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CITY OF LOS ANGELES

CALIFORNIA

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Sun Valley Area
Neighborhood Council

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Planning and Land Use Committee
Los Angeles City Council
200 N. Spring St
Los Angeles Ca 90012

Tuesday, July 28, 2015

Re: **CF 15-0703**
CPC-2014-3258-CU-SPR-ZV-ZAA
ENV-2014-3259-MND
11038, 11070, 11100 W. Peoria St
Sun Valley CA 91352

Council Members;

My name is Gary Aggas, I live at 11211 Cohasset St in Sun Valley CA. I am here representing the Sun Valley Area Neighborhood Council.

We are in favor of this project. A movie studio we bring many good paying jobs to our community and upgrade the commercial area. It will also encourage development of restaurants, stores and other businesses in the area. It will be good for our community.

We still believe the monument sign should be allowed in the front of the facility otherwise the front would look barren without some sign with the name of the business. The sign will be in character with the rest of the property.

The staff recommended a condition prohibiting live audiences. Los Angeles is encouraging movie and television production in the city. The applicant will never be able to turn a profit. He will lose major income if he cannot bid for variety, game and talk shows, many infomercials and sitcoms. **Please let them bus the audience.**

Respectfully,

Gary Aggas, President
Sun Valley Area Neighborhood Council
818.731.1945

#7

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July 28, 2015

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City Clerk
City Hall
200 North Spring Street, Room 395
Los Angeles, CA 90012

Planning and Land Use Committee
Los Angeles City Council
Council and Public Services Division
200 N. Spring St., Room 395
Los Angeles, CA 90012

Re: Case No.: CPC-2014-3258-CU-SPR-ZV-ZAA
11038, 11070 and 11100 W. Peoria Street
Copy of Speech before PLUM Committee 7/28/15

Good Afternoon members of the Planning Land Use Management Committee. Thank you for your time and consideration.

My name is Bill Eick. I reside at 9647 Stonehurst Ave. Sun Valley California, which is one block from the proposed project site. My wife and I, along with the 25 neighbors who appealed the Planning Commission decision, will be severely and adversely impacted by the proposal. We are joined in opposing the project by the 150 people whose signatures are included in my letter of July 20, 2015, as well as by the Shadow Hills Property Owners Association and the Foothill Trails District Neighborhood Council. The grounds for the appeal are set forth in the public record, but I would like to highlight some of the reasons.

1. The initial hearing notice dated 2/17/15, a copy of which is attached, states that the operational hours will be 24/7 for "production activities". Additionally, the Planning Commission decision states in section F-7 in part as follows: "The Warehouse Building is approximately 108,620 square feet...Production equipment, sets and lighting will be stored in the warehouse building for use on the sound stages..." Additionally, Section F12 states in part as follows: "Specific to the subject request, the Warehouse building has been designed to support the eight sound stages of the Studio Building and must provide for the interior clearances to house the lighting, sets and other production equipment associated with the operation of these stages." NOWHERE in any of the paperwork or hearing notices or the finding of facts is there mention that the warehouse will or can be used as a rental business for parties or special events. There is no mention of rental activities of any kind. Yet, the primary use of this facility will be as a party/event rental outlet facility.

The Applicant's updated website lists 74 pages describing that the public can rent

Planning Land Use Management Committee
RE: 11038, 11070 and 11100 W. Peoria Street
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furniture, dishes, tables, toilets, tents, security equipment, and other items for weddings, parties and other events. The second to the last page of the website shows a rendering of the building in the film studio proposal and a schematic drawing of that warehouse with the notation, and I quote, "NEXT...Line 204 was built from the garage up! In 2018 the garage gets bigger with a brand new 100,000 square ft. warehouse to meet all of your needs."

The party/event rental business is not part of the "film studio" proposal and no Conditional Use Permit was applied for, nor were the required findings made, that would allow a party/event rental use on this site.

The party/event rental business was not disclosed to the Hearing Examiner nor the Planning Commission. This commercial rental business use is not allowed as a matter of law...and the findings for a Conditional Use Permit have not been met.

