

Topic: Planning MOU Process 3rd meeting

Date/Location: 11/4/05 at Braude Center

Participants: Robert and Jacque Lamishaw, Ken Draper, and Gurdon Miller and Jon Perica of LA City Department of City Planning (here for informal guidance).

Observer: Mark Elliot

This meeting is the third for this core group in the creation of a memorandum of understanding between Los Angeles neighborhood councils and the Department of City Planning. It continued the revision of the draft MOU language (beginning at section 2.71) line by line.

Timing of notification was viewed as a critical element of the MOU, with distinction made between City-initiated process (plan revisions and code amendments) that occur over a year or more and applicant-initiated actions (e.g., cases) that require immediate notification to NCs. City-initiated actions such as code amendments could be noticed to NCs 180 days before, or “as soon as the City starts thinking about it.” But other actions should be noticed by 90 days to allow NCs to consider in committee specific actions, do basic fact-finding, and/or agendaize action at the full-board level – “to get them thinking about it and get their points in early,” it was said.

One caveat was presented by actions that are by-right or otherwise don’t go through the department but directly to Building and Safety unless it’s a particularly sizeable project. This raised the issue of significance: What’s significant and should trigger notification The concern was that NCs get notice on some actions too late – or not at all. Site plan review was cited as an example. NCs may be advised to pay attention to a project when a site plan review is filed, but below a 50-unit threshold the NCs wouldn’t necessarily be notified - or may only receive 30 days notice. Or, if there is a mitigated negative declaration, they may not be notified.

Site plan review in particular was cited as an example where NCs may be under-informed, and where education may be especially important in this regard: opportunities exist and procedures are already in place in the land use process, but NCs are not taking advantage of them. “That’s what this MOU’s all about,” Robert Lamishaw said.

For NCs there may be the actions that should be noticed but aren’t: what to do then? Reset the clock (and burden applicant with the cost)? On the department side, it needs timely and correct information in order to notify NCs – but when should this happen in practice? It was agreed that the counter offered the first point of contact – and the most appropriate opportunity to notify – and that decisions should be left to the hearing examiner on a discretionary basis. It was suggested that minor issues be taken up with the department liaison, while major objections could go to an oversight committee. If it’s “corrective relief,” as one planning consultant said – “You forgot to tell us” - then it would be a liaison issue; if it’s a pattern or an ongoing problem, then it’s a task force issue, it was agreed. But department response required more consideration: is it merely the response that NCs will have a right (under an MOU) to expect, or is it a substantive response? As one participant said, “We’re asking for a status report: What’s happening *exactly*?”

Perhaps the most significant issue raised concerned advance notice of department actions with regard to departmental policy (including strategic planning functions such as a work program). This may be a sensitive issue for the department. Moreover, the Department does not make 5 year plans (like DWP – and which allows NCs an opportunity for long-term input in departmental direction) but rather goes year-by-year in making organization plans. Two options were raised: circulating to NCs the relevant documents that articulate goals and objectives when they are formulated; or allowing NCs access to the internal budgeting process that would reflect the department’s longer-term planning efforts.

The issue of significance was again raised with regard to the Oak Tree ordinance, for example, which may arise as an issue before an action is filed but might suggest advanced NC attention to generate support, opposition, etc. Timely notification was cited as the issue. It was suggested to label such actions, “Action proposed that may generate controversy....” By the same token, how will NCs and their committees, one participant asked, be able to “distinguish the 8 foot fence variance [hot-button as it is] from the million dollar project?” It was noted that such actions are already noticed, however. “But only to adjacents,” was the reply.

Identifying significant possible impacts is a challenge, as “the wheat gets lost in the chaff” of early notification, and people define significant differently. An example was cited of a large impact – a shopping center – that would be noticed to neighbors, but that there is nothing in place to notify the community. The only opportunity to find out about it in a larger circle is through the NC – and should NCs individually define ‘significant,’ and how does that impact the department? It was discussed whether case-tracking at the point of intake could accommodate varying NC ideas of ‘significant,’ but what about changing ideas at the NC level (e.g., effects of board turnover)?

Significant was also discussed in a more general fashion – “trends” that are emerging at the neighborhood level that aren’t specifically tied to a case filed but that may be of interest to neighborhoods in the aggregate. Could the department identify these for NCs – to be the eyes and ears for the neighborhood if auto repair facilities are moving in, for example – and proactively think about a policy response? “I was hoping we could catch these kinds of things,” one participant said. It was recognized that changing operating policies would not only take pressure, but would take increased staff.

It was proposed to have a central meeting to educate planning-tasking NC volunteers that could both bring these issues to wider attention in the communities, and inoculate – or at least lend support – to the department when the issues behind the perception of department dissatisfaction are aired. “You see cops on the street,” one participant said of the processes behind the counter service, “but you don’t see planners generating the paperwork...[and] bringing in people helps to develop political will and support.”

The meeting concluded with a discussion of the appropriate point in the departmental budgetary process to bring the public in (through the NC) to respond to the coming year’s plan and give input on the broader operating policies – and goals and objectives – of the department. This would be before the commission receives the department’s budget proposal, and certainly before the Mayor receives it. “At the very beginning,” one participant urged. “As the Charter says, ‘To monitor and provide input....’”

As NCs have developed some political clout, the objective will be to convince the department to voluntarily assume a more constructive and proactive approach to incorporating input, which begins with department leadership – still an unknown at this point before a director has been named. A director with a vision and some insularity from political considerations would be critical, it was agreed.

(Note: B&S was once considered as a merger partner for Planning, but that has since been discarded. Some considerations here were discussed as being appropriate instead for a B&S MOU.)