

## Communication from Public

**Name:** Wendy-Sue Rosen

**Date Submitted:** 04/05/2021 03:24 AM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** Please add BACH's comments (attached) to the record for the Tuesday, April 6, 2021 PLUM hearing. Thank you, Wendy-Sue Rosen



April 5, 2021

Councilmember Marqueece Harris-Dawson, Chair  
Members of the Planning and Land Use Management Committee  
Los Angeles City Council  
200 N. Spring Street, City Hall Room 1010  
Los Angeles, California 90012  
Via: <https://cityclerk.lacity.org/publiccomment/>

**Re: Opposition to Proposed Administrative Appeal Fee Increase from \$89 City  
File No: 09-0969-S3; City Council (PLUM) Hearing April 6, 2021**

Dear Members of the PLUM Committee:

The Brentwood Alliance of Canyons & HillSides (BACH)<sup>1</sup> is strongly opposed to the City's Chief Administrative Officer's proposed increase of the non-applicant appeal fee from \$89 to \$16,097.

Indeed, this proposed increase of almost *18,000 percent* is so facially outrageous that one cannot but assume that it's nothing more than a stalking horse to make the Planning Department's previously-proposed increase *seem* reasonable by comparison. But even Planning's proposed increase—a fee proposed to range from \$89 to \$158—is unreasonable when applied to ordinary citizens, who do not have a business or financial interest in proposed development projects, when they seek to protect the *public interest* in the proper enforcement of state and local environmental and development laws. (See *Sea & Sage Audubon Society, Inc. v. Planning Commission of the City of Anaheim* (1983) 34 Cal.3d 412, 427 (Mosk, J., dissenting) ["We should not permit local governing bodies to insulate major land use decisions from public scrutiny by pricing statutory appellate remedies beyond the reach of interested members of the community"].)

The notion that non-applicant appellants should compensate the City for the costs of appeals fails to recognize the *public benefit* of an administrative process that has proven essential to the enforcement of the City's often-flouted development rules. The burden borne by ordinary citizens seeking enforcement of these rules is unfair even without *any* increase in the amount of such fees. Appeals filed by non-applicant citizens and non-profits lacking any economic interest in a project often bring to light administrative failures to enforce laws and regulations intended to protect the public generally. Indeed, members of BACH have been part of non-profit organizations that have borne the expense of opposing Planning and City approvals for numerous projects that the courts have eventually found to have been unlawfully approved in violation of laws protecting the public interest. In these many contexts, non-applicant appellants perform a *public service* resulting

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<sup>1</sup> BACH is an alliance of homeowner and residential associations founded in response to the growing threat of climate change and the unprecedented risk of wildfire due to continued development encroaching on the fragile Santa Monica Mountains ecosystem. BACH members support and promote sustainable communities, habitat, wildlife connectivity, open space, trails, public safety, fire-safe policies, and the urban tree canopy.

in the enforcement of development laws that would not have otherwise been enforced. The City should not further burden the right of its residents to petition the government to enforce municipal and state laws designed to protect the general public.

We must emphasize that the chilling effect of high non-applicant appeal fees is uniquely damaging when the general public *justifiably* lacks confidence in the City's processes. Over the past few years, the public has learned that the City's development approval process has long been fouled by the most shameless corruption. Proposals to *raise* the fees for challenging development approvals to unaffordable rates—whether \$16,097 or \$158-\$161—is shocking in light of recent indictments and plea bargains revealing that the City's development and approval processes have been rife with *pay-for-play* corruption at the highest levels. Former members of this Committee have been forced to resign in the face of indictments alleging the payment of bribes in exchange for *PLUM Committee* approval. Former City Councilman Jose Huizar, a longtime member and past Chair of this Committee, has been charged with using his position on PLUM for federal racketeering purposes, including acts such as taking a \$200,000 cash bribe to deny a PLUM appeal. (Attached are selected pages from the federal indictment.) Former City Councilmember Mitch Englander, also a former member of this Committee, has pled guilty to federal charges for obstructing the still-ongoing federal investigation.

