

Communication from Public

Name: Jamie T. Hall

Date Submitted: 06/18/2019 09:29 AM

Council File No: 16-0185-S1

Comments for Public Posting: Dear Honorable Members of the Los Angeles City Council: This firm represents Los Feliz Improvement Association (“Petitioner”). On or about October 2, 2018 the City of Los Angeles (“City”) approved permits designed to approve a new multi-family dwelling at 4511 West Russell Avenue, Los Angeles, CA (“Project”) and determined that said Project was exempt from the California Environmental Quality Act (“CEQA”). On or about February 25, 2019 Petitioner submitted an appeal pursuant to Public Resources Code Section 21151(c). The City has scheduled a public hearing for the appeal on May 21, 2019 before the Los Angeles City Council. This letter explains both that the City is required to provide required notice to Petitioner of the City Council hearing and that referral of the hearing to the Planning and Land Use Management Committee (“PLUM”) violated CEQA. Under Public Resources Code Section 21151(c), the City Council sits as the appellate body. Neither the Los Angeles Municipal Code nor CEQA authorize or direct the City Council to delegate any portion of the public hearing to a subordinate hearing officer or committee. Just like countless provisions of the City’s municipal and administrative code, when the City Council is required to conduct a hearing, it does so by scheduling a public hearing on the City Council’s regular meeting agenda. Yet for some unknown reason, the Council President has and did make a referral of the land use appeals in this case to PLUM. The referral in this case was inconsistent with City Council Rule Nos. 8 and 16. Rule No. 16 provides in part: “The Presiding Officer shall cause all matters filed with, or presented to the Council to be referred to the appropriate Council Committee, except as otherwise provided by the Rules or where required by law to be first presented to the Council.” Council Rule No. 8 provides in part: “Public hearing items scheduled for regular meetings are afforded special notice for a specific Council meeting date and are intended to receive separate public input or a specific matter. Interested persons (for example applicants, appellants and property owners) shall be given reasonable opportunity to present oral arguments for or against any proposed action.” In this case, a public hearing is required by law to be conducted by the City Council to conduct the quasi-judicial hearing of the pending CEQA appeal. Under Council Rule No. 16 such hearing was

required to be placed directly on the full City Council's regular meeting agenda, just like a public hearing on imposition of nuisance liens or placement of lighting district assessments whose governing laws or regulations require the City Council to conduct a hearing. Simply having a hearing before PLUM does not suffice. Conclusion In sum, the Los Angeles Municipal Code, the City Council rules, and CEQA impose a duty on the City Council to conduct a quasi-judicial hearing. Moreover, the law requires a public hearing of the City Council. Because the City has violated the above-cited provisions, we demand that the City cancel and reschedule the hearing in accordance with law. Please include this letter in the City Council File administrative record for this matter. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns. Regards, Jamie T. Hall Channel Law Group, LLP

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June 18, 2019

VIA ELECTRONIC MAIL AND U.S. MAIL

Members of City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012
clerk.plumcommittee@lacity.org

Re: Development Project Located at 4511 West Russell Avenue (Council File No. 16-0185-S1); (*Los Feliz Improvement Association v. City of Los Angeles et al.* (Case No. 19STCP00567))

Dear Honorable Members of the Los Angeles City Council:

This firm represents Los Feliz Improvement Association (“Petitioner”). On or about October 2, 2018 the City of Los Angeles (“City”) approved permits designed to approve a new multi-family dwelling at 4511 West Russell Avenue, Los Angeles, CA (“Project”) and determined that said Project was exempt from the California Environmental Quality Act (“CEQA”). On or about February 25, 2019 Petitioner submitted an appeal pursuant to Public Resources Code Section 21151(c). The City has scheduled a public hearing for the appeal on May 21, 2019 before the Los Angeles City Council. This letter explains both that the City is required to provide required notice to Petitioner of the City Council hearing and that referral of the hearing to the Planning and Land Use Management Committee (“PLUM”) violated CEQA.

Under Public Resources Code Section 21151(c), the City Council sits as the appellate body. Neither the Los Angeles Municipal Code nor CEQA authorize or direct the City Council to delegate any portion of the public hearing to a subordinate hearing officer or committee. Just like countless provisions of the City’s municipal and administrative code, when the City Council is required to conduct a hearing, it does so by scheduling a public hearing on the City Council’s regular meeting agenda. Yet for some unknown reason, the Council President has and did make a referral of the land use appeals in this case to PLUM.

The referral in this case was inconsistent with City Council Rule Nos. 8 and 16. Rule No. 16 provides in part: “The Presiding Officer shall cause all matters filed with, or presented to the Council to be referred to the appropriate Council Committee, except as otherwise provided by the Rules or where required by law to be first presented to the Council.”

Council Rule No. 8 provides in part: “Public hearing items scheduled for regular meetings are afforded special notice for a specific Council meeting date and are intended to receive separate public input or a specific matter. Interested persons (for example applicants, appellants and property owners) shall be given reasonable opportunity to present oral arguments for or against any proposed action.”

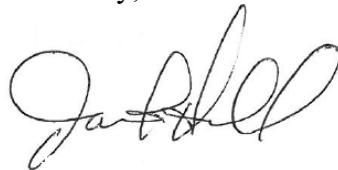
In this case, a public hearing is required by law to be conducted by the City Council to conduct the quasi-judicial hearing of the pending CEQA appeal. Under Council Rule No. 16 such hearing was required to be placed directly on the full City Council’s regular meeting agenda, just like a public hearing on imposition of nuisance liens or placement of lighting district assessments whose governing laws or regulations require the City Council to conduct a hearing. Simply having a hearing before PLUM does not suffice.

Conclusion

In sum, the Los Angeles Municipal Code, the City Council rules, and CEQA impose a duty on the City Council to conduct a quasi-judicial hearing. Moreover, the law requires a public hearing of the City Council. Because the City has violated the above-cited provisions, we demand that the City cancel and reschedule the hearing in accordance with law.

Please include this letter in the City Council File administrative record for this matter. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

Jamie T. Hall