Times outlined how he consistently voted favorably on cases presented by a personal friend who was a zoning expeditor.

Illegality Charged

The committee said the BZA in the past handed down illegal decisions and usurped the authority of the City Council by granting variances which produced the same effect as zone changes.

Many of the illegal variances were granted for service stations on property which the Planning Commission and City Council had refused to rezone for that or other commercial purposes.

A variance is designed to correct inequities between two identically zoned parcels of property.

"A variance should not and cannot legally be a substitute for a legislative zone change," the report declared.

The committee report recommended tightening

BZA must apply in granting variances and requiring precisely written findings which show the standards were met.

Field Trips Limited

The BZA also would be prohibited from considering new evidence in its deliberations but could consider only the record, as in court appeals.

In addition, individual board members would be prohibited from making field trips with the appellant unless the entire board and opponents in the case were present, too.

"Numerous complaints were received about inadequate notice of pending zoning matters," the committee said. Sometimes notices weren't received at all or were received too late for interested parties to attend the hearing, the report said.

The committee recommended that notification procedures be strengthened and mailing lists be prepared by the city instead of the zoning applicant.

Technical Changes

The committee also recommended that testimony in zoning matters be taken under oath.

Most of the committee's recommendations called for technical and procedural changes to strengthen the legal basis for zoning decisions. Some new zoning classifications were proposed.

The major legal proposal called for development of a zoning code based on a general plan (master plan).

Zoning classifications are based on the general plan and zone changes are granted when they conform with the general plan.

Guide Unsatisfactory

But the committee pointed out that the general plan in use by the city is outdated and cannot serve as a satisfactory guide for future development.

The committee said this weakens the zone change procedure and leads to spot-zoning based on arguments and pressure instead of on law.

The committee recommended a step-by-step procedure for development of a satisfactory general plan and for periodic review of it on a

ZONING REFORMS

Continued from 10th Page
rotating area by area
basis.

One change in a particular area would be considered only when the general plan for that area was being reviewed.

Some changes in a particular area would require the city council to find a way to deal with the problem. The purpose of the zoning ordinance would be to guide the city council in making a decision on political or other factors.

The committee also called for the creation of a zoning commission that would be responsible for the zoning of the city. The commission would be composed of representatives from various city departments.

The committee said this would be to prevent the city council from having an advisory and precedent to an advisory building.

It would also zoning branches in the city have to own into a mixture of

legislative, judicial and administrative functions which the committee sought to "unscramble" by defining the property role of each agency involved.

A number of the committee's recommendations dealt with this problem.

*Hamilton's report
Zoning Practices
Procedures*

Planning Chief Praises Panel's Zoning Report

Document Will Strengthen City's Program in This Field, Hamilton Declares

BY WILLIAM TULLY

Times Staff Writer

City Planning Director Calvin S. Hamilton Thursday praised the report of the Citizens Committee on Zoning Practices and Procedures as a document "that will strengthen the planning program in Los Angeles."

The report, released Tuesday by the blue-ribbon committee headed by former Mayor Fletcher Bowron, recommended sweeping reforms and criticized elected and appointed city officials.

Hamilton reviewed each of the committee's 36 recommendations to members of the City Planning Commission.

Some recommendations, he said, are already in effect or under consideration; some require further study or must await subsequent amplification by the citizens committee, and some are not the responsibility of the Planning Department.

Particular Criticism

The citizens committee singled out for particular criticism the Board of Zoning Adjustment for reaching arbitrary and illegal decisions and the City Council for allowing individual councilmen to control zoning decisions in their own districts.

Hamilton told the commissioners that the report was "a matter of policy."

"Therefore," he said, "the role of my staff and me is to suggest, for your benefit, some possible structural changes which will help to improve the planning process."

The commissioners generally agreed among themselves that the citizens committee criticisms did not specifically include the Planning Commission.

"I didn't read into (the report) any real criticisms of us. The Bowron committee was backhandedly complimentary to the Planning Commission," Commission President John J. Pollon said.

"The only criticisms are of form and substance over which we have no control, such as charter changes and code revisions for which we have been striving for a long time," he said.

Comprehensive Review

Nevertheless, Hamilton said, his department would prepare a more comprehensive review of the committee report, and the commissioners agreed to consider action at their regular meeting Aug. 29.

"We are very eager to get into the meat of this report and adopt as quickly as possible whatever elements of it would be in the interests of the public," Pollon said.

As an example, he said adopting the policy of taking testimony before the commission under oath is "a good idea."

Hamilton told the commissioners that some reforms would have to await the adoption of the general master plan for city development, which could be as far as two years away.

Hamilton also said his department will continue to assist the citizens committee in its long-run projects involving charter and code revisions.

Zoning Report to Ask Priorities or More Help

Planning Director Says Overhaul Proposed by
Bowron Can't Be Effected With Present Staff

BY ERWIN BAKER

Planning Department priority schedules must be revised or additional manpower provided to permit implementation of recommended reforms in the zoning system, the Planning Commission will be advised Thursday.

City Planning Director Calvin S. Hamilton presented the alternatives in a report outlining a proposed method of operation in studying the recommendations of the Citizens Committee on Zoning Practices and Procedures.

Last July 30, after a year-long investigation, a seven-member blue-ribbon citizen's committee headed by former Mayor Fletcher Bowron submitted to the City Council and Mayor Sam Yorty a 36-point program to correct what it termed abuses in the present planning-zoning system.

Sent for Recommendations

The council sent it to the Planning Department for evaluation and recommendations.

Hamilton will inform the commission, through which a report to the council must be channeled, that work on nine of the proposals can begin promptly, but only under conditions to be determined by the lawmakers.

To begin studies immediately with present staff personnel, he said, there must be a "major revision of present priorities and production schedules" for the department's Special Studies Unit.

If, however, the priorities are retained and current levels of service and productivity are to be maintained, Hamilton said, two additional planning associate positions will be required to work solely on the nine recommendations.

Planning associates are mainly assigned the more difficult and high-priority council and commission studies, he explained.

Hamilton estimated it would take them approximately one year to finish the assignment.

Conflicts With Memorandum

Hamilton's report was in seeming conflict with an August memorandum to the commission in which he said the nine recommendations mainly involve ordinance changes and added:

"(They) can be considered as short-run projects that would not require major staff time or resources for their completion and will not require major department reorganization."

Currently, Hamilton said, the special unit has sufficient personnel to deal only with:

- 1—High priority council and commission studies of amendments to the zoning code and the city charter.
- 2—Certain other limited types of studies and projects.

Hamilton pointed out that the nine recommendations requiring further study by the department will not be covered in subsequent reports to be filed by the committee.

One or more additional reports will contain suggested texts for proposed charter amendments and a "few significant amendments to the mu-

nicipal code to effectuate certain

recommendations," Hamilton said. Therefore, he said, it won't be possible for the department to make a definitive study of some of the recommendations until additional reports are received.

"It would not be particularly useful to duplicate the committee's efforts in those specific areas they intend to investigate in greater depth," he said.

Meanwhile, the city's chief planner said, the department could proceed to work on the following committee recommendations which would:

1—Provide by ordinance the adoption and amendment of the Comprehensive General Plan according to procedures specified by the Bowron committee.

2—Establish a procedure for review of the city's zoning map on a regularly scheduled area-by-area basis.

3—Provide for legislative action—either automatically or as conditional use—certain "unclassifiable" uses such as airports, universities and land and reclamation projects which because of unusual characteristics can't be suitably classified by zone.

4—Treat planned developments as conditional uses with uniform conditions specified in the zoning code.

(A Proposed Residential Plan Development District Ordinance is before the council's Planning Committee after being approved by the planning commission).

Conditional Use Permits

5—Expand and clarify provisions for conditional use permits under an ordinance which would compel a developer to improve property as stated in his application.

6—Amend the municipal code to incorporate in one section simplified requirements governing a p p l i c a t i o n s, notifications, hearings, time limits and appeals for all types of planning and zoning cases.

7—Require testimony under oath at all zoning hearings.

8—Standardize zoning appeal procedures to include: a longer period to file, a requirement to show proof where original findings and determinations are not supported by record, limitation of appeals only on the record of the original hearing and determination and a requirement that reversals be based on specific findings of error in the original determination.

Standardize Procedure

9—Amend the zoning code to standardize the procedure for transfer of jurisdiction to an appellate body when the original body fails to act.

In a report to the committee last Aug. 1, Hamilton said that of the 36 recommendations, 13 are either in effect or a study is in progress, 16 will require further study and consideration and seven are not the primary responsibility of the planning department.

With respect to the blue ribbon committee's recommendations on a proposed code of ethics and conflict of interest—which drive to the heart of the committee's report—Hamilton noted that the commission had adopted its own code of ethics on Oct. 19, 1967.

LAT
8:00 AM

*John Hamilton -
Zoning Ordinance
Procedure*

L.A.T. 9-2-68

Zoning Reform Must Be Expedited

ISSUE: Why does City Planning Director Calvin Hamilton now find such problems in implementing zoning and planning reforms?

"A Program to Improve Planning and Zoning in Los Angeles" is the rather modest title of an extremely significant study of a critical problem in City Hall.

The authors—a distinguished committee of citizens headed by former Mayor Fletcher Bowron—affirmed that planning and zoning decisions were highly susceptible to influence peddling, and they offered a variety of proposals to improve the situation.

Their recommendations were the result of months of careful study by the committee members, who listened to dozens of witnesses and read pounds of official documents. Even some of the apologists of the status quo were willing to admit that the Bowron committee had performed a very important service to the city.

The thorough work of the committee, however, represented only a beginning in a real overhaul of the complicated procedures affecting city land use decisions.

But as Times City Hall reporter Erwin Baker notes elsewhere on this page, initial reaction to the committee report has somehow changed.

Calvin Hamilton, the controversial city

planning director, for instance, said after first reading the report that its nine main recommendations could be implemented by his department without any serious problem.

Changes, said Hamilton on Aug. 1, "can be considered as short-run projects that would not require major staff time or resources for their completion and will not require major department reorganization."

Less than four weeks later, Hamilton presented an ultimatum to the City Planning Commission in which he said that the implementation would require the hiring of two additional experts for at least a year, "major revision of present priorities and production schedules," or ignoring the whole thing.

The planning director didn't explain his 180-degree turn in attitude. And Councilman John S. Gibson Jr., chairman of the Council Planning Committee, is understandably annoyed. Gibson is considering a request to the council for the hiring of an outside expert to do the work that Hamilton now says his staff can't do.

Whatever the problem, the prompt evaluation and implementation of the Bowron Committee recommendations are so important that no personality problems should intervene. The Times urges that the Planning Commission and City Council get on with the job—with or without Calvin Hamilton.

L.A.T. 9-2-68

Zoning Reform: Is It Derailed?

BY ERWIN BAKER
Times City Hall Bureau Chief

Early promise of swift Planning Department and Commission action to implement sweeping reforms proposed by the Citizens Committee on Zoning Practices and Procedures apparently was premature.

More than a month after the committee's report, tagged urgent, was submitted to the department by the City Council for prompt evaluation and recommendations, it appears to be mired in a swamp of contradiction and indecision.

Disenchantment with the reverse order and slow motion antics of the department and commission has reached the point where Council Planning Committee Chairman John S. Gibson Jr. is seriously considering bypassing them completely.

★

Instead of awaiting word from the planners, Gibson has indicated he will seek the council's permission this week to employ a committee consultant to bring in "immediate" recommendations.

Gibson is hopeful of employing Hubert Smutz, who retired last January as chief zoning administrator after 26½ years in the post during which he built a reputation as "incorruptible."

Smutz, chief zoning administrator under former Mayor Fletcher Bowron, who headed the blue-ribbon investigating committee, has taken positions similar to many of the 36 recommendations aimed at eliminating alleged abuses in present zoning and planning procedures.

At that time, also, commission president John J. Pollon noted that "we are very eager to get into the meat of this report and adopt as quickly as possible whatever elements . . . would be . . . in the interest of the public." And the quicker it was done the better, he said.

Last Thursday, however, the urgency and desire apparently had subsided.

In a report to the commission, Hamilton emphasized that the department's special studies unit, which would conduct the study, already was fully involved in top priority projects.

Either the priority schedule would have to be revised, he said, or two additional planning associates would have to be hired.

And it would be necessary for them to work full time for approximately one year on the nine recommendations, plus, perhaps others, Hamilton said, because of the "difficulty" and "complexity" of the assignment.

Even the committee suggested additional staff, he claimed.

Hamilton would not be averse to employing four men for six months or six men for two months to do the job, but, in any event, he insists, it's a "policy decision" for the commission and council.

Vice President Melville C. Branch, whose erudition and eloquence often overwhelm his listeners, scoffed at the need for additional manpower.

"Every time we talk about doing something we hear requests for staff," he noted sarcastically.

★

But it was clear that the commission's ardor for immediacy has cooled. In response to Hamilton's virtual ultimatum, Pollon suggested a one-week continuance to permit further study of the recommendations.

But Commissioner David S. Molr said that wasn't enough time. So the commission agreed to another week's delay—to Sept. 12.

Meanwhile, Gibson is fuming at Hamilton's seeming take-it-or-leave-it attitude.

*John J. Pollon,
Citizens' Comm.
on Zoning*

SEP 24 1968

Plan to Require Oaths at Zoning Hearings Opposed

BY RICHARD WEST

Times staff writer

City planning commissioners refused outright Monday to concur in two of the 36 recommendations to improve city planning and zoning made by the Citizens Committee on Zoning Practices and Procedure.

These included one that all testimony and other statements of fact be given under oath at hearings and another to prohibit personal or written communications between interested parties and members of the City Planning Commission or Board of Zoning Appeals.

The commissioners said in a report to the City Council's Planning Committee that they did not consider themselves qualified to judge two other recommendations.

Further Study Sought

They made no recommendation on another one and said they would have to study five others and part of a sixth for up to 45 days before giving their position on them.

Concurrence was given in the other 25 recommendations, but in most cases only if modifications were made.

Regarding the oath recommendation, the commissioners said:

"The nature of the matters before the commission, its recommended role and the best administrative procedures for its meetings call for free expression by the many different people involved.

"To make oath-taking mandatory on all at all times, rather than discretionary as now, would be a serious mistake."

"As to any prohibition of personal

Please Turn to Page 5, Col. 4

Planning Commission Opposes Oath Proposal

Continued from First Page
communications, they commented:

"To try and legislate personal ethics and judgment beyond a point produces more problems and potential abuses than it eliminates."

Recommendations the

commissioners felt unqualified to consider were on campaign contributions which may affect planning and zoning matters and an expansion of the powers of grand juries to permit investigation of municipal planning and zoning matters on their own initiative.

No recommendation was made on a proposed conflict of interest ordinance.

The report was signed by John J. Pollon, commission president; Melville C. Branch, vice president, and members Elizabeth K. Armstrong and David S. Moir.

"Do you wish us," the commissioners asked the council committee, "to proceed to develop the next level of policy statement, administrative ac-

tion or specific legislation to effectuate the citizens committee recommendations as modified by us?"

The citizens committee made the 36 recommendations for sweeping reforms in planning and zoning procedures last July after a year-long investigation prompted by a grand jury inquiry.

The blue-ribbon committee was headed by former Mayor Fletcher Bowron, who died Sept. 11.

Handwritten notes:
John J. Pollon
Melville C. Branch
Elizabeth K. Armstrong
David S. Moir

Agreement on 21 of 36 Zoning Reforms Told

Planning Commission, Citizens' Group Reach
Tentative Accord; Proposals Sent to Council

BY ERWIN BAKER
Times Staff Writer

Agreement "in principle" on 21 of 36 recommendations for municipal zoning and planning reforms has been reached by the City Planning Commission and members of a citizens' blue-ribbon committee, it was learned Sunday.

The recommendations, aimed at eliminating abuses, were sent to the City Council's Planning Committee by the Planning Commission.

In a letter to council committee chairman John S. Gibson Jr., the commission said its position on the 21 items is in accord with "the purpose and intent" of the recommendations by the Citizens Committee on Zoning Purposes and Procedures.

The seven-member citizens' committee, headed by the late Mayor Fletcher Bowron, submitted its far-reaching report criticizing both elected and appointed officials involved in the planning-zoning sessions last July 31.

Council Hearing Slated

The citizens' committee was appointed by Mayor Sam Yorty and the council on the recommendation of the 1966 County Grand Jury as a result of the jury's inquiry into zoning irregularities.

Gibson has scheduled a council committee hearing for Nov. 12 to review the 21 findings, which also represent the thinking of City Planning Director Calvin S. Hamilton and his staff.

Committee decisions will be forwarded to the full council for final action.

Another joint commission-citizens' committee meeting has been scheduled for Friday to consider the 15 remaining recommendations, the commission said.

Involve Important Conclusions

These recommendations involve some of the most important conclusions reached by the citizens' committee during its 14-month study.

They include, for example, questions of campaign contributions, conflict of interest and private communications between interested parties and Planning and Board of Zoning Adjustment Commissioners.

They also deal with recommendations on expanded grand jury power over investigations of municipal planning-zoning matters and the

proposed Residential Plan Development and "Q" ordinances.

The bitterly controversial RPD plan was sent back to the planning committee by the council two weeks ago to await a recommendation by the commission and citizens' committee.

The "Q" ordinance, which would compel a developer to improve property as stated in the application within a 2½-year period or have it revert to its original classification, also is before the planning committee.

Opposed by Citizens Group

Both proposals are supported by the commission and department staff, but opposed by the citizens committee.

Forwarded to the council committee were the 21 proposals which would require charter and municipal code amendments. They relate to protection of the public interest, overall legislative policy, administrative and quasi-judicial functions and efforts to assure "fair, understandable and effective procedures."

One of the most important is a request to the council to adopt a code of ethics for city officials and employees engaged in planning-zoning matters.