Now, in the midst of revelations about such grossly illegal misconduct by public officials charged with authority to resolve Planning appeals, the CAO proposes to make it financially impossible for ordinary citizens to appeal Planning decisions. This is akin to requiring citizens reporting a crime to shoulder the costs of investigation. The proposed increase in the appeal fee would throw an insurmountable hurdle in the way of non-applicant appellants and chill the public's due process rights to enforce the City's own procedures and important state laws regarding zoning, development and protection of the environment. We urge the Committee to deny any fee increase.

In addition to the above comments, BACH adopts and incorporates by reference the March 1, 2021 comment letter submitted by John P. Given and March 2, 2021 comment letter submitted by Daniel Wright.<sup>2</sup>

Sincerely,

Brentwood Alliance of Canyons & Hillside:

Bel Air Skycrest Property Owners' Association  
*Lais Becker*, Community Liaison

Brentwood Hills Homeowners Association  
*Eric Edmunds*, President

Brentwood Residents Coalition  
*Wendy-Sue Rosen*, President

Mountaingate Open Space Maintenance Association  
*Stephen Drimmer*, President

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<sup>2</sup> Both letters are already part of the record and available at: [https://clkrep.lacity.org/online/docs/2009/09-0969-S3\\_PC\\_M\\_03-02-2021.pdf](https://clkrep.lacity.org/online/docs/2009/09-0969-S3_PC_M_03-02-2021.pdf).

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2019 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS HUIZAR,  
RAYMOND SHE WAH CHAN,  
aka "She Wah Kwong,"  
WEI HUANG,  
SHEN ZHEN NEW WORLD I, LLC,  
DAE YONG LEE,  
aka "David Lee,"  
940 HILL, LLC,

Defendants.

CR 20-326(A)-JFW

F I R S T  
S U P E R S E D I N G  
I N D I C T M E N T

[18 U.S.C. § 1962(d): Racketeer Influenced and Corrupt Organizations Conspiracy; 18 U.S.C. §§ 1341, 1343, 1346: Honest Services Mail and Wire Fraud; 18 U.S.C. § 1952(a)(3): Interstate and Foreign Travel in Aid of Racketeering; 18 U.S.C. §§ 666(a)(1)(B), (a)(2): Bribery Concerning Programs Receiving Federal Funds; 18 U.S.C. §§ 1956(a)(1)(B)(i), (a)(2)(B)(i): Money Laundering; 18 U.S.C. § 1014: False Statements to a Financial Institution; 18 U.S.C. § 1519: Alteration of Records in Federal Investigations; 18 U.S.C. § 1001(a)(2): Making False Statements; 31 U.S.C. § 5324(a)(3): Structuring of Currency Transactions to Evade Reporting Requirements; 26 U.S.C. § 7201: Attempt to Evade and Defeat the Assessment and Payment of Income Tax; 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), 982(a)(2), and 1963, 26 U.S.C. § 7301, 28 U.S.C. § 2461(c), 31 U.S.C. § 5317: Criminal Forfeiture]

1 Invitation for event and can u also check with chairman if we are  
2 still moving forward with event?"

3 Overt Act No. 81: On October 18, 2018, defendant HUIZAR  
4 received a text message from General Manager E sent on behalf of Wei  
5 Huang, confirming that Huang would allow his hotel to host the  
6 fundraiser for HUIZAR Relative 1, writing: "Chairman [Huang] agree  
7 with the arrangement. [Huang's relative] will be the contact person  
8 at [Huang's hotel] handle all the detail."

9 Overt Act No. 82: On November 5, 2018, defendant HUIZAR sent a  
10 text message to General Manager E, writing: "I didn't get around to  
11 confirming the November 9 event with chairman [Wei Huang] with  
12 [Huang's relative] as we discussed. We are rescheduling the nov 9  
13 event. Please let Chairman know if we can reschedule for end of  
14 November and if we can confirm a date."

15 Overt Act No. 83: On November 5, 2018, defendant HUIZAR sent  
16 defendant CHAN a text message, writing: "Hey RAY [CHAN]. We are  
17 rescheduling the nov 9 event. Hopefully u can still raise the funds  
18 for the event as we discussed when rescheduled." Defendant CHAN  
19 replied: "Yes sir!"

