

Communication from Public

Name:

Date Submitted: 04/02/2021 02:09 PM

Council File No: 09-0969-S3

Comments for Public Posting: Please see attached letter opposing the fee increase. Please enter it in the public record and distribute it to the committee and city council members.

Citizens Preserving Venice

Council File No: 09-0969-S3

Planning Land Use Management Committee

For Hearing April 6, 2021 Item #10

Dear Councilmembers of the PLUM Committee:

Citizens Preserving Venice strongly opposes the raising of appeal fees to \$1607. We are a 501(c)3 committed to protection of Venice neighborhoods and to preservation of the existing multi-family and RSO units in Venice.

Appeals have been our most effective means to save the affordable housing that is existing and to see that density bonuses are correctly applied and that the projects do not inflict irreparable harm to our sensitive community. The Coastal Commission has deemed us a special coastal community and thus to be protected.

As a volunteer organization, if this increase was to be approved, we, like many other nonprofits, will no longer be able to use the appeal process for these purposes.

This is an obvious attempt to effectively prevent any public discussion, public participation and access to the land use and planning processes in our City.

It is the right for the public to be able to engage in the public process. The public has the those who are affected by a decision have a right to be involved in the decision-making process. This fee increase prevents the public to have a say in what is appropriate in their local neighborhoods and communities in a system that already favors the professional building and development businesses. For them it is just the cost of doing business. For us it is the quality of life.

It is absolutely imperative that this appeal tool -- one that gives neighbors, non-profit community groups and individuals a fighting chance—remains in place in a manner that does not prevent the public from continuing to have a say in planning decisions that directly impact them.

Please reconsider this exorbitant fee increase, and if you must, make an increase that does not eliminate this valuable and necessary opportunity for the public to participate in our government.

Thank you,

Sue Kaplan, President
On behalf of Citizens Preserving Venice

Citizens Preserving Venice (CPV), a nonprofit 501(c)3, was founded in 2018, as 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: Casey Maddren

Date Submitted: 04/02/2021 03:18 PM

Council File No: 09-0969-S3

Comments for Public Posting: The Franklin Corridor Communities submit the attached letter opposing the proposed fee increase for non-applicant appeals.

FRANKLIN CORRIDOR COMMUNITIES

Reinstating the Local Voice in Development Decision Making

March 31, 2021

Planning & Land Use Management Committee
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Re: Increase in Fee for Appeals Filed by Non-Applicants

Council File No.: 09-0969-S3

Dear Members of the PLUM Committee,

The members of the Franklin Corridor Communities are writing to protest in the strongest terms the proposal to increase fees for appeals by non-applicants to \$16,000. Not only do we oppose the fee increase, but we are appalled at the way the City has attempted to slide this massive increase through surreptitiously, without legally required public notice.

Last year the City proposed an increase in the amount that parties other than a development applicant must pay to file an appeal from \$89 to \$158. Notice of the proposed increase was sent to interested parties. However, subsequently the CAO published a report recommending that the fee for appeals by non-applicants be increased to \$16,000, and this recommendation was agendized for the April 6, 2021 PLUM meeting.

It appears that notice of this massive increase was only published in The Daily Journal, which is not a general circulation newspaper, and that no notice was sent to interested parties. For this reason, any action taken on this item, other than hearing public comment, would be a violation of the Brown Act.

Both the US and California Constitutions contain due process clauses requiring notice and a right to a hearing before the government can take action adverse to a citizen's interests. To ensure the fundamental right to due process, appeal fees are supposed to be nominal so that an aggrieved person can exercise this right. The City's attempt to surreptitiously increase the appeal fee to \$16,000 is clearly intended to deprive the average citizen of this right.

We oppose the increase to \$16,000. We also oppose the increase to \$158. We ask that you leave the fee for appeals filed by non-applicants unchanged. In this way the City will be fulfilling its obligation under the Constitution to ensure that all citizens have access to due process.

Sincerely,



Susan Craig Winsberg
President
Franklin Corridor Communities

Communication from Public

Name:

Date Submitted: 04/02/2021 06:15 PM

Council File No: 09-0969-S3

Comments for Public Posting: Please place the attached corrected letter to the public file and remove the earlier one. Thank you.

Citizens Preserving Venice

Council File No: 09-0969-S3
For Hearing April 6, 2021 Item #10

2 April 2021

Dear Councilmembers of the PLUM Committee:

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. Appeals have been our most effective tool in pursuing our goals.

We believe that the proposed significant appeal fee increase would be a due process violation as it would effectively prevent public participation in and access to the City's land use and planning process. Specifically in the Coastal Zone, we believe that such an increase would violate the Coastal Act, which states: ***Section 30006 Legislative findings and declarations; public participation.*** *The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support...*

As a volunteer organization, if this increase were to be approved, we, like many other nonprofits, would no longer be able to afford to use the appeal process for these purposes. This fee increase would prevent the public from participating in a system that already favors the professional building and development businesses, for whom an appeal is just a cost of doing business.

Please reconsider this unacceptable fee increase and, if you must, institute an increase that does not foreclose this valuable and necessary opportunity for the public to participate in the City of L.A.'s land use process.

