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Westside Neighborhood Council
Westwood Community Council
Westwood Neighborhood Council

MINUTES

WRAC Meeting of the Board of Directors
March 15th 2021 – 6:00pm

ALL SUPPORTING DOCUMENTS AVAILABLE AT
<https://tinyurl.com/859pmdp5>

1. Welcome/Introductions

- a. The WRAC Board conducted its regular monthly meeting by on-line video and audio on March 15, 2021. Chair Matt Wersinger called the meeting to order at 6:02 p.m.
- b. **Representatives present:** Matt Wersinger (DRNC), Christina Spitz (PPCC), Robin Greenberg (BABCNC), James (Jim) Murez (VNC), Jane Wishon (WNC), Lisa Chapman (WWNC); Andrew Lewis (NWWNC) Paula Gerez (NCWP) Steve Sann (WCC) and Larry Watts (BCC)
- c. **Nonvoting Alternates present:** Barbara Broide (WNC), Nickie Miner (BABCNC), Dave Card (PPCC)
- d. **Also present:** Marlene Savage & Kay Hartman (WRAC LUPC Co-Chairs), Congressman Ted Lieu and Janet Turner from the Congressman's office; Debbie Dyner Harris (CD5) and Deborah Hong (LADWP).
- e. **Chair Updates – None**
- f. **Upcoming Guests –**
 - i. **April** – LA Councilmember Paul Koretz
 - ii. **May** – LAPD Chief Michel Moore
 - iii. **TBD** – LA Council President Nury Martinez

2. Government Report -

- a. **US Congress 33rd District – Ted Lieu** – Chair Wersinger welcomed Congressman Ted Lieu. The Congressman noted that the House passed the American Rescue Plan (ARP) last week, President Biden signed it, and stimulus checks will be sent starting this weekend to put America back on the road to recovery, get vaccines into arms and cash into people's pockets. Buckets of Funding will be to 1) suppress the virus, 2) for economic relief, and, 3) for school districts. The city or state will act as a pass through but the state cannot take allocated amounts.

Chair Wersinger asked how that money can be used by the City to which Rep. Lieu noted it is largely unrestricted; cities can use it for revenue loss; intent was to make sure our frontline personnel were not laid off, same with school districts; 20% will go to addressing learning loss.

Chair Wersinger asked what he sees this new Congress, Administration and himself working towards for municipal support, e.g., infrastructure, help for homeless & municipalities dealing with influx of that daily. Ted Lieu related that the LAUSD will get approximately 2 billion 956 million dollars to address reopening needs; LA County, 1.9 billion dollars and the City, over 1.2 billion, estimated amounts.

Infrastructure: Rep. Lieu is introducing a bill in May, the exact amount is not settled on yet. It will be significant, heavily green focused in light of climate change and will provide jobs.

Homelessness: The Federal government doesn't have much jurisdiction other than for veterans who are homeless, and with that, they have done a fair amount of funding. He noted that homelessness across California and veteran homelessness are now flat, having declined slightly due to a program of vouchers to give a roof over their heads and transition services. His view is that because the federal government doesn't do that much for all the homeless folks, doesn't mean that is the way it should always be, so he and Senator Feinstein have introduced legislation that if passed would give local cities and counties nearly 5 billion dollars over four years to address the homeless population, whether veterans or not. Chair Wersinger acknowledged the importance of this given that our local jurisdiction is overwhelmed by this issue.

Chair Wersinger asked if he will be able to offer support to the Westside on local infrastructure projects including homeless in the Palisades and the new METRO extension. The Congressman related that for the infrastructure bill, he was at a meeting with Chair of the House Committee on Transportation and Infrastructure, Peter DeFazio (D-OR). Members of Congress will be able to submit individual infrastructure requests. Contact Congressman Lieu's office with project ideas you believe he should submit. Apart from that, Congress will do community focus investments/ earmarks. The Republican Administration stopped these but the new administration is going back to these. Every year, each member of Congress can make up to 10 requests to the Appropriations Committee for projects in their districts. They will be transparent, publicly noticed, and the ones that get funding typically have strong community support, sources of funding from other places as well, etc. Let his office know of your recommendations.