2. The proposed film studio project ignores the Sun Valley Community Plan. Objective 3.1 policy 3.14 provides several programs, one of which states, "Where located near to residential areas, consideration should be given to setting aside portions of reclaimed sites for open space or recreational uses." This project is adjacent to single family residences..... It should be noted that other land use projects adjacent to the film studio proposal have already incorporated their buffer zone as part of the compliance with the Sun Valley Community Plan. The applicant has ignored the Sun Valley Community Plan determination to protect existing residential communities from incompatible uses. This precedent would have terrible, long term consequences for the rest of the Shadow Hills Community where reclaimed gravel pits will soon seek similar landuse applications.

3. Soon after the film studio project was approved by the Planning Commission, the property to the immediate west filed an application to build 360,000 square feet of warehouse spaces. The land for the film studio and for the new 360,000 square foot warehouses is owned by the same company, Sun Valley Development Partners, LLC. Our July 20, 2015 letter provides a copy of the new application and the current deed. These projects were coordinated to go before the City at staggered times. If they had been filed concurrently, an EIR under CEQA would have been required rather than a Mitigated Negative Declaration (MND), or the MND would have to have included the the environmental effects of both projects. According to CEQA, "an EIR must include an analysis of significant cumulative impacts. The cumulative impact analysis may be based on (1) a list of projects that includes the proposed project and existing or anticipated projects that produce related impacts.... 14 Cal Code Regs. Section 15130." Therefore an EIR is required to determine the cumulative impacts of these projects as well as any other proposed or anticipated projects in the area. Additionally, our appeal specifically details the defects in the MND. It should be noted that to my knowledge, neither the Hearing Examiner nor the Planning Commission was aware of the adjacent proposed project. Had they been aware of the additional project, the film studio would not have received approval without substantial additional

Planning Land Use Management Committee
RE: 11038, 11070 and 11100 W. Peoria Street
July 28, 2015
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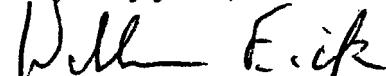
environmental review.

4. Since the intended use for the warehouse as a party/event rental business cannot be permitted, as a matter of law, there is no need to have a warehouse over the height limits of the zone. Therefore, there is no factual justification for, and the findings cannot be made, to allow a height variance for a building that has no legal use. Additionally, there is no factual basis that the film studio sets or lighting require more than a 30 foot tall building.

5. The height increase of the film studio to 74 feet is only allowed for certain uses, specifically a sound stage. Offices, lounges, eating areas and production services, etc are not included in the permitted uses above 30 feet. All such uses must be restricted to 30 feet from the surface and all heights must be measured from the closest street, and not from the elevated height of the reclaimed gravel pit.

In conclusion, the approval of this project is premature at best, and, as a matter of law cannot be approved. Therefore, the neighbors and I request that you grant our appeal and deny the project. Alternatively, I would request that this matter be continued to allow us to meet with the applicant and the council offices for CD 6 and CD 7 to see if there is a way to resolve all of these substantial issues.

Very truly yours,



William E. Eick,
Attorney at Law

WEE/cm

cc: Mr. Frank Quan
Los Angeles City Attorney
Counsel District 6
Counsel District 7

CITY OF LOS ANGELES
CALIFORNIA



DEPARTMENT OF CITY PLANNING

NOTICE OF PUBLIC HEARING

To Owners: Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site

And Occupants: Within a 100-Foot Radius
 Within a 500-Foot Radius
And: Others

This notice is sent to you because you own property or are an occupant residing near a site for which an application, as described below, has been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which you may listen, ask questions, or present testimony regarding the project, prior to a decision is rendered.

