



California Fair Political Practices Commission

April 13, 1988

Lynn S. Harrison
Vice Mayor
City of Lancaster
44933 North Fern Avenue
Lancaster, CA 93534

Re: Your Request for Advice
Our File No. G-88-142

Dear Mr. Harrison:

You have asked for advice concerning a mailing sent by the Antelope Valley Board of Realtors.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act.^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised.

If you believe that the Act may have been violated, you may contact our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

Diane M. Griffiths
Diane M. Griffiths
General Counsel

DMG:plh

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

City of Lancaster

44933 North Fern Avenue
Lancaster, California 93534
805-945-7811



APR 6 10 25 AM '88

April 6, 1988

Fair Political Practices Commission
Post Office Box 807
Sacramento, California 95814

Arnie Rodio
Mayor
Lynn S. Harrison
Vice Mayor
Els Groves
Councilman
Fred M. Hann
Councilman
Jack Murphy
Councilman
James C. Gilley
City Manager

Dear Sirs:

There will be an election held in our City on April 12, 1988 for two seats on the City Council. Councilmember Fred M. Hann, the only incumbent, is seeking re-election.

Attachment 1 shows City of Lancaster Planning Commission hearings were conducted regarding the proposal to raise lot sizes from 6,000 to 7,000 square feet some weeks ago. The City Council held a public hearing on the issue, amended and introduced the Ordinance April 4th (Attachments 2 & 3).

The letter from the Antelope Valley Board of Realtors (Attachment 4) was received in the mail throughout the City on April 5th three weeks after the Commission's recommendation, the day after the Council's public hearing on the same issue, and one week prior to the election.

You will note Councilmember Fred Hann is specifically named and criticized for his involvement.

In the Attachment 5 clipping dated March 27th, it shows this has become a campaign issue for two candidates in the election. Attachment 6 quotes Mr. Fahey saying he is running against Fred Hann and not for the open seat. Attachment 7, shows Mr. Fahey received a \$2,500 campaign contribution from the Board of Realtors Political Action Committee on April 1, the same day the Board of Realtors wrote their letter to the public.

I am asking if, in fact, this letter from the Board of Realtors constitutes a political mass mailing.

Sincerely,

LYNN S. HARRISON
Vice Mayor

mr
Attachments

Planners raise home lot size

By CHARLES F. BOSTWICK
Staff Writer

LANCASTER — Planning commissioners backed a proposal to raise the minimum size of home lots in the city to 7,000 square feet, up from the present minimum of 6,000.

Commission Chairman Gary Riley said the action demonstrates that the city is trying to control development, though he acknowledged the step is a small one.

"The council is starting to hear what the majority, I believe, of people are saying, trying to control (development) and not be building at the high end of the apartments and the high end of the densities," Riley said.

The vote was 4-1, with Commissioner Catherine Adams dissenting. She said the change has the potential for harming owners of existing homes on 6,000-square-foot lots, some owners of small land parcels and some people looking to purchase afford-

able housing.

The change may mean a city-wide difference of only 250 or 300 fewer homes, she said.

"I really don't see the purpose of this ordinance," Adams said.

Commissioner Richard Cox, saying he believes he speaks for residents who think Lancaster's population is growing too fast and at too great a density, responded: "Even if it's only 250 units, that's sufficient enough for me to support it."

Lancaster Coalition of Neighborhood Organization President Jack Wesesky endorsed the change, saying that reducing the number of homes allowed to be built appears the only way to limit traffic congestion.

Increasing the size of lots need not hinder first-time homebuyers looking for affordable housing, since Lancaster already has a supply of older homes for them, Wesesky said.

Representatives of the Antelope Valley Board of Realtors

See A12

Antelope Valley Press, Tuesday

Planners . . .

Antelope Valley Board of Realtors said they did not oppose larger minimum lots for new development, but said they were worried the change would create problems for owners of existing homes on 6,000 square foot lots when they want to enlarge their homes or rebuild after a fire. It also could make it harder for them to get home loans, they said.

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Officials defend new zoning

By SANDY HARRISON
Daily News Staff Writer

LANCASTER — Owners of homes on 6,000-square-foot lots will suffer because of a new city law requiring future lots to be at least 7,000 square feet, the president of the Antelope Valley Board of Realtors said Tuesday.

City officials, however, say the law only applies to future development and will not affect existing homeowners.

