



Roscomare
Valley
Association

March 20, 2012

Joyce Essex
Danny Harvey
Ron de Salvo
Coldwell Banker North
301 North Canon Drive
Beverly Hills, CA 90210

Re: UCLA Hannah Carter Japanese Garden (10619 Bellagio Road, Los Angeles, CA 90077;
Los Angeles County Assessor Parcel No. 4362-002-900)

Dear Ms. Essex, Mr. Harvey, and Mr. de Salvo:

As the listing agents for the above property, I am writing to inform you that the Roscomare Valley Association (RVA) Board of Directors strongly supports the extensive ongoing efforts to save the Hannah Carter Japanese Garden (Garden), as detailed on the following website: <http://hannahcarterjapanesegarden.com/>. In this regard, we strongly oppose UCLA's current efforts to sell the Garden, which has been an important part of the Bel Air community for half a century. Our homeowners organization includes almost 900 households in north Bel Air that are located close to both the Garden and UCLA.

Former UC Regent Edward W. Carter and Hannah L. Carter donated the Garden to UCLA in 1964 with the understanding that UCLA would maintain it in perpetuity and make it accessible to the public. While the UC Regents and UCLA apparently have the "legal" right to abrogate their "in perpetuity" agreement with the Carters and to then put the Garden up for sale, we consider both the abrogation and the proposed sale to be highly unethical. Furthermore, we feel these actions are seriously damaging the image of UCLA as an ethical institution, because it is obvious that UCLA could use apparently "legal" tactics to abrogate the terms of other gifts that it has received in good faith.

As support for our position, I have attached four other statements of opposition to the sale of the Garden: the January 24, 2012 letter from Los Angeles City Councilman Paul Koretz, the January 31, 2012 remarks of Jim Caldwell (eldest son of Hannah Carter), the February 21, 2012 UCLA Daily Bruin Garden Coalition Commentary, and the March 6, 2012 letter of Sacramento businessman Norman R. Brown regarding "money" versus "ethical conduct" at UCLA. These four items provide constructive ideas on how to save the Garden.

We request that you fully disclose to everyone who bids on the Garden the above opposition to the sale of the Garden. Also, we request that you disclose that this property is not currently classified by the Los Angeles County Assessor as a "single family residence," but has the Property Type of "other." The RVA Board has extensive experience in making sure that residential development projects in Bel Air satisfy Los Angeles City zoning and building codes. We will vigorously oppose any attempt to change the current zoning status of the Garden in order to make possible the construction of single family residence on this very special property.

Finally, several RVA Board Members and I request the opportunity to personally meet with you in order to explain the opposition to the sale of the Garden in more detail.

Thank you very much for your consideration and cooperation.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Stephen C. Twining". The signature is fluid and cursive, with a large loop at the end.

Stephen C. Twining
Multi-Year President, Roscomare Valley Association
President Emeritus (Former Multi-Year President), Bel Air-Beverly Crest Neighborhood Council
Former Chairman and Former President, Federation of Hillside and Canyon Associations, Inc.
Member, West Los Angeles Community Police Advisory Board
Vice President, Traffic Committee, West Los Angeles Community Police Advisory Board
Bel Air-Beverly Crest Neighborhood Council Representative,
Western Regional Alliance of Councils (10 Neighborhood Councils & 3 Community Councils)
Leadership Committee Member and Transportation/Mobility Chair,
Western Regional Alliance of Councils
Representative, Fifth City Council District Association of Homeowners

Committees:

Chair

Audits & Governmental
Efficiency

Vice Chair

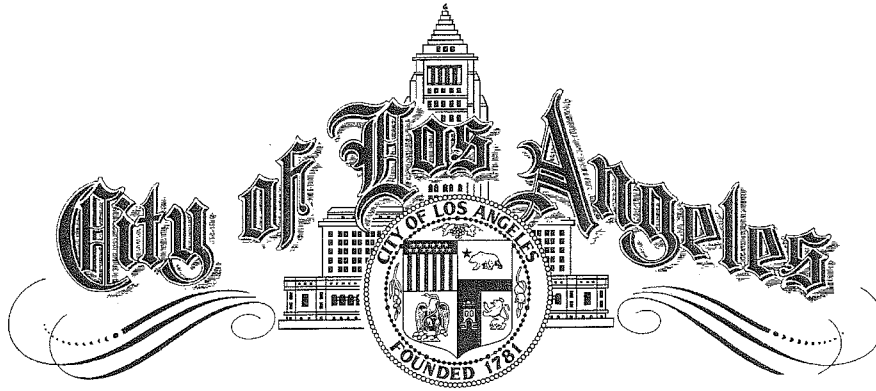
Personnel

Member

Budget & Finance
Energy & Environment
Transportation

Website: <http://cd5.lacity.org>

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PAUL KORETZ
Councilmember, Fifth District

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January 24, 2012

Chancellor Gene Block
University of California, Los Angeles
Box 951405, 2147 Murphy Hall
Los Angeles, CA 90095-1405

Re: Sale of UCLA Hannah Carter Japanese Gardens

Dear Chancellor Block:

I am writing you on behalf of many of my constituents, neighborhood groups, and the UCLA community to express my strong opposition to the proposed sale of the UCLA Hannah Carter Japanese Gardens.

The sale of these gardens would deprive the UCLA campus and our community of a unique educational resource. This two-acre garden, located in Bel Air, is considered to be one of the most notable Japanese gardens in the United States. I am disheartened to hear that, besides the cultural artifacts donated to the Fowler Museum; no efforts are being made to preserve the garden property as a whole.

I am very concerned that if the Japanese Gardens are sold, they will be sold to a developer who has no intention to preserve it. Please be advised that I do not support the sale of this cultural resource and, should it be sold, I will oppose any effort to develop the property or change its use to anything other than the beautiful cultural landmark it is today.

It is my understanding that the revenue generated from the sale of the gardens is intended to fund professorships and endowments. I have also heard that accessibility and recurring landscaping and maintenance costs were considered when decisions regarding selling these historic gardens were made. Of course, I and the broader

Chancellor Gene Block
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community share UCLA's concerns. We are all sympathetic to the budgetary pressures facing UCLA and we want UCLA to thrive.

Still, while these budgetary issues may be of concern to UCLA during the current state budget shortfall, selling this unique property is simply penny wise and pound foolish. Certainly before this dire decision, I urge UCLA to pursue all avenues through which UCLA could make the Japanese Gardens more accessible and lucrative. The community has many ideas on ways to increase support for this unique site. I am very concerned that UCLA has not had sufficient dialogue with the community on whether there are ways to make these gardens more of a financial asset for UCLA as well as an educational asset.

In fact, one of my main objections to the abrupt sale of these gardens is that UCLA has simply not done sufficient community outreach regarding ways to preserve this incredible resource.

In short, I urge you to reconsider the misguided sale of the UCLA Hannah Carter Japanese Gardens. I look forward to hearing from you.

Sincerely,



PAUL KORETZ

cc: Los Angeles Times

Remarks of
Jim Caldwell, son of Hannah Carter

1.31.12 Bel Air

Good afternoon and thank you all for coming.

First of all, I would like to thank the **Garden Conservancy** for arranging this public meeting on subject dear to our hearts.

Secondly, I don't envy **Brad Erickson** for having to defend UCLA for something with which he had no involvement. Brad is just the messenger.

As Hannah Carter's oldest son, I am representing her five children. I would like to introduce my sister Haydi, my sister Anne, and my wife Flip.

Our goal, simply stated, is to honor our mother and Ed's philanthropic legacy by persuading UCLA to change its mind about selling the Hannah Carter Japanese Garden.