20 Overt Act No. 84: On November 6, 2018, defendant CHAN sent  
21 defendant HUIZAR a text message confirming defendant CHAN had  
22 received \$12,500 in contributions to HUIZAR Relative 1's campaign,  
23 and expected another \$12,500 by November 16, 2018.

24 **(2) 940 Hill Bribery Scheme**

25 Overt Act No. 85: On August 8, 2016, after Labor Organization  
26 A filed an appeal that prevented the 940 Hill Project from  
27 progressing through the City approval process, Justin Kim received a  
28 telephone call from David Lee, asking Kim to obtain defendant

1 HUIZAR's assistance in dealing with the appeal, which could  
2 ultimately reach the PLUM Committee, which defendant HUIZAR chaired.

3 Overt Act No. 86: On August 9, 2016, Justin Kim received a  
4 copy of the appeal from David Lee by e-mail, which Kim then forwarded  
5 to George Esparza by e-mail.

6 Overt Act No. 87: On September 1, 2016, defendant HUIZAR  
7 received a written brief from City Staffer A-2 regarding the 940 Hill  
8 Project, which noted that "Justin Kim will be requesting your support  
9 in denying the appeal," and that a certain component of the appeal  
10 would reach the PLUM Committee and City Council.

11 Overt Act No. 88: On September 1, 2016, defendant HUIZAR,  
12 George Esparza, and Justin Kim had dinner together and then visited a  
13 Korean karaoke establishment, where Kim asked defendant HUIZAR for  
14 assistance with the appeal on the 940 Hill Project, and defendant  
15 HUIZAR agreed to help. Kim then called David Lee and asked him to  
16 join the group at karaoke, which Lee did.

17 Overt Act No. 89: On September 2, 2016, George Esparza and  
18 Justin Kim met for lunch in Los Angeles. At defendant HUIZAR's  
19 direction, Esparza expressed to Kim that defendant HUIZAR would not  
20 help the 940 Hill Project for free and that defendant HUIZAR would  
21 require a financial benefit in exchange for his help ensuring the 940  
22 Hill Project moved forward through the City approval process.

23 Overt Act No. 90: On September 3, 2016, Justin Kim met with  
24 David Lee at a bowling alley in Little Tokyo, where Kim conveyed to  
25 Lee the message from defendant HUIZAR and George Esparza, namely,  
26 that defendant HUIZAR's assistance on the 940 Hill Project would  
27 require that defendant HUIZAR receive a financial benefit.

1        Overt Act No. 91:    On January 17, 2017, defendant HUIZAR,  
2 George Esparza, and Justin Kim met with David Lee's business  
3 associates at defendant HUIZAR's City Hall office to discuss, among  
4 other things, the 940 Hill Project. During a private meeting that  
5 included only defendant HUIZAR, Esparza, and Kim, Kim again asked  
6 defendant HUIZAR for assistance with the appeal, and defendant HUIZAR  
7 responded that he could help. Defendant HUIZAR also stated that  
8 defendant HUIZAR wanted Kim to be a major supporter when HUIZAR  
9 Relative 1 ran for the CD-14 seat.

10       Overt Act No. 92:    In or around January 2017, at the direction  
11 of defendant HUIZAR, George Esparza obtained information indicating  
12 that resolving the appeal on the 940 Hill Project would save David  
13 Lee an estimated \$30 million on development costs.

14       Overt Act No. 93:    On January 19, 2017, defendant HUIZAR and  
15 George Esparza discussed asking David Lee for \$1.2 million to resolve  
16 the Labor Organization A appeal, with \$500,000 to be paid to  
17 defendant HUIZAR, \$500,000 to be paid to Justin Kim, and \$200,000 to  
18 be paid to Esparza.

19       Overt Act No. 94:    In or around January 2017, based on his  
20 conversations with defendant HUIZAR and Lobbyist C, George Esparza  
21 told Justin Kim that it would cost approximately \$1.2 million to \$1.4  
22 million to convince defendant HUIZAR to resolve the appeal and allow  
23 the 940 Hill Project to move forward in the City approval process.

