

HOW NEIGHBORHOOD COUNCILS CAN IMPROVE THE QUALITY OF LIFE IN L.A.

(The following was a presentation before a gathering of Neighborhood Council Leaders on Dec 3, 2005 by retired Zoning Administrator Jon Perica who acted on 2,500 development cases over a 20 year period with the LA City Planning Department).

When the City Charter changed in 2001, Neighborhood Councils were created and given advisory authority over numerous local matters. The most important of those new authorities was the ability to comment on any new discretionary development plan presented to the City Planning Department. New development can have positive economic impacts on the tax base that support improved public services and the creation of new jobs. New development can also have adverse impacts on traffic, noise, and pollution if these impacts are not properly mitigated.

The Quality of Life in Los Angeles is made of many features from low density residential areas to the weather and environment. Of all the impacts that can worsen the Quality of Life, poorly built development projects have one of the biggest effects on a person's home and local community. Fortunately, these land use impacts also are issues that all of the Neighborhood Councils can get involved with and change for the better if they have the resources to participate in a more informed manner. The saying that "knowledge is power" was never more appropriate than with the local City planning process. The City process is an open process but a complex process for most people (council members and commissioners included). Beginning to better understand this process is worth the effort because "you can't play the game if you don't know the rules".

Neighborhood Councils are about to start a process that will lead to a new agreement with the City Planning Department, called a Memorandum of Understanding. This document is like a "Bill of Rights and Responsibilities" between the Neighborhood Councils and the Planning Department which will give the Neighborhood Councils new training, staff support, technical information, budget review and evaluation authority with new applicants in a clearly defined manner. Neighborhood Councils would also have to agree to procedures and time lines so that their input is constructive within the legal time limits of the Planning Department. This MOU process will be following the successful first effort with the City Department of Water and Power in May 2005. Neighborhood Councils will work to refine the exact details of the Planning MOU in 2006 and each Neighborhood Council can individually choose to sign the agreement with the Planning Department when it is completed.

The new MOU with the Planning Department in 2006 is very significant because the Planning Department will have a new Director of Planning selected by the Mayor in early 2006. When that new person starts, she/he will have already done their background research on what is important about planning in Los Angeles and will know that having 85 or so Neighborhood Councils, each representing at least 20,000 in population, is a powerful stakeholder in the planning process that cannot be ignored. A wise new director will want to engage the Neighborhood Councils and establish a positive working relationship early on in the process and the MOU becomes the means to better define the working relationship of the Planning Department and Neighborhood Councils. The new director should welcome the new MOU because it will also help to correct some of the problems the previous Planning Director had in trying to properly manage the department. For over a decade, the previous director made no real efforts to engage the residents and stakeholders of Los Angeles, allowed staff moral to fall to the lowest level in 35 years and refused to be proactive in his role of leader of a department whose mission was to have a "vision" of the type of development that would improve the Quality of Life in the city. After all, if the Planning Department didn't have a vision for what type of city we want to live in, which department would? The Chinese character for Ying and Yang is a circle with an "S" shape in the middle dividing the circle into a black and white half. The two sides mean both "chaos" and "opportunity" and that is exactly where the Neighborhood Councils are with planning and the Quality of Life right now. The MOU is the vehicle to bring the Planning Department out of the "chaos" it has had and provide the Neighborhood Councils with the "opportunity" to play a much stronger and more informed role to helping shape future growth for the City.

Playing a more active role in local growth issues is important because development projects will continue to come to the City of Los Angeles in the future. Los Angeles represents the growth center

on the west coast and also for the country. 40% of all American imports come through the Port of Los Angeles/Long Beach. For 20 Latin American and Asian countries, their largest population outside of their capital is found in Los Angeles. Belmont High students speak 94 foreign languages. Los Angeles is also a major leader in high tech, advanced medical innovations, banking, and entertainment, all of which welcome new creative ideas and are tolerant to different cultures, people and lifestyles. All of these factors, along with growing foreign investment, mean that growth and development will continue. The real challenge then is how to make sure that the best quality of development with the least impact on our Quality of Life will occur.

