

Law Office of Daniel Wright

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Hon. Herb Wesson, Jr.
City Council President
Los Angeles City Council
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

RECEIVED
CITY CLERK'S OFFICE
2018 FEB 14 AM 9:34
BY _____
CITY CLERK
DEPUTY

RE: Council File 09-0969 - Purpose of Public Hearing for
February 14, 2018 City Council Meeting, Item No. 1

Dear Mr. Wesson and Members of City Council:

At the Planning and Land Use Management Committee meeting on January 23, 2018, the Planning staff oral report on the draft ordinance adjusting various planning fees emphasized that the non-applicant appeal fee was remaining at \$89.00.

Councilmembers Huizar and Englander specifically questioned City Planning staff on when the previously requested data about non-applicant land use appeals would be publicly presented and considered. Staff responded that the fee ordinance would go to Budget and Finance Committee first, and then it would return to PLUM Committee before a recommendation would be made to Council.

Mr. Englander alluded to some set of "suggestions" that had been brought to him by persons he did not name. The concept Mr. Englander described involved setting the right to appeal a land use decision based upon the distance of the appellant from the Project. There was no discussion of how advocacy groups affected by a project would be accommodated under the suggestion made to Mr. Englander.

As the Councilmembers and staff acknowledged that day, there had been no public disclosure or discussion of any such options, including no solicitation of Neighborhood Council and community group input on this idea, although at least Mr. Englander seemed to be a proponent of setting land use appeal fees based upon proximity. California law grants broad public interest standing to enforce the laws of the state and municipalities.

The entire concept described by Mr. Englander, to the extent it has been disclosed to the public and Certified Neighborhood Councils, appears to have serious constitutional and other infirmities. But because the proposal has not been released to the public, it is hard to make an administrative record detailing the infirmities of such a proposal. One thing is clear, the issue is controversial and many are concerned that City Council is working for its campaign and legal defense fund contributors, and not the people.

Following this discussion, Mr. Englander also pointed out that the PLUM Committee could schedule a further hearing on this matter if Budget and Finance took too long to make a recommendation. No mention was made of taking any proposed changes directly to City Council.

PLUM Committee then approved recommending the current proposed ordinance to the full City Council. That ordinance, at least after the PLUM Committee meeting, retained the non-applicant appeal fee at \$89.00.

Curiously, the very next day, on January 24, 2018, the Budget and Finance Committee, chaired by Councilmember Paul Krekorian, "waived consideration of the item." On the same day, January 24, 2018, the City Clerk scheduled the item for City Council on Friday, February 9, 2018. Given these events, the next day after the PLUM Committee meeting, it appears that on January 23, 2018 that City Planning staff was very uninformed regarding the interest of the Budget and Finance Committee to review the planning fee ordinance, or the entire narrative articulated by Councilmembers and staff that the non-applicant fee issue was going to go to Budget and Finance and return to PLUM Committee before a recommendation would be made to the City Council was never intended to occur.

Under Government Code Section 54954.3, a legislative item such as the proposed ordinance would normally be scheduled under the section of the City Council's meeting agenda entitled "Items for Which Hearings Have Been Held." Under Section 54954.3, state law permits the City to approve the PLUM Committee recommendation to adopt the proposed ordinance without any further public comment, if the ordinance is proposed at City Council to be approved without modification.

But at significant variance from the City Council's usual practice to schedule PLUM Committee recommendations on the portion of the City Council meeting agenda entitled "Items for Which Public Hearings Have Been Held," the draft ordinance in Council File 09-0969 was scheduled by the City Clerk for "Items Noticed for Public Hearings." Additionally, the City Clerk published a newspaper notice in the Daily Journal on January 10, 2018 and February 5, 2018 that it would conduct a new hearing at the full City Council meeting on February 9, 2018 on this proposed ordinance. The notice also informed the public that the City Council reserved the right to continue the hearing to another day.

The Friday, February 9, 2018 City Council meeting was chaired from the outset by Mr. Englander. During the midst of this meeting, Mr. Englander announced that the item related to Council File 09-0969 would be continued to Wednesday, February 14, 2018.

