

Attachment "H"

Bel Air-Beverly Crest Neighborhood Council

Draft Community Impact Statement on the Charter Reform Commission Final Recommendations

Council File: 26-0489

Position: Support in Part; Oppose in Part; Request Amendments and Separate Consideration

The Bel Air-Beverly Crest Neighborhood Council (BABCNC) represents nearly 30,000 residents of hillside communities in the Santa Monica Mountains. Our area is defined by narrow, winding roads, extreme wildfire and evacuation risk, and extraordinary ecological and biological resources. These circumstances make transparent, competent, accountable, and responsive city government particularly important to our stakeholders.

BABCNC's prior Community Impact Statements supported ambitious structural reform grounded in transparency, accountability, neighborhood participation, land use integrity, competent administration, long-term infrastructure planning, and fire safety. This CIS addresses the final recommendations.

BABCNC's principal concerns with the final package are the failure to give Neighborhood Councils a formal role in land use decisions affecting their communities and the failure to reform the City's commission system.

1. Land Use: Neighborhood Voice and Accountable Appeals Review

BABCNC's Planning and Land Use Committee performs one of the most valuable functions of our Neighborhood Council. Early engagement with affected communities frequently improves discretionary projects before positions harden and conflicts escalate. In our hillside communities, local review also brings forward material site-specific facts, including topography, geology, biological resources, wildfire risk, evacuation capacity, emergency access, drainage, and the limitations of narrow and substandard roads. These facts are not incidental; they can be determinative of whether a discretionary approval is appropriate and safe.

Yet the current system ultimately places review in the hands of politically appointed bodies whose members may lack relevant planning, environmental, engineering, fire-safety, or land-use expertise. When residents hear questions or comments that reveal a lack of understanding of the affected community or the governing issues, they lose confidence that the decision will be made on a competent factual record. That failure also distorts the public debate: community members who are asking for material conditions to be understood and addressed are too easily characterized as opposing development, when the deeper problem is that the City's review process is not reliably doing its job.

Specifically, we ask for the following:

A. Require Discretionary Permit Applicants to Appear Before Affected Neighborhood Councils

Applicants seeking discretionary land use approvals should be required to appear before the affected Neighborhood Council. Currently they can decline to participate even where the requested approval would materially affect the neighborhood. Charter reform should close that gap.

B. Give Neighborhood Council Findings Weight and Require Written Responses

Findings produced through Neighborhood Council land use review should receive weight in subsequent City decision-making. A decision-maker acting contrary to an adopted Neighborhood Council recommendation should be required to explain that decision in writing. Allowing Neighborhood Councils to speak is not sufficient if the City can disregard considered local findings without any public explanation.

C. Grant Neighborhood Councils Standing to Appeal Land Use Decisions Affecting Their Jurisdictions

Neighborhood Councils should have standing to administratively appeal discretionary land use determinations affecting their jurisdictions. A Neighborhood Council that has conducted a public review, adopted findings, and identified material effects on its stakeholders should not be barred from challenging a determination that disregards those findings. Neighborhood Councils also represent residents who may be directly affected by a land use decision but may be unable to navigate the City's complex, time-sensitive appeals process without professional assistance. Without appeal standing, Neighborhood Councils are responsible for identifying and explaining local impacts but have no procedural mechanism to enforce that work.

This authority is neither novel nor inconsistent with the advisory role of Neighborhood Councils. In 2007, the City Attorney advised the City Council that the Municipal Code could be amended to authorize Neighborhood Councils to appeal entitlements including tentative tract and parcel maps, specific plan exceptions, conditional use permits, and variances, and concluded that such authority is compatible with the Charter-established role of Neighborhood Councils (City Attorney Report No. R07-0254, Council File 07-1330, July 11, 2007). The Charter reform process should implement that authority.

D. Replace Area Planning Commissions With a Qualified, Independent Appeals Body

BABCNC supports replacing Area Planning Commissions with a qualified, independent appeals body. The Commission proposes a new five-member Board of Neighborhood Appeals with authority to conduct de novo review of quasi-judicial land use

determinations. De novo review may improve the process by allowing a full reconsideration of decisions that failed to account for material local facts. But it also gives the new appeals body broad authority to reconsider a project in full. A newly named appellate commission will not improve land use decision-making if its members lack relevant qualifications or are selected based on political loyalty rather than competence and independence. Any new appeals body must be subject to transparent appointment standards, true conflict-of-interest protections, and requirements that ensure the affected Neighborhood Council's adopted findings are part of the record and given weight.