City "term limits" reduce the priority that "long term planning issues" have for short term council members running for higher office at the start of their second and final term. There is a large "void" that the Neighborhood Councils can fill. When Neighborhood Councils are well organized on any issue, it is hard for any City Council member to ignore the input. Several City Council members have privately indicated that they will not oppose any reasonable position put forth by a Neighborhood Council in their district. The key is for Neighborhood Councils to develop well reasoned positions on new developments proposed for their communities. Becoming more effective means knowing more about the operation of the City Planning Department and how new discretionary projects are processed and evaluated and also how the Neighborhood Councils can be most effective in having their voices heard by the Planning Department and by the various appeal commissions and the City Council.

The beginning of the City Planning in Los Angeles goes back to 1923 when the first 50 member City Planning Commission was created. Early graft and selling of zone changes in the early 1930's lead to the League of Women Voters' backed recall of the mayor and city council and the mayor and head of the Planning Commission went to jail (movie goers may recall "Chinatown" with Jack Nicholson, which featured an early bribery scene). Out of the reform efforts of the next mayor, Los Angeles established the first Zoning Administrator position in the nation which many larger cities have copied over the years. These land use judge positions were intentionally written into the City Charter so that the Mayor or City Council couldn't fire them. Zoning Administrators were relatively well paid compared to other city staff to prevent bribes. ZA decisions were final unless appealed, unlike all other "recommended actions" by Hearing Examiners, that all go to the Citywide Commission and City Council for final decision. The goal was to have a totally "independent" decision maker on the most important cases, and that person would not be influenced by politics or money. Seven decades later, this independent Zoning Administrator position has served the City well and ensures that only the facts of any development issue are considered in making the final decision.

The Golden Age of the Planning Department was the period of 1964-1986, when Calvin Hamilton was Director of Planning and developed the first comprehensive General Plan for the City. This visionary plan had a 50 year "Centers Concept" as its centerpiece. Future growth was to take place outside of single family neighborhoods in 40 targeted urban growth centers, like Century City, Warner Center, Van Nuys, Crenshaw, Boyle Heights, and San Pedro, spread throughout the City and connected through the City by new public transit. Most new growth has generally gone into these Centers but the public transit system has fallen behind in adequate capacity to accommodate recent growth. The General Plan also consists of the 20 year time frame Citywide Plan which is more specific in growth policies. 35 Community Plans covering the whole City look 5-10 years into the future for local growth policies and 10 Citywide Elements focus on particular key issues like Housing, Transit, Conservation and Seismic concerns. These General Plan elements were all adopted by 1976. Since then, additional detailed, level plans, of subject driven plans have been adopted including: 1) 45 Specific Plans covering local areas in a community; 2) 20 Historic Preservation Area plans; 3) 3 Pedestrian and Neighborhood Orientated Districts (PNODs); 4) 13 Streetscape Plans; 5) 11 Community Design Overlay Districts; 6) 1 Certified Coastal Area Plan; 7) 3 Draft Coastal Area Plans; 8) 5 Design Guidelines; 9) 1 Sign District and; 10) 1 Community Arcraft District. These original and recent General Plan Elements total 150 plans. In addition, there are plans adopted by other City departments or City support organizations including 12 Community Redevelopment Agency Areas; 14 Targeted Neighborhood Initiatives and 35 Business Improvement Districts which total 60 additional plans so the grand total is over 200 different local City plans which regulate some type of development or some area of Los Angeles.

