

March 7, 2018

Honorable Herb Wesson
President, Los Angeles City Council
Honorable Members of Los Angeles City Council
200 North Spring Street, Room 430
Los Angeles, CA 90012

Re: Council File 16-1470 (Cheviot Hills Zoning Change)

Dear Council President and Councilmembers:

Thank you for your service to the City of Los Angeles, particularly your thoughtful and independent review of motions upon which you are asked to vote.

I am a resident of Cheviot Hills, within Council District 5 ("CD5"). Before you on March 9, 2018, at least as of this writing, will be a motion by Councilmember Koretz to change the zoning designation for Cheviot Hills from R1/BMO to R1V2. This motion originally was made over a year ago, and it has been continued repeatedly since then. The reason for these repeated continuances is that no public policy or community consensus exists to support the motion.

As reflected in the Council File, approximately 400 residents of Cheviot Hills have gone on record supporting R1/BMO over R1V2, while fewer than a dozen residents have gone on record supporting R1V2. The Cheviot Hills Homeowners Association has not taken a position because there is no community consensus to change Cheviot Hills' zoning.

While BMO supporters have been transparent in publicly providing lengthy reports and data summaries to Councilman Koretz showing that the BMO is fulfilling the City Council's edict that the Planning Department "address the issue of out-of-scale development and loss of neighborhood character in single-family zones" [Department of City Planning Recommendation Report dated November 10, 2016, p. A-5], R1V2 supporters have operated in total secrecy.

R1V2 supporters have provided materials to Councilman Koretz and CD5 staff that never have been disclosed, despite repeated requests to Councilman Koretz and CD5 staff, thereby preventing any challenges to their accuracy.

R1V2 supporters have met in private with Councilman Koretz and CD5 staff and refused to permit the Chair of the Westside Neighborhood Council to attend their meeting (while the BMO supporters included her in their meeting with Councilman Koretz).

Because there has been no transparency in this process, we are left to wonder why this motion remains under consideration. As reflected in every public hearing before the Planning Commission and PLUM, the Planning Department has never issued any finding that R1V2 is the better option for Cheviot Hills. At the PLUM meeting on February 14, 2017, the Planning Department made no recommendation regarding the zoning designation for Cheviot Hills. Nevertheless, the CD5 representative strangely stated that CD5 was "supportive of the zone changes in our Council District that were read off [by the Planning Department representative]. Those include ... Cheviot Hills ... as R1V2." [Audio Transcript, PLUM Meeting, February 14, 2017, at 49:39].

Based on this misstatement by the CD5 representative, the PLUM committee marked Cheviot Hills as R1V2 in its "Draft Ordinances" despite there being no finding that it complies with the City Council's edict to address out-of-scale development and loss of neighborhood character in Cheviot Hills.

More recently, Councilman Koretz' office mailed out a survey packet to residents of Cheviot Hills, ostensibly seeking unbiased feedback on the zoning designation for our neighborhood. Although the survey materials were slanted in favor of R1V2,¹ the survey results apparently confirmed that the community overall does not support upzoning Cheviot Hills from R1/BMO to R1V2.

Following the survey, I and others supporting R1/BMO met with Councilman Koretz and CD5 staff. We again asked what information Councilman Koretz and his staff were looking at in deciding whether to pursue this motion. We still have not received that information. Today, CD5 staff told us that they would not give it to us without a Public Records Act request, which now has been done and is attached.

We were told in the meeting that, given the lack of consensus, CD5 had decided to use a "holistic approach" in making its decision. When asked what factors were being considered as part of this "holistic approach," Councilman Koretz stated that he was looking at (1) public policy and (2) what he has heard in private meetings with members of the public. He and his staff gave us examples of personal anecdotes from people reporting they cannot build what they need under R1/BMO. These anecdotes admittedly were not vetted for accuracy or reliability.

