

# Nobody's Listening ... Still

CityWatch

By Ken Draper



In 1992, then City Councilman Joel Wachs introduced the neighborhood council concept. He was running for Mayor and made the idea of neighborhood empowerment a key plank in his campaign.

He said then that a system of councils was needed because the populace had become cynical about their government, felt disengaged and believed that no one was listening to them. At least no one was hearing them. Seventeen years later ... not much has changed. That is ... on the government side.

Neighborhoods are finding their voice. And finding ways to collaboratively turn it into a citywide sound of resistance. But the voice of choice is rapidly becoming the court room ... not Council Chambers. The most recent example was Judge Thomas McKnew's invalidation of the City's so-called "densification" ordinance. The result of a citizen lawsuit.

State law SB 1818 mandates that California cities create their own '1818' ordinance to allow density bonuses to developers who provide a percentage of affordable housing units in their developments.

Despite a public outcry, LA produced a bill that went far beyond the state mandate ... in some cases allowing up to 300% of the bonus required by state law.

When they couldn't get City Hall's attention the people sued ... asking that the City's version of the 'density bonus' law be brought in line with that of the state. And a judge agreed. ([CityWatch report](#)) . Noel Weiss story on Judge's decision elsewhere on CityWatch home page.)

The list of citizen court actions to get City Hall to listen is growing. Some months ago when the Mayor chose to go around the request of Westsiders to conduct an Environmental Impact Study before implementing his Pico East-Olympic West traffic plan a coalition of community groups went to the bench and ask for help. The Judge ruled in their favor and ordered the Mayor to do the impact study.

Earlier this month a Superior Court Judge issued a tentative ruling ordering the LA Department of Water and Power to give back \$30 million to customers whose water bills were used to help balance the City's budget. [\[LINK\]](#) The Howard Jarvis Taxpayer folks ... and a bunch of other citizen and business groups had opposed the practice of

transferring dollars from water bill payments to the City's general fund. Said it was a secret tax.

Two citizen suits are in progress ... and headed for court ... charging the City with breaking the law by not issuing ... as required by code ... Annual Infrastructure Reports so that decisions on the millions of building permits can be made with contemporary information. The last Report was issued more than 10 years ago.

There are some who wince at the concept of taking legal action to get City Hall's attention. But it's hard not to argue that City Hall has brought these law suits and their costs and the delays on itself by patronizing LA's citizens instead of listening and involving them in the process that is government of, by and for the people.

Former Planning Commission President Jane Usher was last year, as the Times reported, deeply unhappy with the City's plan to give real estate developers new concessions ... taller buildings, less open space, more housing units ... for any project that had even a small amount of affordable housing. She fired off an email to neighborhood activists spelling out ways they could challenge in court.

Usher, no longer on the Commission, was a participant in the citizen suit that sent the City's 'density bonus' ordinance back for a remodel.

As my Mid-City grassroots counselor Kieth Bright reminds: like the law suits or not, these frustrated LA citizens didn't start by making a call to a lawyer. They tried to make the system work first ... pleading, shouting, urging, calling, emailing and making endless trips to City Hall to try to get help or use their minute or two of public comment time ... before they went in search of other ways to be allowed to play in the process that is their city government. Instead, they were played by their city government.

The scary part for politicians is that the citizenry are learning how to play and the courtroom is one strategy. The ballot box ... as the defeat of Measure B recently demonstrated is another.

More citizens are making Public Records Act requests.

And soon they will figure out how to generate their own ballot measures and legislation. Won't that be interesting?

Looks like Councilman Wachs knew what he was talking about all those years ago.

But of course no one was listening.

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