Chair Wersinger asked, as to climate change, infrastructure green, concerns at the coast, what specifics are there that will affect us locally. The Congressman noted that he does not yet have specifics; they are still putting the bill together with Peter DeFazio and the Sustainable Energy and Environment Caucus, SEEC, which has a heavy focus on the environment.

Asked about his position and if he has any legislation on gun control and policing, noting the difference between the House and Senate on positions, Ted Lieu explained that the American Rescue Plan's \$1.9 trillion funding from the House came back from the Senate with essentially the same number. That money was plowed back into the ARP. The Senate reduced cutoffs for which people get a stimulus check. In the House version, a couple earning \$200,000 would still get a stimulus check, though prorated. The Senate made it \$160,000 for the couple. The cost savings was then applied so anyone who loses a job who wants COBRA benefits, for example, would have 100% of that paid for because of the budget reconciliation process.

He noted that the House passed background checks, bipartisan, last week; they hope to get it through the Senate. They also passed "Closing a Charleston Loophole" bill. The Charleston loophole allows a gun sale to proceed even when a background check has not been completed, noting that closing the loophole will save lives and keep weapons out of dangerous hands. He gave an example of an assailant who got a gun and killed people in a church. He shouldn't have gotten a gun. With a background check, they could have stopped this. The loophole was that if the gun-shop owner didn't answer in three days, he could sell the gun to the person. This bill says no, you have to wait for the answer. This has a chance of passing in the Senate.

The Congressman noted that the George Floyd Justice in Policing Act passed and they are in negotiation to see how they can get it through the Senate. He thinks this will likely have a compromised version. It has a number of provisions, e.g., ban chokeholds, provide training to police officers, and reporting provisions, a lot of what activists want to do to reform police departments. This is for one larger bill.

Chair Wersinger asked about the VA Campus, as we transition out of COVID, will the VA campus be open for public to transit through? There is a large homeless encampment adjacent to the VA that may be on some federal land and that we have concern about, regarding enforcement of ADA laws. What specifics will be done?

Congressman Lieu related that one of the first bills he signed, the West LA VA Master Plan, provides a certain amount of housing, at full build out for 1200 to 1600 homeless vets. They are working with stakeholders to make sure it is implemented as quickly as they can. Some of the buildings have been retrofitted. He noted that the Westside VA is pretty much aware of every single vet in that encampment. A number of these vets do not want to go into shelters. They could house homeless vets who are living in that encampment; however, the homeless vets there do not want to go. They have a certain amount of freedom at that encampment. At the shelter they'd have to follow certain rules. The VA is working on it. They are trying to work with the VA to make sure, through these earmarks and the transportation bill, to get the funding at the VA for that request. Chair Wersinger thanked him and opened the floor to the Board for Q&A.

Member Sann of WCC thanked him for all he has done, and for Janet Turner. He asked about an important infrastructure project, the Sepulveda Corridor Project, proposed by METRO, to connect the Valley to the Westside and eventually to LAX. Member Sann noted that to do this correctly will require Federal help, and hopes that we can get the funding that Los Angeles needs to build this correctly. One of the key issues is that we need a line that will have a station on the UCLA campus. There are more than 10,000 people a day that go to UCLA and to have a line that reaches and connects with the Purple line is critical and needs help from the Federal government. He asked if we can count on the Congressman for that important support.

Representative Lieu agreed that Janet is awesome. He followed up with Aurora at the DC office on that project, and asked is it possible for anything on that project to be happening within five years. Member Sann related that it probably is not going to happen in four to five years. They may have a local choice in the next two to three years, but he doesn't think they'll be digging in the next two years. Ted Lieu noted that the Transportation bill requests projects happen within five years; however, he has to clarify if that means shovels to the ground or spending money for design and other things prior to shovels. If within five years, money will be expended for design and planning and could look at getting funding for that. He will clarify with Peter DeFazio. Member Sann opined that within five years, they may start with pre-engineering drawing, etc.

