

Greater Wilshire Neighborhood Council -- Land Use Committee Protocols Adopted by the Committee 03/26/13

Purpose:

The LUC needs to understand: 1) which land use cases to consider; 2) what information to request from applicants; 3) what standards to use in its evaluation; and 4) how to deliver its recommendations to the GWNC. The purpose of these protocols is to help the LUC in these four missions. The purpose of these protocols is not to ensure that the LUC complies with the Brown Act, nor to help the LUC communicate its land use positions to the City Hall decision-makers. These tasks are also important but they are beyond the scope of this exercise.

Which Cases to Consider:

STEP ONE: The Early Notification Reports from the City should be circulated to the LUC in advance of and at the start of every LUC meeting.

STEP TWO: The LUC must look at the applications listed on the Early Notification Reports under: Citywide; No NC; GWNC; and also Mid-City West; Olympic Park; Central Hollywood; Hollywood Studio District; and Wilshire Center-Koreatown (each listed NC shares a boundary street with the GWNC – La Brea, Olympic, Western, or Melrose).

STEP THREE: The LUC should look at every requested general plan amendment, zone change, height change, tract map, density bonus case, and conditional use citywide or inside the GWNC boundaries. The LUC may also see other types of matters that it wishes to evaluate.

STEP FOUR: The LUC may see a land use case that falls in one of the identified categories but that is routine or minor. Once so identified, the LUC may decide that no additional evaluation is needed on these matters. (Note: the GWNC Land Use Committee often does not weigh in on matters being handled by local HPOZ boards, or by Design Review Boards, but reserves the right to do so when it considers a case worthy of additional review, or is asked to do so.)

What Information to Request from Applicants:

The LUC should create an evaluation form that it mails/emails to applicants for completion and return to the LUC in every matter that the LUC decides to consider further. On the form:

1. Name and contact info for the applicant and its representatives (lawyers/lobbyists).
2. Project address, case number, and any known hearing dates.
3. Description of the land use approvals and special permissions sought by the applicant.
4. Identification of any environmental documents being prepared and the preparer.
5. Description of the project:
 - a. Existing square footage and new construction square footage.
 - b. Proposed uses and hours.
 - c. Parking.
 - d. Community Benefits.

What Standards to Use in LUC Evaluation:

Precedent. The key question for the LUC should always be whether the precedent that will be established by the special permission is something that the GWNC can accept at all similar locations, regardless of the particular owner/operator. If the answer is yes that the GWNC can accept the same special permission at all similar locations, then that may well be the end of the LUC inquiry and the LUC should recommend approval of the request to the GWNC board.

Conditions. If the LUC can support the same special permission at all similar locations but only because the current application proposes or could be limited to specific conditions, then the LUC should condition its approval of the request upon those unique conditions. The key question for the LUC regarding all such conditions should always be whether the condition can be enforced. Example of an enforceable condition: defined hours of operation. Example of an unenforceable condition: how many people can be inside the building (short of a fire or life safety hazard, DBS will not enter to determine how many people are inside). Proposed written conditions should be circulated to the GWNC board.

Denial. If the LUC cannot accept the precedent that would be established by the application even with enforceable conditions, then the LUC should recommend denial of the request. The LUC should always state a reason(s) for its recommended denial.

How to Deliver LUC Recommendations to the GWNC:

The LUC cases must be brought to the GWNC board for decision. The LUC should provide information for each GWNC board meeting that lists all of its cases with the applicant name, project address, City case number, brief project description, and LUC recommendation. The applicant's evaluation form, drawings, maps, and photographs of the project should be made available for GWNC and public review at the board meeting (copies need not be made for all present).

The LUC chair should describe each case. After the LUC summary, the applicant may waive its presentation (if LUC recommends approval) or may make a five minute presentation. The public will then offer comments. Conditions offered by the applicant must be in writing.

A copy of these GWNC protocols should be provided to all applicants.

Attendance Policy: In order to maintain a quorum for each meeting, the Land Use Committee shall follow the Board's policy, outlined in its Bylaws, of being able to remove a committee member by a vote of the majority of the committee if the member has had three consecutive absences. The bylaws wording on this subject (re-stated for Committee Members) is as follows:

“Poor Attendance” is when a Committee Member misses three (3) consecutive Committee meetings. If a Committee Member misses three (3) consecutive Committee meetings, the Committee Member shall be deemed suspended, and shall not be entitled to vote or speak on any matter except as provided in this paragraph. The Committee Secretary shall then have the matter placed on the agenda for a vote of the Committee at the next regular meeting of the Committee. A vote of “No Confidence” by two-thirds (2/3) of the entire number of the Committee shall be necessary to remove the identified Committee Member forthwith. The Committee Member who is the subject of the removal action shall not take part in the vote on the matter, but will be allowed to speak at the Committee meeting prior to the vote. If an adequate number of Committee Members are not present to pass a motion for removal, the matter shall be placed on the agenda for the next regular meeting, and every meeting thereafter, until such time as a vote is taken. A Committee-approved removal under this section shall be effective upon passage, and the Committee Member’s position shall be deemed vacated. The suspension of a Committee Member pursuant to this section shall remain in effect until (a) his or her removal becomes effective, or (b) a vote of “No Confidence” on his or her removal fails, or (c) his or her term expires.