Hearing By: Hearing Officer
Date: Tuesday, February 17, 2015
Time: 11:00 a.m.
Place: Marvin Braude San Fernando Valley
Constituent Services Center
6262 Van Nuys Boulevard, Room 1B
Van Nuys, CA 91401

Staff Contact: Frank Quon
Phone No.: (213) 473-9987
frank.quon@lacity.org

Case No.: CPC-2014-3258-CU-SPR-ZV-ZAA
CEQA No.: ENV-2014-3259-MND
Incidental Cases: N/A
Related Cases: N/A
Council No.: 6 – Martinez and
7 – Fuentes
Plan Area: Sun Valley – La Tuna
Canyon
N/A
Specific Plan: Foothill Trails District
Certified NC: and Sun Valley
GPLU: Open Space
Zone: A1-1XL-G
Applicant: Alton Butler,
Representative: Line 204, LLC
Brad Rosenheim/Erika
Iverson, Rosenheim &
Associates, Inc.

PROJECT LOCATION: 11038, 11070, 11100 W. Peoria Street

PROPOSED PROJECT: Construction, use, and maintain a film and television production studio facility having total of 222,185 square feet of floor area consisting of a Studio Production Building, Warehouse Building, and an accessory gatehouse. The Studio Building will be approximately 110,040 square feet with a 3,465-square foot covered loading dock and a maximum building height of 74 feet, the Warehouse Building will be approximately 108,620 square feet, with a maximum building height of 54 feet, and the gatehouse will be approximately 60 square feet, with a height of 20 feet, situated along the Peoria Street frontage. The overall floor area ratio (FAR) as proposed is approximately 0.57:1 over the site. A total of 320 vehicle parking spaces are proposed along with 21 short-term and 26 long-term bike parking spaces. The subject

property is 9.98 acres (434,712 square feet), with approximately 623 linear feet of frontage on the south side of Peoria Street. Operational hours will be 24 hours a day, 7 days a week for the production activities, and the production support offices would be open Monday through Friday during regular business hours.

REQUESTED The Hearing Officer will Consider:

ACTION:

1. Pursuant to Sections 12.24.1 of the Los Angeles Municipal Code, a Land Use Determination to permit a film and television studio facility for a property designated by the Community Plan as Open Space;
2. Pursuant to LAMC Section 12.24.F, Conditional Use Determination for the following:
 - a. to permit a maximum building height of 54 feet for the proposed Warehouse Building in lieu of the maximum 30 feet permitted,
 - b. to permit a minimum front yard of 18 feet in the A1 Zone in lieu of the minimum 25 feet required, and
 - c. to permit an accessory gatehouse to be located within 10 feet of the front property line with an overhead canopy structure extending to the front property line for a 0-foot setback, otherwise not permitted;
3. Pursuant to LAMC Section 12.27, a Variance from Section 12.21.A.7(g), to allow a monument sign of 48 square feet, two identification wall signs on the proposed Studio Building, each sign to be 40 square feet for a maximum wall sign area of 80 square feet, one identification wall sign on the proposed Warehouse Building of 40 square feet, and to allow four wall signs on the vehicular entry gates, each sign to be 20 square feet for a maximum sign area of 80 square feet, all for a total of 248 square feet, where otherwise one identification sign of 20 square feet is permitted per building;
4. Pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment from Section 12.22.C.20.(f)(2) and (3), to permit a maximum wall height of 11 feet for the front wall, and a maximum wall height of 10 feet for the side and rear property line walls in lieu of the 6-foot walls permitted.
5. Pursuant to LAMC Section 16.05, a Site Plan Review for a development project consisting of an increase of 50,000 gross square feet or more of non-residential floor area in an enterprise zone;
6. Pursuant to Section 21082.1(c)(3) of the California Public resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.

The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Los Angeles City Planning Department, Expedited Processing Section, 200 N. Spring Street, Room 721, Los Angeles, CA 90012 (attention: Frank Quon).