Even under this "holistic approach," the factors do not support upzoning Cheviot Hills from R1/BMO to R1V2. With regard to public policy, the City Council already declared a need to "address out-of-scale development and loss of neighborhood character in single-family zones." Neither the Planning Department nor PLUM has ever declared that R1V2 is consistent with this public policy.

To the contrary, the only report issued by the Planning Department found that an even more restrictive zoning variation than R1/BMO was necessary to fulfill this public policy. [Department of City Planning Recommendation Report dated November 10, 2016, p. F-50 ("The proposed zone change ordinance for the Lower Council District 5 Community is necessary in order to preserve and maintain the character defining features, such as scale, proportion, building mass and garage orientation that make the existing single-family neighborhood unique").]

With regard to community voices, many more residents have gone on record supporting R1/BMO than R1V2. Unvetted anecdotes cannot be permitted to supplant the voices of the community at large.

Accordingly, I respectfully request that the City Council deny this motion.

Sincerely,



Margaret H. Gillespie

2851 Motor Avenue, Los Angeles, CA 90064

¹ Examples include saying "nearby Beverlywood and Castle Heights" have R1V2 without saying nearby Westwood, Brentwood, and Little Holmby have R1/BMO; the inclusion of an information sheet for R1V2 without including an information sheet for R1/BMO; and, framing the survey question as the only difference between R1/BMO and R1V2 being an additional 500 square feet, when the differences are many and much more consequential.

Margaret H. Gillespie
2851 Motor Avenue
Los Angeles, CA 90064

March 7, 2018

VIA EMAIL

The Hon. Paul Koretz
Councilmember, Council District 5
200 N. Spring Street, Room 440
Los Angeles, CA 90012

RE: Public Records Act Request

Dear Councilmember Koretz,

Pursuant to the California Public Records Act (Government Code Section 6250 et seq.), I am requesting the following information:

- All records reflecting communications between members of the public and representatives of CD5 regarding Cheviot Hills zoning, from January 1, 2014 through the present, including letters, emails, and notes taken of any oral communications;
- Records reflecting each and every meeting between representatives of CD5 and members of the public regarding residential zoning for Cheviot Hills, from January 1, 2014 through the present;
- Records reflecting the signatures of Cheviot Hills residents supporting R1V2;
- All records reflecting communications between representatives of Council District 5 and representatives of the Planning Department regarding residential zoning for Cheviot Hills, including letters, emails, and notes taken of any oral communications between CD5 representatives and Planning Department representatives;
- All records reflecting the information and materials being considered by CD5 in making any recommendation or decision regarding the residential zoning designation for Cheviot Hills; and,
- Records evidencing the total number of survey responses received by CD5 in favor of R1V2 and the total number of survey responses received by CD5 in favor of the BMO.

Please note that the Public Records Act allows a member of the public to request records by describing their content, rather than asking for specific documents by name; an agency that receives such a request must "search for records based on criteria set forth in the search request."¹ If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.²

This request applies to all records in your agency's possession, including documents created by a member of another government agency or a member of the public.³

¹ *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998).

² California Government Code section 6253(a).

³ *See California State University v. Superior Court*, 90 Cal. App. 4th 810, 824-25 (1999).

Please provide entire documents, even if only parts of them are responsive to this request. If you maintain records or data in electronic format, please provide them in that same format.⁴

Please respond to this request within ten (10) days, either by providing all the requested records or by providing a written response setting forth the legal authority for withholding or redacting any document and stating when the documents will be made available.⁵

Should you require any clarification in identifying responsive documents or focusing this request, please contact me at mhamgillespie@gmail.com. If the documents are in electronic format, they should be emailed to the same email address. If they are in paper format, please contact me so that we can make arrangements for inspection and copying.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret H. Gillespie". The signature is fluid and cursive, with a prominent initial "M".

Margaret H. Gillespie

MHG/mg

⁴ California Government Code section 6253.9.

⁵ California Government Code sections 6253(c) and 6255.