Once you have mastered these different types of plans with their individual requirements, exceptions, guidelines and filing procedures, you need to understand what type of applications are filed for City Planning Department actions. There are 200 different possible types of applications you can file for specific projects or specific actions. There are two areas of the Planning Department that process development requests. The Office of Zoning Administration acts on: Zone Variances (exceptions to uses not allowed in a particular zone), Zoning Administrator's Adjustment (small yard, area or height variances), Yard Variances (large yard, area or height variances), Zoning Administrator's Determination (specialty types of deviations such as hillside developments or streets), Private use Conditional Uses (alcohol sales, auto repair, churches, mini-malls, equestrian, etc), Plan Approvals (small additions to Conditional Uses or Variances), Coastal, Non-conforming, Subdivisions, Parcel Map (4 or less lots) and Revocations (nuisance actions). The Citywide Planning Commission (Hearing Examiner recommendation) processes the following cases: Zone Changes, Community Plan Amendments required by Zone Change, Plan Approvals, Public Conditional Uses (library, Fire station, etc), Specific Plan Exception, Lot Line Adjustment, and Lot Line Determination. All development requests to the Planning Department undergo an environmental review of some type: 1) Most small cases involving a single family house or addition receive a Categorical Exception because there are no environmental impacts; a Negative Declaration is given for projects with some impacts which are deemed insignificant; a Mitigated Negative Declaration is given to a project with adverse environmental impacts if they can be mitigated to an acceptable level, and the full Environmental Impact Report is required in about 1/2 of 1% of projects where there are major environmental impacts which may not be able to be mitigated or have cumulative impacts which may not be fully mitigated without significant change in the project design. These EIRs often take a year or more, depending on the project.

Case processing for easier cases currently takes 6-8 months and major cases like a zone change and community plan amendment takes 12-15 months. All cases have a public hearing except, if a variance request has all the adjacent neighbors in written support and the Planning Department determines that the project would not have an adverse impact on the community and is not controversial, the public hearing can be waived and then only the adjacent neighbors are noticed after the determination is issued. Most public hearing notification is 500-ft from the site for owners and renters/occupants. Lesser yard variances are noticed only to the adjacent neighbors. Appeals for Planning Department cases go to one level of review by a citizen board (7 Area Planning Commissions). Approvals of a Zone Variance, due to the significance of this major action, can go to a second appeal (City Council). Appeals of a Hearing Examiner action go from the decision body, the Citywide Planning Commission to the City Council.

Cost of various cases range from an over height wall at \$550, a Hillside Area project at \$925 to Zone Variance with hearing \$4,600, Conditional Use alcohol sales \$5,000, all the way to a Zone Change/Community Plan Amendment \$13-20,000 depending on size.

The Planning Department has 327 authorized positions. About 2/3 of those staff are professional planners and the others are graphic, computer, and administrative support. There are three Deputy Directors beside the Director. A typical entry planner has a Masters in Planning and 2-3 years work experience in a smaller jurisdiction. The Planning Department is divided into two main division, case processing and general planning. The case processing staff work on subdivisions, Zoning Administrator cases, and public counter functions at the Van Nuys and Downtown counters. These efforts help implement the "General Plan" on a project by project basis. The general planning staff work on updating various General Plan elements and create new plans as needed. Currently, about 2,000 different cases are processed by the Planning Department each year. 75% of the cases are Zoning Administrator cases, 15% are subdivision and 10% are Citywide Planning Commission cases. In the last 5 years, overall case filings with the department have increased about 50% due to an improving economy. An "Expedite" unit has been created to allow for applicants to pay an additional fee of \$5,000 for a quicker than normal processing of an application for a subdivision case. In the future, other planning cases will also have an expedited option for processing.

The Planning Department rules on only a small part of all the building that is done in the City each year. If an applicant complies with all the requirements for the zone they are in, they only have to go to the Department of Building and Safety for a Plan Check and final inspection in order to construct a project. This by-right situation happens in 90% of all building projects. No public hearing is held by

Building and Safety and no special conditions are placed on the project other than following the Planning and Zoning Code requirements. The Planning Department has authority over the other 10% that cannot build by-right and need some type of discretionary approval. Public hearings occur and specific, extra, mitigation conditions are almost always required if a request is granted. Typically, when a determination is issued, it has 10-15 protective mitigation measures and copies go to adjacent neighbors or people at the public hearing and there is a 15 day appeal period. Only 10% of cases are appealed and only about 10% of staff actions are overturned on appeal. On appeal, conditions are typically added or modified.