Prior to such action, however, the council should "review recent constructive decisions elsewhere," the recommendation states without elaboration.

Inspection Recommendation

Also under the heading of "protecting the public interest," the report recommends that field inspections by Board of Zoning Adjustment members should be made only as an adjourned meeting whenever possible in the company of both sides of the issue.

"Findings as fact based upon inspections must be on the basis of such inspection by the board as a whole," the recommendation says.

Another "public interest" recommendation would strengthen the city's program to keep the general public adequately informed, as to purposes, requirements and procedures of "sound planning and zoning" and of city decisions on such subjects.

Other recommendations call for widespread procedural and code revisions.

Erwin Baker
11/4/68

Change in Policy Role of Planners Defeated

*For the committee
City Council
general plan*

Council Votes 14-1 to Keep Power With City Commission

BY ERWIN BAKER
Times Staff Writer

City councilmen Thursday reaffirmed the position of the Planning Commission as the policy-maker of the Planning Department.

Their action, by a 14 to 1 vote, was a defeat for the Citizens Committee on Zoning Practices and Procedures, which had recommended that the policy role be given the planning director and that the commission be made advisory.

The decision was made as the council began voting on a series of proposed changes in charter sections governing the city's zoning-planning process.

To Be Placed on Ballot

Approved revisions, combined in the form of an overall charter amendment or amendments, will be placed on the May 27 general election ballot.

Of the 17 changes proposed by two council committees, only two were acted on by the lawmakers Thursday, and the policy provision was the only controversial one.

It was one of 36 recommendations submitted by the citizens committee after a 15-month study last July 30. And it called for the "planning" director to be subject only to the "advice" of the commission.

But the council accepted the recommendation of its Planning and Charter and Administrative Code Committees, which retained the present wording assigning the commission "supervision and direction" over the director.

The committee, formed as a result of findings of zoning-planning irregularities and abuses by elected and appointed officials in a 1966 County Grand Jury report, noted that the charter already hands the director "control and management" of the department.

It also cited its own recommendation that the commission function in an advisory capacity to the director on policy matters involving the general plan, specific plans and zoning ordinances.

Councilman Thomas Bradley was the lone supporter of the citizens



group, whose first chairman was the late former Mayor Fletcher Bowron.

He argued that the director, now Calvin S. Hamilton, should be given "firm responsibility" as head of the department so the charter could be consistent on the subject.

Bradley's stand was opposed, however, by Planning Commissioner Melville C. Branch, who argued that municipal planning was "too broad" and "too important" a responsibility to be left to one man and "officials within a bureaucracy."

In an advisory capacity, "we would be there just as window dressing and talk," Dr. Branch complained.

Administrative responsibilities should be left to the head of the department, however, he said.

Supported by 2 Councilmen

Dr. Branch was supported by Hamilton and Councilmen Gilbert W. Lindsay and John S. Gibson Jr.

Lindsay contended that the commission form of government has led to Los Angeles becoming the "cleanest city in the nation . . ."

"Out of 150 commissioners, 140-odd have been good, clean, decent citizens," he contended.

Hamilton said the basic question involved was the "type of general manager and commission and their ability to get together."

He indicated that he and the commission have been working harmoniously.

The council approved 15 to 0, two other proposed noncontroversial revisions which outlined the powers of the department and the director.

Since over until today were other proposed revisions, including key items involving the handling of residential uses and periodic area-wide consideration of zone changes.

Citizens Panel Assails Lack of Clear Policies in Zoning System

Group's Final Report Hits Special Privilege, Recommends Legislation to Deal With Ethics and Conflicts of Interest

BY ERWIN BAKER

Lack of clear policies in the city's zoning system, instances of special privilege and "flagrant examples" of special zoning were attacked Sunday in a report by a blue-ribbon citizens committee.

The 11-page final report to the city council and mayor, the Citizens Committee on Zoning Practices and Procedures, recommended special legislation including formation of a commission dealing with a code of ethics and conflicts of interest.

The committee especially exhorted the council for the sake of its dignity and responsibility, "to define and unequivocally" establish in conjunction with the Planning Commission the basic policies covering conditional uses of land.

"Clearly defined policies," the report said, "do not now exist, and as a consequence, the present practice flagrantly violates the basic principle of sound, effective zoning."

Current policies, the report added, have led to special brands of privilege, a breakdown in the integrity of the zoning system and some of the most flagrant examples of what amounts to spot zoning.

The committee reiterated its belief that the "fundamental weakness" in the present practice of processing certain types of conditional use permits through the Planning Commission and council.

In presenting its report, the result of more than two years of work, the committee said it believed at stake were fundamental issues of environmental quality, justice and equality before the law, effective management of public affairs and private ownership of property.

One of its "critical findings," the committee reported, was that "a certain perspective is lacking on the part of both developers and officials, in viewing the zoning process."

Zoning, the committee explained, has "largely but improperly" come to be viewed as something to be bargained over and influenced, sometimes legitimately, sometimes illegitimately.

Aside from the injustices inherent in such a practice, the committee found the approach to zoning can

Page 20 to Page 30, Col. 5

provide little more than an impediment to the economic forces of urban development.

If its program is adopted, the committee said, it would permit the mayor and council to exercise effective policy and regulatory control over city development.

The seven-member committee was appointed by the council and Mayor Sam Yorty in March, based on the recommendation of the 1966 County Grand Jury.

In the course of an exhaustive investigation it uncovered numerous irregularities in the land-use process within the city.

First chairman of the committee was the late former Mayor Fletcher Bowron. He was succeeded by Rudolph Ostergard, vice president of the United California Bank.

Other committee members are Dr. John C. Bolles, UCLA political science professor; J. Robert King, president of King Nutronics Corp., an aerospace firm; Gordon Waldhall, a planning consultant and the city's first planning director; and Averill H. Munger and Mrs. Robert King, members of the 1966 grand jury.

Thirty-six recommendations for reforms in municipal planning and zoning administration were proposed by the committee in its first report last July, which criticized both elected and appointed officials for abusing the system.

Much of the committee's final report, titled "A Program to Improve Planning and Zoning in Los Angeles," was devoted to specific action proposals for support of the recommendations in the form of legislation. The proposals took the form of Charter amendments, ordinances and administrative and policy decisions.

A number of the 36 recommendations were incorporated in the Charter Amendment 1, which received overwhelming approval at last Tuesday's election.

The amendment tightened council control over zoning. For example, an applicant for a variance now has the right under the amendment to appeal to the council concerning decisions by the Board of Zoning Adjustment. The amendment also delegates control of the General Plan Advisory Board to the council and gives the mayor a greater voice in the operation of the General Plan.

While committee members supported the amendment as an improvement over existing Charter provisions, they expressed serious concern over the "weakening effect" the council had in modifying their recommendations.

While conceding that some improvements in procedure and approach in the planning-zoning field are underway, the report emphasized that the committee's legislative program would improve the framework.

As it did in its preliminary report, the committee placed considerable emphasis on proposals to govern "conduct in office," not only in the Planning Department but at all governmental levels.

The committee urged study of a uniform code of ethics embracing all city employees which would define "those acts and actions incompatible with the best interests of the city."

And it called on the council to adopt more stringent measures pertaining to conflict of interest, campaign contributions and private communications.

Specific proposals covering the entire "conduct in office" are pending before the Governmental Ethics Committee.

Attention has been held up weeks pending receipt of advice from the city attorney's office as to how the city can range in enacting such measures.

one factor which may weigh heavily on the decision is the final shape of conflict-of-interest legislation now pending before the Legislature.

The committee criticized, however, the "present inadequacy" of pending bills and called on the city to "recognize its authority and accept its responsibility to supplement state law."

The committee urged the council to adopt specific provisions on conflict of interest covering intent, definition and disclosure and disqualification.

Quality Needed

In considering conduct in office, the committee said, "the city must obtain people of the highest quality of competence and integrity" to serve on commissions and boards.

And the mayor and council must assume full and equal responsibility for assuring such appointments through the selection and confirmation process, the report said.

In urging council action on campaign contributions, the committee scored state laws, contending they failed to require complete and itemized reports.

(In its 1968 report, the committee agreed with the County Grand Jury's conclusion that campaign contributions, political obligations and friendships influence zoning decisions.)

"More comprehensive reporting of campaign contributions is recognized by many people in various phases of political activity and government as being a key requirement in insuring that campaign financing is an honest, open and responsible activity," the report said.

Charter and municipal code changes which would regulate contributions, gifts or gratuities that could create a conflict of interest were proposed by the committee.

The proposed changes would require all candidates for office, officers and employees of the city to submit itemized reports of such donations, listing donors and amounts received, directly or indirectly.

On the question of secre-

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ceedings or addressed to
the agencies as a whole.

Councilmen and the
mayor would be excepted,
however, the report said,
observing that "the reme
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officials is at the ballot
box."

Changes in the proce
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commissioners also were
urged by the committee.

It noted dangers in pre
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any time simply by re
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To preclude this po
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stated that in such a
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the right to initiate removal
by a two-thirds vote and in
the event of mayoral op
position, a four-fifths vote
to sustain the action.

Citizens Committee Report on Zoning OK'd, Sent to Council

Changes in Procedure for Conditional Use Permits
One of Changes Asked in Wake of Grand Jury Probe

BY JOHN KENDALL
Times Staff Writer

A citizens committee report on zoning, prompted by a County Grand Jury inquiry, was accepted Tuesday by the City Council's Planning Committee and sent to the council with recommendations for changes.

Councilman John S. Gibson Jr., who presided at Tuesday's meeting, said the report would be presented to the council as soon as possible.

The council must act by Feb. 26 if the recommendations for charter revisions by the Citizens Committee on Zoning Practices and Procedures is to go on the general election ballot in the May 27 city election.

One of the major changes proposed by the blue-ribbon committee, headed by the late mayor Fletcher Bowron, is the way conditional use permits and planned developments are handled.

The Citizens Committee recom-

mended that questions of conditional use and development of planned units go through the Office of Zoning Administration and a Board of Zoning Appeals.

Such matters would no longer be handled through the routes of the City Planning Commission to City Council and from the Board of Zoning Adjustment to Planning Commission to City Council.

If the citizens group's proposal were adopted, appeals would be handled by a newly named and created Board of Zoning Appeals, not by the City Council.

Nowell Objects to Suggestion

Councilman Louis R. Nowell objected to the committee's suggestion, favoring instead the placing of all zoning matters under the jurisdiction of the Planning Commission.

The Planning Committee approved his recommendation that the Planning Commission handle matters of conditional use permits and planned development with appeals to the City Council possible.

A spokesman for the citizens committee, Gordon Whitnall, who was Los Angeles' first city planner in the 1920s, said that appealing to the people's representatives had "let to grief."

He said zoning had been "shot through with holes" by the conditional use permit.

Whitnall called for the adoption of conditions to be met for a conditional use permit and determination of standards for planned developments. He said that trying to deal with such a problem by ordinance had led to "mess."

Grand Jury Investigation

He reminded Planning Committee members that the present system had led to the grand jury investigation.

The Bowron Committee was organized in April, 1967, and approved by Mayor Sam Yorty and the City Council after a Chatsworth zoning scandal in which Developer Bryan D. Gibson was convicted of grand theft, fined \$5,000 and placed on three years probation.

Whitnall's position that conditional use permits and planned unit developments should be handled

ZONING REPORT

Continued from First Page
through a new procedure was opposed by Dr. Melville Branch, a member of the City Planning Commission.

Branch read from a letter from the Planning Commission which stated:

"We believe it indefensible to treat these conditional uses — to become more numerous in the future to range in size up to square miles in extent — through a separate procedure by-passing the City Planning Commission, mayor and city council.

"Not only must applications for planned unit developments be examined individually as to their appropriateness, form, and phasing from city wide points of views, but standards cannot now be written which could justify an automatic right to insert such potentially huge or impactful changes in the pattern of the city."

"More important, due process must be provided in the granting of conditional uses through action by and appeal to the mayor and council, the people's elected representatives."

Branch told the councilmen that his and Whitnall's positions represent "two strong, utterly different conclusions."

Further Proposals

Other changes proposed by the citizens committee included:

1—Emphasis on the advisory role of the Planning Commission in legislative and policy matters.

2—Consideration of both the general plan and zoning map area by area on a regular time schedule to enable review and consideration of entire areas.

Gibson said he expected it might take the City Council three or four days to discuss and deal with the blue-ribbon committee's report.

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pull, Citizens Committee
Zoning Practices
& Procedures

Decision Time on Zoning Overhaul

ISSUE: Would it be wise to eliminate right of appeal to the City Council and mayor as part of a planning reform package?

City Council debate is scheduled to begin Feb. 5 on 36 recommendations from the blue-ribbon Citizens Committee on Zoning Practices and Procedures. Most of the suggestions, after council revisions, will be presented to the voters in charter amendment form at the May 27 city election.

After a 14-month probe into municipal planning the citizen group has offered a long-overdue proposal to bring order, curb influence peddling and hamper conflict of interest.

The Times is in agreement with the committee's intent and with most of its recommendations. But we are concerned over one key suggestion.

The committee would place all conditional use permits and planned unit developments under jurisdiction of a new zoning appeals board, wiping out the present Board of Zoning Adjustment. The new appointive board would have final say with no appeal to council or mayor by applicant or protestant.

In light of the citizens committee's earlier insistence that "all phases of government decision-making should be subject to public scrutiny," we find this recommendation disturbing.

So do both the council's planning

committee and the Planning Commission.

The latter declares:

"We find it indefensible to treat these conditional uses—to become more numerous in the future and to range in size to square miles in extent—through a separate procedure by passing the City Planning Commission, mayor and council."

The council committee offers a counter-recommendation: routing conditional use permits and planned developments to the Planning Commission, with appeals possible to the council and subject to veto by the mayor.

We believe this counter-proposal offers a more rational approach to planning reform. In the long run, the quality of zoning hinges on the integrity of men elected to office and of appointees to boards and commissions. Also, we think it unwise to force the citizenry to appeal planning decisions to courts of law rather than to its legislators.

As The Times series on conflicts of interest at City Hall revealed, and as a resulting number of court cases confirmed, there is immediate need for drastic overhaul of the total municipal zoning procedure.

But, in the final analysis, the interest of all will best be served by vigilant preservation of the traditional right to appeal decisions to democratically elected officials—and by open debate of the public's business in public meeting.

Council to Debate Zoning-Planning Reform Proposals

BY ERWIN BAKER
Times Staff Writer

Six months after receiving a blue-ribbon citizen committee's recommendations for sweeping reforms in the municipal zoning-planning system, the City Council has scheduled debate on several of the points Wednesday and Thursday.

Signs point to possibly the most controversial hearings in recent months.

Several proposed charter amendments for the May 27 general election ballot will be before the council.

Final action must be taken by Feb. 26 in order to qualify them for the ballot.

They stem from recommendations of the 7-member Citizens Committee on Zoning Practices and Procedures, which studied alleged abuses of the system for 15 months before submitting its report last July 31.

The committee, headed by the late former Mayor Fletcher Bowron, was appointed by the mayor and council in April, 1967.

Developer Was Convicted

Its establishment followed a 1964 County Grand Jury investigation which disclosed zoning irregularities and led to the grand theft conviction of developer Bryan E. Gibson in a Chatsworth scandal.

The committee's report severely criticized both elected and appointed officials for abusing the zoning-planning process.

It agreed with the grand jury that campaign contributions, political obligations and friendships influenced zoning decisions.

And it accused the Board of Zoning Adjustment of arbitrary and illegal decisions and of treating the public with disrespect.

Many of the grand jury findings coincided with conclusions in a survey by The Times of the city's zoning-planning policies.

The Citizens Committee's 36 recommendations generally intended to reform the system by:

1—Rewriting the zoning code, streamlining procedures and developing a comprehensive general plan to provide a firm legal basis for decisions. At the same time, discretionary power of appointed and elected officials in reaching zoning decisions would be limited.

2—Adoption of laws governing a code of ethics for zoning officials.

ZONING

Continued from Third Page

well as conflicts of interest, private contacts between such officials and public officials interested in zoning cases and reporting of campaign contributions.

After eight public hearings over a four-month period by the Planning and Charter and Administrative Code committees of the City Council, it was decided to recommend charter amendments first.

They deal with procedures affecting conditional uses, planned-unit developments and the general plan.

In the near future, the committee plan to take up ordinances covering a number of other zoning matters, which conflict with the campaign contribution laws and other constitutional provisions.

Charter Amended?

The proposed charter amendments involved not only the zoning commission but the Planning Commission and the two council committees, which incorporated some modifications.

The committee's recommendations reflect, in several instances, a sharp split between the citizens group and planners, and a division between the committee members themselves. As they are scheduled to be presented to the council Wednesday, the amendments would:

1—Require the commission to prepare a general plan for the city and to report it to the council.

2—Change of zones on a periodic and area-by-area basis rather than under the present procedure of processing these cases upon the filing of an application or upon initiation by the council or commission.

Because of a difference of opinion between the two council committees, however, this proposal is being submitted without recommendation.

Opposed on Some While the citizens committee and commission are in agreement, either in principle or generally, on most of the 36 recommendations, they are irreconcilably opposed on the handling of planned-unit developments and conditional uses.

The commission believes the charter should contain no reference to such developments and that conditional use matters should be taken up at present. That means they would continue to be processed through the Office of Zoning Appeals.



"How many ways have you failed me? Let me count the ways."

Commissioner Gordon Whitcomb, the city's first planner, and a spokesman for the citizens group, warned that exclusive consideration of appeals by the council has "led to gridlock" as evidenced by the grand jury's findings.

Some of the San Fernando Valley's most controversial zoning cases have involved conditional uses which wound up in the council.

Under the citizen committee's plan, the BZA, presently a 5-man citizen board appointed by the mayor with council confirmation, would be the final

appeals from the ruling would have to be taken to a duly constituted court of law.