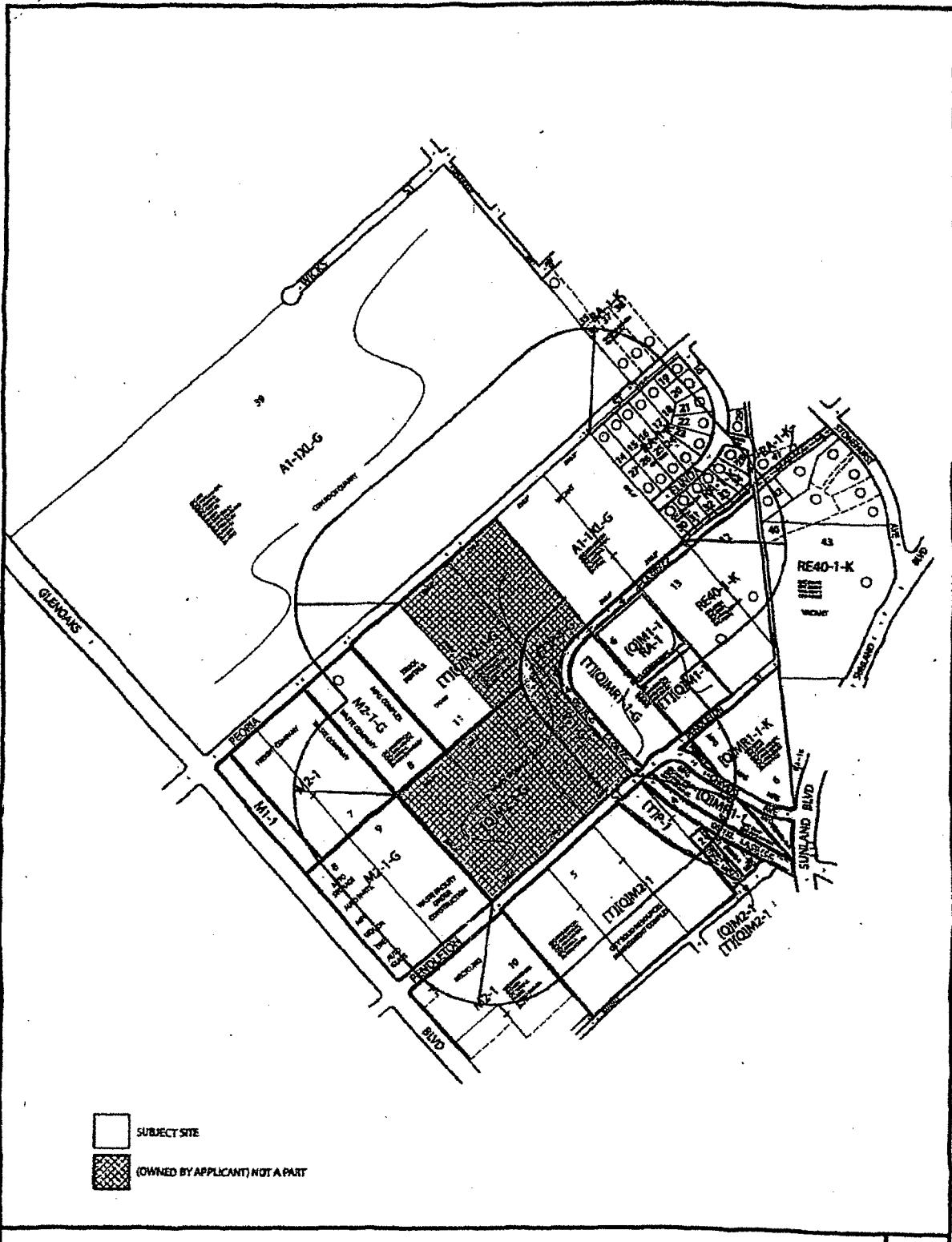
REVIEW OF FILE: CPC-2013-3258-CU-SPR-ZV-ZAA, including the application and the environmental assessment, are available for public inspection at this location between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call Frank Quon at (213) 473-9987 several days in advance to assure that the files will be available. The files are not available for review the day of the hearing.

