

# THE SILVERSTEIN LAW FIRM

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September 18, 2017

**VIA EMAIL to [holly.wolcott@lacity.org](mailto:holly.wolcott@lacity.org)**

Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

Re: Item # 12 City Council Meeting September 19, 2017; CF 17-0531  
1917 North Bronson Avenue

Dear Hon. Council Members:

The record in the above listed file establishes that September 18, 2016 was the last day that the Central Area Planning Commission had jurisdiction to hear and act on the requested alcohol permit for the premises at 1917 North Bronson Avenue.

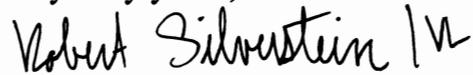
On November 29, 2016, lacking jurisdiction to act, the Central Area Planning Commission took action to set aside a prior project approval, and re-approve the subject permit. We know of no law that permits an administrative body to act unless it possesses fundamental jurisdiction.

As the Supreme Court observed in *People v. Lara* (2010) 48 Cal.4th 216, 224, “an act beyond a court’s jurisdiction in the fundamental sense is null and void ab initio. [Citation.]” Id. at 225. The same is true for an administrative agency that fails to obtain or maintain fundamental jurisdiction. *Mumaw v. City of Glendale* (1969) 270 Cal.App.2d 454, 460 (lack of jurisdiction in accordance with code resulted in zoning application deemed denied and all subsequent administrative proceedings were void); *Harris v. Alcoholic Beverage Appeals Board* (1963) 223 Cal.App.2d 563, 567 (board practice of interpreting jurisdictional appeal statute contrary to plain meaning entitled to no deference; board’s practice cannot confer jurisdiction where there is none); *City of Orange v. Clements* (1919) 41 Cal.App. 497, 498-499 (City Council failed to comply with requirements to call a special meeting, and therefore action taken at such special meeting was void); *Napa Savings Bank v. County of Napa* (1911) 17 Cal.App. 545, 548 (County Supervisors purported to act as board of equalization outside time period authorized by law, and Court concluded: “board was entirely without authority to raise

said assessment [from \$10 to more than \$94,000]" and order purporting to do so was void).

If the City Council purports to approve the subject permit, when the Central Area Planning Commission took action without fundamental jurisdiction, each hearing conducted by the City Council since the Area Planning Commission action also lacks fundamental jurisdiction. Accordingly, the City Council's proposed action to affirm the Central Area Planning Commission's void act, will also be void. See, e.g., *Mumaw v. City of Glendale* (1969) 270 Cal.App.2d 454, 460.

Very truly yours,

Handwritten signature of Robert P. Silverstein in black ink.

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM

RPS/vl