

# 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

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

In its 91-page final report to the City Council and mayor, the Citizens Committee on Zoning Practices and Procedures recommended special legislation—including formation of a group dealing with a code of ethics and conflict 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 pattern and "some of the most flagrant examples of what amounts to spot zoning..."

The committee reiterated its belief that there is a "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 changed, bargained over and influenced, "sometimes legitimately, sometimes illegitimately."

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

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, 1967, 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 Ostengård, vice president of the United California Bank.

Other committee members are Dr. John C. Bolens, 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 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 in support of the recommendations in the first report.

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

While conceding that council had in modifying their recommendations.

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 employes 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 range of conduct in office are pending before the council's Governmental Efficiency Committee.

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Action has been held up for weeks pending receipt of advice from the city attorney's office as to how far 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-

cy at City Hall, the committee noted that the Brown Act prohibits members of public bodies from reaching joint decisions in secret.

The protection of local public officials from "private pressure and arguments hidden from public view" should be expanded, the committee said.

One regulation would bar oral or written communications between officials regarding any matter pending before a board or commission except those presented in open public meetings or addressed to the agencies as a whole.

Councilmen and the mayor would be excepted, however, the report said, observing that "the remedy for abuses by elected officials is at the ballot box."

Changes in the procedure for appointment of commissioners also were urged by the committee.

It noted dangers in present provisions which allow an appointee to be removed from office at any time simply by appointment of a replacement by the mayor and confirmation by the council.

To preclude this possibility, the committee suggested that in such a case that removal must precede a new appointment.

By requiring separate removal, "arbitrary removal would be unlikely," the committee declared.

It also called for granting to the council of power to initiate removal by a two-thirds vote and in the event of mayoral opposition a four-fifths vote to sustain the action.