

Communication from Public

Name:

Date Submitted: 06/21/2021 06:31 PM

Council File No: 12-0460-S4

Comments for Public Posting: Please distribute Citizens Preserving Venice's letter opposing passing of this Ordinance. Please distribute to all Councilmembers and Staff and enter it into the public record. Thank you.

Citizens Preserving Venice

21 June 2021

RE: Processes & Procedures Ordinance Council File 12-0460-S4

City Council Agenda, June 22 2021, Item 13

OPPOSED

**CONCERNS REGARDING PROCESS AND PROCEDURE DRAFT ORDINANCE,
INCLUDING COASTAL CONCERNS**

Dear Councilmembers,

Citizens Preserving Venice (CPV) is a 501(c)3 organization with the goals of preserving the character and scale of Venice as a Special Coastal Community, including its history and its social, cultural, racial and economic diversity, and of stabilizing affordable housing in Venice.

We would like to add our organization to the names signed on the letter dated June 18, 2021 submitted by Casey Maddren signed by 8 community groups and over 60 citizens. We stand with the public comment and Community Impact Statements that object to this proposed Ordinance.

We add our additional comments below.

**PLEASE REFER THIS BACK TO PLUM FOR FURTHER REVIEW AND TO GIVE
SUFFICIENT TIME FOR PUBLIC INPUT.**

Citizens Preserving Venice is a 501(c)3 organization with the goals of preserving the character and scale of Venice as a Special Coastal Community, including its history and its social, cultural, racial and economic diversity, and of stabilizing affordable housing in Venice.

We would like to add our organization to the names signed on the letter dated June 18, 2021 submitted by Casey Maddren and signed by 8 community groups and over 60 citizens. We add our comments below. We stand with the majority of public comment and Community Impact Statements, which object to this proposed Ordinance.

**PLEASE REFER THIS DRAFT ORDINANCE BACK TO PLUM FOR FURTHER
REVIEW AND TO GIVE SUFFICIENT TIME FOR PUBLIC INPUT.**

This Ordinance, if you approve it, effectively excludes us and all community organizations from the public process in all planning and land use issues. Hearings and Appeals have been our most

effective tools in pursuing our goals by helping the City optimize its administration of local land use.

The City's piecemeal approach to the adoption of the New Zoning Code, without first addressing fundamental planning issues through the Elements of the General Plan, fails to fulfill the City's obligation to follow its General Plan. Why? Because it locks in the implementation before establishing the governing vision, concepts and framework that the new zoning code and the Ordinance are meant to carry out. This is a chaotic, cart-before-horse process that will expose the City to needless planning and legal chaos, and which threatens the health, safety, and welfare of the residents of the City of Los Angeles.

We found many of the shortcomings cited by others: the lack of transparency, the exclusion of the public from giving input on decisions that are now to be put into the hands of non-elected staff, the lack of clarity of definitions and criteria for items like feasibility, appealable/non-appealable, jurisdiction, adjustments, exemptions and variances.

Because Venice is one of the few coastal zone communities in L.A., it is important that we direct our comments to the sections dealing with the issuance of Coastal Development Permits.

Many of the requirements that are currently discretionary are now to be made ministerial and solely decided by planning staff without the ability for the public to add input. This would make it crucial that Planning staff assigned to Coastal permits must be experienced and knowledgeable in the applicable coastal regulations: the state Coastal Act, the certified Venice Local Coastal Program Land Use Plan (LUP): the forthcoming certified Venice Local Coastal Program (LCP) and the state Mello Act.

The California Coastal Act and the Mello Act, which both apply only in the Coastal Zone, have been unevenly administered by the City and its Planning staff. The Area Planning Commission and the California Coastal Commission have often had to play strong corrective roles.

This is especially concerning as the City is entering a new era with both of these state statutes. The Venice LCP is just being written, as well as the pending Mello Ordinance. When they come into effect, nobody will have experience with them. This is hardly a wise time to scrap the main mechanism for shaking out problems that will undoubtedly arise with the implementation of these two new land use laws.

In addition, it is critical (and in fact is a finding required by the Coastal Act) that decisions leading up to its approval do not prejudice the ability of the City to approve an LCP that is in conformance with Chapter 3 of the Coastal Act. Thus, coastal development decisions must continue to be appealable, as required by the Coastal Act.

This makes it especially important that decisions made must be appealable. Presumably, the new Local Coastal Program will include elements that are not metrics and would require judgements, because the LCP, like the current LUP and the Venice Coastal Zone Specific Plan, will require findings of compatibility with the mass, scale and character of the existing neighborhood. This is

critical to protecting and preserving Venice as a special coastal community (LUP Policy I. E. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the Coastal Act of 1976.)

Appeals are an important part of Public Participation, which is specifically called out and valued in the Coastal Act as an important part of the coastal development permit process.