Member Card of PPCC thanked the Congressman for coming, and appreciates Janet as well. He mentioned the infrastructure project at Potrero Canyon and hopes to finish the one-mile long City of LA Park there. He noted that the problem is that it is a trail to nowhere now, and they need a pedestrian overcrossing so people from the beach can get up to the Palisades for lunch or people from the Palisades can go down to the bike path. Once they make that connection to the beach, it will be a regional park for everyone in LA to enjoy. It is a passive park with no organized sports, like a state trail park. They got landscape contractor bids, but don't have funds for the pedestrian

over cross. Per the BOE and City of LA, the last estimate was for 11 million dollars, which may be more now. They'd like to connect Potrero Canyon to Temescal Canyon Park, with a trail on the east side of PCH. It's on Caltrans land. They've been speaking with State Assemblymember Bloom and Caltrans about negotiating between Rec & Parks and Caltrans to do the bridge. The BOE has done preliminary investigation and work and applied for money from the state which has been denied regularly over several years. He noted that this would benefit the Palisades, all beachgoers and those who drive PCH, for people to safely cross PCH without impeding traffic. They hope to get the Congressman more information and get earmarks or a project in the Transportation bill. Rep. Lieu thanked Member Card, and said he will follow up on the project.

Member Gerez of NCWP thanked the Congressman and asked him to touch on concerns from her stakeholders and herself regarding homelessness, noting that we've been kicking this down the road for so long, thrown money at the problem, and in the Obama administration we knew we needed affordable housing and place to put the homeless. We need to address those who are declining services and to not penalize the neighbors. She doesn't see anyone addressing the homeless individuals' refusal of services and getting them the medical attention that they need.

Congressman Lieu noted that he does not disagree, noting that this is a complex issue. Not having enough services is one reason Senator Feinstein and he drafted legislation, and he agrees with the need for more affordable housing. He noted lack of services is a problem, and that the veterans' homeless population, if you provide services, is somewhat better than it is for the nonveteran homeless. They are working on ways to get the City and County to provide more services. Member Gerez opined that more housing won't fix it for those who refuse housing and this does nothing to address the medical services they need.

Member Murez from VNC noted, as to homelessness, Venice borders the sand, and a number of storm drains that run into the ocean are unfiltered throughout the whole city and go to the larger locations like Ballona Creek and dump out to the ocean. More homeless individuals are on the street, who don't have restrooms, showers and ways to take care of their basic hygiene. The amount of debris and bacteria flowing to the ocean needs to be addressed. Santa Monica Bay is a federal water resource, and he opined that the government should be able to do something, e.g., give money to the city to put in filtration systems or other solutions. He noted that the water is so contaminated..., it starts to dissipate, then the fisherman start bringing it up in the food chain. He asked what the Congressman can do to help solve the problem. The Congressman said he will look into this, noting that he was not aware of the filtration system.

WRAC Secretary and Member Robin Greenberg of BABCNC thanked Rep. Lieu for everything and for Janet Turner. She explained that we are asking for the protection of our hillsides, where we have narrow winding streets and are fire prone. She asked him to think about us as we come into the dry season to protect us from bad fires. She noted that the previous administration mentioned that a lot of fires in the forest were started because we do not clean the floor of the forest. She thanked the Congressman for what he stands for. Ted Lieu thanked Member Greenberg and related that it is the problem of climate change. He noted that we have a greater risk of wildfires, and will have to be vigilant and do whatever we can to address climate change. Chair Wersinger requested that he keep the urgency of the homeless issues in mind and provide a bill soon. Member Card thanked Rep. Lieu for his military service, as one vet to another, and Chair Wersinger thanked him for his service to this region and for joining us this evening.

