

Viewing the Developer War from the Trenches

Land Use Crossfire
By Michael Eveloff



I recently read CD5 candidate [Robyn Ritter-Simon's article](#) on ending the "Developer/Homeowner War." I think she entirely missed the essence of this critical issue and in the process forgot who actually votes in elections. While she missed the point on development, she did provide a clear insight into the way she would approach the job of Councilperson, who she considers to be her constituents and how she would approach development issues. The essential premise of Ms. Ritter-Simon's piece is that development is inevitable and unstoppable, regardless of the needs of current residents and the need to have adequate infrastructure in place and funded prior to allowing more development.

Her premise seems to be that since development is going to happen, developers have to do a better job of "convincing" the community to accept the inevitable growth. In short, development isn't the problem, its poor developer PR.

Taking "difficult" meetings and "empowering" community groups will not solve our problems. Equally silly is the concept that changing who selects the firm that produces environmental impact reports (EIRs) will change anything. Without addressing the underlying rules of how impact is defined, what "mitigation" really is and how cumulative impacts are measured, the reports will continue to be viewed with extreme skepticism by the community. (Ms. Ritter-Simon has also completely overlooked the fact that a significant portion of "development" does not require EIRs. From Ms. Ritter-Simon's article, it appears that these projects simply aren't on her radar.)

Ms. Ritter-Simon states that this shell-game EIR "show of good will" will go a long way. Shockingly, she says nothing about the contents of EIRs and what should happen if a report indicates significant impacts on communities or a lack of capacity of the infrastructure. Her article suggests that there is no bad development, only misunderstood development.

Real change in the way the community interacts with developers can only happen if the community feels there is a level playing field and consistent, fair, predictable and objective rules for when development is appropriate and when it is not. Real change can only happen when the community feels they have the same representation within city hall as the developers do.

Also missing from Ms. Ritter-Simon's analysis is that some projects just shouldn't be built. She does not mention even the possibility that some projects either impact the immediate community in unacceptably significant ways or will impact the infrastructure in unacceptable ways. Ms. Ritter-Simon's article never suggests that the underlying impacts of a project should determine whether or not it should be approved. She only suggests that better developer outreach is needed.

Unfortunately, the city too is operating in the dark when it comes to approving development. The City is charged with producing a report called the "Annual Report on Growth and Infrastructure." The report is supposed to "annually document what has actually happened to the City's population levels, housing construction, employment levels, and the availability of public infrastructure and public services..." The report is described in the Growth Monitoring section of the General Plan originally adopted on December 11, 1996 and Re-adopted on August 8, 2001 (CPC 94-0354 GPF CF 95-2259 CF 01-1162).

The report is supposed to: "...annually document what has actually happened to the City's population levels, housing construction, employment levels, and the availability of public infrastructure and public services...and.. will be used to facilitate ... environmental review for subsequent programs and projects in accordance with CEQA."

Contrary to Ms. Ritter-Simon's labeling of moratoria as "extreme," moratoria are clearly cited as an appropriate reaction to faster-than-projected growth. The plan states:

"If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate

changes to the Community Plan and zoning will be recommended. These Plan and zoning changes, and any related moratoria or interim control ordinances, shall be submitted to the City Planning Commission, the Mayor, and the City Council, as specified in the Los Angeles Municipal Code (LAMC).”

It is this complete failure by the city to adhere to or even acknowledge its own rules that frustrates the community. As a result of this utter failure on the part of the city to understand its own infrastructure and the trajectory of infrastructure consumption, local infrastructure has become stretched to its limits – and beyond. A few examples:

Station 92 (which handles Century City) has not seen an increase in its capacity for decades yet it is asked to handle increases of tens of thousands of people in its service area and millions of new square feet of development.

- The West LAPD has seen a decrease in officers despite population increases and has just seven basic patrol cars to cover 65 square miles.
- Westwood Charter School is projected to be over capacity by more than 300 students. This elementary school now has over 840 students – well over its design capacity.
- Traffic in the West L.A. area has become truly unacceptable. Local trips have become longer and more stressful. Longer trips have become major events that take unpredictable amounts of time and even more patience.
- As for traffic, one particular report encapsulates the frustrations the community feels with regard to development and traffic. Surprisingly, it was created by the city in 1975. It states:

“Briefly, the report concludes that the street system now serving Century City and the surrounding area does not meet the needs of the area, nor will it in the future. As a consequence, it is recommended that further intensification of land use in Century City and the surrounding area be halted or that alternate uses be found that do not add to the existing peak-hour congestion.”

Little comment would seem to be needed, though apparently it is. The city has continued to allow development in an area that in 1975 was deemed incapable of handling increased development. This suggests that the methodology for determining impact in the intervening years was and is fatally flawed. Despite a clear and unambiguous statement by the city itself as to the capacity of the transportation infrastructure, development was still permitted.

Is it any wonder that communities such as Cheviot Hills and Beverlywood find themselves in the line of fire between Century City and the 10 freeway? Is it any wonder that my community, Beverly Hills and those communities to the north, south and west of Century City find themselves subject to ever-increasing cut-through traffic? Perhaps we just need a better PR effort to tell us that the cut-through traffic really is for the greater good.

I respectfully submit to Ms. Ritter-Simon that the problem is one of true substance and not just poor developer PR. The problem is that development has been approved and even actively promoted by our elected officials even though the infrastructure cannot support it and when the development detracts from the quality of life of this city’s current residents.

The reason “developer” has become a four letter word in some areas is not because all development is bad or all developers are considered destroyers of all things good. (Some developers have sought out and succeeded in finding real ways to work with and improve the local community) The reason for the conflict is that development has been permitted blindly, without consideration of its drain on the infrastructure and its true impacts on residents, which Ms. Ritter-Simon should understand are also known as voters.

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