Also concerning is the limitation of who may appeal: That PLUM placed the Ordinance on its agenda two days after the DCP posted “technical corrections”, which substantially reduced noticing requirements for appeal hearings. (p. 3 of the Technical Corrections). It is alarming that Appellants will be limited to only owners of properties abutting a proposed project, “across the street or alley from or having a common corner with the subject property.” It is foolish to think that other neighbors, those on the block and immediate vicinity will not be impacted by a project and thus should be part of the appeal process. For that matter, all residents in Venice, which the California Coastal Act specifies is to be preserved as a special coastal community, would also be impacted by a project that did not meet all the findings required by the Coastal Act and the standards and policies of the LUP.

This makes it especially important that decisions made must be appealable. Presumably, the new Local Coastal Program will include elements that are not metrics and would require judgements, because the LCP, like the current LUP and the Venice Coastal Zone Specific Plan, will require findings of compatibility with the mass, scale and character of the existing neighborhood. This is critical to protecting and preserving Venice as a special coastal community (LUP Policy I. E. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the Coastal Act of 1976.)

Appeals are an important part of Public Participation, which is specifically called out and valued in the Coastal Act as an important part of the coastal development permit process.

Further, among the many inadequacies of the current draft of the Processes and Procedures Ordinance:

- This section never defines or lists the criteria for what is appealable or non-appealable, though the terms appear several times in the sections regarding approving CDPs and what is appealable.
- It does not provide an adequate definition for “feasible” (p.625), nor for “reasonable accommodation.” Interpretations of both these terms already have an abusive history that has negatively impacted Venice housing, particularly RSO housing, and directly undermined the purpose of the Mello Act. Yet these decisions are being put to the sole discretion of the Planning Director.
- It does not provide an adequate definition for “feasible” (p.625), nor for “reasonable accommodation.” Interpretations of both these terms already have an abusive history that has negatively impacted Venice housing, particularly RSO housing, and directly

undermined the purpose of the Mello Act. Yet these decisions are being put to the sole discretion of the Planning Director.

- There is no mention of the Mello Act in this ordinance, which is another state law governing land use in the Coastal Zone. While this Ordinance addresses the Coastal Act at length, it completely omits the very important Mello Act, which determines the replacement of affordable housing, inclusion of affordable housing in new multifamily housing, and protection of housing in general from demolition or conversion to nonresidential uses.
- Leaving discretion to the Director of Planning to determine adjustments without allowing public input will continue the abuse of these determinations, which has become more the rule than the exception, exacerbating the loss of neighborhood character and our existing affordable housing. Leaving many of these decisions to the Director of Planning removes the requirement for notice, due process or public hearings and thus removes the general public from the decision-making process.
- All sections related to the Coastal Development Permit process must be reviewed and approved by the California Coastal Commission.

Because of these concerns above, the many other discrepancies, the removal of the public from any real input in development applications, and the overall lack of clarity, we urge you to either reject this plan altogether or allow for a more robust process of public review and input.

It is our understanding that public meetings regarding this highly complex and impactful ordinance have totaled only three hours. If true, this is shocking. It is just too important and too long of a document to not allow for more scrutiny.

Because of these concerns above, the many other discrepancies, the removal of the public from any real input in development applications, and the overall lack of clarity, we urge you to either reject this plan altogether or allow for a more robust process of public review and input.

It is our understanding that public meetings regarding this highly complex and impactful ordinance have totaled only three hours. If true, this is shocking. It is just too important and too long of a document to not allow for more scrutiny.

Sincerely,

Sue Kaplan, President
Citizens Preserving Venice

Citizens Preserving Venice (CPV), a nonprofit 501c(3), was founded as a group dedicated to preserving and protecting the character and scale of Venice as a Special Coastal Community. We work with the Venice community preserving the history, including the social, cultural and economic diversity, and protecting affordable housing by promoting healthy growth throughout Venice.

Communication from Public

Name: Cindy Cleghorn
Date Submitted: 06/21/2021 08:41 PM
Council File No: 12-0460-S4
Comments for Public Posting: Please postpone decision on this proposal for another 60 days to allow more time for Neighborhood Councils to comment on the proposal. There has not been sufficient time and clarity on the many concerns brought forward by stakeholders and neighborhood council leaders. Thank you for your consideration and thoroughness in this process. --Cindy Cleghorn *for identification only Board member, Sunland-Tujunga Neighborhood Council and Member of the Land Use Committee Chair PlanCheckNC

