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March 1, 2018

**VIA EMAIL [holly.wolcott@lacity.org](mailto:holly.wolcott@lacity.org)  
AND FACSIMILE****VIA EMAIL [holly.wolcott@lacity.org](mailto:holly.wolcott@lacity.org)  
AND FACSIMILE**Hon. Herb Wesson, President  
Los Angeles City Council  
c/o Los Angeles City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, CA 90012Holly L. Wolcott  
City Clerk  
City of Los Angeles  
200 N. Spring Street, Room 360  
Los Angeles, CA 90012**Re: Objection to Lack of Hearing Notice for the Lorena Plaza Mixed Use Project, located at 3407-3415 E. First Street; 114, 116, and 126 N. Lorena Street, Los Angeles, Case Numbers: ENV-2014-2392-MND; DIR-2015-1998-DB; Council File No. 16-0503; Agenda Item No. 8, City Council Meeting and Agenda Item No. 14, Special Council Meeting on March 2, 2018**

Honorable President Wesson and Los Angeles City Councilmembers:

This firm and the undersigned represent El Mercado de Los Angeles (hereinafter "El Mercado"). By this letter, we demand that the March 2, 2018 regular and special meeting agenda items on this matter be canceled and rescheduled due to the fact that neither our client, the Appellant in this matter, nor this firm was provided with actual notice by the City of this hearing. In violation of state law and the LAMC, we should have received at least 10 days advance actual notice. We have received no actual notice from the City, despite repeated written requests for same.

For example, in our January 4, 2017 letter to Planning Director Bertoni, we specifically asked for "advance written notice of any and all meetings, hearings and votes in any way related to the above-referenced proposed project and any related projects/entitlements/actions related to the above-referenced proposed project."

In our May 16, 2017 and August 15, 2017 separate letters to the Planning and Land Use Management Committee ("PLUM Committee"), we specifically asked to be notified of all hearings in the above-referenced matter:

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“Please keep this office on the list of interested persons to receive timely notice of all hearings, votes, determinations and official filings related to the proposed approval of a mixed-use building at 126 N. Lorena Street, commonly known as the Lorena Plaza Mixed Use Project (the “Project” or “Lorena Plaza”), submitted by project proponent A Community of Friends (“ACOF” or “Applicant”). (Silverstein Comment Letter dated May 16, 2017, p. 1.)

The City Clerk gave written notice of a public hearing on the Project on May 5, 2017 for a hearing scheduled for May 16, 2017. The Council File shows that the PLUM Committee on May 16, 2017 took action to declare it would continue the hearing to a future date to be determined.

Subsequently, without any notice to our client or us as Appellant’s representative, the City Clerk scheduled the re-scheduled hearing for August 8, 2017. Upon our objection to the complete failure of notice of the re-scheduled hearing, it was moved to August 15, 2017.

On August 15, 2017, the PLUM Committee heard and weighed the evidence, and took action to recommend to the full City Council to grant this appeal, so that a proper environmental review of the Project could be conducted. On August 18, 2017, attorneys for the developer threatened the City with litigation and in a surprisingly swift response, the City Attorney, on the same day, issued a memo asking for closed session. Then for six months, nothing happened officially. The Clerk failed to carry out her ministerial duty to place the PLUM Committee Recommendation Report into the Council File. The item was not scheduled for full City Council.

Despite our three prior written requests on behalf of Appellant, the City has failed to provide proper advance notice of tomorrow’s City Council hearing of this appeal. We only learned of the regular meeting by happenstance, and only learned of the special meeting this morning via a generalized email notification.

We would particularly note that on Tuesday, February 27, 2018, the City Clerk posted the meeting agenda for City Council’s regular meeting on Friday, March 2, 2018. Item 8 of that meeting agenda, under the heading “Items for Which Hearings Have Been Held,” the Council told the public that it would consider the August 15, 2017 PLUM Committee’s recommendation to grant the appeal. Such a posting would signal the interested public that the City Council proposed to adopt the recommendation of the

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PLUM Committee to grant the appeal in summary vote under its Rules, most likely without entertaining further public comment or hearing, since it was an "Item for Which Public Hearing Has Been Held."

But today, we learned that the City Clerk posted a 24-hour special meeting agenda purporting to "add" Items 13 and 14 to the agenda for a gathering of the City Council that is supposed to only be a regular meeting. While the City Clerk styles this as the calling of a special meeting of the City Council, it is Orwellian that a separate and distinct public meeting has been called as the first item on the meeting agenda is Item No. 13 and the numbering proceeds sequentially from there. These facts demonstrate that City Council is abusing the special meeting process authorized under the Brown Act because Government Code Section 54956 specifically prohibits the City from conducting other business at the gathering for the special meeting (in this case, Items 1 to 12 on the regular meeting the Council proposed to conduct at the same time).

If the City Council goes forward tomorrow with a hearing on the Lorena Plaza project, our client will have received neither adequate notice nor sufficient time to review and respond to the significant new materials that have been submitted to the Council File. Under the current conditions, the City has not even complied with its usual LAMC requirements regarding notice to an appellant, much less constitutional notice requirements.

Because the City has violated noticing requirements to El Mercado as the Appellant in this matter, we demand that the City cancel and reschedule the March 2, 2018 hearing(s) so as to comply with our client's due process rights as an appellant, which means formal notice by the City to our client and us at least 10 days before the actual scheduled event. Please immediately reply, and please include this letter in the administrative record for this matter. Thank you.

Very truly yours,

  
ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS/vl

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PHONE: (626) 449-4200  
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<b>DATE:</b> March 1, 2018	<b>NUMBER OF PAGES:</b> 4 Total
<b>FROM:</b> Robert P. Silverstein	

<i>NAME</i>	<i>FAX NO.</i>	<i>TEL. NO.</i>
Hon. Herb Wesson, President Los Angeles City Council c/o Los Angeles City Clerk	(213) 978-1027	

**MESSAGE:**

Mar. 2, 2018 Special Meeting Item 14 & Regular Meeting Item 8 | Objection to Lack of Hearing Notice

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