This garden meant a great deal to our mother and Ed, and their decision to donate the garden to UCLA in 1964 was one that was made to **preserve it forever** and with the understanding that this priceless resource could **never** be sold and **always** be open to the public.

I would like to take a few minutes to review a letter which **Vice Chancellor Scott Waugh** recently wrote on behalf of Chancellor Gene Block.

He writes "A sale at this time will help us realize Regent Carter's expressed philanthropic intent to benefit UCLA's **academic programs**." However, the gift agreement clearly states that the proceeds of the sale of the family home should be invested by the University in a **specific order of priority**. The number one priority on the list was not the academic mission, but to establish an endowment for the maintenance and improvement of the Hannah Carter Japanese Garden in **perpetuity**.

I understand that the family home **alone** is currently appraised at \$12m, and by their own admission, fulfilling my mother and Ed's intent to benefit UCLA's academic programs could be accomplished with only **\$4.2m** of that, leaving as much as **\$7.8m**. Obviously, that would provide more than ample funds to establish a generous endowment for the maintenance and improvement of the garden in perpetuity.

Lets go on: Scott Waugh writes "in **2009** the garden and **residence** were identified for potential sale." In fact, according to the agreement with my mother and Ed, they could have sold the family home in 2006, 3 years earlier, at the top of the market, after my mother moved out of the house. But I am quite certain that they waited until she died in 2009 in an attempt to sell the house **with the garden**. We recognize and appreciate that UCLA has had to pay for the maintenance of the garden out of their operating expenses all of these years, but they could have finally had the necessary income **6 years ago**; instead they left the house vacant.

Mr Waugh then states the UCLA consulted with a **broad** array of interested groups and individuals, including representatives of the Carter Family. The truth is they had **not** consulted us, and we did **not** find out about their desire to sell the garden until only a few months ago, when an alert neighbor noticed unusual activity in the garden. This was clearly several **years** after their decision to sell the garden, and more than a year after the Regents persuaded a judge in Alameda County to overturn the provisions of the gift. Of course "Interested groups" **should** have included all of the Conservation groups who are now trying to save this important Japanese garden and who were obviously **not** consulted.

Waugh's letter also mentions the lack of available parking, and claims that this was an **unknown problem** when UCLA accepted the gift in 1964. Clearly this is a **ridiculous** claim on the face of it. Parking has indeed been an issue for the 48 years they have owned it, but one that could **easily** be resolved by putting the garden on the Campus Shuttle route. The Garden is only a mile from the campus.

Mr. Waugh states: "in September of 2011 a judge agreed with our reasoning and cleared the way for the sale." The truth is that the Judge's order was received a year earlier, as I have mentioned, in September 2010. Clearly UCLA has wanted to keep the potential sale of the garden under the radar, and of course no **opposing** views were presented to the judge.

Speaking of the difference between the projected sale price and the **\$4.2m** for endowed professorships and other academic provisions of the gift, Waugh says "Any **additional** revenues from

the sale of the residence and the garden will be available for other campus priorities at the discretion of the Chancellor." He is **conveniently** leaving out the **last half** of the last sentence of the gift agreement, which clearly states that any surplus should go to items in the agreement which might be **underfunded**. In 1982 it was projected that \$1/2m would be enough to endow the garden: clearly that is nowhere near enough in today's dollars, but Ed Carter understood about **inflation**, and his first priority was the maintenance of the garden in perpetuity.

Lastly, Mr. Waugh states that the Japanese garden serves no **academic purpose**. This is a sad reflection on the University's current view of art, architecture, landscaping and cultural monuments. To say that there is no academic purpose to the Gardens is disrespectful and insulting.

Either Vice Chancellor Waugh is shockingly misinformed about this subject, or he is **deliberately** trying to put a positive **spin** on the actions of the Regents, which were **underhanded** and **callus** at best and **shameful** at worst. So much for the legacy of the man who was the former **Chairman** of the Board of Regents, and a woman who was dearly loved and respected, and gave so much of herself to LA cultural community.