24       Overt Act No. 95:    Between February 2, 2017 and February 10,  
25 2017, George Esparza had a text message conversation with defendant  
26 HUIZAR discussing the negotiation of the bribe payment and the amount  
27 of the bribe payment from David Lee to defendant HUIZAR, while at the  
28

1 same time having a text message conversation with Justin Kim about  
2 the same issues.

3 Overt Act No. 96: In approximately February 2017, George  
4 Esparza and Justin Kim had discussions regarding the negotiation of  
5 the bribe amount. Kim conveyed a counteroffer of \$500,000 cash from  
6 David Lee for defendant HUIZAR. Esparza then conveyed this  
7 counteroffer to defendant HUIZAR, stating specifically that defendant  
8 HUIZAR would obtain \$300,000 total and Kim would receive \$200,000  
9 total for facilitating the bribery scheme.

10 Overt Act No. 97: In approximately February 2017, George  
11 Esparza and defendant HUIZAR discussed the appeal, and defendant  
12 HUIZAR instructed Esparza to speak to Lobbyist C, a close associate  
13 of the Executive Director of Labor Organization A.

14 Overt Act No. 98: On February 14, 2017, George Esparza had a  
15 text message conversation with Lobbyist C about setting up a private  
16 meeting between Lobbyist C and defendant HUIZAR. Specifically,  
17 Esparza wrote: "My boss [defendant HUIZAR] asked if you guys can have  
18 a one on one on Tuesday at 830am?... Just you and the Councilman."

19 Overt Act No. 99: On February 21, 2017, defendant HUIZAR and  
20 George Esparza discussed the appeal, and defendant HUIZAR stated that  
21 he would talk to Lobbyist C to encourage Labor Organization A to  
22 withdraw the appeal. Defendant HUIZAR also told Esparza that the  
23 appeal could be denied in the PLUM Committee. Esparza then  
24 documented this conversation via notes on his phone.

25 Overt Act No. 100: In approximately February 2017, defendant  
26 HUIZAR discussed the appeal with Lobbyist C, and conveyed that  
27 defendant HUIZAR would oppose the appeal in the PLUM committee.  
28



1 Lobbyist C agreed to discuss the issue with the Executive Director of  
2 Labor Organization A.

3 Overt Act No. 101: On February 22, 2017, George Esparza had a  
4 text message conversation with Lobbyist C about a private meeting at  
5 defendant HUIZAR's request. Specifically, Esparza wrote: "I still  
6 need to talk to you one on one per my bosses [defendant HUIZAR]  
7 request."

8 Overt Act No. 102: On March 1, 2017, George Esparza had a text  
9 message conversation with Lobbyist C about the status of the appeal.

10 Overt Act No. 103: On March 3, 2017, George Esparza received a  
11 text message from Lobbyist C regarding the appeal on the 940 Hill  
12 Project, which stated: "Appeal dropped today." Esparza then informed  
13 Justin Kim that defendant HUIZAR had held up his end of the bargain  
14 and helped resolve the appeal.

15 Overt Act No. 104: In early March 2017, Justin Kim informed  
16 David Lee that defendant HUIZAR held up his end of the agreement and  
17 helped resolve the appeal.

18 Overt Act No. 105: On March 14, 2017, Justin Kim met with David  
19 Lee at Lee's office in Los Angeles and received cash from Lee, which  
20 was intended to be a bribe from Lee to pay for defendant HUIZAR's  
21 assistance in resolving the appeal.

22 Overt Act No. 106: On March 14, 2017, George Esparza sent a  
23 text message to Justin Kim that asked: "Address again please." Kim  
24 provided the address for David Lee's office, which Esparza entered  
25 into his Waze application. Esparza then texted Kim: "I'm on the  
26 corner. Wait for u in my car."

27 Overt Act No. 107: On March 14, 2017, Justin Kim met with  
28 George Esparza in a car outside David Lee's office and gave Esparza

1 cash to deliver to defendant HUIZAR, but Kim kept some cash for  
2 himself for facilitating the bribe payment.