The City Council, on a 3-2 vote Monday, approved an ordinance raising the minimum lot size from 6,000 to 7,000 square feet, and eliminating the old R-6,000 zone. Mayor Arnie Rodio

and council members Fred Hann and Lynn Harrison supported the change, while councilmen Els Groves and Jack Murphy opposed it.

The board of realtors, in a letter to Lancaster homeowners, said city officials have ignored the adverse effects the ordinance will have on existing homeowners.

Mayor Arnie Rodio on Tuesday charged the realtors with using the issue to stir up opposition to Hann's re-election. "It's strictly a campaign scare tactic by the board of realtors," he said.

"I live on a 6,000-foot lot, and I certainly wouldn't vote for something that makes my own

property unbuildable. If the mayor's lot is 6,000 feet, then the public shouldn't worry," Rodio said.

Board President Mark Troth denied that it was a campaign tactic, and said the council should have simply changed the zoning on undeveloped areas, rather than enacting a sweeping new law abolishing the old zone entirely.

He said the board may continue to oppose the ordinance, which must be approved by the council a second time to take effect.

Although the law applies only to new homes, it will make it more difficult for the 4,000

owners of existing homes on 6,000-square-foot lots in Lancaster to sell, refinance or insure their homes, Troth said.

"What they've done is forced the homeowner to jump through some additional hoops," Troth said. "Even though the city knows that the owner of a smaller lot isn't in violation, in the eye of the lender, buyer, or insurer he will be guilty until proven innocent."

Troth said the homeowner will be left with the burden of proving that his home is in compliance, which could add days or weeks onto the appraisal time.

"We all know what interest rates can do in a couple of days.

lot sizes still unresolved

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Real estate agent Kristi Pizel said it doesn't
matter whether city officials say the change will
not affect existing homes.

"The only thing that matters is what loan un-
derwriters think, what appraisers think, what in-
surance adjustors think," she said.

"It provides an additional burden of proof on you
to show your lot was legally created," said real es-
tate agent Danielle Lewis, chairman of the Ante-
lope Valley Board of Realtors local government re-
lations committee.

The new clause added to the zoning ordinance
goes after a passage that says "It shall not be the
intent of this ordinance to render previously legal-
ly created building lots or legally constructed
buildings which do not comply with the new prop-
erty development regulations of this ordinance to
be nonconforming where these lots or buildings
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Antelope Valley Board of Realtors



44620 Tenth Street West • Lancaster, California 93534 • (805) 948-5036

MARK TROTH President	•	DENNIS McCOLLAM First Vice President	•	FRANK HABERKORN Second Vice President	•	BOB SCHAFF Secretary	•	CHARLA ABBOTT Treasurer	•	"SAM" WHITE Executive Officer
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April 1, 1988

Dear Property Owner:

YOUR PROPERTY RIGHTS MAY BE IN DANGER!

At the instigation of Councilman Fred Hann the City has proposed the "elimination" of the zoning for the lot size on which your home sits.

This proposed ordinance will eliminate from existence any zoning smaller than 7000 square foot lots. The burden of proof that your home was legally created will be your responsibility.

Will this affect your ability to:

1. Expand your home?
2. Alter your home?
3. Rebuild your home in the event of a major loss?
4. Refinance your home?
5. Sell your home?

The Antelope Valley Board of Realtors is greatly concerned that you WILL be adversely affected. While City officials have been quoted as believing the zone change will not affect you, we have letters from local lenders and insurance agencies which indicate this COULD cause you problems in the future. The City of Lancaster has ignored our request that the City notify you of this ordinance and its potential negative impact on you!

The Antelope Valley Board of Realtors is not opposed to future lot sizes requiring the 7000 square foot minimum. Our concern is that the wording of the ordinance eliminates the zoning on already developed homes. We see no reason for the City to apply this zone change to your property and create the potential for a problem to you. An easy solution, which we have suggested, would be to simply apply the zone change ONLY to new developments.

Help us protect your property rights. Contact Lancaster City Hall at 945-7811 and ask the date and time that the City Council will hear this ordinance for final adoption.

BE THERE! LET YOUR VOICE BE HEARD!

Rodio calls lot-size brouhaha baloney

By CHARLES F. BOSTWICK
Staff Writer

LANCASTER — Mayor Arnie Rodio labeled as "baloney" assertions by council candidates that the city's proposed increase in minimum home-lot sizes will prevent owners of 3,500 existing homes from remodeling, rebuilding or selling their homes.

