

Communication from Public

Name:

Date Submitted: 06/22/2021 09:46 AM

Council File No: 12-0460-S4

Comments for Public Posting: Opposing this and all other proposed "amendments" this council attempts to push through until the FBI completes its full and thorough investigation of ALL City councilmembers, the city attorney's office, Garcetti, Vince Bertoni, the DCP and LADBS.

Communication from Public

Name: Gwendolyn Flynn

Date Submitted: 06/22/2021 11:20 AM

Council File No: 12-0460-S4

Comments for Public Posting: This is to express my strong opposition to the proposed Processes and Procedure Ordinance of Council File 12-0460-S4. It makes significant changes that reduces public engagement and restricts transparency in land use development decisions. This appears to defy the intent of the Brown Act. The ordinance removes planning authority away from elected officials accountable to the public to unaccountable bureaucrats. This is unacceptable. The process by which this proposal is advancing is suspect. It is progressing at a time that the public is distracted by COVID-19, national politics, and pressing social movements. It is inappropriate that the proposal with implications to both the General Plan (the Housing Element) and Zoning Code updates is advancing ahead of those processes. There are provisions of the Ordinance that supersedes CEQA Taken as a whole, the Ordinance jeopardizes civic engagement, health, and quality of life for City of Los Angeles residents. I urge City Council to vote no on this Ordinance.

Communication from Public

Name:

Date Submitted: 06/28/2021 04:06 PM

Council File No: 12-0460-S4

Comments for Public Posting: Attached please find Angelenos For Trees letter regarding our concerns on Council File 12-0460-S4



June 21, 2021

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

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

Honorable Mayor Garcetti and Members of the Los Angeles City Council:

We are writing to express our concerns about the pending approval of the proposed Processes & Procedures Ordinance (Zoning Code/Reorganization of Administration Provisions, CF 12-0460-S4). No one can argue with the fact that it is time to update the City's Zoning Code and to clarify the structure of the Code. However, after having conducted a thorough review of the Ordinance's content and finding that it fails to address important issues, including recognition of Neighborhood Councils, State-mandated General Plan Elements, and the City's own equitable housing study, we urge the City Council to postpone further consideration of the Ordinance.

The Ordinance appears to perpetuate problematic aspects of the City's current Code and at the same time makes significant changes that have the potential to reduce public engagement and thwart transparency. Additionally, we find there is a lack of coordination in efforts to revise the Zoning Code and plan for the City's future. The Processes & Procedures Ordinance is just one chapter of the proposed New Zoning Code (NZC), and yet this chapter is being pushed toward adoption in advance of the rest of the Code in an attempt to radically streamline the approval process. There should be no further streamlining of project approvals when the City has failed to address planning fundamentals that are necessary to ensure the health, safety, and welfare of the people of Los Angeles.

Key Concerns:

- 1. The Ordinance moves Planning authority away from elected officials, accountable to the public, to unelected bureaucrats.**

Unelected officials will have authority to make decisions regarding project adjustments, alternative compliance, conditional use permits (CUPs), and Historic Preservation Overlay Zones (HPOZs). This shift would reduce public engagement and allow important decisions to be made with no public oversight. Further, the text does not clearly define *adjustment*. There is also no clear definition of the term *alternative compliance*.

The Ordinance is nearing final approval even though LA City Planning (LACP) has failed to follow explicit instructions from the City Council. The Council unanimously approved a motion from Council President Nury Martinez instructing LACP to update the Ordinance with additional criteria for granting entitlements and to include language to ensure the furtherance of the public's interests (CF 20-1045), as well as citing public concern over the approval process for some projects. Martinez stated, "For this reason, it is necessary to provide additional criteria in the Processes and Procedures Ordinance when legislative actions and other entitlements occur. This will give more discretion to the Planning Department to make sure these actions align with broader city goals and the public interest. This will also provide more transparency to the public when a project can diverge from existing zoning."

The need for transparency could not be more obvious, considering the recent City Hall scandals involving former councilmembers, a former General Manager of LADBS, and a former member of the City Planning Commission.

2. Ordinance further codifies existing policies that promote housing inequality and should not be adopted before the completion of the Housing Element.

For increased validity, allow the City to continue its current process of updating the Housing Element before adoption of the Ordinance. The language under Sec. 11.5.11.a continues the practice of counting replacement units toward the affordability requirement, which does not contribute to resolving the affordable-housing crisis. While the City claims to have produced over 20,000 new affordable units since 2013, the actual net gain in units available to low-income households is much smaller, since rent-stabilized (RSO) units are often demolished to make way for new projects.

In addition, Sec. 11.5.11.a allows developers the option of building off-site affordable units to fulfill affordability requirements, which perpetuates segregation and promotes housing inequality. On May 21, 2021, LACP and HCIDLA submitted "Report Relative to the Citywide Equitable Distribution of Affordable Housing" (CF 19-0416) to City Council. The report makes clear that affordable housing in LA is mostly concentrated in the City's central areas, and that many communities in high-resource areas have little or no affordable housing available to low-income households. Allowing developers to build affordable units off-site perpetuates this trend.

Nothing in the Ordinance should preclude policy changes that may be included in the updated Housing Element to reverse growing housing inequality.