The Planning process, once a case is filed, is that a background investigator's report is prepared and a public hearing notice is sent out at least one month before the hearing. The Hearing Examiner or Zoning Administrator will usually make a verbal decision at the public hearing which normally last 30-45 minutes. Final decision actions are sent out in about 30 days for a Hearing Examiner and about 60 days for a Zoning Administrator.

The decisions by a Hearing Examiner and Zoning Administrator are based on Zone Code required "findings" (usually 4-5). As an example, a Zone Variance has 5 findings and all 5 have to be made for the request to be granted: 1) What is the City imposed hardship?; 2) What is unusual about the particular lot that is different from all other nearby lots in the same zone?; 3) Has the City granted a similar request in the local community?; 4) Would there be any adverse impacts that could not be mitigated?; and 5) Is the project consistent with the General Plan? Speakers at the public hearing should address ALL of the required findings. Speakers at the hearings get 3-5 minutes to talk depending on the number of speakers at the hearings.

The authority for the decision maker is broad. Using the Zoning Administrator example:

1) The request can be granted a permanent approval with conditions; 2) The request can be granted a fixed (limited) length of approval of typically 1-5 years; 3) The request can be approved permanently or for a limited period with a Plan Approval Review for another public hearing to evaluate compliance with conditions and operations within 6 months to 2 years. The request can also be denied and alcohol, dancing, motels and auto repairs which are likely to cause major problems, are the most likely cases to be denied.

The Zoning Administrators are the most experienced technical staff in the Planning Department, usually having worked 20-25 years throughout the department first. Hearings are assigned all over the City so the Zoning Administrator has experience with all areas and with all types of specialty cases such as coastal and equestrian. The Zoning Administrator applies uniform standards so a day care request is given the same conditions in Wilmington as a similar project in Westwood.

Once the Planning Committees of the Neighborhood Councils have a good understanding of all this background information, they need to make sure that they have the most influence on the outcome of the Planning Department determination. While everyone who attends a public hearing gets the same opportunity to comment, the fact that comments come from not just an individual, but from a person representing 20,000 or more community stakeholders will influence more strongly the overall assessment of a project at a public hearing. To be as effective as possible, the following steps should be followed when evaluating and commenting on proposed planning projects: 1) Know the overall planning process that the project will go through (the Planning Department web site has a summary of the process for each type of case filed, so try www.cityofla.org/PLN for details); 2) Know about the types of cases that can be filed and their findings (the Zone Code is on the city attorney web site and lists findings); 3) Know the possible mitigation conditions (check with the Chief Zoning Administrator 213-978-1318 and, you can make a copy in room 763 City Hall); 4) Meet with applicants of significant projects once your Neighborhood Council is made aware of the case in your area and constructively review and propose mitigation conditions to reach a compromise that you can support; 5) Send someone to the public hearing or send a letter a week (7 days) before the hearing date stating your overall position and your comments on each finding; 6) Discuss your position with your City Council Offices Planning Deputy before the hearing so you might have a joint position; 7) Be fair and balanced in whatever position you decide; and 8) Monitor any conditions of approval that are important to your council and report to the Planning Department on compliance as needed.

In summary, the proposed MOU with the Planning Department, when finalized, will provide an important tool to educate and provide helpful information about planning projects in your community. The more your neighborhood knows and constructively participates in the project reviews and hearings, the more the Planning Department will respect your positive comments. You can provide site information that the Planning staff may not be aware of or emerging trends that only you know about and this information can be helpful to the department and strengthen your point of view. The MOU will establish rights and responsibilities for both the Neighborhood Councils and the Planning Department and this will empower you. Better neighborhood input in the beginning of the process means better Planning Department output at the end of the process. The Quality of Life in Los Angeles is something you can influence and improve so get organized, get educated and start participating in the planning process.

###