3 Overt Act No. 108: On March 14, 2017, George Esparza sent a  
4 text message to defendant HUIZAR, asking: "Are you home?" Defendant  
5 HUIZAR responded: "Yes." Esparza then wrote: "Can I stop by? Just  
6 finished meeting with Justin [Kim]."

7 Overt Act No. 109: On March 14, 2017, defendant HUIZAR and  
8 George Esparza met at defendant HUIZAR's residence. Esparza told  
9 defendant HUIZAR that David Lee had provided \$400,000 in cash, and  
10 that Lee would provide the remaining \$100,000 later. Esparza stated  
11 that Justin Kim had provided \$200,000 of that cash to Esparza. At  
12 the meeting, Esparza showed defendant HUIZAR a liquor box filled with  
13 cash. Defendant HUIZAR told Esparza to hold on to and hide the money  
14 at Esparza's residence until defendant HUIZAR asked for it.  
15 Defendant HUIZAR told Esparza that Esparza could have \$100,000 of the  
16 \$300,000 total amount defendant HUIZAR expected to receive from Lee,  
17 meaning defendant HUIZAR's share of the bribe was \$200,000.

18 Overt Act No. 110: In or around July 2017, Justin Kim met with  
19 David Lee at Lee's office in Los Angeles. In that meeting, Lee  
20 provided Kim an additional \$100,000 in cash, which they understood  
21 was meant to be a bribe to defendant HUIZAR, but which Kim kept for  
22 himself.

23 Overt Act No. 111: On December 28, 2017, defendant HUIZAR and  
24 George Esparza met at City Hall and, in defendant HUIZAR's private  
25 bathroom, discussed various topics, including Esparza's interviews  
26 with the FBI and the cash bribe Esparza was holding for defendant  
27 HUIZAR. Specifically, during that conversation, defendant HUIZAR  
28 stated: "I have a lot of expenses now that [HUIZAR Relative 1]'s

1 running. [HUIZAR Relative 1] is not going to be working anymore....  
2 Um, that is mine, right? ... That is mine." Esparza affirmed the  
3 \$200,000 cash bribe money was defendant HUIZAR's. Defendant HUIZAR  
4 and Esparza agreed to wait until April 1, 2018, for Esparza to  
5 provide the \$200,000 cash owed to defendant HUIZAR, to allow some  
6 cooling off after Esparza's interviews with the FBI in hopes that it  
7 would decrease the likelihood of law enforcement discovering the  
8 cash.

9 Overt Act No. 112: In or around April 2018, defendant HUIZAR  
10 and George Esparza communicated by telephone and agreed to postpone  
11 their meeting to deliver defendant HUIZAR's \$200,000 in bribery cash  
12 to October 1, 2018.

13 Overt Act No. 113: On September 30, 2018, as part of a series  
14 of unanswered text messages he sent to George Esparza regarding the  
15 expected delivery of defendant HUIZAR's cash bribe, defendant HUIZAR  
16 wrote: "Hey George. Tomorrow is October first. When we gonna meet?"

17 Overt Act No. 114: On October 4, 2018, defendant HUIZAR wrote  
18 to George Esparza via text message: "Hey George. So we gonna meet up  
19 like u said we would after October?"

20 Overt Act No. 115: On October 5, 2018, defendant HUIZAR met  
21 with Justin Kim at a hotel in Pasadena, where defendant HUIZAR asked  
22 Kim to turn off his phone to ensure their meeting was not recorded.  
23 Defendant HUIZAR stated that he had not gotten his share and held up  
24 two fingers, referring to the \$200,000, which was defendant HUIZAR's  
25 share of the bribe payment from David Lee in exchange for defendant  
26 HUIZAR's help with the appeal, because George Esparza was still  
27 holding on to the cash.

1 been placed beyond the jurisdiction of the court; (d) has been  
2 substantially diminished in value; or (e) has been commingled with  
3 other property that cannot be divided without difficulty.