b. Mayor Eric Garcetti – Brad Fingard was not present

c. Council Reports: CD5’s Debbie Dwyer Harris representing Councilmember Paul Koretz:

- 1) The Hero Pay Ordinance went into effect last week. It is a 120-day ordinance that requires grocery stores and chains to pay their grocery workers \$5.00 extra for 120 days but Kroger, parent company of Ralphs and Food for Less, announced they were closing three stores in the City of LA, one of which is identified as being in a food desert and one is at Pico Boulevard & Beverwil Drive, in the heart of one of our orthodox communities, which is a big provider of Kosher food. She noted that the councilmember is very disappointed with Kroger and will be reaching out to see if there is a way to stop them from shutting down as a lot of people will lose jobs others will lose food options.
- 2) Street Sweeping: Posted street sweeping is going to every other week, which went into effect two weeks ago; LADOT won’t ticket your street if your street sweeping week is off.
- 3) Speeding: On the east side of the 405, speeding has become a horrible problem, with some horrific accidents in CD5 and other parts of the city, as traffic is lighter and people are driving fast and recklessly. A couple of weeks ago, there was a fatality at Overland and Olympic and an almost fatality at Wilshire and Beverly Glen last weekend. They are looking at options of what to do in communities with speeding corridors and will come out with suggestions, implementations over the next few weeks, and are looking at legislative opportunities.

Chair Wersinger opened the floor to the Board, beginning with Member Sann of WCC, who opined that the reduction of street sweeping means more filth on the sidewalks. He related his experience in Westwood, stepping onto the sidewalk, with gutters filled with masks, rubber gloves, and detritus because of COVID. It means we are not getting City services. On the issue of Ralphs, he opined from the restaurant standpoint, when the City mandates minimum wages and tip credit, you will see loss of jobs. If you mandate companies to pay an additional \$5.00/hour don’t be surprised when jobs are lost. He agrees that the speeding is an outrageous problem.

Chair Wersinger asked if street sweeping will be restored in the near future with the funding coming to the City. Debbie Dwyer Harris noted that they do not think so, not because of funds, rather it was their early retirement and hiring freeze, and until the hiring freeze is lifted and they can backfill those positions, this is the problem. She mentioned that Adel Hagekhalil of Streets LA has made it a mission to reconfigure our street sweeping program. He was beginning that process but it is currently on hold, and noted that when they get some of their budget money backfilled, he will be able to reconfigure the program, to be better than before.

WNC’s Member Broide related apropos street sweeping, most gardeners are using blowers to blow trash into the street and leaving it there. She thinks it would be important to spread the word that it’s inappropriate and once it’s in the street it needs to be thrown away. She noted that some of her constituents are having trouble finding the street sweeping schedules on the website. Member Broide suggested making personal contact with the owner of Kroger in addition to corporate contact. As to speeding and takeovers, she is seeing comments on NextDoor that though LAPD has a special unit coming on board, they are slow to respond. She concluded that street sweeping is an equity issue and recommended spreading the resources around the City.

d. LADWP – Public comment period for the Draft 2020 Urban Water Management Plan ends March 22nd. Details at www.ladwp.com/uwmp. Deborah Hong was present this evening.