We are saddened that the gift of the garden, which was **enthusiastically** received by UCLA in 1964, and woven into several of the University's academic programs, is now possibly to be jettisoned because of their changed priorities.

We think that if UCLA does not change its position on this extremely generous gift from my mother and Ed, there will be many other potential donors who will have second thoughts about giving money to this worthy institution. Private donor support will **undoubtedly** be important to UCLA in the uncertain financial times ahead. We understand that UCLA could **change** its position right up to the moment they sign a contract with a potential buyer for the garden.

I will let others speak to the importance of saving this treasure of Japanese Garden design, but let me just say that if it is sold, the garden will surely **never** be seen by the public again. At the worst, if the garden is sold separately, bringing a maximum dollar return to the university, the Hannah Carter Japanese Garden will undoubtedly be mostly destroyed when it is converted into a site for a new house. It seems **wildly improbable** that the highest bid for the garden would be from someone who wanted to keep the garden intact. The entrance to the garden, a beautiful Japanese Gate with our mother's name on it, will be **gone forever**.

Thank you in advance for your support ,

[http://www.dailybruin.com/index.php/article/2012/02/coalition looks to collaborate with ucla to maintain perpetuity of hannah carter japanese garden](http://www.dailybruin.com/index.php/article/2012/02/coalition_looks_to_collaborate_with_ucla_to_maintain_perpetuity_of_hannah_carter_japanese_garden)

UNIVERSITY OF CALIFORNIA, LOS ANGELES

DAILY BRUIN

Submission: Coalition looks to collaborate with UCLA to maintain perpetuity of Hannah Carter Japanese Garden

Published February 21, 2012, 11:05 pm in [Opinion](#), [Community](#)

On Feb. 9, UCLA Chancellor Gene Block wrote a piece in the Daily Bruin stating that the sale of the Hannah Carter Japanese Garden is in the university's best interests.

The organizations and the family of Hannah Carter who have formed the Coalition to Save the Hannah Carter Japanese Garden respectfully submit that other options are possible, and, indeed, preferable.

We are prepared to work with UCLA to create a solution that addresses the budgetary pressures of the university and also achieves the cultural, educational and aesthetic value of preserving the garden as an intact whole – including all of its historic artifacts – for the benefit of the university, the surrounding community and the general public.

Selling this cultural landmark to the highest bidder with no restrictions on use puts the garden at extreme risk. It is not a responsible treatment of a resource of this distinction and cultural importance. Moreover, we are quite certain the university does not have the legal right to remove these use restrictions or any other deed restrictions. Better alternatives are available.

There are examples of important historic gardens owned by universities, including Stanford and the University of Virginia, that are managed in partnership with horticultural and preservation organizations. We would like to work with UCLA to maintain the garden and bring the public to it. The Los Angeles Times, among others who also sympathize with the seriousness of UCLA's budget challenges, has encouraged this route.

Claims that the university reached out to preservation groups and other interested parties prior to announcing its intent to sell the garden are overstated. In fact, the family of Hannah Carter, who along with the university signed an update to the agreement in 1999 to preserve the garden in perpetuity, was never contacted and did not find out about plans to sell the garden until an alert neighbor noticed unusual activity in the garden and notified the family.

On Jan. 31, the coalition convened a public informational meeting – the kind of meeting any preservation organization would have gladly convened on UCLA’s behalf had they truly wanted to “reach out to interested parties” and “preservation-minded groups and individuals.” The unanimous opposition of the nearly 100 attendees, along with more than 600 people who have since sent emails to the chancellor, signals that it is time for UCLA to take another approach.

What might a win-win situation look like?

