Citizens Preserving Venice

Processes & Procedures Ordinance Council File 12-0460-S4

PLUM Agenda, June 1, 2021, Item 19 **OPPOSED**

Dear Committee members of PLUM,

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.

This Ordinance, if you approve it, effectively excludes us and all community organizations from the public process in all planning and land use issues. Hearings and Appeals have been our most effective tools in pursuing our goals by helping the City optimize its administration of local land use.

We stand with the majority of public comment and Community Impact Statements that object to this proposed Ordinance. We urge you to not forward it further to City Council for final approval without substantial amendments.

This Ordinance as written is so sloppily and inconsistently organized as to make it all but impossible to make sense of what is being proposed. The document begins with page after page of strikethroughs of The Comprehensive Planning Program's language, leading readers to believe all these sections were excised from the Staff Recommendation Draft. It is not until more than 300 pages later that we encounter the reorganized and rewritten version being proposed.

Most of this is the same as the language being replaced. However, there is no redlining or underlining to note most of the specific changes, many of them extremely important. This necessitate spending a great deal of time comparing the existing language with the proposal being presented, often to find that only a single word was deleted or added or sections moved around: no extensive rewriting was involved. Surely there was a better way to present this for the Public's review. As it is, the burden is on the Public to understand the Planning Department's intent.

We found many of the shortcomings cited by others: the lack of transparency, the exclusion of the public from giving input on decisions that are now to be put into the hands of non-elected staff, the lack of clarity of definitions and criteria for items like feasibility, appealable/non-appealable, jurisdiction, adjustments, exemptions and variances.

The fact that it wasn't until last week, in the Technical Corrections, that "the appellant(s)" were added to the parties required to receive mail notice, speaks volumes about the state of this draft ordinance.

Because Venice is one of the few coastal zone communities in L.A.,, we will direct our comments to the sections dealing with the issuance of Coastal Development Permits.

Many of the requirements that are currently discretionary are now to be made ministerial and solely decided by planning staff without the ability for the public to add input. This would make it crucial that Planning staff assigned to Coastal permits must be experienced and knowledgeable in the applicable coastal regulations: the state Coastal Act, the certified Venice Local Coastal Program Land Use Plan (LUP): the forthcoming certified Venice Local Coastal Program (LCP) and the state Mello Act.

The California Coastal Act and the Mello Act, which both apply only in the Coastal Zone, have been unevenly administered by the City and its Planning staff. The Area Planning Commission and the California Coastal Commission have often had to play strong corrective roles.

This is especially concerning as the City is entering a new era with both of these state statutes. The Venice LCP is just being written, as well as the pending Mello Ordinance. When they come into effect, nobody will have experience with them. This is hardly a wise time to scrap the main mechanism for shaking out problems that will undoubtedly arise with the implementation of these two new land use laws.

In addition, it is critical (and in fact is a finding required by the Coastal Act) that decisions leading up to its approval do not prejudice the ability of the City to approve an LCP that is in conformance with Chapter 3 of the Coastal Act. Thus, coastal development decisions must continue to be appealable, as required by the Coastal Act.

This makes it especially important that decisions made must be appealable. Presumably, the new Local Coastal Program will include elements that are not metrics and would require judgements, because the LCP, like the current LUP and the Venice Coastal Zone Specific Plan, will require findings of compatibility with the mass, scale and character of the existing neighborhood. This is critical to protecting and preserving Venice as a special coastal community (LUP Policy I. E. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the Coastal Act of 1976.)

Appeals are an important part of Public Participation, which is specifically called out and valued in the Coastal Act as an important part of the coastal development permit process.

Also concerning is the limitation of who may appeal: That PLUM placed the Ordinance on its agenda two days after the DCP posted “technical corrections”, which substantially reduces noticing requirements for appeal hearings. (p. 3 of the Technical Corrections). It is alarming that appellants will be limited to Owners of all properties abutting, across the street or alley from or having a common corner with the subject property.” It is foolish to think that other neighbors, those on the block and immediate vicinity will not be impacted by a project and thus should be part of the appeal process. For that matter, all residents in Venice, which the California Coastal Act specifies is to be preserved as a special coastal community, would also be impacted by a project that did not meet all the findings required by the Coastal Act and the standards and policies of the LUP.