e. Additional Government Reports – At the discretion of the Chair – None

3. **Board Member Updates:** Member Broide of WNC related an issue that she will take to the Land Use Committee regarding how the City looks at “cloud kitchens” or “ghost kitchens.” They were presented with an application for 49 ghost kitchens without adequate resources. She thinks that the City doesn’t know how to review them, whether in retail or manufacturing, noting that it is a new type of enterprise to pay attention to. Member Lewis of NWWNC asked about the definition of ghost kitchens, to which Chair Wersinger noted that these are kitchens outside of the restaurants that have takeout business. Member Murez who is familiar with kitchens, having dealt with outdoor markets, recommended checking the LAC Health Department’s classifications for different types of kitchens.
4. **Committee Reports** – Kay Hartman & Marlene Savage, Co-Chairs of LUPC: Ms. Hartman noted that at the March meeting, 1) they spent an hour with Capri Maddox, the Executive Director of the Civil + Human Rights and Equity Department talking about equity and land use. 2) The committee voted to approve some meeting guidelines. 3) In April, they have people coming from the Community Plan, who were here at the end of the year, to give an update of where things are. Vice Chair Spitz asked about the April meeting date, to which Ms. Hartman noted that they will get an email out. Chair Wersinger complimented the Chairs on running the meetings well.
5. There is a Transportation Committee this week, Wednesday at 7:00pm, and there will likely be a homeless meeting this month, date will be provided. Check website for the committee agendas.
6. **Public Comment – None**
7. **Approval of Minutes** —
 - a. **Motion (Matt Wersinger)** – Approval of February 2021 meeting minutes **Moved** by Chair Wersinger; **seconded** by Vice Chair Spitz **10-0-1**; Member Murez of VNC abstaining; **passed**.
8. **New Business**
 - a. **Motion (WRAC Homeless / Jay Handal)** – The Westside Regional Alliance of Councils requests L.A. County Health and our L.A County supervisor to demand that County Health inspect each and every homeless encampment for unhealthy living conditions and correct such items forthwith. This motion is a result of COVID-19, and other health issues including expired foods, rats, bugs all within the encampments. **Moved** by Member Sann (WCC); **seconded** by Member Murez (VNC). Vice Chair Spitz thinks this needs rewording.

Motion: To postpone and send it back to committee **moved** by Vice Chair Spitz; **seconded** by Chair Wersinger. Extensive discussion was held, to include that it is not worded correctly; County is the wrong department; it is a sanitation issue where people are leaving open containers of food out, which often attracts rats and bugs.

Vice Chair Spitz related that she received input from a member of the Pacific Palisades Task Force on Homelessness (PPTFH) that this motion should be reworded and that the Committee should speak with Neighborhood Prosecutor Veronica de la Cruz about it. *[Member Watts had comments however, was unable to speak due to technical difficulty.]* The motion to send this back to committee **passed by 10-0-0**.

- b. **Motion (WRAC Homeless / Jay Handal)** – The Westside Regional Alliance of Councils requests LAPD bring no tolerance enforcement in homeless camps of existing enforceable laws including drug trafficking, human trafficking and ADA violations. This motion is a result in stakeholders observing drugs being bought and sold in encampments as well as sidewalks that stakeholders cannot walk through due to tents and objects clearly blocking the public right of way. **Moved** by Member Sann of WCC; **seconded** by Member Murez of VNC.

Motion: To return this to committee **moved** by Vice Chair Spitz, who stated that based on input from a PPTFH member, the phrase "no tolerance enforcement" is problematic as zero tolerance is not responded to well by the authorities; **seconded** by Chair Wersinger.

Vice Chair Spitz reiterated need for the committee to communicate with Veronica de la Cruz before coming up with a motion. Member Chapman asked if we couldn't just remove those words and leave the rest, and asked to amend it; however, Chair Wersinger noted that the first amendment is to return this to committee. Further discussion was held prior to the vote, including but not limited to Member Lewis questioning if this is logistically feasible; noting it is vague and nonspecific; he agrees with Vice Chair Spitz. Chair Wersinger noted that it requires detail and involvement of the LAPD or Neighborhood Prosecutor.

Member Sann of WCC agreed with referring it back and shared that the committee held a robust discussion, led by Jay, who noted that there is drug use and drug paraphernalia. He knows a formerly homeless individual who expressed deep concern about human trafficking in his area. Member Sann noted and Chair Wersinger agreed that it is extremely important that the motion be well written and documented. Member Wishon of WNC supported sending it back, as the way the motion is currently written implies that the LAPD doesn't know or are not doing their jobs. She would ask the committee to consider expressing that this is a priority for us, urge the City Attorney, Police, Sheriff, etc., to give additional scrutiny and not tell the PD what their job is.