Thus, tomorrow at 10:00 am the regular meeting of City Council will be opened, and the City Council apparently intends to conduct a new hearing on the draft planning fee ordinance -- a hearing that the City normally does not conduct if the item was considered at PLUM Committee and there is no intention of changing the recommended ordinance. It will be Item No. 1 on the meeting agenda.

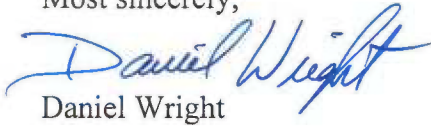
Hon. Herb Wesson
February 13, 2018
Page 3 of 3

Is the purpose of this new hearing to amend the ordinance? Will any proposed amendment be first revealed to the public just minutes before the City Council vote? Will changes be made to the planning fee ordinance without soliciting any public input at the Budget and Finance Committee and PLUM Committee, or from any of the Neighborhood Councils and interested community groups?

These questions hang in the air.

In the meantime, we adopt all objections filed in this proceeding found in the City Council file.

Most sincerely,


Daniel Wright

From: "Liz Amsden" <LizAmsden@hotmail.com>

Date: Feb 13, 2018 7:07 PM

Subject: CF 09-0969

To: "holly.wolcott@lacity.org" <holly.wolcott@lacity.org>

Cc: "councilmember.cedillo@lacity.org" <councilmember.cedillo@lacity.org>, "councilmember.krekorian@lacity.org" <councilmember.krekorian@lacity.org>, "councilmember.blumenfield@lacity.org" <councilmember.blumenfield@lacity.org>, "david.ryu@lacity.org" <david.ryu@lacity.org>, "paul.koretz@lacity.org" <paul.koretz@lacity.org>, "councilmember.martinez@lacity.org" <councilmember.martinez@lacity.org>, "councilmember.rodriguez@lacity.org" <councilmember.rodriguez@lacity.org>, "councilmember.harris-dawson@lacity.org" <councilmember.harris-dawson@lacity.org>, "councilmember.price@lacity.org" <councilmember.price@lacity.org>, "councilmember.wesson@lacity.org" <councilmember.wesson@lacity.org>, "councilmember.bonin@lacity.org" <councilmember.bonin@lacity.org>, "councilmember.english@lacity.org" <councilmember.english@lacity.org>, "councilmember.ofarrell@lacity.org" <councilmember.ofarrell@lacity.org>, "councilmember.huizar@lacity.org" <councilmember.huizar@lacity.org>, "councilmember.buscaino@lacity.org" <councilmember.buscaino@lacity.org>, "mayor.garcetti@lacity.org" <mayor.garcetti@lacity.org>, "John Darnell" <john.darnell@lacity.org>

Gentlemen & women

Attached please find both the HHPNC letter in opposition to the above-referenced CF on changing the ordinance addressing fees for opposing land use decisions but also that of Harbor Gateway North.

FURTHERMORE, the CIS from Porter Ranch NC indicated as having 'no position' is strongly opposed and I can't find Encino's.

This is a FAILURE of the City to take the basic courtesy of reading the submitted CIS and is not acceptable.

I suggest that the vote scheduled for tomorrow be tabled until this issue can be properly addressed.

And I also request AGAIN that the LACityClerk Connect site be updated so submissions are better titled and searchable, and that City employees READ this submissions and file them accordingly, that when Council File wording is amended that ALL those who have made submissions or submit subsequently on an earlier version be advised of these changes so they can resubmit appropriately, and that employees REFRAIN from scanning multiple submissions together so the numbers are hidden along with the identities of people supporting or opposing.

Please advise at your earliest convenience.

Sincerely

Liz Amsden

Contact Information

Neighborhood Council: Harbor Gateway North Neighborhood Council

Name: Rosalie Preston

Phone Number: [310-538-2485](tel:310-538-2485)

Email: rosalieannp@hotmail.com

The Board approved this CIS by a vote of: Yea(9) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 09/12/2017

Type of NC Board Action: Against

Impact Information

Date: 09/15/2017

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 09-0969

Agenda Date:

Item Number:

Summary: We object to any increase in fees that would discourage residents and neighborhood groups from being able to appeal decisions of the Department of City Planning which impact their neighborhoods. Attempting to reach "full-cost recovery" through the non-applicant fee increase would limit the right of impacted residents to appeal relevant decisions and undermine their ability to have a fair and impartial review. The full cost of an appeal for a non-applicant should be subsidized by the General Fund.