Dr. Melville Branch, a planning commissioner, declared that such a procedure would be "undesirable" in bypassing the commission, council and mayor.

He declared the city must guarantee due process in the granting of conditional uses and that such assurance could be provided only through appeal to the peoples' elected representatives.

Conflicts Over Zoning Reform Proposals Erupt at Hearing

BY ERWIN BAKER
Times Staff Writer

Conflicts over proposed reforms in the municipal zoning-planning system came to the surface Wednesday as the City Council opened hearings on suggested charter amendments for the May 27 election ballot.

After listening to spokesmen for the Citizens Committee on Zoning Practices, the Planning Department and Commission, Human Relations Commission and the public, the council scheduled possibly climactic debate for today.

Some lawmakers predicted that voting on the controversial amendments would at least begin today. Final council action must be taken

by Feb. 26 to qualify the issues for the ballot.

At the end of Wednesday's session, lines were clearly drawn between the citizens committee and planning officials on two key proposals.

As submitted to the council by its Planning Committee, they would:

1—Assign to the Planning Commission decisions on virtually all conditional uses, with the right of appeal to the council.

At present, many conditional uses are submitted to the Board of Zoning Adjustment and cannot be appealed to the council.

2—Provide for zone changes on an area by area, periodic basis rather than upon the filing of applications or initiation by the council or commission.

Both proposals were discussed in the 36 recommendations submitted to the council by the citizens committee, which was appointed in April, 1967, after the 1968 County Grand Jury reported abuses in the city's zoning-planning process.

Disclosures by the grand jury, which advocated sweeping reforms in the system, led to the conviction on grand theft of developer Bryan E. Gibson in a Chatsworth case.

After a 15-month study, the citizens committee, headed by the late former Mayor Fletcher Bowron, submitted a report severely critical of elected and appointed officials.

It charged that campaign contributions, political obligations and friendships influenced some zoning decisions and accused the Board of Zoning Adjustment of arbitrary and illegal decisions injurious to the public.

Gordon Whitnall, the city's first planner and spokesman for the blue-ribbon citizens groups, repeated some of the allegations in an opening 50-minute speech.

Please Turn to Page 5, Col. 1

Continued from First Page

He urged approval of the committee's recommendation, rather than the one by the Planning Commission, that the council be excluded from handling conditional uses.

Instead, he said, they should be handled by an Office of Zoning Administration, with appeal only to a newly created Board of Zoning Appeals.

Beyond the board, an appeal could be carried only to the courts.

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Exclusion Asked

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Instead, he said, they should be handled by an Office of Zoning Administration, with appeal only to a newly created Board of Zoning Appeals.

Beyond the board, an appeal could be carried only to the courts.

Whitnall asserted that the "most regrettable discoveries" of the 1968 grand jury, as well as subsequent findings by the 1967 and 1968 juries, all involved conditional uses channeled through the Planning Commission and council.

Whitnall declared that permitting appeals to the council is "altruistic," but he raised the question of whether decisions were not governed by political considerations.

"It invokes an element of political expediency," Whitnall declared.

This drew a mild rebuke from Councilman Ernie Bernardi, who was presiding.

Bernardi observed that he didn't think the integrity of councilmen should be considered.

Whitnall apologized for any such implication, but observed that "there is a temptation to resort to improper procedures" outlined by the grand jury.

Whitnall, urging approval of the committee's proposals, complained that the "significance" of the Planning Commission's position was "to deny to the public the right to pass on the judgment and recommendations of the citizens committee."

The white-haired former city official conceded that during the period of the committee's investigation the conduct of the Board of Zoning Adjustment was "reprehensible."

But he praised the present board for doing a "very sincere job in carrying out its duties."

In reply to Whitnall, Dr. Melville Branch, a planning commissioner, declared that important cases should be handled by the City Council.

Whitnall's other major point was that zoning decisions should be made on an orderly basis through periodic reviews on an area-by-area plan.

Spot Zoning
Whitnall said the committee's primary concern was to avoid case procedure. The present procedure for both the city government and the public.
At his news conference, Mayor Sam Yorty said that in general he is inclined to agree with recommendations of the citizens committee, but sided with the Planning Commission's stand on the issue of the council serving as an appeal body.
Asked if he thought that he should have the right to veto conditional use decisions, currently denied to him by the charter, Yorty responded, "I certainly do."

City Council Approves Zoning-Planning Shifts

Recommendations of Some Groups Ignored During Noisy Session Lasting Into Evening

BY ERWIN BAKER

Times Staff Writer

Significant changes in the municipal zoning-planning process were approved Wednesday by the City Council in a noisy 6½-hour session that lasted into the evening.

The council adjourned with its job still incomplete at 6:32 p.m. after a record 31 roll calls.

It scheduled a final session for Friday, when concluding arguments are expected to be presented on charter changes proposed for the May 27 election ballot.

The council has until Feb. 26 to instruct the city attorney to draft the appropriate resolutions.

Friday's meeting will mark the seventh day of council debate on the controversial proposals, which would make substantial alterations in the charter provisions governing planning and zoning.

In the welter of motions and sometimes angry charges and counter-charges, the council disregarded several recommendations of the Citizens Committee on Zoning Practices and Procedures, the Planning Commission and its own Planning and Charter and Administrative Code committees.

Dissatisfaction Indicated

Gordon Whitnall, spokesman for the blue-ribbon Citizens Committee, whose recommendations for reforms in the system initiated the council review, indicated deep dissatisfaction with the lawmakers' actions.

An indication of his position was evident in his reaction to one of the council's key decisions Wednesday in voting 9 to 3 to give itself and the mayor power to determine which conditional use items should be subject to appeal, and to whom.

On the motion of Councilman Ernest Bernardi, both determinations would be made by ordinance, which Bernardi said, he would attempt to present to the council.

One of the citizens committee's recommendations called for the Office of Zoning Administration to handle conditional uses, with appeals limited to a new "board of zoning appeals."

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It would have been inserted in the charter and would have virtually eliminated the Planning Commission, council and mayor from consideration of conditional use appeals.

Whitnall charged that the council's action, in effect, would perpetuate conditions which led to the county grand jury's 1966 investigation of municipal zoning-planning and its condemnation of elected and appointed officials for abusing the process.

Bernardi and other councilmen, however argued against the freezing of such a provision in the charter, as suggested by the committee.

Principal city planner Thomas Golden told the council that of the present 43 categories of conditional uses, only 10 are directly appealable to the planning commission and council, with the mayor exercising the veto power.

Appeal of Others Limited

And of the remaining 33, he said, seven are appealable to the council through the Board of Zoning Adjustment. Another 26 are handled by the zoning administrator, with appeals limited only to the BZA, he said.

Bernardi declared his proposal would list by ordinance all categories of conditional uses and then permit the council to decide which ones should be placed under the jurisdiction of the council and mayor, the planning commission, the zoning administrator and BZA.

In other major actions, the council:

1—Eliminated a section which would have required periodic area-by-area review of zoning maps, but retained the same requirements for the general plan. Opponents charged the deletion left the section virtually meaningless.

2—Sustained the present charter provision which designates the Board of Zoning Adjustment as a final court of appeal on land use variances. Critics battled unsuccessfully to vest final appeal in the council and mayor, saying the provision has been primarily responsible for intrusion of gas stations and markets in residential areas.

3—Prior to the variance action, the council adopted a provision which would bar the granting of a variance for a "special privilege . . . inconsistent" with limitations on other properties in the area.

But opponents charged that the council, by removing the words "primary use" before "limitations" and substituting "intended use" violated its effect.

Chief Zoning Administrator Arthur Dvorzh however, insisted that some "compatible uses" were not "primary uses."

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Los Angeles Times
LIBERTY UNDER THE LAW TRUE INDUSTRIAL FREEDOM

HARRISON GRAY OTIS, 1881-1917

HARRY CHANDLER, 1917-1944

NORMAN CHANDLER, 1944-1960

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WEDNESDAY MORNING, JUNE 4, 1969

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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.

Zoning: Plans for Reform

ISSUE: Much of the work of zoning reform remains undone. Will City Hall now pursue the citizens committee's recommendations?

Zoning in Los Angeles has largely come to be viewed as "something to be changed, to be bargained over, and to be influenced—sometimes legitimately, sometimes illegitimately."

A special citizens committee thus renewed its call for major reforms in zoning laws and their administration. The urgent warning dare not be ignored by a city that already has experienced too much abuse and outright corruption in zoning matters.

To prevent more of the scandals that led to its creation under former Mayor Fletcher Bowron, the Citizens Committee on Zoning Practices and Procedures made 36 proposals for reform last July.

The committee's final report, released this week, contains specific proposals for legislative action—including the all-important subjects of ethics, conflict of interest and campaign contributions.

Several of the committee's recommended City Charter amendments, in somewhat watered-down form, were approved by voters in last week's balloting.

The City Council, however, refused to follow the committee's advice on new rules governing conditional use permits. "Clearly defined policies do not now exist," the committee said, "and as a consequence the present practice flagrantly violates the basic principles of sound, effective zoning."

Councilmen also must find ways to solve the fundamental problems of conflict of interest and campaign contributions.

Present statutes simply do not protect the public from those who would use their office for their own gain or to grant favors to friends. Nor do current laws require candidates for local office to report all

of their campaign contributions, direct and indirect.

The citizens committee affirmed The Times' findings that conflict of interest occurred all too often in City Hall zoning cases. Four commissioners involved either resigned under fire or were transferred.

The committee would amend the Charter to read: "No officer or employe of the City shall participate in or act upon or vote upon any matter in which there is or might reasonably appear to be a substantial conflict between his personal interest and the public interest."

That unquestionably is an improvement upon the present rules. But the qualifying word "substantial" is troubling.

How substantial is "substantial"?

Does the conflict have to be gross to be objectionable? And what about officials who do not vote yet lobby their colleagues?

We believe that any and all conflict is offensive to the public which confers its trust and its authority upon either elected or appointed officials.

Safeguards against such abuse of office should be enacted as charter amendments rather than by council ordinance, should the requirement of full disclosure of all campaign contributions—including adequate penalties to assure compliance.

A code of ethics, moreover, ought to be adopted and enforced for all municipal officials and employes. The Times agrees with the committee that "the paramount consideration is that public actions are to be taken in the public interest. All proposed regulations should be directed toward this goal."

And this goal should motivate the council and mayor not only to develop the most effective legislation but also to make certain that all commissioners and trustees meet the highest standards of integrity and competence.

Feb 19 1969
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Exhibit 7

CONVICTED ON BRIBERY CHARGE

Jury Rules Ex-Councilman Took \$11,000 in Zoning Case

BY STEVE STREIBER
Los Angeles Times Staff Writer

Los Angeles City Councilman Thomas D. Shepard was convicted Thursday of accepting an \$11,000 bribe in a zoning case.

The jury verdict, which the city attorney announced in the court, found Shepard guilty of accepting a bribe and of accepting a bribe in the zoning case.

Shepard, who had been indicted in 1967, was found guilty of accepting a bribe and of accepting a bribe in the zoning case.

The jury also found Shepard guilty of accepting a bribe and of accepting a bribe in the zoning case.



THOMAS D. SHEPARD

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Seale Held in Contempt, Gets Four-Year Term for Outbursts

BY WILLIAM CHAFFIN
Los Angeles Times Staff Writer

U.S. District Judge James H. Bishop ruled Thursday that Sen. James Earl Ray was in contempt of court for his outbursts in a hearing on the assassination of Dr. Martin Luther King Jr.

The judge sentenced Ray to four years in prison for his outbursts.

Police Changes Coming From Small Cities

BY JAMES H. HAYES
Los Angeles Times Staff Writer

Los Angeles police officials are looking to small cities for ideas on how to improve their police departments.

The police chief said that many of the best ideas for police reform come from small cities.



Sen. James Earl Ray speaking at a hearing on the assassination of Dr. Martin Luther King Jr.

Big Innovators

Los Angeles police officials are looking to small cities for ideas on how to improve their police departments.

Police Disperse 300 Pickets Protesting MIT War Research

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DRAWS PRISON TERM—Thomas D. Shepard, former city councilman, just after being sentenced to prison on bribery conviction. Times photo by George R. Fry

Ex-Councilman Shepard Gets 1 to 14 Years on Bribery Count

Will Appeal November Conviction in Land Zoning Case; Judge Says Term May Serve as Deterrent to Others

BY RON EINSTOSS
Times Staff Writer

Former City Councilman Thomas D. Shepard was sentenced to state prison Thursday for one to 14 years.

He was convicted in November of accepting an \$11,000 bribe in a Canoga Park zoning case.

In sentencing the 44-year-old Shepard, Superior Judge Pearce Young said he believed a prison term would serve as a deterrent to others who hold offices of public trust and confidence.

The jurist explained that in considering his decision he was taking into account his own experience as an elected public official.

Judge Young served two terms in the State Legislature as an assemblyman until his appointment to the bench in 1966.

Attorney Phill Silver, who unsuccessfully argued for a new trial for Shepard, did win his client a stay of execution pending the posting of a \$5,000 appeal bond.

Appeal on Several Grounds

Silver said he would appeal on several grounds but primarily that the evidence was insufficient to justify a conviction for the crime of bribery.

Shepard, who did not seek re-election last year to his West San Fernando Valley seat on the City Council, was found guilty of one count of bribery by a jury on Nov. 5.

It was his second trial. The first ended a year ago this month when another jury was unable to agree on a unanimous verdict.

The crime of bribery also carries the penalty of permanent disbarment from holding public office.

Shepard could have been placed on probation, but only with the consent of the prosecutors—Dep. Dist. Atty.

Michael J. Montagna and Dep. Atty. Gen. Gordon Rose.

Montagna told the court his office agreed with the recommendation of Dep. Probation Officer Clifford Clarke that probation should be denied.

Clarke said Shepard failed to meet his obligation as a public official "to adhere to a required code of ethics and behavior."

Shepard also, according to Clarke,

Please Turn to Page 25, Col. 1

SHEPARD SENTENCE

Continued from First Page
did "irreparable harm not only to himself but to the community as a whole."

Although Shepard would be an "excellent" candidate for probation (based on his background), Clarke said, such a sentence would serve to condone his activities.

Shepard, who is now in the import business, declined to offer any comment after he was sentenced.

Silver said he instructed his client not to make any statements.

Shepard was indicted in September, 1968, along with former Recreation and Park Commissioner Mel Pierson on charges of conspiracy and bribery in connection with zoning matters in the San Fernando Valley.

His case later was severed from Pierson's.

Pierson, meanwhile, sought an order barring his prosecution and still is awaiting a decision from the State Court of Appeal.

Pierson, who later was indicted on other bribery charges relating to the awarding of city architectural contracts, contended in his appeal that he was not in a position to take official action on zoning matters.

Monday Hearing

His bribery case involving city contracts was submitted to Superior Judge Harold J. Ackerman, who is scheduled to hear arguments on the matter Monday.

During his trial, Shepard was charged with receiving \$16,700 in three separate transactions involving:

1—The rezoning in 1964 of seven acres in Canoga Park from agriculture to R-3 (multiple dwellings).

2—The rezoning in 1965 of nine acres in Reseda, also to permit the construction of multiple dwellings.

3—The granting of a conditional use permit in 1964 for the construction of a condominium complex on 92 acres in Chatsworth.

One Acquittal

He was acquitted on the Reseda matter and the jury was unable to reach a verdict on the Chatsworth case. The charge was dismissed Thursday.

He was accused of accepting a \$1,500 campaign contribution and \$1,200 loan in the Reseda case and a \$3,000 campaign contribution in the Chatsworth matter.

At the time of Shepard's conviction, Silver said it was "the greatest miscarriage of justice in the state's history."

In court Thursday, however, in arguing for a new trial, Silver conceded that Shepard's action in the Canoga Park case may have constituted a conflict of interest—which is punishable at least in part by removal from office.

The Canoga Park matter involved land adjacent to the then-Big A discount store near Canoga Ave. and Parthenia St.

Arthur Toll, an attorney and one of the four owners of the property along with Joe M. Arnoff, Gerald

Chase and Wallace White, applied for rezoning on Feb. 21, 1964.

The City Planning Commission voted to recommend denial of the rezoning, but the matter was appealed to the City Council and approved by its Planning Committee in August, 1964.

According to grand jury and trial testimony:

—Shepard approached Arnoff for a \$10,000 loan, just after the Planning Commission recommended the rezoning be denied.

—He received a \$10,000 check, plus an additional \$1,000 to pay the first year's interest, on Aug. 15, 1964.

—Shepard made no attempt to repay either the principal or interest until after he learned of the investigation many months later.

Montagna and Rose contended that money Shepard received from Arnoff's group constituted a bribe.

Vetoed by Yorty

After the City Council voted to approve the rezoning, the matter was vetoed by Mayor Sam Yorty.

Yorty's objection, however, was withdrawn after Arnoff and his partners paid an additional \$21,000 — or \$3,000 per acre.

The money allegedly was passed on to Pierson and it is that transaction which is the basis of part of the prosecution's case against the former city commissioner.

There is no evidence that Yorty received any of the money.

Although the mayor's action in withdrawing his objection was characterized in testimony as unprecedented, Yorty said he did so because he realized he had made a mistake in vetoing the matter.

'Mercy' Denied

Before Shepard was sentenced, Silver urged Judge Young to avoid the "pound of flesh doctrine" in deciding how to handle his client's case.

"Be lenient and hold out the hand of mercy," Silver pleaded.

Judge Young denied the request, however, stating that he believes a prison sentence for the crime of bribery will serve to deter others.

The power to rezone, he said, is the power to create great wealth.

Using that power wrongfully, according to Judge Young, "is just as bad as stealing public money."