ACCOMMODATIONS: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. *Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.*

Other services, such as translation between English and other languages, may also be provided upon request. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

To ensure availability or services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. *Para asegurar la disponibilidad de estos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.*

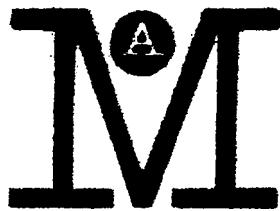
Puede obtener información en Español acerca de esta junta llamando al (213) 978-1349



CONDITIONAL USE · SITE PLAN REVIEW · ZONE VARIANCE

| | | | |
|---|---|--|---|
| Quality Mapping Service 14549 Archer, #1 SL, F, #101 Van Nuys, California 91405 Phone (818) 937-3442 - Fax (818) 937-0251 qmapping@verizon.com | THOMAS BROTHERS Page: 602, 503 Grid: J5, J6, A5, A6 LEGAL LOT: 5-6, 13-15 BLDG: 19 TRACT: LOS ANGELES LAND AND WATER CO'S SUBDIVISION OF PT: 217-SUN VALLEY- A PART OF MACLAY RANCHO LA TUNA CANYON MB 3-14-18 | A.P.N. 2538-011-(013,014) CD: 8 CT: 1211.02 CASE NO.: SCALE: 1=200 D.M.: 201B173.1888173 | DATE: 08-24-14 Update: SUBJECT SITE NET AC 9.815 ± OWNED BY APPLICANT NET AC 34.84 ± DRAWN BY: CONTACT: ROSENHEIM & ASSOCIATES PHONE: 818-716-2787 |
|---|---|--|---|

QUON-PLANNING



● McQUISTON ASSOCIATES

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

July 24, 2015

CF15-0703

ITEM 7, PLUM 7/28/15

S. Gin

**STATEMENT of J.H. McQUISTON on
CONVERSION of LAND USE CONTRARY to STATE CONSTITUTION**

Honorable Chairman and Members of the Committee:

There are many violations of State Constitution and Laws regarding the subject attempt to convert the use of the subject property. I raised these violations at the Commission's hearing on the matter, and as a Los Angeles City property owner, and as a Los Angeles City resident, I am empowered to act as "private attorney general" to enlist the power of the State to prevent the violations.

1. The Charter of Los Angeles is its "constitution" regarding matters compatible with State law. The Elected Charter Commission, which the electors created to reform the pre-1999 Charter, listened to people's complaints regarding the City Planning Commission and responded by creating "Area Planning Commissions, membership thereon being restricted to residents of the area." The Charter Commission explained their operation thusly to the voters when the "draft" became law after the vote in 1999 (binding on the City's operation of all Commissions):

"Executive Summary - Proposed Charter

"The Elected Los Angeles Charter Reform Commission

Introduction

"The **Elected Los Angeles Charter Reform Commission** has spent the last year and a half carefully studying every aspect of City government and debating how to improve it. The proposed draft Charter is designed to create a government that is more responsive, more accountable, and more efficient. This summary describes the reforms, contained in our draft Charter, designed to achieve each of these objectives.

"The draft Charter is much, much shorter than the existing Charter and is *more of a constitution* than the current Charter, which is akin to a detailed operations manual. []

"● Area Planning Commissions. The proposed Charter creates five Area Planning Commissions which will bring zoning and development decisions closer to the people. This will allow land use decisions to be made by those more familiar with the areas affected and sensitive to their needs." (*Emphasis added*)

Since 1999, the Department inconsistently-follows Charter Section 552 ("Area Planning Commissions"); in the subject case it did not obey the restriction per the above Summary. People failed to get the decision from Commissioners "more familiar with the area and sensitive to its needs", as their constitution the Charter prescribes.¹ The City Planning Commission's decision is void *ab initio*.

2. State Government Code requires separation of uses. As *Lesher* said at 535-536:

"A general plan must set out a statement of the city's development policies and objectives, and include specific elements among which are land use and circulation elements. (§ 65302² subds. (a) & (b).) Once the city

¹ Planning decreed the matter did not affect the City's environment, so Planning thereby had to put the matter to the Area Planning Commission per the Charter, not the City Planning Commission. The City Planning Commission's product is void *ab initio*. See, e.g. *Lesher Communications v City of Walnut Creek*, 52 Cal 3d 531, 539-541 and 543-546 (S Ct In Bank 1990).