Rodio said owners of homes on existing lots smaller than the proposed new minimum of 7,000 square feet will continue to be able to remodel, rebuild after a fire or sell their homes if the council adopts the change.

"It makes not one bit of difference to the guy that's living out there," Rodio said Friday. The change will be felt only in new subdivisions, where 6,000-square-foot lots will no longer be allowed, he said.

"It's good campaign rhetoric, but, by golly, I don't think you scare the community to win an

election," Rodio said, adding he has got "a lot" of telephone calls about it.

Rodio quoted from the residential zoning code a section that read: "It shall not be the intent of this ordinance to render previously legally created building lots or legally constructed buildings which do not comply with the new property development regulations of this ordinance to be nonconforming where these lots or buildings complied with the ordinance in effect at the time of their creation or construction."

Candidate Nick Maluccio, at the Lancaster Coalition of Neighborhood Organizations forum Wednesday, said the elimination of zoning for 6,000-square-foot lots would leave 3,500 homeowners unable to remodel, rebuild or sell their homes.

See A12

Baloney . . .

From A1

Candidate Joe Fahey had made the same charge, without naming a figure, at an earlier forum.

Asked about Rodio's response, Fahey said: "I want to see it work once before I believe it."

Maluccio said he would be pleased if the change proves to be no problem to homeowners, but "I haven't gotten a straight answer."

Maluccio said he based his remark on what he said was a statement at a public hearing two weeks ago by principal planner Paul Ocker that "we have to look at that on a case-by-case basis" when a homeowner asks for a building permit for an existing 3,000-square-foot lot.

But Ocker said he did not believe he was talking about the new zoning at the public hearing. He said the 6,000-square-foot zoning issue may be getting confused with remarks made at a previous discussion about existing homes in industrial zones.

A loan representative at Antelope Valley Savings said the change would not prevent a homeowner from getting financing there. A planning staff member in Palmdale, where the minimum lot size several years ago was raised to 7,000 square feet, said owners of smaller lots can get building permits.

il; cites storm drains, ban on



believe I'm honest. I believe open-minded. I believe I can do a proper job and represent the citizens of Lancaster. I'm not running for the open seat. I'm running to change the makeup of the council — to seat the incumbent.”

Fahey, 35, has been an Antelope Valley resident since he was 10 years old, when his father was transferred to Edwards Air Force Base. He grew up in Littlerock and attended Palmdale High School.

Fahey has been a sales representative for five years at Young's RV Center, and in commission sales since 1977.

Fahey is very successful at what he does, he said. “You have to be able

to listen to people, to find out exactly what they want and what they need and make recommendations based on that.”

He said he is a member of the High Desert Jaycees and a volunteer for 13 of the last 14 years for the Monte Vista Little League.

He also says he does volunteer work at Antelope Valley Hospital Medical Center's chemical dependency unit, where he was treated after what he described as problems with alcohol and tranquilizers following the 1982 kidnap-murder of his younger brother.

He says one of the things that got him interested in city government was the boulevard cruising issue.

“We took away cruising but we didn't give them an alternative.” He said he believes a city-sponsored teen center with dances and concerts — “just a place to be able to gather” — would attract young people if properly managed.

He also said he got excited over the proposed auto mall, which he says is too small to accommodate all the auto dealers. If the city officials wanted to keep car dealers and their sales tax revenue in Lancaster, he asked, “why did they place such stringent restrictions on them regarding signs, banners and landscaping?”

Among his top priorities, Fahey said he wants to push for development of the so-called “peripheral loop” — widening Avenue L, 20th Street East and other streets so traffic can flow around the outside of the built-up central city.

Second priority is a youth center and third, he said, is “to sit down with Palmdale to say, let's stop the bickering ... The bickering wars have done nothing but cost both cities money. I truly believe we can sit down with Palmdale to work something out.” He criticized the present Lancaster council members for not being able to get along.

Tuesday, Mar 29-88

LATE Contribution Report

Filed Committee to Elect JOE FATHEY
45415 TOWNWOOD
LANCASTER, CA 93534

Received From

CREPAC /BORPAC
525 S VIRGIL AVE
LOS ANGELES, CA. 90020
ID# 742276
Amount \$ 2500⁰⁰



April 1st 1988

Chris,

I hope this works



RECEIVED

APR 01 1988

CITY OF LANCASTER

BY _____