3. There has been limited public outreach and no meaningful effort to present the Ordinance to Neighborhood Councils for scrutiny.

LACP has conducted very limited outreach to Neighborhood Councils (NCs) and the general public. The Ordinance makes significant changes to the approval process. LACP has held three meetings of 1.5 hours each to review a 900-plus page document, not including exhibits.

Further, despite repeated requests, LACP has refused to provide a redline document that shows what changes were made after the last round of feedback.

The Recommendation Report from the City Planning Commission, a document that runs over 1,000 pages, was released just over two months ago. This is not nearly enough time for NCs and Council Office planning deputies to review and comment. Technical corrections were posted on May 25, 2021, and the Ordinance appeared on the PLUM agenda just seven days later, but these “technical corrections” appear to contain substantive changes. The reduction in notifications for appeals from property owners within a 300-foot radius to only abutting property owners is significant. Also, the tables in the technical corrections claiming that something is or is not required by the City Charter (in red) appear to be an effort to recast the requirements of the Charter, which cannot be changed by ordinance or by the LACP.

4. The Ordinance must explicitly reference Neighborhood Councils, the role they play in public engagement for land-use issues, and codify notification to NCs of new planning applications.

The Ordinance seems designed to remove NCs from the planning process. It only requires that NCs be notified of public hearings, of which there will be far fewer under the NZC, since it allows substantial by-right increases in height and density. Also, it does not mention the Early Notification System (ENS), which allows NCs to get regular updates on submitted applications in the area they serve. The ENS must be codified within the language of the Ordinance.

While NCs have no decision-making authority, they provide a crucial forum for public engagement, giving stakeholders the opportunity to review and comment on proposed projects. The NCs and the Department of Neighborhood Empowerment are the only entities required by the Charter for land use that are not expressly included as a Section in Division 13A.1. Their exclusion is baffling and, again, seems to be part of a larger strategy to remove NCs from their role as agents of public engagement with regard to land-use decisions.

5. The ordinance expressly fails to address tree policy for the downtown area. Downtown has an existing tree canopy cover of an alarming 12.45%. The ordinance should reflect policies to increase the tree canopy with a goal of 40-60%. Lack of shade is increasingly making this City unlivable for pedestrians.

The setback requirements are rigid and do not allow large shade trees to be grown. We would like to see that the following policies be incorporated:

- (i). Review all plans for private and public trees via aerial photography such as Google Earth. Require the applicant to not only identify the existing trees on their plans but also request confirmation that the mature trees will be accommodated while still providing a functional space.
- (ii). Large trees provide shade and need space to grow. Increase setbacks on the Western and Southern side of a building that will allow at a minimum 5 – 8 ft for trees to be planted and grown.
- (iii). Require accommodation for tree roots when considering sidewalks and medians including:

(a) consider ADA approved permeable or flexible alternatives that allow a tree to mature rather than tree wells which contribute to sidewalk buckling and inhibit growth.

(b) Confine underground parking garages to the setback requirements to allow for tree root growth.

(c) Sidewalks and pathways can be reduced to 3 feet to accommodate trees.

(iv). Require limited use of trees planted in boxes as they will not reach full maturity size. Trees planted in boxes on roofs should not be counted to any tree replacement requirement. Consider other alternatives such as gravel pits, as trees planted in boxes will not deliver the same environmental services, such as watershed management.

6. The time allowed since the publication of the recommendation report and later technical changes has been insufficient for review by Council Offices, Neighborhood Councils, and the general public.

Further time needs to be allowed for City Council members and their staff to review the documents in their entirety. It is strongly encouraged that the Council obtain outside counsel to review the document rather than rely on the City Attorney's office, to ensure that no transfer or elimination of land-use authority occurs that would diminish the explicit authority of the Los Angeles City Council to preside over land-use issues in the City.

7. The City has failed to update elements of the General Plan for decades, despite State requirements.

The Ordinance will radically streamline project approvals, but the City has failed for decades to complete the fundamental work of updating a number of General Plan Elements, which include: Air Quality (1992); Conservation (2001); Safety (1996); Infrastructure (1968-1972); Open Space (1973); Public Facilities & Services (1969); and Noise (1999). In addition, the City has failed to comply with the General Plan's monitoring requirements.

It is clear to Los Angeles residents that the City's speculative growth and development is causing an increasingly unlivable City. There is a rapidly declining tree canopy, increased inequality, depleting precious resources, and causing unacceptable strains on public services and infrastructure. Yet, in spite of these grave problems, the City's leadership is pushing forward with an Ordinance designed to accelerate project approvals. We believe this demonstrates that the priorities of the Mayor, the City Council, and LACP bear no relationship to what the City of Los Angeles actually needs. Our elected officials and City agencies need to shift their focus from streamlining project approvals to addressing planning fundamentals.

For the reasons given above, it is essential for Council to postpone consideration of the Processes & Procedures Ordinance. Council Offices, NCs, and the general public must have more time to study and comment on this complex document. Furthermore, the City's piecemeal approach to the adoption of the NZC, along with its failure to first address fundamental planning issues through the Elements of the General Plan, has created a chaotic process that threatens the health, safety, and welfare of the residents of Los Angeles.

Sincerely,



Jeanne McConnell
Co-Founder Angelenos for Trees