Pamela Thornton – Chairperson
Tim Richardson - Vice Chairperson
Rosalie Preston - Recording Secretary
Hannah Woods – Corres. Secretary
Joan Jacobs - Treasurer
Mark Lupfer - District 1 Rep.
Clyde Noguchi - District 2 Rep.
Reynaldo Paduani - District 3 Rep.
Betty Hawkins - District 4 Representative



Harbor Gateway North
Neighborhood Council
P.O. Box 3723
Gardena, CA 90247
(310) 768-3853 tel (310) 538-9654 fax
www.harborgatewaynorth.org
hgnc@sbcglobal.net

Llewyn Fowlkes - District 5 Rep.
Marvin Bell - District 6 Rep.
Janet Mitchell - District 7 Rep.
Larry J. Morrison - District 8 Rep.
Deborah Lee – Community Org. Rep.
Richard Lee - Youth Representative
Theo Fowles - Outreach Representative
Eva Cooper-Pace - At-Large Rep.

September 14, 2017

Councilmember Joe Buscaino
Councilmember Marqueece Harris-Dawson
City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Council File 09-0969 (Increase in appeal fees for non-applicants)

Dear Councilmembers Buscaino and Harris-Dawson:

On September 12, 2017, our Board voted 9-0-0 to oppose Council File 09-0969 because we object to any increase in fees that would discourage residents and neighborhood groups from being able to appeal decisions of the Department of City Planning which impact their neighborhoods. Attempting to reach "full-cost recovery" through the non-applicant fee increase would limit the right of impacted residents to appeal relevant decisions and undermine their ability to have a fair and impartial review. The full cost of an appeal for a non-applicant should be subsidized by the General Fund.

Sincerely,

Hannah Woods, Corresponding Secretary
Harbor Gateway North Neighborhood Council

cc: Vince Bertoni, Director - Department of City Planning
David A. Roberts, Director of Economic Development and Planning - Council District 15
Nathan Holmes, Planning Deputy - Council District 15
John Jones III, Field Deputy – Council District 15
Lynell Washington, Planning Director - Council District 8
Albizael Delvalle, Field Deputy - Council District 8

CITY OF LOS ANGELES

CALIFORNIA

HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

Post Office Box 50791
Los Angeles, CA 90050
<http://www.highlandparknc.com>
Certified as NC #33 May 28, 2002

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Yolanda Nogueira, Diego Silva, Jamie Tijerina



DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

200 N. Spring St. Ste.2005
Los Angeles, CA 90012
Telephone: (213) 978-1551

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Daniel Andalon RULES
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Rocío Rivas FAMILY, YOUTH & EDUCATION
Rocío Rivas PUBLIC SAFETY
Yolanda Nogueira, Rocío Rivas HOUSING &
HOMELESSNESS
Yolanda Nogueira, Rocío Rivas BEAUTIFICATION
Jamie Tijerina CULTURE AND EQUALITY
Gabriel Chabran ARTS
SuzAnn Brantner SUSTAINABILITY

Historic Highland Park Neighborhood Council

September 7, 2017

Members of the Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

cc: Mayor Eric Garcetti
City Attorney Mike Feuer

Re: CF 09-0969 – Appeal fees re-evaluation requested

The Historic Highland Park Neighborhood Council which represents over 60,000 Los Angeles stakeholders who reside, own property, or conduct business in our neighborhood call on the City Council to include Neighborhood Councils and stakeholders in addressing any change to appeal fees.

In December 2016, the Department of City Planning (DCP) had recommended tripling the appeal fee for anyone other than the applicant but on July 26, 2017, the City Administrative Office (CAO) recommended a hike of over 15,200%. On August 8th, the DCP and CAO responded to a request from the Planning and Land Use Committee (PLUM) with 5 options for charging appeal fees and consideration for a hardship exemption. However, these exemptions can constrain stakeholder action, making it more difficult to pursue an appeal and giving developers and their reams of layers more opportunities to get legitimate appeals thrown out.