Member Murez of VNC thinks this is mixing apples and oranges, by putting multiple issues into the motion: The ADA requirement – Bonin wants to have social workers on the sidewalks, Venice has sidewalk blocked 100%. If the police tell them to move their stuff, they do it, and once they're gone they put it all back. Mixing that with human trafficking – the resources are different and we want to look at these as separate issues.

Member Gerez of NCWP recently had a Neighborhood Prosecutor explain that the LAPD takes its position from the Chief, and the Chief takes his direction from the Mayor. She opined that taking this back to LAPD is not the proper channel; it should go back to the Mayor and Councilmembers in hopes that they will do enforcement. They are the ones who are preventing LAPD from enforcing things now. She thinks it needs to go back and that we are asking the wrong agency for the enforcement. **Passed by 9-0-1**, Member Chapman of WWNC abstaining. Chair Wersinger would like to make sure our homeless reps take the feedback and revisit this.

- c. **Motion (WRAC Homeless / Jay Handal)** - The Westside Regional Alliance of Councils requests additional funds and resources to implement more safe parking programs & support of existing programs throughout the districts. This motion is a result of the increasing amount of people living in vehicles on public streets causing health and safety issues for the homeless as well as the local stakeholders. **Moved** by Member Sann; **seconded** by Vice Chair Spitz. Extensive discussion was held including but not limited to:

Member Lewis of NWWNC supports this, noted that one of the Councilmembers has a Safe Parking lot in his district, in Westchester, and it works. Member Wishon of WNC noted lack of specificity in the motion, which sounds as though we are personally requesting funds so we can provide the program. From whom are we requesting money and to whom? Either fix it here or send it back.

Member Gerez of NCWP of spoke on their Safe Parking program, noting they've hit problems and deficiencies in the program; the services were not brought in to help people get out of their automobiles. It has been moved to a larger location to help more people with a promise of services coming but she doesn't know that it is successful yet. She wants to ask for services to be combined with Safe Parking because without services to help people get out, it doesn't help.

Member Murez of VNC stated that something carte blanche is scary. When parking lots are located in residential neighborhoods with a library nearby or other facilities that the City owns with houses around it, putting in a few dozen campers with people who might party at night, who don't have the responsibilities that the neighborhoods have, might produce a negative impact. Typically the locations are in industrial areas or areas with a large amount of open space. Chair Wersinger disagreed with his characterization, noting that they have strict rules to follow.

Member Chapman of WWNC would change motion to say "coming from the City and going to Safe Parking LA." She, Joslyn Treece and another individual had a long conversation with the Director of Safe Parking LA. She noted that they have a security guard overnight in each lot with rules, a contract to be signed to be a part of it, and it is only for overnight parking, with certain hours. The individuals have to work with a case management team, to find supportive housing. This deals with food insecurity and other issues, and it is extremely important. She noted that there are some locations that the Director had concerns with, in that she didn't find they are completely filled, e.g., the one at the VA for veterans only has been steadily declining. She has to identify lots that will have enough participation. She had a meeting with a Vice Chancellor and Transportation Chair at UCLA about setting up a Safe Parking area for the UCLA students in need, which she is working on. She noted that "Safe Parking LA is a City-ordained entity" that should be in the motion, as that was said to Jay.

WNC's Member Broide noted that 1) the Safe Parking lots are not necessarily on City-owned property and that sometimes the land is leased for different things during the day, 2) In the Northwest, the safe parking lots rotate regularly and are not permanently established, which helps to break down opposition from communities. 3) Maybe in the motion there should be language, that starts out like:

Amendment: The WRAC recognizes the need for and value of providing Safe Parking programs. We therefore request allocation of necessary resources from all relevant and available sources for neighboring jurisdictional programs to meet the need and demand for Safe Parking LA. **Moved** by Member Broide; **Seconded** by Vice Chair Spitz.