Among the many inadequacies of the current draft of the Processes and Procedures Ordinance:

- This section never defines or lists the criteria for what is appealable or non-appealable, though the terms appear several times in the sections regarding approving CDPs and what is appealable.

- It does not provide an adequate definition for "feasible" (p.625), nor for "reasonable accommodation." Interpretations of both these terms already have an abusive history that has negatively impacted Venice housing, particularly RSO housing, and directly undermined the purpose of the Mello Act. Yet these decisions are being put to the sole discretion of the Planning Director.

- There is no mention of the Mello Act in this ordinance, which is another state law governing land use in the Coastal Zone. While this Ordinance addresses the Coastal Act at length, it completely omits the very important Mello Act, which determines the replacement of affordable housing, inclusion of affordable housing in new multifamily housing, and protection of housing in general from demolition or conversion to nonresidential uses.

- Leaving discretion to the Director of Planning to determine adjustments without allowing public input will continue the abuse of these determinations, which has become more the rule than the exception, exacerbating the loss of neighborhood character and our existing affordable housing. Leaving many of these decisions to the Director of Planning removes the requirement for notice, due process or public hearings and thus removes the general public from the decision making process.

a.

- All sections related to the Coastal Development Permit process must be reviewed and approved by the California Coastal Commission.

Because of these and the many other discrepancies and overall lack of clarity, we urge you to either reject this plan altogether or allow for a more robust process of public review and input.

It is our understanding that public meetings regarding this highly complex and impactful ordinance have totaled only three hours. If true, this is shocking. It is just too important and too long of a document to not allow for more scrutiny.

Sincerely,

Sue Kaplan, President
Citizens Preserving Venice

WSSM
Westwood South of Santa Monica Blvd Homeowners' Association
P.O. Box 64213, Los Angeles, CA 90064
wssmhoa.org • info@wssmhoa.org
Est. 1971

June 1, 2021

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
200 N. Spring St, Ste 340
Los Angeles, CA 90012-3239
Via email c/o: clerk.plumcommittee@lacity.org

Re: Council File Number 12-0460=S4 / PLUM AGENDA June 1, 2021
OPPOSE portions of proposed document that reduce community notification and Neighborhood Council in land use entitlement process. Consider and incorporate changes and additions to the Ordinance

Dear Honorable Chair Harris-Dawson and PLUM Committee Members:

It is both striking and alarming that this item has been scheduled to be heard before PLUM at PLUM's June 1st meeting which falls directly after a long four-day City staff holiday with the meeting notification having been issued just prior to that holiday weekend. That type of notification and scheduling sends a terrible message to the public and defies any notion of interest in having public participation in matters of importance. When it comes to this issue, it is abundantly clear as seen by the number of public comments and CIS statements that this item is of great interest and concern to the public. And yet, it has been decided to attempt to minimize public participation by releasing the meeting agenda just prior to a long holiday weekend and hearing the item immediately following that holiday weekend. The document released contains many details and it is virtually impossible for neighborhood councils to be able to consider them in order to submit testimony for the June 1st meeting. Where is the respect for the public and neighborhood council members who are volunteers working in service to their communities? The Council knows that we have no staff and that our people often must juggle work and family responsibilities with our volunteer endeavors. It is bad enough that we often sacrifice our evenings and weekends to our community volunteer work. Now the Council wishes us to donate our holidays to the City as well? This is patently unfair and disrespectful. This item should be rescheduled and/or continued.

As part of the important ReCode LA program to modernize the City's zoning code, we have been told that the ordinance does not change the powers of the Director of Planning or propose any changes to the City Charter or shift decision making away from the City Council. However, close review of the text in Chapter 1 shows that this, in fact, is not true. We are opposed to actions that remove transparency and opportunities for public participation in the review of development projects in our community.

We have been told that the intent of the ordinance is to improve transparency to allow for all stakeholders to understand the rules and yet, we find that the language within the revised policies and procedures do not adhere to that pledge.

