

A QUESTION OF HONESTY

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When the City Council starts its hearing Thursday on the application of the Los Angeles Mountain Park Company to build and operate a slurry mill and quarry in Santa Ynez Canyon, it will have before it the question of whether the zoning ordinances of the city mean what they say, or whether they can be overridden every time an influential commercial interest decides it is worth while.

If the Council permits the intrusion of heavy industry into an area set aside for single-family residences exclusively and developed for seven years as a fine home section, then the zoning ordinances give no protection whatever and might as well be repealed. The repeal will serve honest notice on the world that Los Angeles does not care how it grows. Granting the permit serves the same sort of notice, but does it in an underhand, hypocritical way. It is better for property owners to understand outright that they have no protection, that the city will not aid them in preserving the kind of neighborhood they want and have paid high prices to live in, and that, so far as the city is concerned, heavy industry may locate anywhere that it is not barred by private restriction, than that the city should appear to extend protection with one hand and withdraw it with the other.

There is no question that the Bell cement plant scheme is not wanted by the majority of the property owners within a few miles of its proposed location; they are virtually a unit in protesting against it. These people know that no matter how this heavy industrial plant is camouflaged, no matter what pains are taken to prevent it from becoming a nuisance, it will always be a nuisance, actual or potential, and that its very presence depreciates the value of their property and makes it less desirable. They do not care to take any chances. The city cannot let anybody take a chance without breaking faith.

In fact, if this scheme is approved by the Council there will be two breaches of faith—one by the city and one by the Los Angeles Mountain Park Company, which, in every land deed and contract, placed a stipulation forbidding industrial development, and by inference at least bound itself not to make any industrial development.

Since the faith of Alphonzo Bell (who for all practical purposes is the Los Angeles Mountain Park Company) was pledged only inferentially, it may be technically legal for him to betray it, but the repudiation reflects no credit upon him and certainly should not be sanctioned by the city. Any City Councillman who votes for this permit votes his approval of sharp practice that verges upon moral dishonesty.

The question of whether Bell has made investments in the Santa Ynez Canyon area from which he will be unable to make the largest possible return if the present zoning is retained, is beside the point, as was shown by United States Judge James in a recent case involving the right of the Standard Oil Company to drill near the Hillcrest Country Club. Drilling was not permitted.

"A man might make a very large investment in city lots which were at the time clear of restrictions and with the intent to erect a large business thereon," said Judge James, "and the next day the city might adopt an ordinance of legal effect upon him, which would so zone his property as to prevent his making the most productive use of it possible. The loss he would suffer he would have to endure for the general good."

The case for retaining the present zoning is even stronger than the illustration given by Judge James, since the Zone A blanket was spread in large part at the request of the Los Angeles Mountain Park Company, which now seeks to have it removed, and that company obtained large profits through the sale of residence lots at prices substantially higher than would have been the case but for the zoning.

If the Los Angeles Mountain Park Company suffers a loss—it could, at most, be only a theoretical loss since there is no certainty the Bell scheme is commercially feasible—it is one it should endure for the general good.

A quarry and slurry mill in that particular locality is most decidedly out of place, and so is a pipe line carrying limestone dust into a pleasure bay, even if either could be operated so as not to be objectionable from the standpoint of dust, noise and pollution of air and water. But the question of whether the city zoning ordinances shall be changed for purely commercial reasons is a much bigger question, and the Council's decision on it is one which will have far-reaching effect on the city's future.

The city could better afford to give Bell \$1,000,000 out of the city treasury outright than to grant him this permit. It would quickly recoup the gift from the increase in taxable values that would ensue if the honesty and good faith of the zoning ordinance is upheld in letter and spirit.