UCLA would proceed with the sale of the former Carter residence, generating an estimated \$10 million, but retain ownership of the garden. A sale of the residence would generate enough money to endow a fund to maintain the garden in perpetuity, as well as the other required endowments agreed to by Ed and Hannah Carter and the university. Funding the garden endowment “for the maintenance and improvement of the Hannah Carter Japanese Garden” was the first priority for use of any proceeds from sale of the property, terms that were reaffirmed by the subsequent agreement in 1999. UCLA should honor the agreement and fund the garden endowment in 2012 dollars.

The coalition and UCLA could develop a management plan to address: maintenance and staffing; volunteer management; operating budget; interpretation and public access; educational mission and programmatic partnerships; and fundraising. Members of the coalition have experience with public/private partnerships.

With the City of Los Angeles, the Bel-Air Association and UCLA would address parking by developing alternative means of promoting broader public access.

Together, all partners would develop further relationships with cultural and civic organizations such as the North American Japanese Garden Association and institutions here in Los Angeles that support the preservation of Japanese culture.

Members of the coalition have worked in successful partnerships with educational institutions, government agencies and nonprofit organizations in a variety of situations to maintain and preserve gardens. We would welcome the opportunity to do so with the Hannah Carter Japanese Garden. Los Angeles City Councilman Paul Koretz has stated concern and opposition to any effort to change the use of the property from anything other than the cultural landmark it is today. Perhaps UCLA will explain why it is unwilling to enter into discussion to seek a win-win situation before the bid process is initiated.

On behalf of the Coalition to Save the Hannah Carter Japanese Garden, which includes the following groups:

The Los Angeles Conservancy, The Garden Conservancy, California Garden & Landscape History Society, The Cultural Landscape Foundation, California Preservation Foundation, National Trust for Historic Preservation, American Public Gardens Association, North American Japanese Garden Association, The Hannah Carter Family (Partial list)



P.O. Box 277517, Sacramento, CA 95827
Phone (916) 364-0292 FAX (916) 364-7641

March 6, 2012

Chancellor Gene Block
University of California, Los Angeles
2147 Murphy Hall
Los Angeles, CA 90095-1405

Re: UCLA Sale of Hannah Carter Japanese Garden: "Money" versus "Ethical Conduct"

Dear Chancellor Block,

Your recent announcement of UCLA's intent to sell the Hannah Carter Japanese Garden repeats a recent pattern of behavior unbecoming of the University. The original Agreement between former Regent Edward W. Carter and the University, along with the two Amendments, establishes the fact that the University agreed to maintain the Garden in perpetuity (per Recital 4 of the June 17, 1982 Amendment). Item 3.a. of this Amendment specifically states that the first priority of the University is "To establish an endowment of \$500,000, the income to be used in perpetuity for the maintenance and improvement of the Hannah Carter Japanese Garden." This endowment is to be funded from the proceeds of sale of the residence attached to the Garden. That was a "reasonable amount" which would at that time provide for the maintenance from returns on investment assets without touching the initial deposit.

Note that Item 3.h. of this Amendment directs the University "To establish with any remaining balance the Edward W. Carter Chancellor's Fund for the Los Angeles campus, the income to be used for University purposes at the sole discretion of the Chancellor, but with the expectation that consideration be given to supplementing budgets for the proposals set forth in subparagraphs 1.a. through g., above, to the extent that any might prove to be underfunded."

Your commentary in the February 8, 2012 Daily Bruin, repeated in UCLA Today, that the \$500,000 amount for the fund established in the Agreement would leave a shortfall of \$100,000 annually is probably an accurate estimate of the shortfall, but conveniently forgets the above Agreement which directs the University to supplement the budget from the remaining balance from the sale of the residence. This is within your power and would be the "ethical" thing to do. The anticipated \$12,000,000 from the sale of the residence would surely cover your obligation to maintain the Garden.

But "Ethical Conduct" is apparently not on UCLA's "agenda list" today, is it?

No, it's all about the "Money" which you evidently intend to use for "other purposes."