4  
5 A TRUE BILL

6  
7 /S/  
8 \_\_\_\_\_  
Foreperson

9  
10 NICOLA T. HANNA  
United States Attorney

11 

12 BRANDON D. FOX  
13 Assistant United States Attorney  
Chief, Criminal Division

14 MACK E. JENKINS  
15 Assistant United States Attorney  
Chief, Public Corruption and  
16 Civil Rights Section

17 VERONICA DRAGALIN  
Assistant United States Attorney  
18 Public Corruption and Civil  
Rights Section

19 MELISSA MILLS  
20 Assistant United States Attorney  
Public Corruption and Civil  
21 Rights Section

## Communication from Public

**Name:** Christopher McKinnon

**Date Submitted:** 04/05/2021 11:12 AM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** The fee structure as proposed effectively negates the input of the general public and leaves it wide open for abuse by deep pocketed developers, their enablers and cohorts.

## Communication from Public

**Name:** Marianne Davis

**Date Submitted:** 04/05/2021 11:34 AM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** We feel that the astronomical rise in appeal fees to \$16,000 is absolutely unacceptable and is a barrier to doing the right thing. We simply MUST NOT allow this proposition to pass. A modest increase, like what Planning has proposed, is much more acceptable and makes sense. We know that the City has had heavy burdens this year and an increase is understandable, BUT NOT \$16,0000 just to appeal! These are not nuisance-suits, and Los Angeles' citizens should be able to object without undue burden.

## Communication from Public

**Name:**

**Date Submitted:** 04/05/2021 12:13 PM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** As a resident of an HPOZ in Carthay Circle, I OPPOSE the proposed LA City Planning fees hike by nearly 40 percent. This is an outrage and undermines the preservation program in Los Angeles. Please reconsider this approach. Thank you.

## Communication from Public

**Name:** Daniel Baer

**Date Submitted:** 04/05/2021 01:06 PM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** I reside within the Jefferson Park HPOZ (90018) and strongly oppose the recovery fee proposal scheduled for tomorrow's meeting on April 6th. The proposed fee schedule will greatly undermine code compliance within our communities and effectively ensure the HPOZ process becomes an exclusive entitlement only accessible to those with larger financial means. Planning services have never been a pay-its-way service, rather an essential tool to protect the life/safety and long-term sustainability of our communities. The self ascribed (4) Ps: People, Plans, Policies, and Places specifically place emphasis on "a vision of Los Angeles as a collection of healthy and sustainable neighborhoods - each with a distinct sense of place, based on a foundation of mobility, economic vitality, and improved quality of life for all residents." "Simply" adding fees, as a response to the department's operational efficiencies, removes our accessibility to its core mission of mobility, vitality, and improved quality of life. It specifically limits its potential outreach, encouraging less community participation/code compliance, and in turn less fee recovery. The exclusivity this proposal creates places an undue financial burden on many of our already underserved communities, including BIPOC neighborhoods. I urge the committee to oppose the proposed fee recovery, and in turn work with its community networks/voices (UNNC, HPOZ Boards, LA Conservancy, etc) for a fair and balanced resolution to potential fee increases.



## Communication from Public

**Name:** Susan L Gans

**Date Submitted:** 04/05/2021 01:47 PM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** See letter dated April 5, 2021 (in opposition to proposed appeal fee increase) attached.

# ROXBURY-BEVERWIL HOMEOWNERS ALLIANCE

INCORPORATED 2010

Via E-mail ([clerk.plumcommittee@lacity.org](mailto: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

cc (via e-mail):  
Councilmember.Harris-Dawson@lacity.org  
Gilbert.Cedillo@lacity.org  
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## Communication from Public

**Name:** Rita Y Cofield

**Date Submitted:** 04/05/2021 02:20 PM

**Council File No:** 09-0969-S3

**Comments for Public Posting:** In efforts to do better about ensuring that communities of color have the support they need to preserve architectural as well as cultural resources in their communities, the proposed raise in planning fees to nearly 40 percent is unacceptable. On the one hand the City of Los Angeles says yes, we want to make tools of preservation more accessible to communities of color that have been systematically denied equal access, while the other hand makes it more difficult. Make up your mind which should take priority at this point in American history!