The jurist explained that ordinarily he would consider probation for a man with Shepard's background, but said he believes that anyone who accepts a position of public trust and confidence has a greater responsibility than other citizens.

He made the comment in answer to a statement by Silver in which the attorney said that Shepard, just because he was a public official, should not be treated any differently in considering probation than anyone else.

Shepard has until Monday morning to post bail.

When asked for his reaction to the case, Mayor Yorty replied, "I have no comment at this time."

Exhibit 8

West Valley Property Owners' Association

P.O. Box 170

Canoga Park, California

A Non-profit Corporation

February 11, 1969

Mr. L.E. Timberlake
President, City Council
Room M-45
City Hall
Los Angeles, Calif.

BY *[Signature]*
DEPUTY
CITY CLERK

Ref: Citizens Committee on Zoning Practices and Procedures
Council File #132,460, dated January 21, 1969

Gentlemen:

It is respectfully requested that the following statement be read into the record of the deliberations presently being conducted by the City Council on the abovementioned Council File item.

In 1966 a mandate was delivered by the Grand Jury to enact proper zoning practice reforms to prevent a re-occurrence of the shocking scandals surrounding certain zoning cases. Since that time, we have seen several public officials brought to trial and convicted on various charges. One case, still before the courts, involves a member of the Los Angeles City Council.

The Citizens Committee on Zoning Practices and Procedures has proposed a number of recommendations, which we as homeowners feel constitutes a "Bill of Rights" that would go a long way toward guaranteeing us reasonable assurance that the Master or General Plan in each area will be upheld.

We have recently conducted a survey of homeowners in the West San Fernando Valley on a number of subjects. Among the results of this survey, one fact stands out: the confidence on the part of the public in their elected officials has been severely shaken. Homeowners are becoming increasingly critical of the local government that enacts legislation and zoning decisions that adversely effects their property.

The homeowners in the West Valley feel that the Citizens Committee recommendations be placed on the ballot intact, allowing the voters to decide who should have the final authority on zoning matters. We feel that it should be a judicial matter, rather than a legislative decision. It is our considered opinion that the City Council has a moral obligation to the public to allow this matter to be presented to the electorate in the form in which it was written, rather than having it emasculated through the elimination of the recommendations on the procedures covering conditional use.

RECEIVED

FEB 13 1969

L. E. TIMBERLAKE

Sincerely,

[Signature]
Byron Slater, President

Exhibit 9

A PROGRAM TO IMPROVE PLANNING AND ZONING IN LOS ANGELES
SUMMARY

CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES
FIRST REPORT TO THE MAYOR AND CITY COUNCIL

LOS ANGELES, CALIFORNIA / JULY 1968

MAYOR
Sam Yorty

CITY COUNCIL

First District	Louis R. Nowell
Second District	James B. Potter, Jr.
Third District	Thomas D. Shepard
Fourth District	John Ferraro
Fifth District	Edmund D. Edelman
Sixth District	L. E. Timberlake, Council President
Seventh District	Ernani Bernardi
Eighth District	Billy G. Mills
Ninth District	Gilbert W. Lindsay
Tenth District	Thomas Bradley
Eleventh District	Marvin Braude
Twelfth District	Robert M. Wilkinson
Thirteenth District	Paul H. Lampert
Fourteenth District	Arthur K. Snyder
Fifteenth District	John S. Gibson, Jr.

*MEMBERS OF THE CITIZENS COMMITTEE
ON ZONING PRACTICES AND PROCEDURES*

Fletcher Bowron, Chairman

Mayor, City of Los Angeles, 1938-1953

Judge, Superior Court, 1926-1938, 1956-1962

Rudolph Ostengaard, Vice Chairman

Vice President, United California Bank

Dr. John C. Bollens

Professor of Political Science, University of California, Los Angeles

Director, Study of Los Angeles City Charter and Government, 1962-1963

J. Robert King

President, King Nutronics Corporation, aerospace research and development

Mrs. Robert Kingsley

Member, 1955 and 1966 Los Angeles County Grand Juries

Volunteer, Legal Aid Foundation of Los Angeles, 1952-1968

Director, Women's Division, Los Angeles Chamber of Commerce, 1951-1959

Averill H. Munger

President, Munger Oil Information Service

Foreman, 1966 Los Angeles County Grand Jury

Gordon Whitnall

Planning Consultant

Instructor of Planning, University of Southern California, 1921 to present

First Director of Planning, City of Los Angeles, 1920-1930

SUMMARY REPORT

INTRODUCTION

The Citizens Committee on Zoning Practices and Procedures was appointed early in 1967 by the Mayor and City Council to make an in-depth study of planning and zoning practices in the City of Los Angeles.

The Committee's formation resulted from a special report and recommendations on zoning practices issued by the 1966 Los Angeles County Grand Jury. That report was issued after the Grand Jury's investigation into a zoning case in which it was alleged there had been improper influence exerted on officials to obtain a favorable decision. After having reviewed all evidence, the Grand Jury stated that many of the circumstances in the case caused it grave concern and that the evidence it had heard clearly demonstrated influence had been and would continue to be exerted through campaign contributions, political obligations and friendships. The report concluded that a comprehensive study of planning and zoning practices was long overdue and would be of invaluable benefit to the people of Los Angeles.

After formation of the Citizens Committee, initial meetings were held with the Mayor and City Councilmen, who made it clear that the Committee should feel free to investigate all aspects of planning and zoning in Los Angeles.

The Committee's first report to the Mayor and City Council, "A Program to Improve Planning and Zoning in Los Angeles," has

been prepared and published after more than a year of hearings and investigation. This separate summary document is issued concurrently to enable citizens to quickly and easily take note of the most significant changes recommended by the Committee.¹

The Committee believes that its first report provides the general guidelines which, if followed, will insure good planning and zoning practices in the City of Los Angeles. In one or more later reports it will present suggested texts of proposed Charter amendments and significant changes to the present Zoning Code which should be enacted as soon as possible.

GENERAL CONCLUSIONS

As a result of the Committee's investigation, it has become clear that the basic solution to the problem of improper zoning practices is two-fold:

A greater adherence to the principles of planning and zoning

The clarification of laws and procedures so as to clearly differentiate the legislative, administrative and quasi-judicial processes of government.

Many present problems can be attributed to deviations from the basic principles involved in each.

¹Persons requiring a more detailed knowledge should refer to the full report. Such persons should make a request in writing to the Committee, Room 375, City Hall, Los Angeles.

There can be no adequate consideration of zoning practices without considering, at the same time, the principles and practices of city planning in general. The Committee's findings and recommendations take into account this essential relationship.

Planning authorities agree that individual zoning actions by the legislative body must have reference to an over-all zoning plan, and such plan must, in turn, relate to a master plan—the newer, more descriptive term for which is **comprehensive general plan**—for the future physical development of the city.

A comprehensive general plan deals with intermediate and long-range goals and objectives. It is a frame of reference which is used to guide the future physical development and growth of the city. The General Plan for Los Angeles should be the result of a complete and detailed analysis of the City. Its content should include not only maps showing the desirable trends for future development, but also statements of policy with respect to each element of the Plan.

Zoning, on the other hand, is a tool which is used to regulate specifically the use of land and to put into effect the principles and patterns set forth in the General Plan. Zoning cannot take the place of planning—it must be based upon the results of sound plans carefully developed.

Zoning is the process of authorizing, by districts designated as zones, the uses to which land may be put. Uniform regulations within a zone are fundamental to proper and legal zoning. The courts have held that the essence of zoning is territorial division recognizing the character of land and buildings particularly suitable for specific uses and the establishment of uniform regulations for uses within a zone. Rezoning, therefore, should be accomplished by areas or districts, rather than piecemeal or by spot zoning. The courts of practically every state condemn spot zoning as contrary to the general public interest, and in most instances, contrary to the basic legal provisions for zoning.

The term "zoning" has lost much of its significance in the City of Los Angeles, for it has come to mean promiscuous changes in the zoning pattern rather than adherence to consistent, comprehensive zoning. Procedures in actual practice have frequently become so

loose that even the limited requirements of the City Charter have not been met in numerous variance cases.

The practice in Los Angeles is not unique in this respect. In cities of almost every state, cases are reported where property owners seek to increase the value of their property by applying for zone changes, variances or conditional use permits, in a great many instances to the detriment of other property. In these cases, the approval of a change in permitted use or other regulations constitutes a special privilege.

Basically, there are three principal means for the operation of municipal government in the regulatory field; (1) the legislative process for determining policy, (2) the administrative process for applying the policies and (3) the quasi-judicial process for reviewing and adjusting matters equitably under the policies.

A great number of abuses described before the Committee have come through action of the quasi-judicial Board of Zoning Adjustment in reviewing appeals from decisions of the Office of Zoning Administration. The Committee is particularly concerned that actions of the Board of Zoning Adjustment have been improperly used as an alternative to legislative action by the City Council, thus allowing an applicant to select his forum. There have been many instances cited in which an application for rezoning was denied both by the Planning Commission and by the City Council on appeal. In some of these instances a subsequent request to a Zoning Administrator for a variance was also denied, but on appeal to the Board of Zoning Adjustment, all previous decisions were reversed and the use granted.

The net effect is a rezoning which constitutes a misappropriation of the legislative power which properly belongs only to the Mayor and Council. The Committee has concluded that there should be only one correct route to follow for each type of zoning action. There are at present two such routes, either legislative or quasi-judicial. The quasi-judicial route (variance) should never be used to produce an end result that should properly only be accomplished by a legislative change. A variance should not (and cannot legally) be a substitute for a legislative zone change.

SOME BASIC PRINCIPLES UNDERLYING THE RECOMMENDATIONS IN THE REPORT

The purpose and justification for the planning function in government, including zoning, are to develop plans, programs and standards that will permit utilization of land in order to achieve the greatest potential benefits for the community as a whole. Through this planning process, an environment conducive to the highest level of living, commerce and industry can be produced. In the final analysis, the extent to which these objectives are attained or lost must be the measure by which the success or failure of employing the planning function is judged.

It is also essential that any form of regulation, including zoning, adhere to those principles of justice, fair play and public participation upon which our system of government is based.

Specifically, with regard to zoning in the City of Los Angeles, there are basic questions that need answers. Providing these answers has represented a major assignment for the Committee.

The first question is whether the Zoning Map reflects the intended land use pattern of the City as defined by the comprehensive General Plan.

The City Planning Department is currently engaged in revising elements of the General Plan which are out of date and in developing new elements of the Plan which have heretofore been missing. Land use plans have been progressively adopted for some areas of the City, and plans are in progress for other areas. Completion of the General Plan should be a matter of high priority for the Department if the City is to have the necessary guide for better zoning.

The second question is whether zoning actions, either for zone changes, conditional uses or variances, stabilize the comprehensive land use pattern. Or do they represent an abandonment of the principles of comprehensiveness and substitute therefor isolated grants of special privilege, the effect of which is to destroy public confidence in the reliability of zoning and severely reduce any real value that zoning may have?

A third question is whether basic policies of land use control have been defined, including matters of procedure, and if so whether the administration of zoning has adhered to such policies. If adequately defined policies appear not to exist, how can they be established? In the event that adequate policies have been established, has the administrative process strengthened the policies or weakened them?

It must be recognized that the many criticisms which have been brought to the Committee's attention do not apply to all elected and appointed officials having responsibilities in planning and zoning matters. But these officials must be relieved of the great pressures exerted upon them; they must be afforded more time and opportunity for constructive planning. However, the Committee found that over the years the career staff of the Planning Department has performed its duties with competence, dedication and persistence. The staff has met the unprecedented rapid growth of this City with a consistently high quality of research, analysis, plan preparation and planning administration—the essential foundations for sound city planning efforts.

The City of Los Angeles pioneered in the regulation of land use. Through the years there have been many significant decisions of the Supreme Court of this State and the United States Supreme Court that have upheld imaginative zoning procedures originating in Los Angeles. But this community in recent years has fallen behind in practical and far-sighted municipal control of land uses. Los Angeles is now the third largest city in the nation and the center of the second largest metropolitan area, with constantly growing potentialities. It should be second to none in planning and zoning policies and procedures.

After fourteen months of exhaustive hearings, meetings, research and analysis of the extensive information received, the Committee is making thirty-six recommendations for the improvement of planning and zoning in Los Angeles. The recommendations in the full report are set forth in five chapters, each covering a major topic. In this summary report these five topics and the most significant of the thirty-six recommendations are discussed.

A SOUND LEGISLATIVE AND POLICY BASE FOR PLANNING AND ZONING

GENERAL OBJECTIVES

- To establish and maintain adequate legal authority for planning.
- To establish and maintain an adequate legislative and policy basis for land use control.

A community's physical development relies upon planning to set forth objectives and to coordinate efforts to reach these objectives. Zoning is a primary means of implementing city development plans and policies.

GENERAL PLAN

Objectives for a community are commonly compiled in a general plan—currently known in Los Angeles as the Master Plan. It is a policy statement, not a law or ordinance, but its purpose and method of adoption should be specified in the basic law of the City—the City Charter. A general plan should be comprehensive with respect to geographic area covered, subject matter included, objectives sought and the time periods to which the plan applies.

In Los Angeles, the basic purpose of the General Plan is not stated in the City Charter, and as a result the relationship of zoning legislation to the General Plan is vague. Also, the procedure for adopting and implementing the General Plan is poorly defined.

Recommendations²

- Amend the City Charter to set forth the purpose and nature of the General Plan, as well as general procedure for its development and adoption. Supplement the Charter with a Municipal Code section defining the content, form and specific procedure for adoption of the General Plan. (Recommendation 1)

- In the procedure for the adoption and amendment of the General Plan, include
 - A Planning Commission hearing
 - Submission to the Mayor for comments
 - A public City Council hearing. (Recommendation 2)
- Review and revise the General Plan on the basis of an area-by-area review and a regular schedule established by the City Council following City Planning Commission recommendation. (Recommendation 3)
- Amend the Charter to require both the Council and the Planning Commission to make specific findings showing conformance to the General Plan when adopting or amending any zoning regulations or zoning maps. (Recommendation 4)

ZONING

The Zoning Code should implement the General Plan so as to promote the best over-all community development, prevent unnecessary conflicts between land uses and provide for the orderly functioning of the community. Long established legal principles require that zoning regulations be reasonable, consistent and nondiscriminatory.

Zoning practices in Los Angeles do not now sufficiently reflect sound planning objectives. Piecemeal or spot zoning is resorted to in place of zoning on an area-wide basis. Individual rights are sometimes restricted or privileges are granted on the basis of personal circumstance and pressure, rather than on the basis of serving the public interest.

²Throughout this summary report, the recommendations of the Committee are stated in abbreviated form. For the complete text of the recommendations, see the full report of the Committee. The recommendation numbers in parentheses refer to the numbering used in the full report.

The Zoning Code lags, rather than leads, City development. There has been no comprehensive, over-all review of the Code since 1946. Since then there have been over 300 amendments to the text of the Code and several thousand changes in the Zoning Map, mainly as a result of individual requests and specific problems.

Recommendations

- Initiate a complete revision of the Zoning Code including consideration of
Classifying land uses with more regard to compatibility
Providing a means of designating future zoning classifications

Updating development standards

Clarifying the roles of the different agencies involved in zoning processes.

(Recommendation 5)

However, pending completion of the over-all Code revision, some immediate corrective amendments to the existing Code should be made as recommended in the Committee report.

- Amend the Zoning Map through an area-by-area review procedure rather than on a piecemeal request-by-request basis.
(Recommendation 6)

UNRAVELING THE LEGISLATIVE, ADMINISTRATIVE AND QUASI-JUDICIAL FUNCTIONS

GENERAL OBJECTIVES

- To clearly establish the proper distinction between legislative, administrative and quasi-judicial functions as they pertain to planning and zoning matters.
- To prevent improper deviations from the land use plan and standards established by the General Plan and the Zoning Code.

The separation of powers concept of government assures all citizens fair and equal treatment before the law. The legislative branch establishes the law; the administrative branch applies and enforces the law; and the quasi-judicial branch interprets the law, makes findings of fact and determines equities under Charter and ordinance provisions.

With regard to planning and zoning, separation of powers is essential. The legislative body must clearly set forth the objectives, conditions and standards of the zoning regulations. The administrative agencies must apply the law equitably, and the quasi-judicial bodies must adjudicate on the basis of the law itself, not according to their own preferences.

In Los Angeles, the separation of powers has become blurred in the implementation of the zoning regulations. Legislative powers are properly and legally a function only of the City Council but sometimes in effect have been assumed by the Board of Zoning Adjustment. The City Planning Commission, City Planning Department, Office of Zoning Administration, Board of Zoning Adjustment and City Council all exercise some administrative powers. And quasi-judicial powers are found in the Office of Zoning Administration, Board of Zoning Adjustment and the City Council. This duplication of functions results in much uncertainty and confusion.

Most of the problems stem from deficiencies in the Zoning Code and Charter. Both documents contain ambiguities. They create confusion among agencies by providing for different agencies to make similar types of

interpretations and decisions. (See the figure entitled "Present Assignments.") Discretion in decision-making is allowed without supplying adequate guiding criteria and standards.