I am quite familiar with UCLA's apparent doctrine of placing "Money" over "Ethical Conduct."

Please reread my April 13, 2009 letter to you and my November 13, 2009 letter to your representative, William Cormier, Director, Administrative Policies and Compliance. These letters describe my detailed allegations of the behavior of two UCLA Professors who have placed "Money" over "Ethical Conduct." These two letters are among the several such letters that I have sent between 2009 and 2012 in order to inform you and your staff of the "Unethical Conduct" by UCLA Professors that is destroying my business of 69 years in California due to draconian multi-billion dollar regulations that have damaged the California economy. The unethical conduct and its connection to the overregulation of California businesses is described in detail in my letters, which are attached for your convenience. The University has "gained" tens of millions of dollars in research funds through these Professors' unethical conduct. But this "gain" has destroyed the economic well-being of many thousands of California businesses, resulting in the loss of hundreds of thousands of jobs.

As one small businessman's example, my company paid or caused to be paid (through purchases and employment) over \$1,400,000 in taxes to the State and Federal governments in 2007. The wanton destruction of my assets caused by actions of Professors at your University under your leadership, using deceit and unethical conduct ignored by these Professors and you, despite my warnings of 2009, 2010, 2011, and 2012, has resulted in a refund last year of prior taxes paid by me.

To quote a passage in my November 13, 2009 letter: "When a University Chancellor, Dean or Professor you know to be in a position of trust fails in a fiduciary duty there is a price to pay." The price you are now "paying" is the financial condition of your University, caused, in part by members of your faculty and staff, who have ignored cogent information supplied by me and others. A correction of the lies and deceitful behavior knowingly exhibited by your Professors would have gone a long way to stop the destruction of businesses in California caused by governmental edicts supported by UCLA. A restoration of State, Local and University budgets can only come through the prosperity of taxpaying citizens, a concept of which you obviously fail to comprehend.

So now, you are in a position of "liquidating assets" to slow the sinking of the good ship UCLA. Welcome to the club.

You could demonstrate "Ethical Conduct" and adhere to the UCLA agreement with the Carters, specifically Item 3 h. of the 1982 Amendment, but you probably won't. That would cost you some short term "Money."

"Ethical Conduct" does not seem to be the aspiration of UCLA, regardless of Policy 993, the University of California Standards of Ethical Conduct.

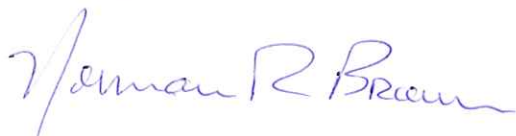
The headline of your commentary "Sale of Hannah Carter Japanese Garden is in UCLA's best interests" is erroneous. UCLA's "best interests" would be to begin to exhibit some Ethical Conduct in this and all issues. Short term money taken in violation of Ethical Conduct will only ensure the continued demise of the University.

A decision made on the basis of Ethical Conduct would be to live up to the agreement and fund the Garden "in perpetuity." You might then "revisit" the issues I have brought up in regards to the lack of ethics by your Professors, resulting in the demise of thousands of businessmen like myself. This revisit could change the direction of the State of California, resulting in the prosperity which could save the State support of the University of California and the ability of UCLA to maintain the Garden.

As I did on March 11, 2009, I again request that you meet with me and other California businessmen regarding the scientific, ethical, and economic issues that I raised in my letters to you. In addition, you should include in this meeting key representatives of the efforts to save the Hannah Carter Japanese Garden. This meeting would demonstrate that you recognize the serious concerns of California taxpayers who provide core financial support to UCLA.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Norman R. Brown". The signature is written in a cursive, flowing style.

Norman R. Brown, Owner

CC:

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

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<regentsoffice@ucop.edu>

UC President Mark G. Yudof
<president@ucop.edu>

Los Angeles City Councilman Paul Koretz
<paul.koretz@lacity.org>