We have been told that all public hearings required in the existing code will continue under the revised code with only the notification periods being standardized. Yet, if adopted, the ability of communities to have a voice or a say in hearings will be vastly curtailed.

In addition, we request changes that would allow for extended notification and appeal periods for larger projects consisting of over 50,000 square feet and/or those with extensive documentation of over 100 pages. It is an unfair burden to expect community members without staff resources to do their review of such documents within the time period defined. Therefore, for large projects over 50,000 square feet or with extensive documentation over 100-pages, the notification and appeal periods need to be 30 calendar days to allow for the public notification and public review (including Neighborhood Councils).

Additionally, neighborhood Councils need to be incorporated into the processes and procedures in a way where they are able to participate in the processes when appropriate and the participation of Neighborhood Councils and general public in working early with developers is facilitated.

The Department of City Planning's dismissal of so many of the concerns raised by community members about the notification process to Neighborhood Councils demonstrates a fundamental disregard the Department of City Planning has for Neighborhood Councils as advisory bodies. This disregard is further demonstrated by the complete absence of Neighborhood Councils in the proposed regulations, even when the use of Neighborhood Councils in their advisory capacity would be both appropriate and beneficial to the planning process.

The Planning Department's determination that the early notification system and the mailed notice is sufficient to notify Neighborhood Councils of all relevant projects within their areas of responsibility is extremely problematic. Mailed notifications almost always arrive too late for a Neighborhood Council to take action due to the fact that committee meetings and board meetings are usually held on a monthly basis, making the turn-around typically take two full months. And, as you are fully aware, all neighborhood council meetings must be Brown Act compliant and noticed. Together with the arbitrary release schedule for early notification updates, the early notification system often hides projects relevant to communities by improperly designating the relevant neighborhood where the project is located, and by requiring Board members to read through every single project in the City in order to try to find projects that are relevant to their particular Neighborhood Council. Neighborhood Councils require substantially different notification in order to effectively communicate with their communities and seek stakeholder feedback on proposed projects. We suggest that the Department of City Planning change their notification system to Neighborhood Councils and provide additional and different notification to Neighborhood Councils than is currently provided. It is not adequate to rely upon DONE to be responsible for notifying Councils. This slows the notification process. This may also be subject to budgetary issues should DONE's staffing or status be changed in the future.

One suggestion would be to implement direct communications by City project managers to Neighborhood Council Planning and Land Use Committee chairs and vice chairs via phone or email, when a new project is received by the project manager as part of the ordinary bureaucratic process. Such early notification would help the neighborhood council to track projects as they proceed in the

entitlement process. Full contact information for project representatives (City staff and consultants and/or principals) is also needed as it is often difficult to make contact with those representatives with the limited information provided.
As noted by the Granada Hills North NC, we wish to refer you to pages 28-29 (Section 56), 36-37 (Section 74), 49 (Section 91), 50 (Section 93), 68 (Section 95, X., 14, b), 73 (Section 95, X., 19, b, 2), 75 (Section 95, X., 22), 109-10 (Section 154, G., 2), and 123 (Section 176, E.) as a non-exhaustive list of examples where the Department of City Planning could have incorporated the Neighborhood Council advisory function into the proposed code amendments in an appropriate and beneficial manner, but failed to do so. It is not adequate to assume that another department (such as the Department of Neighborhood Empowerment) should be the sole or key agent responsible for communicating important land use and planning information. The neighborhood councils and community should have information as learned and that information should not have to be filtered by a second agency before being transferred to the relevant neighborhood councils. Such a process eats up time – time that is already inadequate for community review of pending projects.

The Ordinance violates the City Charter by leaving the certified Neighborhood Councils entirely out of the preparation and adoption process;. It does not include the NCs and their specific and general authority, just like every other entity listed under Authorities in Section 13.1 of the new Ordinance. City Charter section 907 demands nothing less; it requires an early warning system, advance notice and input from the neighborhood councils; none of that is referenced in this Ordinance, and therefore this Ordinance violates the Charter.

