

ROXBURY-BEVERWIL HOMEOWNERS ALLIANCE

INCORPORATED 2010

Via E-mail (clerk.plumcommittee@lacity.org) and comment portal at <https://cityclerk.lacity.org/publiccomment>)

April 5, 2021

Honorable Marqueece Harris-Dawson, Chair
Members of the Planning and Land Use Management Committee ("PLUM")
Los Angeles City Council
City Hall, Room 1010
200 N. Spring Street
Los Angeles, CA 90012

RE: Council File 09-0969-S3 / OPPOSE Proposed Administrative Appeal Fee Increase

Honorable Chair Harris-Dawson and PLUM Committee Members:

The Roxbury-Beverwil Homeowners Alliance ("**RBHA**") represents a single-family neighborhood of approximately 100 homes in Council District 5. Over the last 20-plus years, members of the RBHA have filed appeals to the L.A. City Planning Department ("**CPD**") in connection with at least three major development projects, each of which required zoning changes and/or variances and posed very serious threats to the quality of life enjoyed by the neighborhood's longtime residents. As a result, we have extensive experience in the appeal process, and the RBHA **strongly objects** to the **17,987% increase** (from \$89 to \$16,097) proposed to be made to LAMC §19.01.B. in the filing fee payable by a "person other than the applicant" (a "**Non-Applicant**" herein) to appeal certain CPD determinations (the "**Proposed Appeal Fee Increase**").

In short, the Proposed Appeal Fee Increase is absurd and asinine - - and is a resounding slap in the face to the civic-minded citizens who are forced to file such appeals to save their neighborhoods and preserve any semblance of quality of life in this City. These citizens donate substantial amounts of time and work very hard to provide much-needed oversight to a city government that is still tainted by the corruption of (now-indicted) former City Councilmembers (and their associates) and by the unabated influence and power that real estate developers exert via campaign contributions and other, more difficult-to-detect "pay-to-play" schemes. These citizens actually do much of the research and due diligence that SHOULD be done by the CPD (which lacks the time, staffing and resources to conduct thorough investigations of each case), and provide important information that is usually NOT disclosed by the applicant. The appeal process provides a vital and essential fact-checking and "check and balance" service in a process that otherwise provides too much opportunity for real estate developers to fill their applications with misleading, incomplete and inaccurate information.

Although some may take offense at the comparison, the implementation of the Proposed Appeal Fee Increase would effectively eliminate almost all appeals and thereby **suppress the rights** of citizens to voice their opposition to inappropriate development - - just as recently enacted laws in the state of Georgia suppress voter rights. In light of the public's continued skepticism, and the widespread perception of City Hall as a hotbed of corruption, **it is now more important than ever to protect the public's right to participate in the planning process** - - and the Proposed Appeal Fee Increase would *take away* that right.

The Proposed Appeal Fee Increase is also the very essence of social injustice, since only the uber-wealthy will be able to afford to pay the \$16,097 fee (or *any* amount much higher than the current \$89 fee), while less affluent communities would not - - thereby resulting in a surge of inappropriate and potentially dangerous development in such communities. Further, it's our understanding that the fee would be payable at *each* level of the administrative process, from the determinations of the Zoning Administrator, Area Planning Commission, City Planning Commission, PLUM Committee and full City Council. Since a Non-Applicant is legally required to exhaust all of its administrative remedies prior to filing a lawsuit (which is often the only way to obtain a fair and impartial, unbiased hearing), the process may require filing four successive appeals, the proposed fees for which would total \$64,388!

The "rationale"/purported explanation - - that the City needs to set such fees "at full cost recovery" to make up for large budget shortfalls - - is just bunk. There are many services provided by the City for which the costs are not fully covered by the recipients/beneficiaries of such services; such costs are covered by other revenue streams, such as sales taxes and property taxes - - which are already among the highest in the

country. Reducing/eliminating waste, corruption, negligence and the illegal conduct of city employees which results in enormous litigation/settlement costs, and implementing more efficient procedures across city agencies, would go a long way towards decreasing budget shortfalls. However, IF fee increases are warranted to recover CPD costs, it is only the APPLICANTS whose fees should be increased. They can afford it as a cost of doing business in Los Angeles. Except for the uber-wealthy, a Non-Applicant simply can't afford the proposed fees, and appeals would cease. The real estate development community is gleefully salivating at this prospect!

One might argue that the Non-Applicant has an opportunity to object to a project at the initial public hearing (assuming the LAMC requires that a hearing be held) and, therefore, shouldn't need to file an appeal. However, while the applicant has been working for many months, if not years, on developing its plans - - often holding friendly "closed-door" meetings with Councilmembers (to whom they have usually made generous campaign donations) and their staff, to secure the Councilmember's support and approval of a project long before the public hearing - - the public usually receives only 21 calendar days' notice of the project in which to research the project, commission studies to refute misleading or inaccurate information contained in the application, document their objections and submit the appeal before the deadline. This time crunch is then exacerbated by the ability of the shrewd and elite group of land use attorneys who represent these developers to have the 21 day notice period include major holidays, during which many people are unavailable. In addition, important information about a project is often not disclosed until questions are asked and answered at the public hearing, so that the Non-Applicant is unprepared and unable (due to the hearing rules and format) to respond during the hearing, and the Non-Applicant is then forced to file an appeal.

Further to our position, we hereby adopt and incorporate by reference the comments submitted by John P. Given, Esq. in his letter to PLUM dated March 1, 2021 (the "**Given Letter**"), including the comments submitted by Daniel Wright, Esq. in his letter to PLUM dated August 15, 2017, attached as an exhibit to the Given Letter.

And finally - - according to one current Councilmember (who is not on the PLUM Committee), *"[the Proposed Appeal Fee Increase] has not gotten to the point where anyone is even considering it. It was just one thing recommended by the CAO as a way to make up our budget shortfall."* IF this is true, then WHY is the PLUM Committee even using its time and resources to study and hold a hearing on a proposal that is deemed not to merit consideration, and which has riled up homeowner, environmental and preservation groups across the City? This is simply infuriating - - and a waste of taxpayer money.

In conclusion, we respectfully request that the PLUM Committee REJECT the Proposed Appeal Fee Increase.

Sincerely,
/ Susan L. Gans/
Susan L. Gans
President, Roxbury-Beverly Homeowners Alliance

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