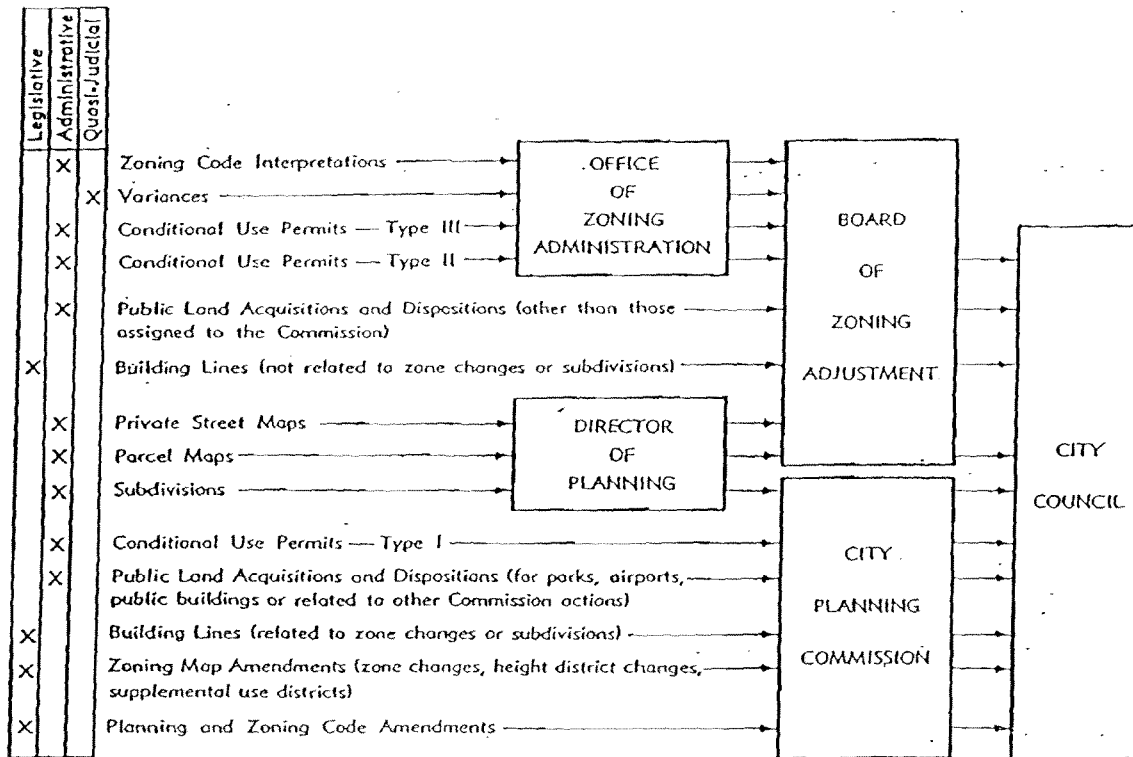
The legislative body should establish adequate and stable standards and thus prevent usurpation of legislative authority by administrative and quasi-judicial agencies. (See the figure "Proposed Assignments.")

"Q" ZONE

An improper assignment of functions is illustrated by the proposed "Q"-qualified zone ordinance. Under the provisions of this proposal, the legislative body would be assuming administrative and quasi-judicial powers and exercising them on a case-by-case basis.

The "Q" zone has been proposed because of deficiencies in the existing regulations. At present, incompatible uses are permitted within the same zoning classifications. In rezoning cases, proposals for desirable developments are made but there is difficulty in insuring that these proposals are carried out. The use of the proposed "Q" zone would permit the City Council to grant a rezoning for a specific use subject to individually tailored regulations.

The purpose of this proposal is good, but the Committee believes the means proposed are unsound. The "Q" zone is undesirable because it (1) circumvents the necessity of following uniform standards, (2) does not correct the deficiencies in the existing regulations, (3) in effect would create a separate zoning classification for each parcel of property to which it is applied, (4) would authorize a new form of spot zoning, and (5) would permit



Present Assignments for Determination of Planning and Zoning Matters

discriminatory action. The intended result can be accomplished in a proper way by providing stable and uniform guidelines for each type of use in each zone. This is the essence of the revised conditional use permit concept recommended in the report.

Recommendation

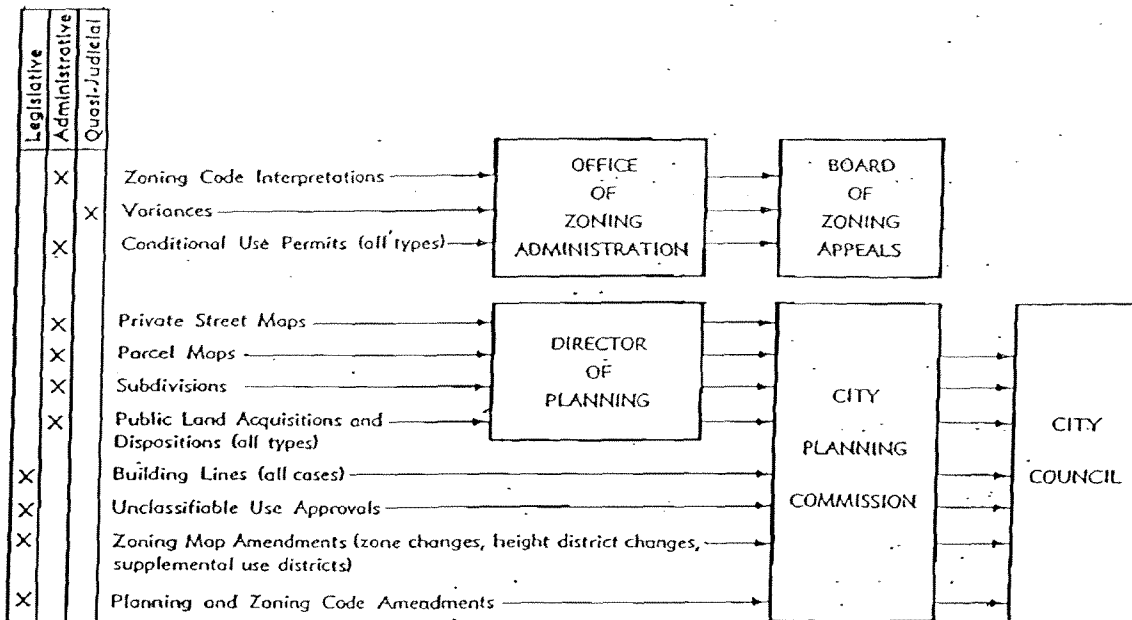
- Expand and clarify the provisions for conditional use permits to better accomplish the intended purpose of the "Q"-qualified zone concept. (Recommendation 10)

CONDITIONAL USE PERMITS

The Zoning Code intentionally provides for the exercise of administrative discretion under specified circumstances, as in the case of conditional use permits. The conditional use permit procedure is applied to certain

types of public service and other unusual land uses for which compatibility with surrounding land use is dependent upon particular site conditions. These uses are neither prohibited nor permitted automatically in designated zones, but may be considered on a case-by-case basis. At present there are no codified standards for the approval and control of such uses. The danger of improper discrimination is apparent.

Another problem is that the jurisdiction for consideration of conditional use permits is divided. For some classes of use determinations are made by the City Planning Commission with appeal to the City Council. However, most are determined by the Office of Zoning Administration with appeal to the Board of Zoning Adjustment; but of the latter group some types may be appealed further to the City Council while other types are not subject to such appeal.



Proposed Assignments for Determination of Planning and Zoning Matters

The Committee finds that the Board of Zoning Adjustment has too frequently reversed determinations of the Zoning Administrators on conditional use cases, and that many of these actions by the Board have constituted a usurpation of legislative and administrative authority.

Recommendations

- Amend the Zoning Code to establish uniform regulations and criteria for conditional uses within designated zoning classifications. Assign consideration and determination of such uses to the Office of Zoning Administration as matters of administrative and quasi-judicial interpretation. (Recommendation 7)
- Treat planned developments as conditional uses with uniform conditions specified in the Zoning Code. (Recommendation 9)
- Provide for individual legislative action on certain "unclassifiable" uses such as airports and universities, which because of unusual characteristics can-

not be suitably classified by zone. (Recommendation 8)

QUASI-JUDICIAL FUNCTIONS

The Office of Zoning Administration and the Board of Zoning Adjustment are named by the City Charter as the agencies to act upon variances—a quasi-judicial device intended to assure equal treatment under conditions which cannot be identified in advance in the adopted regulations. Variances are properly used to modify the application of zoning laws in order to bring the privileges of a particular piece of property to a parity with other similarly located and classified properties, but without granting special privileges.

The policies of the two responsible agencies have differed. The Office of Zoning Administration (which has original jurisdiction in all variance cases) has consistently made specific and pertinent findings for each case. The Board of Zoning Adjustment (which is the appeal body for variances) has sometimes ignored the findings of the Zoning Administrators and has failed to make its own adequate findings when reversing Zoning Administrators' decisions:

Also, the Board of Zoning Adjustment has acquired a mixture of unrelated powers. Basically it is an appellate body. But it has had delegated to it certain administrative functions. And in many cases it has developed its own standards rather than using those established by the Zoning Code, thus in effect making legislative determinations which the Board does not have authority to do. This mixing of functions makes it difficult for the Board to give adequate recognition to its basic quasi-judicial function as intended in the original Charter provisions.

Recommendations

- Amend the City Charter and Zoning Code to set forth more clearly the re-

quirements for granting variances and require that the appeal body adhere to these requirements.

(Recommendation 12)

- By Charter amendment, change the name of the Board of Zoning Adjustment to the Board of Zoning Appeals and limit its jurisdiction to appeals from decisions of Zoning Administrators, with no other administrative functions assigned to it.

(Recommendation 15)

The Committee's recommendations for handling zoning cases are illustrated by the figure entitled "Types of Zoning Cases."

Function	Type of Zoning Case	Decision-Making Agency		Issue Involved
		Initial Consideration	Final or Appeal Agency	
Legislative	Zoning Map Change Unclassifiable Use Approval Supplemental Use District	City Planning Commission	City Council	What regulations should be applied in various districts to serve the community interest and carry out the General Plan?
Administrative	Conditional Use Permit	Office of Zoning Administration	Board of Zoning Appeals	What is the correct application of the law to the property involved?
Quasi-Judicial	Variance	Office of Zoning Administration	Board of Zoning Appeals	What adjustment of the general regulations is necessary to treat an individual property fairly and as intended by the law?

Types of Zoning Cases (as Recommended)

INSURING FAIR, UNDERSTANDABLE AND EFFECTIVE PROCEDURES

GENERAL OBJECTIVE

To maintain procedures which guarantee due process and equal treatment, which are simple and easily understood, and which lead to decisions in accord with legislative intent and policies.

Zoning issues involve both individual rights and community interests. As a safeguard for maintaining balance between these interests, due process should be assured by recognizing the right of petition, the right of notice, the right of public hearing, the need for competent technical and professional analysis, the need for sound judgment, the necessity to reach timely decisions and the right of appeal. Sound and logical procedure is needed for all three types of governmental action—legislative, administrative and quasi-judicial.

PROCEDURES

At present the procedural requirements for each type of zoning case are treated separately in different parts of the Zoning Code and differ in detail because of past piecemeal amendment of the Code. Some provisions relating to time limits and appeals are contained in still other sections of the Code.

There are currently fifteen different forms used for filing various types of zoning applications and appeals. The rules for submittal of applications—including forms, information required, eligibility to apply and the need for affidavits—are determined by three different agencies.

Notification methods are not entirely adequate. Hearings on applications are announced by mail to all property owners within 300 feet of the subject property but sometimes these notices are received too late for action, are difficult to understand, and do not reach all parties who properly have an interest in the matters being considered. Notices are also published as legal advertising in a newspaper of general circulation but these are not read by most citizens and again the descriptions may be difficult to understand.

The manner of conducting public hearings has been criticized. Proceedings are dif-

ficult for the layman to follow. Full information is not always disclosed at the original hearing, and unverified information may be received. Sometimes both sides in a case have not been given equal opportunity to present their points of view.

Recommendations

- Amend the Municipal Code to incorporate, in one section, simplified requirements governing
 - Applications
 - Notification
 - Hearings
 - Time limits
 - Appealsfor all types of planning and zoning cases.
(Recommendation 16)
- Provide timely and effective notice of hearings to interested parties through
 - Improvement of property ownership and mailing address records by using data processing procedures
(Recommendation 17)
 - Establishment of a subscription service for parties not otherwise notified.
(Recommendation 18)
- Require testimony to be under oath at all zoning hearings.
(Recommendation 19)

FINDINGS IN ZONING CASES

Decisions of governmental bodies on planning and zoning matters should be based upon evidence presented. The decisions and reasoning involved should be subject to examination, appraisal and appeal.

Written findings should serve (1) for purposes of analysis and evaluation of evidence, (2) as an explanation to the public of the reasons for decisions, and (3) as a basis for appeal.

In Los Angeles findings on zoning appeals have been too often confined to generalities and vague or nebulous conclusions.

Recommendation

- Amend the Charter and the Zoning Code to require written findings based on evidence presented and showing conformance or nonconformance to required criteria. Decisions must be based on these findings. (Recommendation 21)

APPEALS

Appeal proceedings should be designed to correct possible errors in decisions. They are not intended to duplicate the original proceedings, nor should they expand original hearings by receiving new or additional evidence. Appeals should not be decided by using different policies and standards than those prescribed for the agencies possessing original jurisdiction. The Committee found that appeals have been granted in disregard of these principles.

Recommendation

- Standardize zoning appeal procedures to include

A longer time to file appeals so that they may be more carefully prepared.

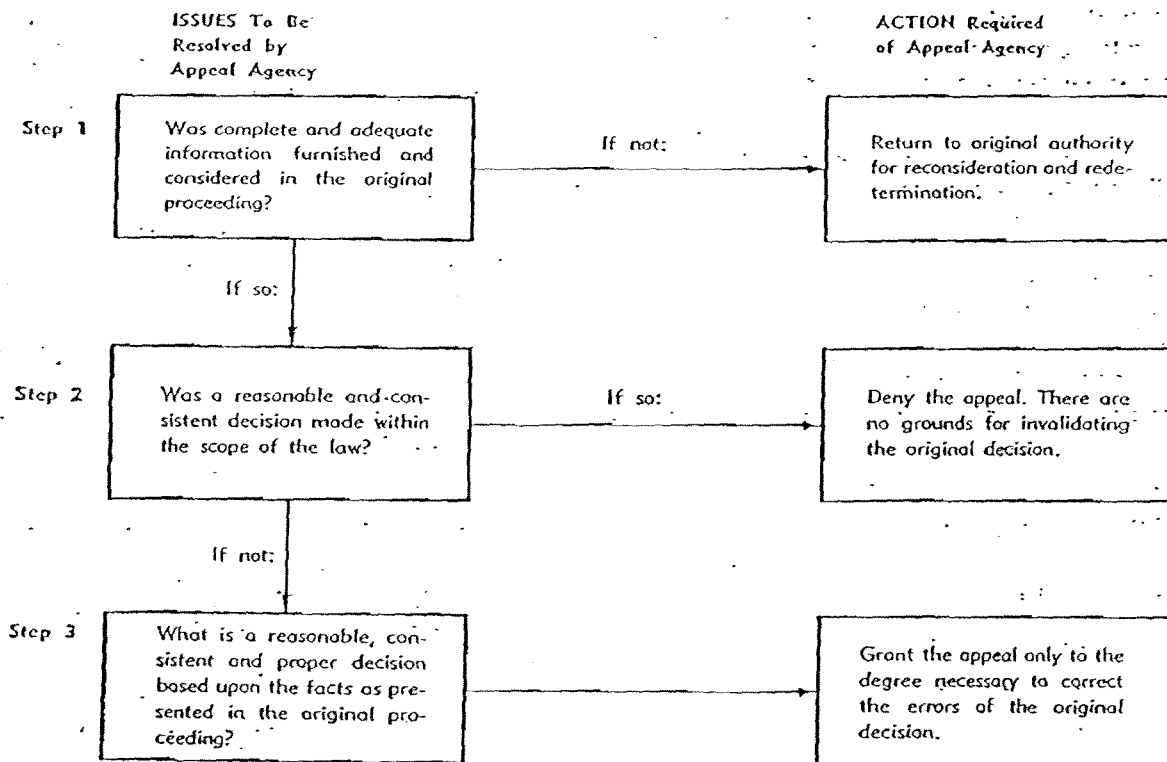
Requiring specific showing wherein the original findings and determination are not supported by the facts.

Consideration of appeals only on the record of the original hearing and determination

A requirement that reversals be based only on specific findings of error in the original determination.

(Recommendation 22)

To reduce apparent inconsistencies in granting appeals, the procedure illustrated by the figure entitled "Guide for Recommended Appeal Procedure" is recommended by the Committee.



Guide for Recommended Appeal Procedure

RESOLVING THE PUBLIC INTEREST—A DEFINITION OF ROLES

GENERAL OBJECTIVE

To organize and define the roles of the various officials involved in the planning and zoning process in a way that leads to full recognition of the public interest.

To insure that planning and zoning procedures serve the public interest, responsibility should be distributed among (1) political representatives—Mayor and City Council, (2) a non-political “civic conscience” which should be reflected by the City Planning Commission and the Board of Zoning Appeals, and (3) the professional-technical-administrative staff of the City Planning Department under the Director of Planning and the Chief Zoning Administrator.

Alleged abuses of authority can be traced to a partial breakdown in the checks and balances among these groups and an overlapping of roles among the elected officials, citizen appointees and professional staff.

CITY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

As an important advisory agency, the Planning Commission should display innovation and independent judgment and be assured of continuity as contemplated by the Charter. The Board of Zoning Appeals should play a strictly quasi-judicial role, which requires independence from both political and bureaucratic influences; the law alone should be the Board's primary guide.

Recommendations

Strengthen current provisions for

- Appointing the best qualified persons to the City Planning Commission and Board of Zoning Appeals (Recommendation 24)

- Providing appointees with specific information on the nature, scope and limitations of their roles (Recommendation 25)
- Scheduling policy review meetings on a regular basis (Recommendation 26)
- Maintaining overlapping terms of office to assure continuity by amending the Charter. (Recommendation 27)

MAYOR AND CITY COUNCIL

The Mayor and City Council are elected to provide representation of the public as a whole and to assume final legislative and policy-making responsibility.

