

Fwd: Objections concerning Case No. CPC-2014-3119-ZC-SN-CDO-MCUP-ZV-ZAI-SPR/Council file 15-0721

Wed, Jun 24, 2015 at 9:58 AM

From: Mike Eveloff < meveioff@gmail.com>

Date: Wed, Jun 24, 2015 at 9:46 AM

Subject: Objections concerning Case No. CPC-2014-3119-ZC-SN-CDO-MCUP-ZV-ZAI-SPR/Council file 15-0721

To: holly.wolcott@lacity.org, pattrice.lattimore@lacity.org, beatrice.pacheco@lacity.org

Please accept these urgent objections concerning Case No. CPC-2014-3119-ZC-SN-CDO-MCUP-ZV-ZAI-SPR, Council file 15-0721 which appears as item 11 on the June 24, 2015 City Council Agenda. These objections are provided on behalf of Fix The City.

Project: ENVIRONMENTAL IMPACT REPORT (EIR), ERRATA, MITIGATION MONITORING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS, COMMUNICATION FROM CHAIR, PLANNING AND LAND USE MANAGEMENT COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to a zone change, signage district, conditional use permit, and an appeal for the Academy Museum of Motion Pictures project, located at 6001-6067 West Wilshire Boulevard and 6000 West 6th Street.

- 1. The PLUM chair did not waive consideration per Rule 17.
- 2. PLUM cannot make a recommendation per Rule 71. A member of the committee may only provide a "communication."

Fite No. 15-9721

ENVIRONMENTAL IMPACT REPORT (EIR), ERRATA, MITIGATION MONITORING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS, COMMUNICATION FROM CHAIR, PLANNING AND LAND USE MANAGEMENT COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to a zone change, signage district conditional use permit, and an appeal for the Academy Museum of Motion Pictures project, located at 6001-6067 West Witshire Boulevard and 6000 West 6th Street

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR

3. The Council Agenda for July 24th is improper as it does not contain the notice requirements described in Rule 70 ("When an item appears on the Agenda, it shall specifically note that a two-thirds vote of the entire council is required for the item to be considered at that time.")

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- 4. The report from PLUM is inaccurate and improper.
 - a. It indicates a "recommendation" despite the fact that a quorum was not present at PLUM and no such recommendation was possible. Per Rule 69, only a majority of a Committee can reach an agreement on a recommendation and Committee reports shall reflect only that which transpired at the meeting.
 - Committee reports shall reflect only that which transpired at the Committee meeting, and whether the public was afforded the opportunity to address the Committee on the item. If this majority of the Committee that constituted a quorum present at the meeting when the members of the Committee that constituted a quorum present at the meeting when the matter was duly considered are not in agreement on a recommendation, they shall sign the report and it shall be noted that the report is submitted to the full council without recommendation. Reports submitted authority vote of Council would require a Council motion to take an action on the fiel. A majority vote of Council would be required to approve the action recommended, unless a different vote is required by law. Nothing contained herein shall prevent a minority of the Committee from submitting its report at the time the majority report is submitted, however, a minority report is for information purposes only unless by adoption of a motion it is substituted for the majority
 - b. It indicates that it (PLUM) "considered" the subject matter of Council File 15-0721 despite the fact that no such review was possible due to the lack of guorum.
 - c. The PLUM report was clearly fabricated in advance and is wholly inaccurate. There was no public hearing, there was no majority, there was no recommendation.

At the public hearing held on June 23, 2015, the Planning and Land Use Alexagement Committee considered an EIR. Errata, Meigation Mondoring Program, Statement of Overriding Considerations, and Ordinance relative to a zone change, signage district, and an appeal for the Academy Museum of Motion Pictures project, located at 6001-6067 West Witshire Boulevard and 6000 West 6th Street. DCP staff gave the Committee background information on the matter. The Applicant and representative, Appellant, and the Councilmember of Council District Four also spoke.

After an opportunity for public comment, the Committee recommensed that Council dem the appeal, sustain the LACPC actions of May 14, 2015, and approve a zone change, a signage district, and a master conditional use permit to allow for the on-site sale and consumption of alcoholic beverages, for the Academy Museum of Motion Pictures project, located at 6001-6067 West Witshire Boulevard and 6000 West 6th Street. This matter is now submitted to Council for its consideration.

- 5. The item has been improperly sent from PLUM to the Council for action. PLUM must re-agendize the item and then submit it to the Council following Council Rules.
- 6. Rule 70 note only contains a requirement for the contents of an agenda item when a Committee fails to act due to lack of quorum, it contains sequencing of actions. Specifically, the Clerk places the item on the Agenda for such FUTURE meeting as requested by the member. In this case, the item was agendized for Council BEFORE PLUM even met and therefore before any such request from a member to place the item on the agenda.

- 7. Per Rule 71, Committee action shall be by a majority vote of the entire Committee. No quorum was present.
 - 71. Committee action shall be by majority vote of the entire Committee. A member of a City Council Committee who is present when a question is put to that Committee, shall vote on that question at the call of the roll thereon. In the event such member fails to affirmatively vote either "yes" or "no," that member shall be deemed to have voted "yes," and the member's vote will be spread as such upon the record.

COUNCILMEMBER JOSE HUIZAR, CHAIR PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER WITE

HUIZAR: YES

CEDILLO: ABSENT

ENGLANDER: ABSENT

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