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December 10, 2014

Sharon Gin, Legislative Assistant
Planning and Land Use Management Committee
City of Los Angeles
City Clerk, Room 395
City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: John L. Matheson/
Church of Latter Day Saints California Mission Residence
2067 South Hobart Boulevard
Case No. CHC-2014-3675-HCM, CD 10
Request for Continuance of December 16, 2014 Hearing

Dear Ms. Gin:

Our office represents the owner of the 2067 Hobart Boulevard property, the Estate of Riley and Elder McDonald. We write to advise you of a number of significant procedural problems with the process that was apparently commenced at the request of a non-owner applicant to have Hobart property added to the list of Historic-Cultural Monuments. Most egregiously, the process was begun and thereafter pursued without the required statutory notice to the owner. As a result, the PLUM hearing set for December 16, 2014 should not go forward as this violates the owners' statutory right to notice and due process, which could invalidate any actions that may be taken at such hearing. In addition, certain information (pertaining to the condition and contents of the interior of the property and the alleged feasibility of repair of the interior of the property) contained in the report apparently presented to the Cultural Heritage commission was (in the absence of any permission being given by the owners for entry into the residence) necessarily obtained improperly by means of trespass. Finally, information in such report is believed to be inaccurate.

The owner is not opposed to the possible listing of the Hobart property as a Historic-Cultural Monument, but requires additional time to properly prepare a complete proposal for consideration of the PLUM Committee. In light of the problems listed below, a continuance provides a suitable remedy for the serious deficiencies in the process as it applied to the Hobart property, and will allow the owners to present a land use proposal that exceeds the standards for approval as a Historic-Cultural Monument.

Specifically, the following are the serious problems with current process and application:

- Los Angeles Administrative Code §22.171.10(d)1 states: “The owner of record of a property and the owner’s representative, if any, shall be notified forthwith in writing of: any determination by the Council, Commission or Director to initiate a proposed designation; and the Temporary Stay pursuant to Section 22.171.12 of this article. The Notice shall be sent via Certified Mail, Return Receipt Requested.” (emphasis added) “Forthwith” clearly indicates notice is to be sent immediately, to provide the owner with the opportunity to participate in any hearing concerning the designation. Here the owners received no notice of the Initiation of a Proposed Designation by the Council until well after the Recommendation Report was prepared and submitted to the Cultural Heritage Commission. Three public hearings were held – one on February 19, 2014, one on July 29, 2104, and one on August 6, 2104 – all without notice to the owner. On October 9, 2014, the owner received notice of an October 16, 2014 meeting, at which the completed Recommendation Report, prepared without any input from the owner, was presented. The failure to provide statutorily required notice is a significant violation of due process, and, as such, the process should be restarted.
- On October 29, 2014, the Department of City Planning sent notice of the August 6, 2014 meeting, nearly three months after the meeting for which advance notice is required to be given, and well after the Recommendation Report was prepared. As the purpose of notice is to provide the opportunity for parties to contribute to the deliberative process which could affect their interests, notice after all decisions have been made is functionally no notice at all, as it deprived the owners of any opportunity to participate in the process.
- According to the Recommendation Report, on September 18, 2014, a number of members of the Office of Historic Resources inspected the Hobart property, (without notice to or permission from the owner). As the Report contained a discussion of the interior of the home, such information was either obtained as a result of a trespass on the property, or is based wholly on sheer speculation. In either instance, the information contained in the Recommendation Report is fatally flawed, and must be disregarded.
- Due to the failure to involve the owner in any review of the property, the proposal contains numerous factual inaccuracies, including an incorrect recitation of the square footage of the property. With the owner’s involvement in the preparation of a proposal, the Committee will be able to make its decision based on accurate information.

- The proposal currently scheduled to be reviewed on December 16, 2014 does not allow for the best use of the property, nor does it serve the best interests of the city concerning the reclamation and restoration of historic properties. Providing sufficient time for the owner to prepare a report which takes into account a correct evaluation and maximization of the utilization of the property would be in the best interests of all involved.

Without an imminent threat to the structure on the property, there is no viable reason the PLUM Committee should not continue the hearing concerning the Hobart property, so as to allow the owner to prepare a comprehensive and proper proposal concerning the property. Such a proposal would meet the needs of the city in protecting its architectural heritage and the interests of the owner in preparing the property for its best use. As a result, request is made that the matter be taken off the PLUM agenda for December 16, 2014 and reset for a hearing at least 30 days thereafter. In the event the matter is not immediately removed from the 12/16/14 agenda for PLUM, the owners reserve their rights and remedies, including but not limited to seek a writ of prohibition from Los Angeles Superior Court, directing that notice be given as required to the owners prior to any consideration of this matter by the Cultural Heritage Commission and prior to consideration by PLUM or the City Council. Please contact me if you have any questions or comments regarding this matter.

Thank you for your consideration, and we look forward to hearing from you soon.

Very truly yours,

MANFREDI, LEVINE, ECCLES, MILLER & LANSON, APC



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