E. Preserve Oversight Under Charter Section 245(e)

Any modification to Section 245(e) must preserve a route for review of erroneous land use decisions and must not diminish the ability of affected communities to seek correction of decisions that implicate public safety, environmental resources, neighborhood character, or adopted planning standards.

2. The City Commission System Requires Immediate Reform

In its initial CIS submitted to the Charter Reform Commission, BABCNC requested a Charter-mandated, case-by-case review of all City commissions, including cost transparency, public-interest criteria for determining whether a commission should continue, be restructured, consolidated, or sunsetted; qualification requirements; appointment transparency; safeguards against commission appointments functioning as political rewards; substantial Neighborhood Council representation where appropriate; and regular review or sunset provisions.

The Commission deferred consideration of that issue. This deferral is unacceptable. The commission system is not a secondary or theoretical concern. It is an existing structure through which consequential decisions are made, public resources are expended, and accountability is too often obscured. Los Angeles has dozens of boards and commissions, many with overlapping or unclear authority, and no comprehensive evaluation of their necessity, cost, or effectiveness has ever been completed. These bodies add layers of process without reliably delivering independent oversight or improved outcomes.

A once-in-a-generation Charter reform process should not identify this structural failure and then leave it untouched. BABCNC urges the City Council to include a binding, present process for comprehensive commission review and reform, including:

- A review of the necessity, effectiveness, cost, and appropriate authority of each City commission.
- Criteria and deadlines for retaining, restructuring, consolidating, or eliminating commissions.
- Qualification and relevant-expertise requirements for commissioners whose decisions affect complex regulatory or technical matters.

- Transparent appointment standards and disclosure of relevant qualifications and conflicts.
- Regular review or sunset provisions to prevent ineffective bodies from continuing indefinitely.
- Substantial Neighborhood Council representation on commissions whose decisions significantly affect neighborhoods, particularly land use, public safety, infrastructure, and budgeting.

BABCNC is particularly concerned that the Commission declined to address the structure of City boards and commissions. This omission is especially troubling because the Charter Reform Commission itself was not designed as an independent body: its initial eight members were appointed by the Mayor and Council leadership, those appointing authorities retained removal authority subject to Council approval, and its Executive Director was appointed by the Mayor and Council President. Now the Council and Mayor control which recommendations, if any, will reach the ballot. A process structured through the existing political appointment system was unlikely to recommend dismantling it. The Council should not treat that omission as a reason to leave the commission system untouched.

3. Neighborhood Councils Generally: Support Improvements, but Require More Substantive Reform

In its Community Impact Statements submitted to the Charter Reform Commission, BABCNC explained that Neighborhood Councils were intended to provide grassroots guidance to elected leaders, but too often struggle even to obtain meetings with decision-makers or secure speaking time at public meetings. Neighborhood Councils are frequently consulted late, denied influence, or ignored when their positions differ from a preexisting City Hall consensus.

BABCNC supports the Commission’s recommendations strengthening Neighborhood Council influence and access.

Several other essential general reforms are necessary:

- Timely notice and a decision-making schedule that allows Neighborhood Councils to deliberate and act before decisions are finalized.
- Generous speaking time when a Neighborhood Council presents an adopted Community Impact Statement.
- Required public responses explaining how adopted Neighborhood Council input was considered or why it was rejected.
- Required department participation when a Neighborhood Council requests information on a matter affecting its stakeholders.
- Neighborhood Council involvement in oversight bodies whose decisions affect public safety, infrastructure, budgeting, and neighborhood services.

A separate comment queue is helpful. It is not a substitute for a structure in which community input is considered early and publicly and actually shapes decisions.

4. Oppose Expanded Mayoral Authority

BABCNC opposes the Commission's recommendation to expand mayoral authority to reorganize departments, transfer functions, funds and employees, and participate in City Council meetings.