Recommendations

Clarification and strengthening of legislative and policy-making powers have recommended in the report pertaining to

- The General Plan (Recommendations 1 and 2)
- Conditional uses (Recommendations 7 and 9)
- Unclassifiable uses. (Recommendation 8)

The Committee has recommended further that

- Matters that are legislative in character be clearly identified as such in the Charter and Code and therefore be adopted by ordinance with the right of veto by the Mayor. (Recommendation 29)

PROTECTING THE PUBLIC INTEREST

GENERAL OBJECTIVE.

To insure that the broad public interest is fully recognized and to insure that official acts are not improperly influenced by special or private interests.

PUBLIC INFORMATION

Planning and zoning matters are often complex both as to the objectives sought and the factors involved in making decisions. It is difficult for the general public to understand these complexities and thus these matters are susceptible to possible influence by special interests.

To protect against this, citizens should be aware of the General Plan, zoning pattern and other programs affecting their area, should understand the basic principles and procedures relating to these matters and should know where further information is available so that effective action can be taken when changes are proposed.

Recommendation

- Strengthen the City's public information program concerning planning and zoning through
 - Clear explanation of adopted plans, policies and regulations
 - Capable personnel in public contact positions
 - Branch office services
 - Printed explanation of public hearing procedures.
- (Recommendation 30)

CODE OF ETHICS

Maintaining high ethical standards in planning and zoning requires clearly written laws and rules of procedure and the highest degree of integrity in Commission and Board appointees. A code of ethics would provide a useful guide and regulatory measures to supplement the above essential requirements.

Recommendation

- Devise and adopt a code of ethics for City officials involved in planning and zoning matters.
(Recommendation 31)

CONFLICT OF INTEREST

The intent of the Charter and State law is that City officials not act upon matters in which they have a personal or private interest. However, it is difficult to establish a suitable legal definition of conflict of interest together with a means of enforcing it.

Recommendation

- Amend the City Charter and Municipal Code to strengthen requirements that City Planning Commissioners and members of the Board of Zoning Adjustment declare any conflicts of interest:
 - Require such declaration prior to becoming involved in each planning or zoning matter
 - Extend the definition of conflicts to personal or private interests not now covered under the City Charter and State law.
(Recommendation 32)

PRIVATE COMMUNICATIONS

Existing State law prohibits two or more members of a public body from reaching a decision in secret but does not specifically prohibit an individual Commission or Board member from privately conferring with interested parties.

Recommendation

- By ordinance and Charter amendment, prohibit private communications between interested parties and members of the Planning Commission or Board of Zoning Appeals concerning any matter pending before the Commission or Board.

(Recommendation 33)

CAMPAIGN CONTRIBUTIONS

Campaign contributions to candidates for local office must now be publicly reported only if made directly to the candidate and then only the total amount of all contributions is

required to be reported. At present contributions need not be reported if they are made to independent committees, campaign management firms or other assisting organizations.

Recommendation

- By ordinance and Charter amendment, supplement the present requirements for reporting of campaign contributions by requiring

Itemized lists of donors and amounts from each donor

Reporting of indirect contributions made to independent committees or other organizations.

(Recommendation 35)

Exhibit 10

PROGRAM TO IMPROVE PLANNING AND ZONING IN LOS ANGELES
FINAL REPORT

CITIZENS COMMITTEE ON ZONING PRACTICES AND PROCEDURES
FINAL REPORT TO THE MAYOR AND CITY COUNCIL

LOS ANGELES, CALIFORNIA, MAY, 1969

MAYOR

Sam Yorky

CITY COUNCIL

First District	Louis R. Nowell
Second District	James B. Potter, Jr.
Third District	Thomas DeSbapard
Fourth District	John Ferraro
Fifth District	Edmund D. Adelman
Sixth District	L. E. Kimberlaker, Council President
Seventh District	Ernest Bernardi
Eighth District	Billy G. Mills
Ninth District	Gilbert W. Lindsay
Tenth District	Thomas Bradley
Eleventh District	Marvin Brande
Twelfth District	Robert M. Williamson
Thirteenth District	Paul H. Hampord
Fourteenth District	Arthur K. Snyder
Fifteenth District	John S. Gibson, Jr.

*MEMBERS OF THE CITIZENS COMMITTEE
ON ZONING PRACTICES AND PROCEDURES*

Fletcher Bowron,* Chairman

Mayor, City of Los Angeles, 1938-1953

Judge, Superior Court, 1926-1938, 1956-1962

Rudolph Ostengaard, Vice Chairman

Vice President, United California Bank

Dr. John C. Bollens

Professor of Political Science, University of California, Los Angeles

Director, Study of Los Angeles City Charter and Government, 1962-1963

J. Robert King

President, King Nutronics Corporation, aerospace research and development

Mrs. Robert Kingsley

Member, 1955 and 1966 Los Angeles County Grand Juries

Volunteer, Legal Aid Foundation of Los Angeles, 1952-1968

Director, Women's Division, Los Angeles Chamber of Commerce, 1951-1959

Averill H. Munger

President, Munger Oil Information Service

Foreman, 1966 Los Angeles County Grand Jury

Gordon Whitnall

Planning Consultant

Instructor of Planning, University of Southern California, 1921 to present

First Director of Planning, City of Los Angeles, 1920-1930

*Deceased

Copies of the Committee's first report dated July 1968
and of this final report available while the supply lasts from:

City Administrative Officer

Room 380, City Hall, Los Angeles, California 90012

May 1969

Honorable Sam Yorty, Mayor
Honorable Council
of the City of Los Angeles

Council File No. 132,460

Gentlemen:

We are pleased to submit our final report on planning and zoning policies and practices in Los Angeles. Our first report issued in July, 1968 gave basic recommendations. This report contains specific proposals for legislative action—by vote of the people on Charter amendments and by action of the City Council on ordinances. In addition, non-legislative actions required to carry out our recommendations are summarized.

The proposed legislative actions can only create an improved framework; successful implementation depends upon the will of the people involved—elected and appointed officials, civil servants and the citizenry. We note that some improvements in procedure and approach are already under way. However, continuing attention by all parties concerned will be required to achieve the objectives of our recommendations and of the proposed legislation.

Upon the issuance of our first report, the City Council referred it to the City Planning Commission for its consideration. Two joint meetings of the Planning Commission and the Citizens Committee were held to discuss our recommendations. There was found to be general agreement between the Citizens Committee and the Commission on 21 of our 36 recommendations, minor disagreement on five, and basic disagreement on six of them. The Commission took no position on the remaining four.

During the Fall of 1968 we prepared proposed revisions to the city planning provisions of the Charter and, because of the time schedule required to place matters on the municipal election ballot in the Spring of 1969, we submitted a tentative draft of our revisions to the Mayor and Council on December 3, 1968. A more comprehensive draft was submitted on December 30, 1968, and a complete draft with explanatory comments was presented on January 21, 1969. The Planning Commission also sent to the Council its recommendations for revisions to our draft. The Planning and Charter and Administrative Code Committees of the City Council held joint hearings on these proposals and submitted their report to the Council containing further changes on January 30, 1969. Subsequently the Council as a whole conducted a hearing and deliberated at length on the proposals. After further altering the Charter proposals, the Council acted to place a Charter amendment on the ballot at the May 27, 1969 general municipal election.

The Charter amendment to be considered by the voters differs from our proposals as contained in this report in the following major respects:

1. The requirement that there be specific findings of conformance to the General Plan in approving zone changes and other plan implementation matters has been weakened by (a) permitting nonconforming actions to be taken if reasons for such action are stated, and (b) referring only to "findings" rather than "specific findings."
2. The proposed requirement that changes in the zoning map be considered on an area-by-area basis has been rejected.
3. The placing of all conditional use and planned development approvals under the jurisdiction of the Office of Zoning Administration and Board of Zoning Appeals was rejected. The Council-adopted version would continue the present situation which allows the jurisdiction over these matters to be assigned by ordinance. The Council expressed its desire to retain for itself final authority over most if not all conditional use decisions.

4. The proposed jurisdiction of the Board of Zoning Appeals as a strictly quasi-judicial appeal body has been weakened by (a) permitting appeals from agencies other than the Office of Zoning Administration to be assigned to the Board and (b) permitting further appeals on land use variances to be taken to the City Council in those cases where the Board has granted a variance.

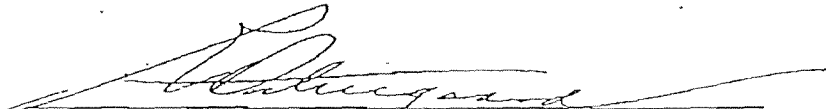
While we are seriously concerned over the weakening effect of these changes, we support the Charter amendment as it will appear on the May 1969 ballot in the belief that it will be an improvement over the present provisions. Under the Charter amendment approved by the Council it will still be possible to carry out our remaining recommendations by ordinance. We urge the Council to consider such ordinances.

We have also prepared suggestions for Charter and ordinance provisions concerning ethics, conflicts of interest, campaign contributions and private communications. These were submitted to the Mayor and Council on December 4, 1968. The Governmental Efficiency Committee of the Council is now considering these suggestions.

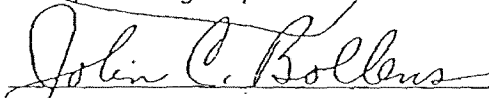
In rendering this final report, we are gratified that the recommendations are unanimously supported by the members of the Citizens Committee, representing as we do, a variety of backgrounds and viewpoints. Although serving as a lay citizens group, it may be pointed out that among those on the Committee and serving it there is represented considerable experience related to municipal planning and government. The Committee also wishes to acknowledge the invaluable assistance of Mr. Richard W. Roether, Planning Consultant.

In addition to recommending immediate Charter amendments, we are providing copies of our proposals to the Los Angeles City Charter Commission for its consideration in connection with its study of the entire City Charter.

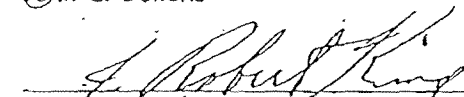
The Citizens Committee on
Zoning Practices and Procedures



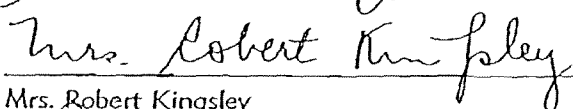
Rudolph Ostengaard, Chairman



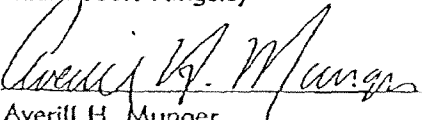
John C. Bollens



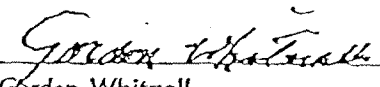
J. Robert King



Mrs. Robert Kingsley



Averill H. Munger



Gordon Whitnall

The Committee dedicates this Final Report to the memory of Fletcher Bowron and Brysis N. Whitnall who made major contributions to the concepts and principles embodied in the Committee's work.

FLETCHER BOWRON

August 13, 1887 - September 11, 1968

Mayor, City of Los Angeles, 1938-1953

Director, Los Angeles Metropolitan History

Judge, Superior Court, 1926-1938, 1956-1962

Project, 1962-1968

Chairman, Citizens Committee on Zoning
Practices and Procedures, 1967-1968

BRY SIS N. WHITNALL

August 20, 1902 - February 7, 1969

Executive Secretary, Town Hall, 1935-1941.

Member, American Institute of Planners,

Instructor in Planning, University of Southern
California, 1956-1969

American Society of Planning Officials,
American Society of Consulting Planners

Planning Consultant, 1941-1969

Volunteer technical assistant to the Citizens
Committee on Zoning Practices and Pro-
cedures 1967-1969

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INTRODUCTION

This is the final report of the Citizens Committee on Zoning Practices and Procedures. Our first report, issued in July, 1968, contains 36 general recommendations. This final report contains specific proposals for action in the form of Charter amendments, ordinances, and administrative and policy actions.

The Citizens Committee was appointed by the Mayor and the President of the City Council in March 1967 in response to a recommendation of the 1966 County Grand Jury that an in-depth study of the field of zoning administration be undertaken. After initial discussion with the Mayor and members of the City Council, we set forth the objectives of our study as follows:

The Committee considers that the reasons for its existence are to inquire into the entire subject of zoning in the City of Los Angeles, including the adequacy or inadequacy of applicable law, policies and practices whether legally sanctioned or not; to identify and reveal, if possible, the original purposes that motivated establishing the practice of zoning; to determine, if possible, whether these purposes are being realized or not and, if not, why; and, finally, to recommend such changes in law or practice as it believes necessary to justify public confidence in the practice of zoning, but equally important, to make available to the public an understanding of the subject so clear and comprehensible as to make it increasingly difficult for

anyone, serving in any capacity, to deviate from proper and effective policies and practices.

The Mayor and Councilmen made it clear that, in addition to the problems mentioned in the Grand Jury report, we should feel free to look into any aspect of planning and zoning in Los Angeles. It was also suggested that we study the problems of ethics, conflict of interest and campaign contributions. Certain files of the City Council containing various proposals on these subjects were transmitted to us for consideration.

The emphasis in this report is upon changes in the City Charter to establish a stronger legal base for sound planning and zoning processes. However, our specific proposals for Charter amendments are supplemented by outlines of ordinance provisions required to implement the proposed new Charter provisions as well as to carry out recommendations which do not require Charter revision.

Our proposals for Charter and ordinance provisions are divided into two main categories—those dealing with the city planning function itself (Chapters 1 and 2); and those dealing with the problems of ethics and conflict of interest, which we have grouped under the heading "conduct in office" (Chapter 3). Although our immediate concern with conduct in office is in relation to planning and zoning activities, it is obvious that legislation on this subject has implications relating to the conduct of all public business.

Another of our recommendations deals with the terms of office on City commissions and boards. Since this involves amendment to a separate section of the Charter, we discuss the proposal separately in Chapter 4.

Finally, a number of our recommendations require administrative or policy actions either as a supplement to legislative action or as a matter not involving legislative action. These proposed actions are summarized in Chapter 5.

In preparing our Charter proposals on city planning, we have carefully considered suggestions made by the City Planning Commission and discussions held by the Planning and Charter and Administrative Code Committees of the Council. We concur in many of the suggestions and these are incorporated in our proposal.

The cold, informal language of the recommended Charter changes do not, on their face, reveal the real significance of our assignment and what we discovered in carrying out that assignment. We were given the mandate to inquire into the entire functioning of the City's planning program and to discover, if possible, wherein present practices and procedures have permitted or encouraged the circumstances which attracted the attention of the Grand Jury in 1966 and which led to the continuing interest of subsequent Grand Juries in certain zoning matters in Los Angeles.

We find three major areas of the planning program, as now constituted, which account for most of the important criticisms brought to our attention.

CONDITIONAL USES

The first of these relates to the concept of and the manner of dealing with conditional use permits. There is a fundamental weakness in the present practice of processing certain types of conditional use permits through the Planning Commission and the City Council. This is true notwithstanding the expressed desire by some that matters of this kind should be appealable to the elected representatives of the public. There is and should be no

higher authority in the structure of local government than the City Council, but the dignity and responsibility of that body demand that basic policies pertaining to conditional use permits be defined and unequivocally established.

One of our most significant findings is that such clearly defined policies do not now exist and, as a consequence, the present practice flagrantly violates the basic principles of sound, effective zoning. The result is that each individual conditional use permit represents a special grant of privilege, often unrelated to previous cases, and probably unrelated to future cases. In many instances the granting of such permits produces a breakdown in the integrity of the zoning pattern. In these cases, where conditional use permits are authorized by action of the legislative body, we found some of the most flagrant examples of what amounts to spot zoning, a situation consistently frowned upon by the courts. It should be the end results of this practice by which the practice is judged, and our judgment is that the manner in which conditional use permits have been dealt with largely defeats the basic and legitimate purpose of zoning.

Not only does this practice destroy the integrity of zoning, but the economic advantages that accrue to owners of property granted special privileges through conditional use permits offer incentive for the employment of persuasion in questionable forms.

We strongly believe that the only workable and just solution to the problem calls, first, for the Planning Commission and City Council to establish the basic policies, criteria and standards governing all conditional uses by means of appropriate amendments to the Zoning Code. The function of granting all conditional use permits should then be delegated to the Office of Zoning Administration which has a proven record of consistent and fair administration of such matters. In addition, the Board of Zoning Appeals, which under our further recommendations would operate as a truly quasi-judicial appeal agency,

will ensure that the Office of Zoning Administration operates within Council-prescribed policies.

Related to our recommendations on conditional uses is the recommendation that a few, special types of land use which cannot be classified according to zones, be designated as "unclassifiable" and made subject to individual legislative authorization by ordinance. Great care should be taken not to circumvent the distinction between unclassifiable uses and conditional uses; uses should not be listed as unclassifiable when in fact they can be adequately classified by zone and treated as conditional uses within the appropriate zoning classifications.

ZONING ADMINISTRATION APPEALS

A second area of concern relates to the Office of Zoning Administration and the Board of Zoning Appeals. The original purpose of these two related agencies, as provided for in a 1941 Charter amendment, was to establish a quasi-judicial process for making essential adjustments under the zoning ordinance when the literal application of the zoning regulations proves discriminatory and, to some extent, confiscatory. Until 1963 the process worked as perfectly as human practices permit, and attained an enviable nationwide reputation for excellence in dealing with the matters involved. In 1963, by means of another Charter amendment, the status of the Board of Appeals was changed. It was renamed the Board of Zoning Adjustment and delegated certain additional administrative and advisory duties assertedly to relieve the burden on the Planning Commission. But this change violated a basic concept of good organization and administration in that it divided both the authority and the responsibility in certain matters. It is an axiom in the field of administrative organization in private business, government and the military, that when authority is divided, authority is lost, and when responsibility is divided there is no responsibility.