² The land use element must designate "the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use elements shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory

has adopted a general plan, all zoning ordinances must be consistent with that plan, and to be consistent must be ‘compatible with the objectives, policies, general land uses, and programs specified in such a plan.’ (§ 65860, subd. (a)(ii).)’

Los Angeles claimed that to subject it to the State Law Section 65860 was “unconstitutional”. In response the Court in *City of Los Angeles v. State of California*, 138 Cal.App.3d 526 (1982), said at 532:

“[G]eneral law prevails over local enactments of a chartered city, even in regard to matters which would otherwise be deemed strictly municipal affairs, where the subject of the general law is of statewide concern.” (*Professional Fire Fighters, Inc. v. City of Los Angeles* (1963) 60 Cal.2d 276, 292 [32 Cal. Rptr. 830, 384 P.2d 158]; *Baggett v. Gates* (1982) 32 Cal.3d 128, 136 [185 Cal.Rptr. 232, 649 P.2d 824].)

“[] Here, we can but conclude that the challenged statute is not unconstitutional on its face.” *ibid* at 535.

The issue remains that the so-called “conditional use” is actually a “use variance”. Land planned for one use *may not be used* by the artifice of “conditional use” for another use not “specified” in the Plan.

In the LAMC it is clear that no use not specifically permitted by the Plan may be allowed.³

To allow the intended nonconforming use, the General Plan consisting of all its components would require amendment.

3. In *Philip Anaya v City of Los Angeles*, BS 099892 (2006)⁴, the Court decided that a buffer zone is protected from violation if the Plan requires such protection for an adjoining use.

The Appeal cites the requisite protection is indeed part of the Plan.

The implied issue is that City employees do not yet grasp the Legislature’s *raison d’être* for revising the Government Code to prohibit *ad hoc planning*, which this case certainly is, or perhaps the City’s aim is to “gouge” developers and appellants. *deVita v County of Napa*, 9 Cal 4th 763, 772-773 (S Ct 1995) elaborated:

“In 1971 several legislative changes were made to significantly alter the status of the general plan. For the first time, proposed subdivisions and their improvements were required to be consistent with the general plan (Gov.Code, § 66473.5 [formerly in Bus. & Prof.Code, § 11526]), as were zoning ordinances (Gov.Code, § 65860). (Stats.1971, ch. 1446, §§ 2, 12, pp. 2855, 2858; *City of Santa Ana, supra*, 100 Cal.App.3d at p. 532, 160 Cal.Rptr. 907.)

“Moreover, charter cities were no longer completely exempted from the requirements of the planning law; these cities had to at least adopt general plans with the required mandatory elements. (Gov.Code, § 65700, subd. (a); Stats.1971, ch. 1803, § 2, p. 3904.) Thus after 1971 the general plan truly became, and today remains, a “‘constitution’ for future development” (*Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540, 277 Cal.Rptr. 1, 802 P.2d 317) located at the top of “the hierarchy of local government law regulating land use” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183, 203 Cal.Rptr. 401).

“The general plan consists of a ‘statement of development policies … setting forth objectives, principles, standards, and plan proposals.’ (Gov.Code, § 65302.) The plan must include seven elements—land use, circulation, conservation, housing, noise, safety and open space—and address each of these elements in whatever level of detail local conditions require (*id.*, § 65301). General plans are also required to be ‘comprehensive [and] long []term (*id.*, § 65300) as well as ‘internally consistent.’ (*Id.*, § 65300.5.) The planning law thus compels

covered by the plan....” (§ 65302, subd. (a).) The circulation element must consist “of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other local public utilities and facilities, all correlated with the land use element of the plan.” (§ 65302, subd. (b).)

³ See e.g §12.27 D 5: “A variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity.” See also *Lesher* at 541: “Tail doesn’t wag the dog”. This prohibition rests on Constitution Article I §7(b) (“Equal protection”) and cannot be evaded by legislation.