BABCNC's prior support, expressed in a CIS submitted to the Charter Reform Commission, for professional operational and financial management structures, including a Chief Operating Officer, Chief Administrative Officer, and Chief Financial Officer, should not be understood as support for increasing the Mayor's unilateral power. Professional management structures can improve coordination and accountability without concentrating additional power in a single elected official.

The proposed expansion of mayoral authority raises substantial concerns for neighborhood accountability and public oversight. It would further centralize City decision-making, could reduce the responsiveness of departments to communities and their elected Council representatives, and risks allowing significant changes to City operations without sufficient public deliberation or legislative control.

BABCNC therefore opposes placing an expansion of mayoral authority before voters as part of the Charter reform package.

5. Additional Recommendations BABCNC Supports

BABCNC supports the Commission's recommendations to expand the City Council to 25 districts, bifurcate the City Attorney function, strengthen the independence and enforcement capacity of the Ethics Commission, and codify the Controller's authority to conduct performance audits and investigate fraud, waste, abuse, inefficiency, and ineffectiveness. These recommendations are consistent with the representation and accountability reforms BABCNC supported during the Charter Reform Commission process.

6. Infrastructure Planning Must Include Charter-Level Wildfire Mitigation and Evacuation Safety Requirements

BABCNC supports the Commission's recommendations for a multi-year Capital Improvement Program and a two-year budget cycle, but for hillside communities those recommendations are incomplete without Charter-level attention to wildfire mitigation and evacuation safety.

Our neighborhoods face severe wildfire risk, limited ingress and egress, narrow and substandard roads, insufficient emergency access, failing infrastructure, and significant

obstacles to safe evacuation. These are not optional planning considerations; they are matters of life safety.

The Charter should require that capital planning expressly prioritize wildfire mitigation, evacuation capacity, emergency access, road and infrastructure improvements necessary for safe evacuation, and compliance with applicable fire-safe standards in Very High Fire Hazard Severity Zones. These requirements should be embedded in the Charter itself, not left entirely to future ordinances or administrative discretion.

7. Parks and Open Space: Oppose Sale or Transfer of Park Property

The Commission proposes allowing the sale or transfer of Recreation and Parks property determined not viable for public recreation or open space. BABCNC opposes any such Charter amendment.

Our hillside communities include significant open space and ecological resources, and residents have a strong interest in ensuring that public park and open-space protections are not weakened through Charter reform. Language such as “not viable” or “unsuitable” requires very careful scrutiny and could create a pathway for loss of public land.

8. Ranked-Choice Voting and Lowering the Voting Age Should Be Considered Separately

BABCNC requests that ranked-choice voting and any change to the voting age each be submitted to voters as separate ballot measures, independent of the broader Charter reform package and of each other. Both proposals change the rules governing City elections and are distinct from reforms intended to improve accountability, representation, infrastructure planning, and neighborhood participation. Voters should be able to evaluate each question on its own merits.

Conclusion

BABCNC supports recommendations in the final package that would improve representation, long-term infrastructure planning, ethics oversight, financial accountability, and access for Neighborhood Councils. But the package fails on two issues central to whether Los Angeles government will become more competent and accountable: it does not provide Neighborhood Councils a formal role in land use decisions affecting their communities, and it defers reform of the City’s costly, diffuse, politically appointed commission system.

The structure of this Charter reform process underscores the problem. True structural reform is unlikely when the officials and institutions whose powers are under examination appoint and retain influence over the body conducting the review and then determine which reforms reach voters. Future Charter review must be conducted through a genuinely independent process. Independence, however, should not mean detachment from how Los Angeles government actually operates. Neighborhood Council board members are

well positioned to contribute that essential perspective: they work within City processes, interact with departments, commissions, and Council offices, and experience firsthand the barriers residents face, without wielding the governmental power being evaluated.

BABCNC therefore urges the City Council to address the package's central deficiencies before placing Charter amendments before voters. Provide Neighborhood Councils a formal role in land use decisions. Reform the commission system now. Reject expanded mayoral authority. Preserve parkland protections. Embed wildfire and evacuation safety in the Charter. Put election-system changes to voters separately.