Communication from Public

Name: Brentwood Community Council

Date Submitted: 06/21/2021 09:41 AM

Council File No: 12-0460-S4

Comments for Public Posting: REQUEST FOR 6 MONTH DELAY PRIOR TO CONSIDERATION OF 12-0460-S4 Brentwood Community Council Representing 13 Resident Organizations, 3 Business Districts and 32,000 Residents June 21, 2021 Mayor Eric Garcetti Los Angeles City Councilmembers Los Angeles City Hall 200 N. Spring Street Los Angeles, CA 90012 Re: Council File 12-0460-S4 - Request to Postpone Consideration on City Planning Processes & Procedures Ordinance Dear Mayor Garcetti and Councilmembers: The Brentwood Community Council requests the City Council postpone consideration of Council File #12-0460-S4 for a minimum of six months to enable further community presentations and feedback. The following issues should be resolved before a vote on this ordinance: Completion of Housing Element: It would be highly inappropriate to move forward with this Ordinance before the Housing Element is released and subject to public comment, a process which must conclude by October, 2021. Legal Issues/Unlawful Ordinance: Significant legal issues need to be resolved before rushing to adopt what would be an unlawful Ordinance. The Ordinance is NOT merely about processes and procedures -- important substantive rights would be affected. The document should be reviewed in its entirety to ensure no transfer of Council authority occurs as a result of this document and that final decisions regarding land use remain with the Council, pursuant to the City Charter. There are numerous instances where authority appears to be vested in the Director of Planning, an unelected official, in violation of the Charter. Insufficient Public Comment: The documents in the Council File are 900+ pages long. There have been 3 meetings of 1.5 hours each for the Department of Planning to summarize this document and receive limited feedback. Also "technical amendments" were made prior to the PLUM committee's June 1, 2021 consideration that incorporated more than just technical changes which also require review and feedback. Restore Neighborhood Council Input: The Neighborhood Councils' Charter-given authority to hold public hearings and provide public comment and feedback concerning matters of land use must be restored to the Processes and Procedures amendment sections to ensure it complies with the Los Angeles City Charter and the specific authority it grants to

Neighborhood Councils. The level of community engagement has been insufficient to conduct a full review of the substantial changes involving land use authority and procedures. For these reasons, we request a minimum six month delay prior to consideration of this ordinance. Respectfully submitted, Michelle A. Bisnoff Chairperson Brentwood Community Council cc: Vince Bertoni, Director of Planning Kevin Keller, Executive Officer Bonnie Kim, City Planner, Code Studies CD 1, Gerald Gubatan CD 2, Aaron Ordower CD 3, Elizabeth Eve CD 4, Mashael Majid CD 5, Daniel Skolnick CD 6, Max Podemski CD 7, Paola Bassignana CD 8, Luciralia Ibarra CD 9, Sherilyn Correa CD10, Hakeem Parke-Davis CD11, Len Nguyen CD12, Erich King CD13, Craig Bullock CD14, Emma Howard CD15, Aksel Palacios



BRENTWOOD
COMMUNITY
COUNCIL

Representing 13 Resident Organizations, 3 Business Districts and 32,000 Residents

June 21, 2021

Mayor Eric Garcetti
Los Angeles City Councilmembers
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Council File 12-0460-S4 - Request to Postpone Consideration on City Planning Processes & Procedures Ordinance

Dear Mayor Garcetti and Councilmembers:

The Brentwood Community Council requests the City Council postpone consideration of Council File #12-0460-S4 for a minimum of six months to enable further community presentations and feedback. The following issues should be resolved before a vote on this ordinance:

Completion of Housing Element: It would be highly inappropriate to move forward with this Ordinance before the Housing Element is released and subject to public comment, a process which must conclude by October, 2021.

Legal Issues/Unlawful Ordinance: Significant legal issues need to be resolved before rushing to adopt what would be an unlawful Ordinance. The Ordinance is NOT merely about processes and procedures -- important substantive rights would be affected. The document should be reviewed in its entirety to ensure no transfer of Council authority occurs as a result of this document and that final decisions regarding land use remain with the Council, pursuant to the City Charter. There are numerous instances where authority appears to be vested in the Director of Planning, an unelected official, in violation of the Charter.

Insufficient Public Comment: The documents in the Council File are 900+ pages long. There have been 3 meetings of 1.5 hours each for the Department of Planning to summarize this document and receive limited feedback. Also "technical amendments" were made prior to the PLUM committee's June 1, 2021 consideration that incorporated *more than just technical changes* which also require review and feedback.

Restore Neighborhood Council Input: The Neighborhood Councils' Charter-given authority to hold public hearings and provide public comment and feedback concerning matters of land use must be restored to the Processes and Procedures amendment sections to ensure it complies with the Los Angeles City Charter and the specific authority it grants to Neighborhood Councils. The level of community engagement has been insufficient to conduct a full review of the substantial changes involving land use authority and procedures.

For these reasons, we request a minimum six month delay prior to consideration of this ordinance.

Respectfully submitted,

Michelle A. Bisnoff
Chairperson
Brentwood Community Council

cc:

Vince Bertoni, Director of Planning
Kevin Keller, Executive Officer
Bonnie Kim, City Planner, Code Studies
CD 1, Gerald Gubatan
CD 2, Aaron Ordower
CD 3, Elizabeth Eve
CD 4, Mashael Majid
CD 5, Daniel Skolnick
CD 6, Max Podemski
CD 7, Paola Bassignana
CD 8, Luciralia Ibarra
CD 9, Sherilyn Correa
CD10, Hakeem Parke-Davis
CD11, Len Nguyen
CD12, Erich King
CD13, Craig Bullock
CD14, Emma Howard
CD15, Aksel Palacios