Sincerely,

Thank you,

Sue Kaplan, President
On behalf of Citizens Preserving Venice

Communication from Public

Name:

Date Submitted: 04/02/2021 08:22 PM

Council File No: 09-0969-S3

Comments for Public Posting: Submitted to the L.A. Times, but not printed: On 8/7/17, the L.A. City Administrative Office recommended that appeal fees regarding land use decisions by the Planning Dept. be raised. Such an increase appears to be designed to eliminate most if not all non-applicant appeals of Planning decisions. At the least, it is a negotiating tactic to increase appeal fees to an unfair level. This is similar to a poll tax enacted to prevent certain citizens from voting. I served on the WLA Area Planning Commission from 2009 to 2016 and I can aver that many appeals to the WLA APC were made because of deviations from City law by the Planning Dept. This is why many appeals were granted by the WLA APC during my tenure. The proposed fees will effectively deprive residents of the right to seek redress for unjust planning decisions. This is an anathema to the democratic process and a significant attack on the rights of non-wealthy City residents.

M. Donovan

Thomas

Submitted to the L.A. Times, but not printed:

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Thomas M. Donovan

Thomas M. Donovan | Law Offices of Thomas M. Donovan

Communication from Public

Name: Lois Becker

Date Submitted: 04/02/2021 09:40 PM

Council File No: 09-0969-S3

Comments for Public Posting: Here is a letter from BASPOA opposing the proposed appeal fee increase. Full letter attached. Re: Proposed Administrative Appeal Fee Increase – OPPOSE! Council File 09-0969-S3 Dear Chair Harris-Dawson and PLUM Committee Members: I write to you on behalf of Bel Air Skycrest Property Owners' Association (BASPOA) regarding the proposal to increase the non-applicant appeal filing fee from \$89.00 to \$16,097.00 (that's sixteen thousand ninety-seven dollars!). An increase on this scale would be enough to send people into sticker shock at any time. But it is a particularly tone deaf move at a time when citizens across the country are waiting desperately for a \$1,400.00 Covid relief check to help them through a massive health and economic crisis, with between ten and twenty million unemployed and many families experiencing food and housing insecurity. To be clear, in better times than these, the original \$89 administrative fee was quite enough to make ordinary citizens and community organizations think twice before filing an appeal. But there can be no question that this proposed fee hike would effectively price a great many stakeholders out of exercising their constitutional right to participate in the public process. Bel Air Skycrest values the public process. Years ago that process enabled us to save our community when the City wanted to go back on its word and reopen the Mission Canyon landfill immediately below our homes. In intervening years the same process has given us input into expansions on the neighboring Mulholland Institutional Corridor. While we certainly have not put a stop to development in the area, we have been able to negotiate conditions and mitigations that have been helpful -- some more helpful than others. It's not a perfect process, but it does what it's supposed to do: it allows us a voice. Today, like concerned citizens across the City, we continue to track the projects that we believe will particularly impact us. We work hard, keep our neighborly antennae up, do lots of research, write strongly worded letters, attend meetings and hearings, partner with other neighborhood groups.... And very rarely, as a last resort, we file an appeal. Non-applicant land use appeals are the penultimate vehicle used by stakeholders to challenge land use decisions we believe will be truly detrimental to our community and to the City as a whole. They are the check-that keeps our system in balance. By raising

the appeal fee, and by attempting to do so without proper notice, it seems that our public servants seek to silence the very people they are supposed to represent and serve. We urge you: do not raise this fee, especially at this time (and do not ever think about raising it this much!). Do not take away our voices! Respectfully, Lois Becker, BASPOA Community Liaison



Honorable Marqueece Harris-Dawson, Chair
Planning and Land Use Management Committee
City Hall, Room 1010
200 N. Spring Street
Los Angeles, CA 90012

April 3, 2021

Re: Proposed Administrative Appeal Fee Increase – OPPOSE!
Council File 09-0969-S3

Dear Chair Harris-Dawson and PLUM Committee Members:

I write to you on behalf of Bel Air Skycrest Property Owners' Association (BASPOA) regarding the proposal to increase the non-applicant appeal filing fee from \$89.00 to \$16,097.00 (that's sixteen thousand ninety-seven dollars!). An increase on this scale would be enough to send people into sticker shock at any time. But it is a particularly tone deaf move at a time when citizens across the country are waiting desperately for a **\$1,400.00 Covid relief check** to help them through a massive health and economic crisis, with between ten and twenty million unemployed and many families experiencing food and housing insecurity.

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Non-applicant land use appeals are the penultimate vehicle used by stakeholders to challenge land use decisions we believe will be truly detrimental to our community and to the City as a whole. They are the check-that keeps our system in balance. By raising the appeal fee, and by attempting to do so *without proper notice*, it seems that our public servants seek to silence the very people they are supposed to represent and serve. We urge you: do not raise this fee, especially at this time (and do not ever think about raising it this much!). Do not take away our voices!

Respectfully,

A handwritten signature in black ink that reads 'Lois Becker'. The signature is written in a cursive, flowing style.

Lois Becker, BASPOA Community Liaison

Communication from Public

Name: Greg Rehner
Date Submitted: 04/02/2021 10:11 PM
Council File No: 09-0969-S3
Comments for Public Posting: Oppose fee hike for historic preservation