Discussion ensued on the amendment where Member Wishon would **take out** that the motion is "the result of the increasing amount of people living in vehicles on public streets, etc." as she thinks that doesn't belong in the motion and is not grammatically correct.

It was noted that we can say “all relevant opportunities” but if we have a specific ask, or a specific organization to fund a particular program, that is much more effective. Member Broide would therefore add “for Safe Parking LA and similar programs in nearby jurisdictions” after relevant and available resources... She suggested some added language: ...the city entity and neighboring jurisdictional programs to meet the need and demand.

Member Murez of VNC sees some of these programs that are not regulated and cannot imagine the Venice board approving a carte blanche situation, without specifying types of regulations and requirements you want to have, even if you just point to them. He noted that in his area, the parking lots are only in residential neighborhoods, city owned or not. He thinks in the Palisades it is similar. He doesn't know if WRAC or the Land Use Committee has already approved or created something that might say “a Safe Parking program needs to have X, Y, Z.” Chair Wersinger asked him to take that as a separate amendment and focus on this amendment.

Member Sann of WCC noted that given that we are referring the two previous motions back to the committee, best to wordsmith this by the committee, to have language to attract the councils for support, especially Venice, and if they are not behind it, that would be a red flag to him. He would refer all three motions back to the committee. Please send your comments in an email to Jay. This would benefit by one last look at the committee.

New Motion: Refer back to the committee **Moved** by Member Sann; **seconded** by Member Wishon; **10-0-0; passed**. Chair Wersinger concurred with sending comments back to Jay.

- d. Motion (Del Rey NC / Matt Wersinger)** - The Westside Regional Alliance of Councils opposes the proposal by the CAO in CF 09-0969-S3 that replaces the current \$89 appeal fee with a ‘cost recovery’ amount of up to \$16,097 for filing an appeal with the Planning Department.

This enormous increase would effectively prevent the vast majority of constituents, especially low-income residents, from exercising their right of appeal and challenging decisions that may negatively impact them permanently.

The City should instead adopt the fee schedule recommended by the Planning Dept. for the next two years to take into account COVID-19 conditions, and beginning in 2023 adopt a tiered fee schedule that would include:

1. Fee waivers for individuals or organizations with incomes less than \$35K annually (including organizations with a formation date of Jan 1 2021 or earlier) effective immediately.
2. Tiered fee structure for residents, HOAs and nonprofit organizations should tops out at \$750 starting on Jan 1, 2023.

Moved by Wersinger; **seconded** by Member Murez. Chair Wersinger noted that this came out of and was passed by DRNC unanimously. Westwood CC and Westside NC passed a version that was straight opposition. Member Murez of VNC thinks the intent is wonderful as regards numerous frivolous appeals filed, which is burdensome, and would like wording to scale the fee depending on whether you win or lose, as a possible deterrent for the filers of frivolous cases. If they lose they should pay the \$16,000 or more dollars but if they win because they have a valid issue that the Planning Department agrees with, maybe it should be much lower.

Member Broide of WNC noted that even the current fee, with add-ons, is over \$100. She was thinking of the WLA Tenants Union who filed a recent appeal and couldn't raise the money and the ZA made a terrible mistake. She noted that citizens often have to fix things that didn't go right and does not think the Planning Department employees, particularly cashiers, can discern who qualifies for discounts. She favors non-profit organizations and neighbors of adjacent properties staying at the current level but thinks we also have to keep in mind the way that land use entitlements have been going lately, where there will be fewer and fewer opportunities to file appeals, which she feels is chilling. She noted that even \$150 is a deterrent for some people to protect their property or community. She goes back to her NC's simple motion to oppose.