Many difficulties resulted from the operation of the Board of Zoning Adjustment

because, in practice, the Board abandoned the basic principle of considering appeals on the basis of the record of proceedings before the Zoning Administrators. Our inquiries revealed that the Board's prevalent practice was to try each case *de novo*; that is without reference to the previous proceedings in the case. In some cases the result was the granting of appeals overriding not only the findings and decision of a Zoning Administrator, but also overriding previous denials by both the Planning Commission and the City Council of requests for zone changes which would have produced the same result. There are numerous instances in which the action of the Board of Zoning Adjustment authorized the use of a given piece of property for an activity specifically prohibited in the zone in which the property was located.

Our recommendation is to establish the Board of Zoning Appeals in its original form, and with its original duties and authority, which is to deal exclusively with appellate matters originating with the Zoning Administrators, but retaining the present five Board members rather than the original three.

It should be pointed out that the present Board of Adjustment appears to be sincerely endeavoring to function as that Board should function. The significance of our recommendation lies in the fact that the proposed reconstituted Board of Appeals would serve exclusively in a quasi-judicial capacity, with the additional provision that, just as in the normal judicial process, an appeal must be considered on the basis of evidence of record emanating from the lower court—which in this case is the Office of Zoning Administration.

We do not believe that creating another level of appeal from the Board to the City Council would be a satisfactory remedy for improper Board action. This would place the Council in a quasi-judicial position—adjudicating the individual application of its own laws; and would increase the potential for discriminatory actions. The additional appeal procedure would create an unwarranted additional uncertainty and procedural burden for both applicants and interested citizens.

SPECIFIC PLANS

The third area of particular interest has to do with the broader planning program as distinguished from zoning. We discovered that under the present Charter provisions the City of Los Angeles confuses the two basic tools involved in carrying on a planning program. The first tool is what the present Charter refers to as the Master Plan. It should be an overall policy statement and guide for City development, not a set of detailed regulations. We recommend that the name "Master Plan" be changed to the more descriptive and generally accepted title of "General Plan." We further recommend that the Charter adequately define the purposes, content, and procedures relating to the General Plan.

The other tool, essential to the effectuating of the General Plan, is known under California law as the specific plan. But the present Charter refers only to "regulatory measures," and in rather vague language implies that such measures can be considered as part of the Master or General Plan, a concept contrary to sound and accepted city planning practice.

The Los Angeles Charter does refer to one type of specific plan, namely, the zoning ordinance. Technically, the zoning map, which is a part of the zoning ordinance, is the specific land use plan of the City. It is a regulatory ordinance and therefore controlling.

We discovered considerable confusion concerning the proper relationship between the General Plan and specific plans, and their respective functions. Without the authorization and use of specific plans there is no means of assuring the effectuation of the General Plan which is and should be outlined only in general terms. Therefore, we recommend that the various forms of specific plans be clearly identified and authorized in the Charter.

* * *

In making our recommendations for action, we believe the following fundamental issues are at stake:

1. **Environmental Quality.** The health, safety, convenience and beauty of our urban environment depends upon the net effect of a vast array of public and private decisions regarding the development and use of land. The kind of environment each citizen would prefer can be achieved by mutual support of policies, plans, procedures and regulations designed to serve the community as a whole. It can be largely destroyed by a relatively few individual actions which disregard the interest of the community. We believe that our recommendations will help to assert the community interest while protecting individual rights.

2. **Justice and Equality Before the Law.** At the very heart of our constitutional system is the legal theory that no agency of government has the right to apply laws unequally or unfairly among those affected. But in zoning law, the tendency has grown to apply regulations on an individualized, parcel-by-parcel, case-by-case basis by means of spot zone changes, conditional use permits, variances and other devices. Strong safeguards must be maintained to insure that these devices are used solely in the public interest and without favoritism or discrimination. We believe this can best be accomplished by making a clear distinction between the legislative, administrative and quasi-judicial functions involved in zoning, with recognized checks and balances among these functions.

3. **Effective Management of Public Affairs.** In a city of three million people and one million parcels of real estate, municipal management is obviously a large and complex enterprise. Effective management of this enterprise requires that the top level of government—the Mayor and City Council—concentrate on overall policy and legislation, and that individual decisions regarding the application of policy and law to specific situations be delegated and decentralized. We believe the Mayor and Council cannot adequately deal with the serious and growing problems of urban development if they continue to be burdened with making a large number of individual administrative and quasi-judicial decisions in response to each property owners petition. At the same time, it is essential that

there be an effective system by which the results of administrative and quasi-judicial actions are monitored so that the Mayor and Council can insure that their policies are being carried out and can make adjustments in guiding policy and legislation as necessary to achieve desired objectives.

4. **Private Ownership of Property.** To a large extent, ownership is the right of control. The right of the public to limit the use of property for the good of the community is well established, but when governmental control over the use of property is determined on an individual basis rather than in keeping with a community-wide policy the institution of private property itself is placed under attack. If there is nothing in the law upon which the individual owner can rely as to what he may or may not do with his property, but rather must petition for an individual determination, then the concept of private ownership is substantially invalidated—the owner becomes merely a tenant.

One of our critical findings is that a certain perspective is lacking on the part of both developers and officials in viewing the

zoning process. Zoning has largely but improperly come to be viewed as something to be changed, to be bargained over and to be influenced, sometimes legitimately, sometimes illegitimately. Aside from the injustices inherent in such a practice, this approach to zoning can provide little more than an impediment to the economic forces of urban development. It hardly provides a means by which the community can effectively shape its future through basic political decisions designed to supplement and guide rather than impede economic forces.

If adopted, we believe the proposals contained in this report will permit the Mayor and Council to continuously exercise effective policy and regulatory control over City development through the General Plan, the Zoning Code and other specific plans. Fair and consistent application of the zoning regulations to unusual situations can best be accomplished by the Office of Zoning Administration, and should there be error or abuse in the decisions of this office, a reconstituted Board of Zoning Appeals will provide a readily available "court of appeal."

CHAPTER 1

AMENDMENTS TO CHARTER PROVISIONS

ON CITY PLANNING

This chapter presents our recommendations for changes in the City Charter relating to planning and zoning.

The material presented consists of Charter provisions together with explanatory comments. The Charter text is indented and identified by the symbol # at the left margin. Within the Charter text, proposed additions to the existing provisions are in boldface type and proposed deletions are shown by ~~strikeout~~ type.

The complete text of the Charter provisions, with the recommended changes indicated in the same manner, is repeated in continuous form in Appendix A. A cross-reference between the present and proposed Charter provisions is provided in Appendix C.

GENERAL COMMENTS

Article VIII of the City Charter is presently entitled "Department of City Planning" and consists of Sections 94 through 99½. These are the only Charter provisions which deal exclusively with city planning matters. However, it is Section 70 which actually creates the Planning Department (and Commission) along with other departments, and Section 2(11) (c) provides the basic authorization for zoning legislation. All of the planning and zoning Charter changes proposed by the Citizens Committee can be accommodated within Article VIII.

ARTICLE VIII

~~DEPARTMENT OF CITY PLANNING~~

TITLE

It is suggested that the title for Article VIII be simply "City Planning" rather than "Department of City Planning" in order to put the emphasis on the function rather than the organization. In fact the City Council and other City agencies are involved in these provisions. In particular, the General Plan should be thought of as a basic City document, and the planning process as involving the entire City government, rather than either being solely within the purview of one department.

NUMBERING

Through additions over the years, several of the Charter sections have fractional numbers—94½, 99¼, etc. In this revision it is proposed to eliminate these fractional numbers by consolidating material relating to the same subject and by adopting decimal numbering where necessary. Subject titles have been added for convenience.

POWERS AND DUTIES OF THE PLANNING DEPARTMENT

Sec. 94. Department of City Planning

As used in the Charter, "Department of City Planning" includes the City Planning Commission together with the Director of Planning and the Department staff. The Office of Zoning Administration and the Board

of Zoning Appeals (Adjustment) are also presumed to be part of the Department.

The Department of City Planning shall have and exercise all the powers and duties which are ~~now or may hereafter be provided in this Charter, and, in addition thereto, such other powers, including those granted to or imposed upon City Planning Commissions or Departments by State law, and, in addition thereto, such powers as are provided approved~~ by ordinance.

The wording of this general statement of the powers and duties of the City Planning Department is clarified to avoid any conflict between City and State law and to make it clear that any provisions of State law which are not mandatory for chartered cities would only be exercised if approved by the City Council. The Planning Department is primarily a staff agency, one of whose major purposes is to provide advice concerning land development in the City. We believe that additions to the functions and workload of the Planning Department should be made, not on its own initiative, but through the proper administrative and legislative approvals of the Mayor and Council. There is always the possibility of further amendments to the State law which might prescribe policies and practices inappropriate for Los Angeles. The City should protect itself against automatically accepting such provisions by requiring that such future changes in State law shall only apply when specifically adopted by local ordinance. Failure to so provide would lead to further erosion of home rule. Therefore, we deem it important to provide for the proper local administrative and legislative jurisdiction over the program of the Department.

The State Planning and Zoning Law provisions are basically for general law cities, rather than for chartered cities although a chartered city is permitted by Sections 65700 and 65803 the option of using State law provisions, if its charter so provides. These State law provisions were developed primarily for these smaller cities as guidelines for their planning functions. In some cities, the city council is designated as the planning agency

and, therefore, the council determines whether to adopt optional features permitted by State law. In Los Angeles, the Planning Department is designated as the planning agency and, under present Charter provisions, the City Attorney states that the Planning Department might utilize powers and duties prescribed by State law, so long as not in conflict with Charter provisions, even though not specifically authorized by the Mayor and Council.

Following are some of the California Government Code sections which are related to this discussion:

Section 65302 enumerates the required elements of a general plan for general law cities. Effective July 1, 1969 a new element is added to the required elements, namely a housing element. This is to consist of standards and plans for improvement of housing and provision of adequate sites for all economic segments.

Section 65303 enumerates other elements which a city may adopt if it so chooses. This section also provides that the planning agency may adopt on its own initiative such additional elements as it wishes relating to the physical development of the city.

Section 65400 provides that the planning agency may make reports on financial matters and capital budgets. The City of Los Angeles now has a Capital Improvement Ordinance which does not contemplate such a procedure. In a large city such as Los Angeles, the Mayor and Council should determine what functions they wish the Planning Department to perform with respect to such matters.

Section 65102 states that the planning agency has the powers necessary to carry out the planning functions provided by the State law. This provision is desirable and necessary for general law cities, particularly where city councils are designated as the planning

agency; but for Los Angeles, such powers should be specifically authorized in the Charter or by ordinance approved by the Mayor and Council.

Comprehensive changes in State law since 1965 make it highly desirable for Charter Section 94 to be amended as recommended. Section 94 was originally adopted over twenty-five years ago when State law provisions were less comprehensive than at present.

~~subject, however, to the provisions of Article VIII of this Charter.~~

The present Charter wording refers only to Article VIII of the City Charter, but since other sections of the Charter also affect the functions of the Planning Department, this reference to Article VIII is unnecessarily restrictive, and should be replaced by the reference to the Charter as a whole as contained in the proposed wording above.

DIRECTOR OF PLANNING

~~Sec. 94½.~~

Sec. 95. Director of Planning

(1) The general manager of the Department of City Planning shall be known as the Director of Planning. ~~The Director of Planning~~ He shall be chosen on the basis of his administrative and technical qualifications, with special reference to his actual experience in and his knowledge of accepted practice in the field of city planning.

Charter Section 94½ has been restated as proposed Section 95(1).

Note that under present Charter Section 70(c), control and management of the Department is vested in the Director, and Section 79(b) provides that the Director shall be appointed by the Mayor. No change is proposed in these provisions of Sections 70 and 79 which apply to other departments as well as the Planning Department.

~~Sec. 95.~~

(2) The Director of Planning shall have the following powers and duties, subject to ~~supervision and direction~~ advice by the City Planning Commission as to matters of policy:

In view of the present provisions of Section 70(c) as mentioned above and our proposed provisions in Section 96 relating to the advisory role of the Planning Commission, the wording here should be changed to be consistent.

(a) ~~With the advice of the Coordinating General Plan Advisory Board,~~

The name of the Coordinating Board was changed to Master Plan Advisory Board in 1967 by amendment of Section 95½. The name should now become the General Plan Advisory Board to correspond to the change from "Master Plan" to "General Plan" as discussed below.

he shall prepare ~~a master plan the~~ General Plan

Throughout these proposed Charter revisions the term "General Plan" has been substituted for "Master Plan" (Recommendation 1).¹ This is consistent with the present provisions of State law and with currently accepted city planning practice throughout the nation.

~~for the physical development of the City, as such term is defined by State law, in so far as such definition is applicable to the City, and from time to time extend and modify the same; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said master plan~~ General Plan.

The only description or definition of the Master or General Plan presently contained in the Charter is in this section. Since the subject of the General Plan is proposed to be thoroughly covered in the new Section 96.5, we

¹Recommendation numbers refer to the recommendations of the Citizens Committee as contained in its July 1968 report entitled *A Program to Improve Planning and Zoning in Los Angeles*.

propose that the existing description in Section 95 be deleted.

(b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, ~~establishing~~ including the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.

This minor clarification of wording is proposed in order to refer to the Director of Planning as preparing the zones and districts rather than establishing such districts. These districts can be established only by ordinance adopted by the City Council.

(c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land and shall have such powers and perform such duties as are required by the Subdivision Map Act of the State of California.

(d) ~~In addition to the foregoing,~~ He shall have such additional powers and duties as may be imposed upon him by ordinance.

This editorial change is proposed merely to eliminate unnecessary words.

GENERAL PLAN ADVISORY BOARD

~~Sec. 95 1/2.~~

Sec. 95.5. General Plan Advisory Board

There is hereby created a Master General Plan Advisory Board

The term "General Plan Advisory Board" has been substituted throughout these provisions in place of the existing term "Master Plan Advisory Board" in order to conform with the change of title from "Master Plan" to "General Plan" as referred to above in connection with Section 95(2) (a).

which shall be composed of the Director of Planning, the Mayor, a member of the Council designated by the President of the Council, the City Administrative Officer, the City Engineer, the Executive Director of the Housing Authority, the Executive Director of the Community Redevelopment Agency, and the general managers of each of the following departments; namely, Building and Safety, Fire, Police (or the bureaus thereof), Public Utilities and Transportation, Recreation and Parks, Traffic, Airports, Harbor, and Water and Power (or the bureaus thereof),

The General Managers of the Airports and Harbor Departments are proposed to be added to the listed members of the Board in response to a suggestion of the City Planning Commission. These officers are now members of the Board and they are concerned with important regional activities which have a significant impact upon surrounding areas and the City as a whole.

together with ~~such other~~ not to exceed three additional officers of the City or heads of City agencies as the Mayor may designate from time to time designate.

Each member of the Board, except as hereinafter provided, may designate a representative to act as an alternate for such member provided that the representative so designated occupies a position of the highest managerial level in the office, or department or agency below that of the member making such designation. The Mayor may designate a representative to act as his alternate provided the representative so designated is a person occupying an executive position in the Office of Mayor. In the case of the member of the Council designated by the President of the Council, the designation of a representative to act as an alternate for such member shall be made by the President of the Council.

In the case of officers of the City designated by the Mayor, the designation of the alternate shall be made by the Mayor. Only a member of the Council may be designated as an alternate by the President of the Council and only an officer of the City may be designated as an alternate for those officers of the City designated by the Mayor to serve on said Board.

A limitation is proposed to permit not more than three additional members to be appointed to the Board by the Mayor. This is also a suggestion of the City Planning Commission intended to keep the size of the Board within workable limits and to maintain stability in the representation on the Board.

Also at the suggestion of the Planning Commission revised wording is proposed to provide for the appointment to the Board of agency heads. This would permit such persons as the head of the Community Analysis Program or the Model Cities Program to participate. Under the present provision these persons might be considered as neither officers nor heads of departments and therefore ineligible for such appointment.

The Director of Planning shall be Chairman of said Board and shall be responsible for giving notice of its meetings and keeping the records thereof. Said Board shall meet at the call of either the Chairman, the Mayor, or the City Administrative Officer. When a meeting of the Board is called by the Mayor or the City Administrative Officer, such officer shall forthwith notify the Chairman of such call and he the Chairman shall give notice of the meeting to be held pursuant to said call. Two-thirds of the members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

The function and duty of the Board shall be to advise with and assist the Director of Planning in the preparation

of the ~~master-plan~~ General Plan and of amendments or changes thereof ~~thereto; and, for such purpose,~~ the work of the Board may from time to time be assigned to committees thereof, appointed by the Chairman, for report and recommendation thereon to the Board. The Chairman, the Board and the committees thereof shall have the authority to obtain information and advice from any available source deemed suitable.

CITY PLANNING COMMISSION

#. Sec. 96. City Planning Commission

The Board of City Planning Commissioners shall be known as the "City Planning Commission." It shall serve in an advisory capacity to the Mayor and Council on all matters related to the city planning function which involve legislation or determination of policy. It shall also serve in an advisory capacity to the Director of Planning on matters of policy pertaining to the development, adoption and amendment of the General Plan and specific plans, including the zoning ordinance. It may review the findings and recommendations of the Director of Planning on these and other matters related to the city planning function and submit its own findings and recommendations thereon.

The present Charter Section 96 deals only with the name of the Commission. Our proposal adds a general statement to indicate the basic function of the Planning Commission as:

1. Advisory to both elected officials and department staff.
2. Oriented toward policy and legislation rather than toward administration, with particular emphasis on the General Plan and the Zoning Code as the two most important instruments of planning.

This addition is intended to emphasize that the basic role of the Commission is to

reflect broad-gauge lay understanding of community needs and goals, and that the Commission should be concerned primarily with the overall view and review of planning functions rather than with administrative detail.

