

Your Community Impact Statement has been successfully submitted to City Council and Committees.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

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Contact Information

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The Board approved this CIS by a vote of: Yea(13) Nay(1) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 04/01/2021

Type of NC Board Action: Against unless Amended

Impact Information

Date: 04/04/2021

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 09-0969-S3

Agenda Date: 04/06/2021

Item Number: Agenda item 10

Summary: The United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council 1) opposes the CAO recommendations for large percentage fee increases for citizen appeals and historic preservation related projects and 2) opposes the process by which the CAO did not allow for reasonable response time from the community. Furthermore, UNNC's opinion is that the fees should not dis-incentivize citizen involvement or reduce public benefits related to HPOZs or other historic preservation projects, nor should fees incentivize illegal unpermitted activity. If increased fees for applications related to HPOZs and HCMs passes, this will likely adversely affect the future effectiveness of L.A.'s overall historic preservation program. Similarly, if appeal fees are increased to \$16,097, this likely would severely limit the public's ability to participate in the appeals process due to it being cost-prohibitive.

UNNC's priority is to increase public participation in local government, not to impose unreasonably high fees, creating unacceptable burdens on stakeholders who care enough to become involved in the City's decision-making. A \$16,000 appeal fee defies any notion of access to justice or equity. It would prevent most citizens from exercising their right of appeal, would disproportionately silence communities that have been historically disenfranchised, and would bar all but the most affluent residents from bringing challenges in land use cases. (Full Community Impact Statement uploaded separately)



April 4, 2021

Proposed CIS, Council File No. 09-0969-S3* -- Comprehensive Fee Update – DISCUSSION AND ACTION

Proposed Type of NC Board Action: OPPOSED (unless amended)

BACKGROUND: On April 6, 2021, the City Council's Planning and Land Use Management Committee (PLUM) will consider Reports from the Department of City Planning (DCP) and City Administrative Officer (CAO) relative to policy recommendations and amending Sections 19.00 through 19.12 of the Los Angeles Municipal Code for a Comprehensive Fee Update to more accurately reflect the cost of providing planning and land use services, based on new trends and data collected since the fee ordinance was last updated in February 2018 (Ordinance 185432).

The Department of City Planning recommends keeping these fees at their current levels, acknowledging the need to ensure voluntary participation and compliance in the preservation program, especially for lower-income property owners. However, the CAO is recommending a full cost recovery program for City Planning, and now is recommending very high fees in HPOZs, for example, that would range from \$5,700 to nearly \$10,000, and building permit review on historic properties would cost \$3,600.

In addition, the CAO has rejected the Planning Department's recommendation to increase non-party appeal fees from \$89 to \$151 and, instead, the CAO's recommendation is to charge \$16,000 for each step in the appeal process (e.g., \$32,000 to appeal first to a planning commission and then to City Council).

Approved Community Impact Statement (CIS) full version:

The United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council 1) opposes the CAO recommendations for large percentage fee increases for citizen appeals and historic preservation related projects and 2) the process by which the CAO did not allow for reasonable response time from the community. Furthermore, UNNC's opinion is that the fees should not dis-incentivize citizen involvement or reduce public benefits related to HPOZs or other historic preservation projects, nor should fees incentivize illegal unpermitted activity. If increased fees for applications related to HPOZs and HCMs passes, this will likely adversely affect the future effectiveness of L.A.'s overall historic preservation program.

Similarly, if appeal fees are increased to \$16,097, this likely would severely limit the public's ability to participate in the appeals process due to it being cost-prohibitive. UNNC's priority is to increase public participation in local government, not to impose unreasonably high fees, creating unacceptable burdens on stakeholders who care enough to become involved in the City's decision-making. A \$16,000 appeal fee defies any notion of access to justice or equity. It would prevent most citizens from exercising their right of appeal, would disproportionately silence communities that have been historically disenfranchised, and would bar all but the most affluent residents from bringing challenges in land use cases.

UNNC agrees with former City Planning Commission President Jane Usher, who has also strongly objected to the CAO recommendation, writing: "The recommendation of the CAO to increase the fee for a non-applicant to appeal a land use planning case, from \$89 to \$16,097, is unconscionable and unsubstantiated by relevant facts. The long-standing purpose of the non-full cost recovery fee for non-applicant appeals has been to ensure that this City's government provides project neighbors, non-profit community groups and individuals with an opportunity for administrative redress of a discretionary land use decision. This opportunity for administrative redress will be eliminated if the fee to bring such an appeal is \$16,097. The deck to obtain approval of a discretionary land use application is already stacked so heavily in favor of project applicants, who have a direct financial stake in the outcome. Is it absolutely imperative to remove the appeal tool that gives neighbors, non-profit community groups and individuals a fighting chance? The CAO report to your Committee offers no facts or study to suggest that the current \$89 appeal fee has been abused or overused by non-applicant appellants. There is no analysis under the California Environmental Quality Act of the implications for the environment from introducing a financial tool that will preclude administrative appeals by neighbors to a project. Without such relevant facts, study and analysis, the CAO-proposed fee increase is simply a grotesque overreach and abuse of authority and process."

Respectfully submitted,

Laura Meyers
President
United Neighborhoods Neighborhood Council (UNNC)

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