⁴ The case was neither defended , nor was the adverse decision appealed, by Los Angeles. The City Attorney refused to defend the case in which the Council enacted a zoning variance incompatible with the controlling Community Plan. The variance would take away the buffer zone created to protect single-family housing from more-dense uses. So far, the City apparently chooses to operate as if may ignore *California, Lesher*, and *Anaya* among the City’s many similar court-setbacks.

cities and counties to undergo the discipline of drafting a master plan to guide future local land use decisions."

There is industrial land available in the City for Media use. This Committee lately heard applications to convert substantial amounts of restricted-industrial land and buildings to non-industrial use (violating the General Plan). **There being no facts in the record proving Applicant's use cannot be located anywhere else in Los Angeles where the Plan authorizes such use**, an amendment or other allowance for Applicant's non-conforming use for this parcel would be constitutionally-invalid.⁵

4. Government Code §65301(b) permits:

"The general plan may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area."

Los Angeles divided its General Plan as permitted by §65301, creating at least 37 documents controlling specific zoning on its land area. **But City fails to observe §65358, thereby putting the Legislature's 1971 commands for Plans to control future, orderly development in the wasebasket.** *deVita* noted at 790-791:

"Commentators have noted the tension between the ideal of the general plan as a long-range vision of local land use, and the reality that general plans are often amended in a fragmentary fashion to accommodate new development. One survey of California city and county planning departments shows that approximately 75 percent of proposed planning and zoning amendments are privately initiated in conjunction with development applications, and that approximately 66 to 75 percent of these amendments are ultimately approved. (Dalton, *Limits of Regulation: Evidence from Local Plan Implementation in California* (1989) 55 J.Am. Planning Assn., 151, 156, 159 (hereafter *Limits of Regulation*); see also Fulton, *Guide to California Planning* (1991) 66; Glickfeld, *Local Initiatives in the 90s: Coming to Terms with an Imperfect Voice of Democracy in Land Use Forum* (Cont.Ed.Bar 1992) pp. 99, 100 (hereafter *Local Initiatives in the 90's*); and see, e.g., *Yost v. Thomas*, *supra*, 36 Cal.3d at p. 569, 205 Cal.Rptr. 801, 685 P.2d 1152; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 156-157, 217 Cal.Rptr. 893.)

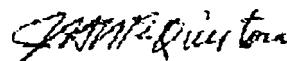
"As the author of that survey has concluded, the planning and zoning amendment process has become in many communities one of "piecemeal adjustment" by local planners and local legislators in response to development pressures. (*Limits of Regulation, supra*, 55 J.Am. Planning Assn. at pp. 151, 159.) This conclusion comports with the well-known phenomenon commonly referred to as the "fiscalization of land use," whereby planning decisions are frequently driven by the desire of local governments to approve development that will compensate for their diminished tax base in the post-Proposition 13 era. (See Fulton, *Guide to California Planning, supra*, at pp. 15-17, 208-213.)

"It was presumably to curb an excessively *ad hoc* planning process that the Legislature limited in 1984 the number of amendments to any mandatory element of the general plan to four per year. (Gov.Code, § 65358, subd. (b).) General plans that change too frequently to make room for new development will obviously not be effective in curbing 'haphazard community growth' (*Selby Realty Co. v. City of San Buenaventura, supra*, 10 Cal.3d 110, 120, 109 Cal.Rptr. 799, 514 P.2d 111.)"

Los Angeles seems to amend its General Plan at almost every weekly session. It apparently utilizes the Josef Stalin approach to abiding law, namely "How many police has the Court?"

In this case Los Angeles must stop its scofflaw-approach to Charter, State and Constitution and laws.

Respectfully submitted,



c: Interested parties

J. H. McQuiston

⁵See discussion of the distinction between "use" and "bulk" explained in *Topanga Assn v County of Los Angeles*, 11 C 3d 506, 511 n5 (S Ct In Bank 1974): "A third paragraph added to section 65906 declares: 'A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.' This paragraph serves to preclude "use" variances, but apparently does not prohibit so-called "bulk" variances, those which prescribe setbacks, building heights, and the like." The prior section is the LAMC citation *supra*, which implicitly is the same as what *Topanga* quoted..