

Usher to NCs: Appeal! Appeal! Appeal!

Saying It Like It Is
Edited by Ken Draper

(Controversial LA Planning Commission President Jane Ellison Usher brought her message to representatives from neighborhood councils and other community organizations at the recent Citywide Alliance Forum.)



She told them that they should not let the City's Planning Department or developers marginalize them and that if they continue to be ignored, the courts may be their best recourse. "The City," she said, "always loses." Here are excerpts from her message to the gathering at the Forum.)

"Let me give you my perspective-how I see things...

The really sophisticated land use chair of the Greater Wilshire Neighborhood Council said the following: I understand that the reconfigured fresh planning dept is going to rewrite all of the community plans and create some real plans with infrastructure. I get that ... but ... in that ten year interval as we work our way to the 'real plan' will we honor the plans that are currently on the books? Can the GWNC Land Use Committee say ... follow the plans that currently exist? The answer was a resounding no! That's not what's happening. That is far from what's happening.

Here's the challenge: we have a refreshed and smart planning director. She is intensely focused on writing community plans we can all buy into, participate in ... respect. I have to tell you, that sounds like a vision I want to be a partner in. It sounds like a plan I want to have a hand in. It sounds like music to my ears. But we will not see the fruit from that effort for three to four years. The question is: how do we band aid this city as we work our way from where we are now to a completed well designed plan?

Here's, as you know, the way Planning works on a day to day basis: an application comes in from a developer and here's the conversation that occurs. Well, the current plan isn't worth the paper it's written on. The current plan has no vision, no foresight, no connectivity ... so we know that whatever is on that piece of paper is a straw man.

So what should really be there? Well, I will tell you that there are some planners that are more adept, more sophisticated at having that conversation than others. I haven't factored the numbers but I suspect that 90 percent of those applications are largely approved. How can that be?

How can it be that developers know and have it so right?

Where is the push back?

The city Planning Commission, in the last 2 _ years under Mayor Villaraigosa, has said no to ... or retooled ... more than one application. And, what has it said no to? We look at where the project is in the city. We look at the gridlock. We look at the missing mass transit. We can see with our own eyes that this is not a likely spot RAS 4 density.

Most of the land in the city has two constraints on how big a structure can be. Not one but two. Most developers delight in knowing that most of us don't know that there are two. So, they will give you the one that best fits him and he won't tell you about the one that restrains him.

For you to become effective in this process ... become partners in this ... you can't be hoodwinked. You have to know just a couple of these basic rules and you have to be able to get into the process earlier than at the public hearing.

I say it time and again: if you know a project is coming down the line, if you know that an application has been filed ... I cringe at the thought that you are going to wait for your two minutes of public comment at a public hearing. That applicant has been involved in conversations with planners for months. You have to be in that room.

And, I worry that each of you is one neighborhood council and it is so easy to marginalize each of your voices. When you stand at the microphone (alone) you don't look very big (to the commission). When you stand at the microphone with 50 of your neighbors in the room, you look a lot bigger.

Also, I want to tell you one other thing about the process, because to this day my own neighborhood council doesn't believe me. Your cards, your letters, your petitions, your emails ... my neighborhood council believes that those come to the commission or the decision makers. They do not. None of them. We get a one page hearing officer report which distills everything (that comes in) and it will say 'a petition signed by 93 people ... a letter ... a this or that' ...and that is the sum and substance what a commissioner gets. So, now you have been marginalized to a few sentences on a single page.

I tell neighborhood councils: bring your best stuff. Make it look very professional and not long and not incoherent and bring it in abundant copies to any hearing you're attending and hand it out. They will then see it. But, again, the better thing is ... get in that room way back in the process (when the developer is having those conversations with the planning people). Get in the room with the developers.

So, the question I have for you is: Is there an opportunity for you to drive some of these larger conversations? Advice: In the interim, band aid the city planning process and get yourself into the citywide conversation.

Get into a room with the city planning leadership.

As good as Gail is, Planning has not made the shift ... to getting NCs to the table.

And what to do when the zoning administrators aren't listening and planning and the developers are keeping you away from the table? Appeal! Appeal! Appeal!

Every case that gets before a judge, the city loses. For every decision you have a judicial remedy. It's a repulsive solution frankly, I know. But, you have a right to be in the process.

There are standards that ZAs have to follow and they write their own opinions and ignore those standards

I am your ally.

What kind of a city are we if only the rich people can live here? It's about ethics. About values."

(Jane Ellison Usher is the President of the LA Planning Commission. She was appointed by Mayor Villaraigosa. Usher is an attorney and serves on the board of the Greater Wilshire Neighborhood Council.) _