Amendment or Substitute Motion: The Westside Regional Alliance of Councils opposes the proposal by the City's Chief Administrative Officer (Rich Llewellyn), to raise the fee for a citizen (or community group such as an HOA) to file an appeal of any city land use (or Building & Safety decision, from the current \$89 to the discriminatory amount of \$16,097. This amount that has no basis in reality will prohibit the majority of stakeholders in the City of Los Angeles from having meaningful access to any city land use appeal procedure. **Moved** by Member Sann; **seconded** Vice Chair Spitz.

Member Sann related there are many issues here; people have a constitutional right to petition your government. Before anyone can exercise that right, in court, the law requires you to exhaust your administrative appeals, and even a fee of \$750 would create a massive barrier that many citizens lose their constitutional right because they wouldn't be able to do so. You have 15 days to appeal, the City is trying to cut back to 10 days to appeal. He opposes this straight up. This is the one ability of a community or neighbor or HOA to have their day in court so to speak, go before a commission. Addressing Member Murez, Member Sann noted that there is a time limit on appeals. Once the case is issued there are 15 days to appeal and then six weeks before it expires. These appeals do not last a year or six or three months. There is a strict calendar the City is statutorily required to follow.

Member Lewis of NWWNC agrees with the intention of the fee increase; however, thinks there is some obstructionism with the appeals process which folks weaponize to kill projects; this occurs on the Westside. He thinks there is a need for a mechanism to curb that; however, doesn't know that raising the fee amount is the answer. He thinks the amount raised is too much and that there has to be another way to dis-incentivize abusing the appeal process, a sliding scale or other.

Member Murez of VNC thinks the language he was using in other areas of law, typically called "the Prevailing Party Clause," where the guy that loses and creates a bad faith agreement, picks up the tab – people who create frivolous suits – vs Member Broide's example of a community defending something that the administrator overlooked; a mistake that needed to be corrected. He thinks that they shouldn't have to pay whereas someone who doesn't like the color, or the like, should have to pay.

Regarding periods of time, Member Murez noted that there are legal requirements. The body that happens to be hearing ends up wanting to postpone and if the applicant dares to say no, I'd like to have my item heard, it puts pressure to have it heard now or postpone, and if they hear it now, they are going against what the body wants to have done; so they say okay, we'll postpone it. He noted that projects can last well over a year on appeal. Chair Wersinger noted that this could be a

follow-up motion that approaches how this is structured. Right now, this is narrowly just saying this cost recovery model is not the right model. He would like to stick to that for the moment.

Member Broide of WNC noted that the delays may be in CEQA proceedings, not in city appeals of this nature. She opined that the playing field is far from level for citizens, neighbors and community groups when it comes to land use entitlements, and to add any additional barriers is unforgiveable. It should not be our place to make it harder to seek a pretense of leveling of the playing field. For that rate, she thinks the City could throw cases.

Member Broide noted that the agenda had a typo as to the Council file, which is 09-0969-S3.

Vote on the Amendment: 9-0-1 with Member Lewis abstaining; **passed**.

Motion as amended: 9-0-1 with Member Lewis abstaining; **passed**.

9. Old Business

- a. **20-10 Prioritize school reopenings** – December 21, 2020 (*passage deadline March 2021*); 6 councils adopted: DRNC, NCWP,* PPCC,* WLASNC,* WNC,* WWNC (**modified version*) Motion **moot** because of public announcement that schools will re-open in mid-April (*to be removed from the website pending motions page*)."
- b. **21-03 Support SB 15 / Constitutional Amendment 2 / support for affordable housing** – February 15, 2021 (*passage deadline May 2021*); 6 councils adopted: MVCC, NCWPDR, PPCC, WLSNC, WNC, WWNC.

10. Adjourn: Moved by Chair Wersinger; **seconded** by Member Gerez; the meeting adjourned at 7:46 pm.

Next meeting will be held on April 19th 2021 at 6pm with Paul Koretz as Guest Speaker.