This Ordinance appears to substantively changes the Municipal Code re: HPOZ Boards and project notices to residents and neighbors, and finally it changes the decision maker on many land use matters and places extensive power in the hands of the Director of City Planning. This is a fundamental change that is not appropriate as proposed. The City Council's responsibility and authority in land use is also diminished by the proposed Ordinance.

As the City Council is aware, the purpose of Neighborhood Councils is to "have an advisory role on issues of concern to the neighborhood" (City Charter, Art. IX, Sec. 900). The sections of the proposed amendments referred to in this paragraph all relate to considerations that the Department of City Planning has to make about the compatibility of proposed projects with the scale and character of the surrounding community. Unelected employees of the Department of City Planning have no legitimate basis for making determinations about the character of a community absent significant input from members of the community or their elected representatives, i.e. without the advice of the relevant Neighborhood Council. Accordingly, the Department of City Planning should be required to seek the advice of the Neighborhood Council when they are obligated to consider character of the community. Specifically, they should be required to request feedback from the Neighborhood Council on the following considerations: (1) whether a project is in the substantial interest to the community; (2) whether a project is designed to match or contribute to the aesthetics of the community; (3) whether a project alters or changes the existing uses of the development site in a manner that conflicts with or divides the community; (4) whether a project is designed to meet the needs of the communities existing and future residents; (5) whether a project would accommodate a broad range of uses that serve the

needs of adjacent residents and promote neighborhood activity; and (6) whether a project is adequately served by City services, including access to parks, recreation, public transportation, police, and fire services. These are all considerations that a Neighborhood Council is well placed to offer substantial and constructive advice, and which an employee of the Department of City Planning is unable to consider in any meaningful manner absent such advice. To the extent that the straw-man argument is raised regarding how such a requirement would delay projects if the Neighborhood Council fails to respond or grant Neighborhood Councils a veto power over projects, the City Council should note that the simple solution to such a concerns is to give Neighborhood Councils a timeline for completing such comments – (perhaps 3 months) from when the Department solicits the Neighborhood Council's advice – and keep the ultimate decision-making authority vested with the Department of City Planning.

Regarding: Notice of a Public Hearing -- There is no public hearing required on the initial decision of a Reasonable Accommodation, and therefore no notice of a public hearing is required. However, notice should be required for a property if/when there is more than one (1) Reasonable Accommodation requested over the life of the project. (Should there even be more than one Reasonable Accommodation permitted?) The proposed Ordinance allows developers to obtain "adjustments" through a streamlined process that involves only a decision by the Director of Planning. There is no clear definition of what constitutes an "adjustment", which opens the door to incremental changes that could significantly alter the original project. Because decision-making power under the Ordinance is given to the Director rather than a Zoning Administrator, there is no requirement for notice, process or a public hearing for these "adjustments". because decision-making power under the Ordinance is given to the Director rather than a Zoning Administrator, there is no requirement for notice, process or a public hearing for these "adjustments". Because the Ordinance currently only requires notice of public hearings, this seems to be a deliberate attempt to remove NCs and citizens in general from the decision-making process.

The planned replacement of "The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and" with "Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and" minimizes the possibility that the neighbors will be notified of a pending action. In many circumstances, neighbors receive notification of an action but do not understand the importance of such notification. They ignore the notice (or may be away) until it is too late. Rather than limit notification, it would be far better to have notification be stated as inclusive of the language replaced AND the proposed new language so that at least those within 300 feet are noticed. And, of course, neighborhood councils should and must be notified. We are often contacted when neighbors receive correspondence from citizens and should have ready access to any information relevant to projects in our area. Language re: the Early Notification System must be codified such that NCs are provided with plan applications and all following relevant project documentation.

In conclusion, Neighborhood Councils should and must play an active advisory role in the land use and development of their communities, and the proposed changes to the code do not provide Neighborhood Councils with the opportunity to exercise their obligation under the City Charter to have

an advisory role in these projects. We request the PLUM Committee refer this document back to the Planning Dept. to address these issues and concerns.

Yours sincerely,

Barbara Broide

Barbara Broide
President, Westwood South of Santa Monica Blvd. HOA