

Communication from Public

Name:

Date Submitted: 03/07/2021 04:50 PM

Council File No: 09-0969-S3

Comments for Public Posting: I am in opposition to raising the fees for appealing development decisions from \$89 to \$16,000. If this isn't an attempt to silence opposition to the overdevelopment and its attendant graft, I don't know what is. This will further increase control of the wealthy developers over the residents of Los Angeles.

Communication from Public

Name:

Date Submitted: 03/09/2021 01:04 PM

Council File No: 09-0969-S3

Comments for Public Posting: This will only make sense IF Neighborhoods are substantively included in the approval process. The appeals process has been abused and broken by organizations who use it as a way to stop projects. That is not its intention. The city must save/generate money and this is a great way. IT doesn't have to be on the backs of neighbors and it shouldn't be. If the city really wants to fix the process, it should include Neighborhood Councils in the approval process early on. That way, appeals would be shouldered by the developers. Instead, the city approves projects and then makes neighborhoods fight them. Go ahead and raise fees - but flip the switch on the approval side first.

Communication from Public

Name: Beverly Palmer

Date Submitted: 03/09/2021 02:54 PM

Council File No: 09-0969-S3

Comments for Public Posting: Please see the attached letter on behalf of Fix the City, Inc., in opposition to the CAO's proposed increase in non-applicant appeal fees from \$89 to \$16,097.

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March 9, 2021

Via on line comment system

Los Angeles City Council
Planning and Land Use Management Committee

Re: Council File 09-0969-S3
Opposition to non-applicant appeal fee proposal

To the Honorable Members of the PLUM Committee:

We write on behalf of Fix the City, Inc. (FTC), a non-profit public benefit corporation. FTC believes that the prosperity of cities depends upon their livability: Good schools, safe parks, properly staffed police and fire, gridlock-free, non-cratered streets, clean air and safe sidewalks. In Los Angeles these vital public services are suffering in large part because the City has failed to monitor and invest in its crumbling infrastructure and has allowed development to outpace and exceed its capacity to provide essential services. FTC's mission is to support public safety and infrastructure and make the City of Los Angeles a better place.

The February 24, 2021 report from the City Administrative Officer (CAO) presents what it purports to be revisions to the Department of City Planning's (DCPs') "full cost" estimates for providing case services. While in many cases, the CAO's revisions are modest, in the category of Appeals by "Person other than the applicant" (LAMC 19.01 B 3), the CAO proposes a **1000 percent increase** to the fee proposed by DCP. The DCP proposed to increase the cost of non-applicant appeals nearly twofold, from \$89 to \$161. Even this increase could reduce access to the appeal process for many residents. But that was not enough for the CAO. The CAO proposes to increase the cost of a non-applicant appeal to **\$16,097**, a fee so high that it shocks the conscience.

The CAO's report notes that the DCP had recommended setting fees at levels less than full cost recovery, based on the principles by which DCP had evaluated fees: "to ensure fees are fair, equitable, and represent the estimated and reasonable cost of services." The CAO noted that the DCP "recommended cost recovery percentages . . . based on the DCPs' review of each fee to assess the degree to which certain planning services benefit the community as a whole or specific groups or individuals." The DCP considered such issues as whether lower fees would "encourage participation in community-driven regulatory process;" "enable participation of individuals or groups that may not be able to afford services," and "provide benefits to both the individual and community at large." The CAO dispatches with all of that, recommending that all fees be set at full cost recovery, regardless of the fairness or equitability of the fees. The

proposal to raise the fees for non-applicant appeals to over \$16,000 flies in the face of any notion of access to justice or equity. It would bar all but the most affluent residents from bringing challenges to decisions by Planning.

Non-applicants do not stand to gain financially when they appeal City land use decisions. These appeals are often brought by individuals or small organizations who are defending interests that may be broad-based or difficult to quantify financially. People should not have to take out a second mortgage simply to rectify errors. In one appeal in which this firm represented a neighboring property owner, Planning staff determined that an error had been made in awarding an inapplicable incentive under the Transit Oriented Communities program. Without the ability to bring an appeal, this erroneous incentive would have been granted and the neighboring property owner would have lost the setback protections that were included in the Transit Oriented Communities guidelines.

The Council should not follow the CAO's approach to non-applicant appeals. It would be fatal to the ability of the vast majority of City residents to participate in the land use process. The appeal fees should be kept as reasonable as possible to encourage citizen participation in the land use process. The \$16,000 is patently unreasonable and should be rejected out-of-hand.

Yours truly,

A handwritten signature in black ink, appearing to read "BGP", written over a horizontal line.

Beverly Grossman Palmer
STRUMWASSER & WOOCHEER LLP