



# APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

# ORIGINAL

### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission    
 City Planning Commission    
 City Council    
 Director of Planning

Regarding Case Number: CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR

Project Address: 6201-3229 W. Sunset Blvd., 1510-1520 N. Argyle, 1351-1541 N. El Centro, 6210 W. Selma Ave.

Final Date to Appeal: 01/25/2016

- Type of Appeal:
- Appeal by Applicant
  - Appeal by a person, other than the applicant, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

### 2. APPELLANT INFORMATION

Appellant's name (print): Miki Jackson

Company: AIDS Healthcare Foundation

Mailing Address: 215 N. Marengo Ave., 3rd Fl.

City: Pasadena State: CA Zip: 91101

Telephone: (626) 449-4200 E-mail: dan@robertsilversteinlaw.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self    
 Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?      Yes      No

### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Daniel E. Wright

Company: The Silverstein Law Firm

Mailing Address: 215 N. Marengo Ave., 3rd Fl.

City: Pasadena State: CA Zip: 91101

Telephone: (626) 449-4200 E-mail: dan@robertsilversteinlaw.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_

*Donald Wright*

Date: \_\_\_\_\_

*1/22/16*

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

| This Section for City Planning Staff Use Only             |   |                            |
|---|---|----------------------------|
| Base Fee:<br><i>\$89.00</i>                               | Reviewed & Accepted by (DSC Planner):<br><i>C. Van der Zweep</i>                  | Date:<br><i>01/22/2016</i> |
| Receipt No:<br><i>278 24</i>                              | Deemed Complete by (Project Planner):   | Date:                      |
| <input type="checkbox"/> Determination authority notified | <input type="checkbox"/> Original receipt and BTC receipt (if original applicant) |                            |

**Basis of Appeal Coversheet**  
**CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR**  
**ENV-2013-1938-EIR**  
**Palladium Residences Project**

Appellant Miki Jackson, on behalf of AIDS Healthcare Foundation (“AHF”), is aggrieved by the City Planning Commission’s January 8, 2016 letter of determination with respect to all quasi-judicial elements of the CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR approved by the Los Angeles City Planning Commission.

On Tuesday, January 19, 2016, Miki Jackson, on behalf of AIDS Healthcare Foundation, filed its appeal of the City Planning Commission’s tract map approval of the Palladium Residences Project (VTT-72213 – identified in the attached Determination Letter as a Related Case to this case).

The tract map appeal is supported by four attached objection letters and supporting exhibits dated:

- November 5, 2015
- November 17, 2015 (Two letters including one regarding due process violations of the City Planning Commission)
- December 8, 2015 (Ex parte communications by a majority of Commission members)

Because essentially the same reasons that the tract map approval is unlawful apply to the appeal of the quasi-judicial elements of the City Planning entitlements appealed herein, appellant AHF incorporates by reference all of the supporting letters attached to the tract map approval. The City itself concedes the cases are inextricably linked as related cases because the tract map approval would be invalid without the CPC entitlements approved as part of the attached determination, and the CPC entitlements would be useless without the tract map approval.

Based upon this extricable linkage between the two related cases, AHF incorporates all tract map appeal letters and supporting exhibits herein by reference. The letters/exhibits are extensive and incorporation by reference avoids duplication of the same argument and exhibits that would prove burdensome and possibly confusing to members of the City Council reviewing these related appeals. This is true especially since the City Council will consider the related cases at the same time under the same Council File or related Council Files. Therefore, for all of the reasons set forth in the appeal letters attached to the tract map appeal, AHF appeals and is aggrieved by the action of the City Planning Commission in approving the attached City Planning entitlements as well.

The proceedings before the City Planning Commission were highly irregular. During the hearing, a majority of the City Planning Commissioners conceded that they each had been contacted outside the quasi-judicial process by the developer, its attorneys, consultants or lobbyists. The Commission’s meeting agenda or hearing notice states that applicants and appellants will be given “equal time” to present their appeal arguments and evidence. However, the City Planning Commission violated its own procedural due process rule by allowing the developer and its representative time periods of unknown

length, but clearly more than the number of minutes allowed AHF in its presentations before the Commission. The Commission's rule allowing equal time for hearing from each party to the land use appeal was violated.

In fact, testimony by a majority of the City Planning Commission members conceded that meetings with the developer or its representatives occurred at the Project site or at coffee shops or restaurants. Neither appellant AHF nor its attorneys were invited or present at any of these meetings. Additionally, unlike the City Planning Commission hearing room, no time clock was ticking down at these meetings. The conduct of City Planning Commission members tainted the hearing with bias in favor of the applicant and against AHF, because AHF was not afforded the same special handling and treatment as the owner of the Project.

As shown in the objection letters attached to the tract map appeal in the related case, AHF raised this violation of due process prior to the City Planning Commission's last hearing. In response, the President of the Commission asked each Commissioner, including himself, to verbally describe their private meetings with the developer and its representatives. No matter how well-intentioned these belated disclosures may have been, AHF and the public can never know if each Commissioner gave a true and accurate description of each and every topic of discussion with the developer and its representatives. Additionally, upon hearing the new disclosures, AHF and the public were not given any time to prepare and present written evidence and testimony to counter the content of the disclosures. It was simply improper for ex parte communications to take place, particularly hour-long or more meetings as described by the Commission members. The only cure for this violation of fundamental due process would be for new commission members to be appointed and a hearing process not tainted with such bias to start again.

Despite raising this point, the President of the Commission and the three other members who displayed bias in favor of the developer by engaging in ex parte communications, unlawfully participated in deliberations and voted to approve the Project. Accordingly, the Commission's denial of the Tract Map appeal of AHF, approval of the Planning entitlements in the attached letter of determination, and approval of the project were unlawful and void. Accordingly, the City Planning Commission's recommendations to the City Council do not constitute legally valid recommendations to the City Council for its consideration under provisions of the City Charter.