CF 09-0969 – Appeal fees re-evaluation requested

While we support the City's need to balance its budget, there are times when it is NOT appropriate to demand full cost recovery (that fees charged cover all the expenses the City may incur) and this is one of them. There was good reason why this increase, using the same Council File, was halted in 2009 – it is patently unfair to a homeowner or community association to have to come up with the same fees multi-million dollar developers can absorb as a cost of doing business.

Property owners and renters pay property taxes, sales taxes and other fees to support City services. And the City government – so it can go to bat for the little guy.

We understand that a motion is currently still under discussion by PLUM and the DCP. We request Neighborhood Councils be provided with documentation on how these costs were determined, and that they, CEQA and other interested parties are given a 60-day comment period provided for in the City Charter before this is brought to a vote again.

The Historic Highland Park Neighborhood Council therefore respectfully requests the City put a hold further action on this motion until there is adequate time for all interested parties, including homeowners, businesses and neighborhood associations, to assimilate all relevant documentation and obtain input from those who will be affected.

Sincerely,

A handwritten signature in dark ink, appearing to read 'H. Slater', with a large, stylized flourish extending to the right.

Harvey Slater, President
Historic Highland Park Neighborhood Council

LAW OFFICE OF JOHN P. GIVEN
2461 Santa Monica Blvd., #438
Santa Monica, CA 90404
john@johngivenlaw.com
(310) 471-8485

February 13, 2018

VIA Email Only to City.Clerk@lacity.org

The Honorable Los Angeles City Council
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: CF 09-0969 – Comprehensive Fee Study/Recommended Fee Changes
City Council Agenda for February 14, 2018, Agenda Item #1

Dear President Wesson and Honorable Councilmembers:

The above-captioned council file dealing with recommended changes to the City's schedule of application and appeal fees is scheduled for a full public hearing before the City Council on February 14, 2018. While the hearing notice suggests the Council is merely considering approve or disapproval of the ordinance as recommended for adoption by the Planning and Land Use Management ("PLUM") Committee, the manner in which the item is noticed suggests the Council may consider amendments to the ordinance that are not yet public.

At a meeting in August, 2017 the PLUM Committee requested a report back from the Department of City Planning with respect to non-applicant land use appeals. The report back was to provide councilmembers and members of the public additional information necessary to evaluate the viability and wisdom of a number of vague alternatives to the existing fee structure for non-applicant appeals found in Los Angeles Municipal Code section 19.01(B)(3)). That data has not yet been provided.

Proposals to change the cost of non-applicant appeals to reflect a non-applicant appellant's proximity to the land use approval to be appealed are particularly problematic, since they tend to burden speech disparately dependent on the content of different appellants' speech. Moreover, there are obvious problems in crafting such a regulation. For example, how would the City evaluate the "location" of a stakeholder organization as opposed to an individual appellant?

The current proposal would continue the existing \$89 fee for appeals filed by a person other than the applicant. The strong public policy arguments supporting a fairly nominal appeal fee for non-applicants have already been made by a number of commenters and need not be repeated here. I urge the Council to adopt the ordinance as recommended by the PLUM Committee without further amendment. If additional substantive amendments are desired, they are best considered first by the Council's PLUM and Budget and Finance Committees in a manner that provides for the greatest transparency and opportunity for public comment by all interested stakeholders.

Sincerely,



John Given

To:
Herb Wesson, Jr.
City Council President
Los Angeles City Council
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

RE: Council File 09-0969 - Purpose of Public Hearing for
February 14, 2018 City Council Meeting, Item No. 1

Dear Mr. Wesson and Members of the Los Angeles City Council:

We are writing out of deep concern over unusual uses of the city's hearings and public notice system to ends that fail legal transparency, public notice, public participation and public access tests.

At the PLUM (Planning and Land Use Management Committee) meeting on Jan. 23, 2018, the Dept of Planning staff's oral report on a draft ordinance to adjust planning fees made clear that the appeal fees charged non-applicants would remain at \$89.