~~Sec. 96½. The City Planning Commission shall advise the Director of Planning in the preparation of the master plan, including the preparation of zoning, land subdivision and building line regulations, and other regulatory measures related to the master plan or the physical development of the City, and shall hold all public hearings which may be required by law for the adoption, extension or modification thereof. Upon adoption by the City Planning Commission of said master plan or any part thereof, or any regulatory measure referred to above, the same shall be presented to the City Council by the Director of Planning, with the recommendations of the City Planning Commission. Upon receipt of the master plan, or any part thereof, or any such regulatory measure so adopted by the City Planning Commission, the City Council shall consider the same and may adopt such plan, or any part thereof, or any such regulatory measure as it may deem advisable.~~

The present Charter Section 96½ deals in a general way with Planning Commission responsibilities for both general planning and regulatory measures. The language is confusing since it implies that the regulatory measures are part of the Master Plan, when in fact and according to accepted practice regulatory measures are not part of the Master or General Plan. We propose that such regulatory measures, which are intended to carry out the General Plan, be identified as specific plans to be adopted by ordinance. This is provided for in our proposed Charter Sections 97.1 through 97.4.

GENERAL PLAN

One of the fundamental concerns of the Citizens Committee, as expressed in its first

report which was issued in July 1968, is the apparent confusion regarding the preparation, adoption and use of the General Plan; another concern is the insufficient recognition of the General Plan as an important City document providing the basic policy guide for City development activities.

It is, therefore, recommended that the Charter be amended "to set forth the purpose, comprehensive nature and essential procedural requirements for the development and adoption of the General Plan of the City." It is further recommended that this Charter provision be supplemented by more detailed code provisions (Recommendation 1). Proposed Charter Section 96.5 implements this recommendation.

Sec. 96.5. General Plan

The General Plan shall be a comprehensive declaration of purposes, policies and programs for the development of the City, and shall include, where applicable, diagrams, maps and text setting forth objectives, principles, standards and other features.

This proposed opening statement indicates the essential characteristics of a general plan. It must be comprehensive if it is to serve its intended coordinating function; it must include a declaration of purposes if it is to be a direction-setting document. It is a set of policy statements, not a set of regulations.

(1) Purpose. The General Plan shall serve as a basic and continuous reference in (a) planning for the development of the City, (b) developing, correlating and coordinating official regulations, controls, programs and services, and (c) attaining coordination of planning and administration by all agencies of the City government, other governmental bodies and private organizations and individuals involved in the development of the City.

The first area of confusion found by the Citizens Committee concerns the purpose and importance of the General Plan. Proposed Charter Section 96.5(1) makes it clear that

the Plan is to be an important policy document for use throughout City government, and beyond that it is to be a useful coordinating tool for the private sector and for government at other levels. The need for continuous utilization of the Plan is emphasized in the proposed Charter provision. This will require that the Plan be maintained as part of a continuing planning process.

(2) Content. The General Plan shall include the following elements:

- (a) A land use element which designates the proposed general distribution, location and extent of the uses of land, and includes a statement of the standards of population density and building intensity for the various areas covered by the General Plan.
- (b) A circulation element indicating the general location and characteristics of existing and proposed freeways, major thoroughfares, transportation routes, terminals, and other facilities and features all correlated with the land use element of the General Plan.
- (c) A service-systems element indicating the general location and characteristics of service-systems supplying the City with utilities and services.

The General Plan may include other elements including those enumerated by State Law when approved by the Planning Commission and the Council.

The second area of confusion about the General Plan concerns the content of the Plan. At present, Section 95(a) of the Charter merely refers to "a master plan for the physical development of the City, as such term is defined by State law, insofar as such definition is applicable to the City." Who determines what is applicable to the City?

The proposed Charter Section 96.5(2) outlines the minimum subject matter of the General Plan and permits other subjects to be included upon approval of the Planning Commission and the City Council. Subparagraphs (a) and (b) are similar to the requirements of the State Planning Law, and these are generally recognized by the planning profession as basic elements which must be part of any comprehensive General Plan. The State law includes "other local public utilities and facilities" within the circulation element. However, at the suggestion of the City Planning Commission, with which we concur, utilities and other public services are more logically included as a separate service-systems element.

It is not intended to define exactly what types of facilities should be included within the circulation element. The words "other facilities and features" would permit collector streets to be included, for example, even if it were argued that such streets could not be classed as "major thoroughfares."

The word "general" is used in the Charter provisions describing the nature of each of the mandatory elements. This is deemed necessary to emphasize that the General Plan is an overall policy guide, not a regulatory device. The inclusion of precise locations or designs as part of the General Plan is likely to detract from this basic function. Such precise plans, together with specific regulations to effectuate them, are separately provided for in our proposals under the heading of Specific Plans (see proposed Charter Sections 97.1 through 97.4).

A recent amendment to the State Planning Law has added a housing element as a mandatory part of a general plan for general law cities. We recognize that such an element might be highly desirable. However, the various professional and governmental organizations which are concerned with this new requirement have not yet formulated a clear understanding of what should be included within the housing element and, therefore, we conclude it would be premature to establish a housing element as a Charter requirement in Los Angeles. Nevertheless, our proposed

Charter provision would permit a housing element to be included in the General Plan at any time if so determined by the Planning Commission and City Council.

The third area of confusion arising under present Charter provisions about the General Plan concerns procedures for its adoption and amendment. In the present provisions there are only minimal procedural requirements for adopting the General Plan. For example, no specific provision is made for public hearings and the responsibility of the City Council to adopt the plan is not entirely clear. No provision is made for participation by the Mayor except as a member of the Master Plan Advisory Board.

Because the General Plan is an important public policy statement, it needs to be considered and adopted by resolution of the City Council after public hearing. All responsible public officials should provide the leadership and resources to make the Plan effective, and the responsibilities of the Mayor and Council for the General Plan should not be left in doubt (Recommendation 2).

(3) Procedure. The Director of Planning, with the advice of the Planning Commission and the General Plan Advisory Board, shall prepare in the manner prescribed by this Charter and by ordinance, and the Planning Commission shall approve and the Council shall adopt by resolution, a comprehensive General Plan for the development of the City and of any land outside the boundaries of the City which bears relation to its planning.

The first paragraph of proposed Charter Section 96.5(3) summarizes the general procedure to be followed. More detailed requirements are contained in the proposed provisions which appear below. It is made clear that a General Plan must eventually be adopted, that final action is by the City Council, and such action is by resolution rather than ordinance since the Plan is a policy statement rather than a regulatory measure. The authorization for including land outside the City is in accord with sound planning practice and parallels a provision in the State law.

Proceedings pertaining to preparation, consideration, hearings, time limits, approval and adoption of the General Plan, or any of its parts or amendments thereto, shall be as provided by ordinance, subject to the following limitations:

(a) The General Plan shall be so prepared that the Planning Commission may approve and the Council may adopt it only as follows: as a whole; by complete subject elements; by substantial geographical areas; or by substantial portions of subject elements; provided that any such area or portion has significant social, economic or physical identity.

To be truly comprehensive, the General Plan must cover the entire City and interrelate all of the pertinent subject matter. However, because Los Angeles is so large and complex, it is necessary as a practical matter to break the Plan into logical units for consideration and adoption. On the other hand, it would be entirely inconsistent with the comprehensive nature and coordinating purpose of the General Plan for it to be adopted or amended in small bits and pieces. In order to prevent such piecemeal consideration, a limitation must be placed upon the extent to which the Plan can be divided for purposes of adoption or amendment.

(b) After public hearing by the Planning Commission, and upon its approval of said General Plan or any part thereof or amendment thereto, the same shall be presented to the Mayor and the Council by the Director of Planning.

(c) After receipt of the General Plan or any part thereof or amendment thereto as approved by the Planning Commission, and upon receipt of

the recommendations by the Mayor relative thereto, or the expiration of 30 days, whichever first occurs, the Council shall conduct a public hearing before acting thereon, and thereafter may adopt such Plan, or part thereof or amendments thereto provided the consideration of any such part or amendment conforms to the limitations set forth in Subsection (3) (a) hereof.

As representatives of the public, both the Planning Commission and the City Council should conduct public hearings before acting upon the General Plan. This would correspond to the requirements of the State Planning Law.

Provision is made in our proposal for the Mayor to play a key role in the recommending and approval of the General Plan, whereas, in the existing Charter no reference is made to participation by the Mayor other than as a member of the Master Plan Advisory Board. Under the proposed provisions the Mayor would have a power similar to that which he has in approving ordinances, but with the difference that he would review General Plan matters prior to their being acted upon by the Council, instead of only having a veto power afterwards as in ordinance matters. This proposed procedure would tend to insure final coordination of General Plan proposals with other basic City policies and programs under the Mayor's executive authority.

- # (d) If the Council proposes any change from that which is approved by the Planning Commission, such proposed change must be referred to the Director of Planning, the Planning Commission and the Mayor for recommendation. The Planning Commission and the Mayor must act thereon within a period determined by ordinance, or

such longer period as the Council may designate. Failure to act within such time shall be deemed to be an approval.

Proposed subsection (d) is designed to assist the Council in understanding the impact of any changes on other aspects of the Plan and to avoid isolated, piecemeal or conflicting features being adopted within the Plan. Thus, the function of the General Plan as an inter-relating and coordinating document would be protected.

- # (e) Upon conclusion of its public hearing if no changes are proposed by the Council, or after receipt of the Mayor's and Planning Commission's recommendations on any proposed change, or the expiration of their time to act thereon, final action by the Council shall be taken within a period determined by ordinance.

Final action on General Plan matters should be taken by the Council within a reasonable time. Unreasonable delay in adopting a part of the General Plan could mean that such a portion of the Plan would no longer be in proper coordination with other elements of the Plan. In the event an extended delay occurs, a General Plan matter should at least be referred back for review and report by the Planning Commission and Mayor before being again considered for adoption.

- # (f) Adoption of the General Plan or any part thereof or amendment thereto shall be by majority vote of the entire Council if not contrary to the recommendations of either the Planning Commission or the Mayor. A two-thirds vote shall be required if contrary to the recommendations of either the Planning Commission or the Mayor, and a three-fourths

vote shall be required if action of the Council is contrary to the recommendations of both the Planning Commission and the Mayor.

Since the General Plan is a major policy document of the City, the Mayor should have at least the same degree of authority and responsibility with reference to it as he has in legislative matters.

As previously explained, the General Plan is not suitable for adoption by ordinance. However, proposed Subsection (f) would establish for the General Plan the same relative voting and veto power among the Planning Commission, Mayor and City Council as now exists with respect to those planning-related legislative matters which are adopted by ordinance.

(4) Implementation. The City Planning Commission shall make such reports and recommendations to the City Council and to other governmental officers or agencies as may be necessary to secure adherence to and systematic execution implementation of the master plan General Plan, and may publish and distribute reports relating to the master plan thereof. A copy of all adopted portions of the General Plan shall be available for inspection in the main and each branch office of the Department of City Planning.

The first sentence of proposed subsection 96.5(4) is presently contained in Section 96½ of the Charter. The second sentence is a reasonable minimum requirement designed to answer the complaint that it is now difficult if not impossible for the public to determine exactly what constitutes the officially adopted Plan.

Our Recommendation 30 emphasizes the need for improvement in the City's public information program concerning planning matters. Reports and information concerning the General Plan should be a vital part of such a program.

(5) Compliance. When acting upon a specific plan or any other matter enumerated in Sections 97.1 through 97.7 of this Charter, the Planning Commission and the Council shall make specific findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the Planning Commission's findings and recommendations, the Council shall then adopt its own specific findings.

One of our key recommendations is that the Charter be amended "to require that in adopting or amending any zoning regulations or zoning maps, the City Planning Commission and City Council shall make specific findings showing that the action is in substantial conformance with the purposes and intent of the General Plan. If the City Council does not adopt the Commission's findings, the Council shall adopt specific findings showing that its action is in conformance with the General Plan." (Recommendation 4.)

We found that too often the General Plan had not been brought to bear in the legislative adoption of zoning regulations. Testimony we received pointed out numerous cases where zoning actions were apparently influenced far more by individual arguments, circumstances and pressures than by a consistent and logical rationale for achieving a long-range community plan.

At present the Charter merely requires that zoning legislation be referred to the City Planning Commission for report and recommendation as to its relation to and effect upon the Plan, but contains no requirement that zoning legislation should in fact be consonant with the Plan.

The proposed Charter provision has been written to include not only zoning matters but all those city development matters which are subject to review by the Planning Commission.

Thus, this new and vital requirement is designed to give the General Plan some teeth by requiring that any plan implementation

matter must be based upon findings of substantial conformance with the General Plan. Any significant deviation from the Plan would be subject to invalidation by the courts. Consequently, before any such deviation could be made it would be necessary to amend the General Plan and this in turn would require a rethinking of the broader impact of such change upon other features of the Plan. Since under these new provisions the General Plan would be adopted after hearings and with participation by the Mayor more in the manner of a legislative action, these stronger requirements are justified in order to give effect to this important policy document.

AREA-BY-AREA REVIEW OF GENERAL PLAN AND ZONING MAP

Sec. 96.6. General Plan and Zoning Areas

For the purpose of reviewing or amending the General Plan and the zoning map, the Planning Commission shall recommend to the Council and the Council shall adopt an ordinance providing for the division of the entire City into areas and providing a schedule for the consideration of such areas. The schedule shall be adhered to unless the Planning Commission determines there are special circumstances affecting the public interest as such may be defined by ordinance which necessitate a deviation therefrom. Any proposal or application for the adoption of or amendment to either the General Plan or the zoning map shall be considered only during the period scheduled for the area involved except that matters involving City-wide application need not be considered on an area-by-area basis.

In accordance with two of our key recommendations, this provision is designed to create an orderly processing of both General Plan and Zoning Map changes (Recommendations 3 and 6). Such a procedure should go a long way to eliminate piecemeal or spot zoning, and to insure that the various features

of both the General Plan and the zoning pattern are properly interrelated with one another. In addition, this procedure should be much more efficient, both for the City and for the general public than the present case-by-case procedure.

Effective planning must be a continuing process. A general plan which no longer reflects the aims of the people, the realities of existing situations or the latest reliable social, economic and technological forecasts is a useless plan. In view of the size and diversity of the City of Los Angeles, it is apparent that much of the material which should constitute the City's General Plan can be adequately maintained only through a continuing area-by-area process of study and revision.

With respect to zoning, a unique feature is that the individual property owner is given the relatively unrestricted privilege of applying for a legislative change and then is able to force consideration of his particular request through the entire legislative process. Although valid reasons can be found for this arrangement, it is doubtful that it was originally intended to be more than a rarely used provision which would serve to protect the individual property owner from grossly unfair zoning. The fact that zone changes by owners' applications rather than by City initiative has become so prevalent is substantial evidence that the City is failing in its responsibility to keep its zoning pattern up to date.

Particularly in rapidly changing areas, reliance upon owners' applications to initiate zone changes often results in inefficient, repetitious consideration of the same areas. For example, three separate zone change applications might be filed within several weeks and involve properties within a few blocks of each other. Unless a special study of the whole area has been initiated, the Department staff and Commission have no choice but to make separate field investigations and reports, hold separate hearings and make separate decisions on these three cases even though most of the information and issues involved are the same.

Furthermore, we received numerous complaints from citizens concerning the difficulties

of keeping track of zoning applications affecting their communities since each application is scheduled for consideration separately. Grouping zone change requests by area and considering them according to a pre-announced schedule will greatly alleviate this problem.

More importantly, there is not always the opportunity to consider separate requests affecting an area for their combined interrelationships and impact upon the community before making a decision on any one of them. Obviously with this piecemeal procedure the public is unnecessarily inconvenienced and less able to grapple effectively with the basic community issues which may be involved than would be the case if all the changes for an area are considered at one time. However, the proposed procedure should not preclude acting on special cases on an individual basis when unusual and acceptable reasons to do so are present. Criteria should be established by ordinance to assist in determining when these exceptional circumstances exist. Such out-of-turn zone change proceedings should occur only to meet pressing public needs and not for the special convenience of particular property owners. The determination as to whether or not the required public interest criteria are met in order to justify out-of-turn consideration of a zoning case should be made by the Planning Commission. Such determination could be appealable to the City Council.

Obviously, many principles, policies, and standards contained in the General Plan would apply throughout the City and would not lend themselves to area-by-area consideration. Therefore such City-wide matters should be exempted from the area-by-area procedure.

With respect to zoning, note that this procedure would apply only to legislative changes in the Zoning Map, and not to the consideration of conditional uses, planned developments, variances and other administrative or quasi-judicial matters.

PLAN IMPLEMENTATION

~~Sec. 97.~~

Present Charter Section 97 deals with a variety of plan implementation matters. These

existing provisions are rearranged together with some new provisions as follows:

Subject	Present Section No.	Proposed Section No.
Public land acquisition and public works referrals	97(1)	97.6
Zoning	97(2)	97.2
Hearings and investigations	97(3)	97.9
Delegation of authority to Board of Zoning Adjustment	97(4)	Deleted
Delegation of authority to Director of Planning	97(5)	97.8
Specific plans	None	97.1
Building lines	None	97.3
Public projects	None	97.4
Development regulations referrals	None	97.7

SPECIFIC PLANS

Sec. 97.1. Specific Plans

A specific plan is a precise statement of policies, standards and regulations together with a map or description defining the exact locations where such policies, standards and regulations are applicable.

(1) **Purpose.** The purpose of a specific plan shall be to provide, by ordinance, regulatory controls for the systematic execution of the General Plan and to provide for public needs, convenience and general welfare.

(2) **Content.** Such specific plans may include:

(a) **Zoning:** Regulations of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(b) **Public Projects:** Regulations limiting the location of buildings and other improvements in relation to existing or planned rights-of-way or other types of public projects.

(c) Such other measures as may be required to insure the execution of the General Plan.