

**SANTA MONICA MOUNTAINS CONSERVANCY**

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
FAX (323) 221-9001
WWW.SMMC.CA.GOV

September 25, 2017

Los Angeles City Council
c/o Office of the City Clerk
City of Los Angeles
200 North Spring Street, Room 395
Los Angeles, California 90012

Opposition to Proposed Increase of Non-Applicant Appeal Fees
Council File No. 09-0969, CAO File No. 0220-04851-0014

Honorable Councilmembers:

The Santa Monica Mountains Conservancy (Conservancy) strongly opposes the “full-cost recovery” options recommended in the Office of the City Administrative Officer’s (CAO) July 26, 2017 City Planning Comprehensive Fee Study, and respectfully urges the Council to keep the cost of filing appeals at a rate that is affordable by ordinary residents and other public agencies. Option 1 given in the August 14, 2017 from the CAO and Director of Planning, which would increase the cost of non-applicant appeals to a modest \$271, would provide a reasonable increase to appeal fees without shutting ordinary citizens out of the appeals process.

Just as the City’s appeals process allows ordinary residents the full use of their administrative options in cases where an approved project would cause harm to their person or their property, it also provides an opportunity for public agencies other than the City to use their administrative options to protect public resources without necessarily having to resort to litigation. It is hard to see the “full-cost recovery” options currently recommended by the CAO as anything but a cynical attempt to deny public agencies and individual members of the public the opportunity to fully utilize their administrative options in opposing projects, and by extension, are an attempt to quash future litigation, regardless of the adverse impacts of a particular project.

The Conservancy, in conjunction with the Mountains Recreation and Conservation Authority (MRCA), owns or is responsible for the maintenance of over 69,000 acres of parkland and public open space in wild and urban-adjacent areas. Many of these acres fall within, or lie adjacent to, the boundaries of the City of Los Angeles. With the aim of protecting public resources, the Conservancy routinely comments on discretionary projects within the City that would potentially have significant biological, recreational, or hydrological impacts either directly to public land, or to critical habitat and watershed

Los Angeles City Council
Council File No. 09-0969, Proposed Increase of Non-Applicant Appeal Fees
September 25, 2017
Page 2

linkages between public lands. Whenever possible, our staff attempts to work with project applicants and City staff to see that these impacts are mitigated as part of the project before an approval is issued.

Our staff analyzes scores of City projects annually. The truth is that environmentally sensitive projects do not get appealed. Appeals are filed for projects that are approved by the City in spite of pushing beyond many constraints of a given property.

Should you have any questions or clarifications, please contact Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200, ext. 128, or by e-mail at edelman@smmc.ca.gov.

Sincerely,

IRMA MUÑOZ
Chairperson

Los Angeles City Council
Council File No. 09-0969, Proposed Increase of Non-Applicant Appeal Fees
September 25, 2017
Page 3

cc: Mr. Vincent P. Bertoni, Director of City Planning
Mr. Richard Llewellyn, Jr., Interim City Administrative Officer
Mr. Gerald Gubatan, Senior Planning Deputy, CD 1
Mr. Karo Torossian, Director of Planning and the Environment, CD 2
Mr. Andrew Pennington, Director of Land Use and Planning, CD 3
Ms. Julia Duncan, Senior Planning Deputy, CD 4
Mr. Andy Schrader, Director of Environmental Affairs, Water Policy and
Sustainability, CD 5
Mr. Ackley Paddilla, Planning Liaison, CD 6
Mr. Humberto Quintana, Planning Director, CD 7
Mr. Lynell Washington, Planning Director, CD 8
Ms. Lakisha Hull, Senior Planning Deputy, CD 9
Mr. Jordan Beroukhim, Planning Deputy, CD 10
Ms. Tricia Keane, Director of Land Use and Planning, CD 11
Ms. Hannah Lee, Deputy Chief of Staff, CD 12
Ms. Chris Roberston, Planning Director, CD 13
Mr. Shawn Kuk, Planning Director, CD 14
Mr. Nathan Holmes, Planning Deputy, CD 15