Councilmembers Huizar and Englander specifically questioned Dept of Planning staff, asking when the previously requested data regarding non-applicant land use appeals would be publicly presented and considered. The Dept of Planning staff responded that the fee ordinance would go to the council's Budget and Finance Committee first, then return to PLUM Committee before an appeals fee recommendation would be made to the City Council.

Councilman Englander referred to controversial "suggestions" brought to him BUT DID NOT identify the people who had made them, in which the right to appeal a land use decision would be **set based on the distance of the appellant from the Project.**

No discussion ensued over how advocacy groups, affected by a project, would be accommodated under the **surprise new** distance-based suggestion made to Mr. Englander.

As Councilmembers and Planning Dept staff acknowledged that day, there **was never any public disclosure or discussion of such an option. In fact, there was no** solicitation of input from Neighborhood Councils or community groups on this idea. Yet Englander seemed to be promoting the idea of setting land use appeal fees based upon proximity.

The concept described by Mr. Englander, to the extent it has been disclosed to the public and to Certified Neighborhood Councils, has serious constitutional and

other problems. But because this proposal has not been publicly released, it is hard to make an administrative record detailing these problems.

This is obviously a controversial issue, with widespread fear that the City Council is too interested in raising campaign funds and legal defense funds, and not focused on the people of Los Angeles. State law grants broad public interest standing to enforce laws of the state and municipalities.

After this discussion, Councilman Englander pointed out that the PLUM Committee could schedule a further hearing on this matter if Budget and Finance took too long to make a recommendation. No mention was made of taking any proposed changes directly to City Council.

The PLUM Committee then approved recommending the current proposed ordinance to the full City Council. That ordinance, at least after the PLUM Committee meeting, still retained the non-applicant appeal fee at \$89.00.

But the next day, on January 24, 2018, the Budget and Finance Committee, chaired by Councilmember Paul Krekorian, "waived consideration of the item." On the same day, January 24, 2018, the City Clerk scheduled the item for City Council on Friday, February 9, 2018. Given these events, the next day after the PLUM Committee meeting, it appears that on January 23, 2018 that City Planning staff was very uninformed regarding the interest of the Budget and Finance Committee to review the planning fee ordinance, or the entire narrative articulated by Councilmembers and staff that the non-applicant fee issue was going to go to Budget and Finance and return to PLUM Committee before a recommendation would be made to the City Council was never intended to occur.

Under Government Code Section 54954.3, a legislative item such as the proposed ordinance would normally be scheduled under the City Council's meeting agenda entitled "Items for Which Hearings Have Been Held." Under Section 54954.3, state law permits the City to approve the PLUM Committee recommendation to adopt the proposed ordinance without any further public comment, if the ordinance is proposed at City Council to be approved without modification.

But at significant variance from the City Council's usual practice to schedule PLUM Committee recommendations on the portion of the City Council meeting agenda entitled "Items for Which Public Hearings Have Been Held," the draft ordinance in Council File 09-0969 was scheduled by the City Clerk for "Items Noticed for Public Hearings." Additionally, the City Clerk published a newspaper notice in the Daily Journal on January 10, 2018 and February 5, 2018 that it would conduct a new hearing at the full City Council meeting on February 9, 2018 on this proposed ordinance. The notice also informed the public that the City Council reserved the right to continue the hearing to another day.

The Friday, Feb. 9, 2018 City Council meeting was chaired by Councilman Englander. During this meeting, Englander announced that the item related to Council File 09-0969 would be continued to February 14, 2018.

Thus, at 10:00 am on Feb. 14, 2018, the regular meeting of City Council will be opened, and the City Council apparently intends to conduct a new hearing on the draft planning fee ordinance -- a hearing that the City normally does not conduct if the item was considered at PLUM Committee and there is no intention of changing the recommended ordinance. It will be Item No. 1 on the meeting agenda.

Is the purpose of this new hearing to amend the ordinance? Will any proposed amendment be first revealed to the public just minutes before the City Council vote? **Will changes be made to the planning fee ordinance without soliciting any public input at the Budget and Finance Committee and PLUM Committee, or from any of the Neighborhood Councils and interested community groups?**

We are extremely concerned over these many unanswered questions.

In addition, we adopt all objections filed in this proceeding found in the City Council file.

Sincerely,
Jill Stewart
Coalition to Preserve LA