

Council Gives Itself the Right to Appeal Decisions on Zoning

Other City Officers, Departments and Bureaus Included; Move Stems From Ruling Involving Ex-Harbor Official

City councilmen Wednesday extended to themselves and other public officials the right to appeal certain Planning Commission and Board of Zoning Adjustment conditional use decisions to the council.

Under an existing ordinance, the privilege is limited to an "aggrieved party," which normally is the conditional use applicant or opponent.

The council action, approved 13 to 0, expands the aggrieved party category to include "an officer, board, department or bureau" of the city, and permits them to appeal on actions normally appealable to the council.

The measure was sponsored by Councilman Louis R. Nowell, who was turned down by the BZA last year in a case involving alleged conflict of interest.

Nowell appealed a ruling granting former Harbor Commissioner Robert (Nick) Starr permission to build a 185-bed convalescent hospital in a Pacoima residential area.

Nowell protested that the deciding vote was cast by a former business associate of Starr, attorney James R. Tweedy, who was subsequently transferred to the Social Service Commission by Mayor Sam Yorty.

Starr later was indicted by the County Grand Jury on two counts of bribery in connection with the award of a \$12 million World Trade Center contract to developer Keith Smith.

A jury was being selected Wednesday for his trial.

Nowell appealed to the BZA on grounds that he was an aggrieved party in the application since he represented the district.

Roger S. Hutchinson, then BZA president, held, however, that he was not a proper appellant within the meaning of the municipal code.

Decision Was Upheld

Hutchinson was upheld by Asst. City Atty. Claude E. Hilker, who ruled that Nowell was "not personally affected or injured."

Nowell, however, argued that councilmen, as elected officials, should have the same privilege as aggrieved parties in carrying an appeal to the council.

It was on that basis that the council acted Wednesday.

Prior to the vote, principal City Planner Michael H. Salzman told the lawmakers the Planning Department and staff favored the new ordinance, but that the commission opposed it because it felt the appeal was being spread to "too many people."

Salzman said the department felt most conditional use grants are for quasi-public items and that "if any officer, board, department or bureau felt very strongly about it they should have the right to appeal to the council."