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Ref: 82152-0003

October 7, 2022

**VIA E-MAIL (clerk.plumcommittee@lacity.org)**

Hon. Chair Marqueece Harris-Dawson and  
Members of the Planning and Land Use Management Committee  
Attention: Candy Rosales, Legislative Assistant  
200 North Spring Street, Room 272  
Los Angeles, CA 90012

Re: Property Address: 1840-1848 West Adams Boulevard  
Council File 22-1055  
Case No. VTT-83081-SL-HCA-2A; ENV-2020-3308-CE  
Hearing Date: October 11, 2022, 1:00 p.m.

Hon. Chair Harris-Dawson and Hon. Members of the PLUM Committee:

Our firm represents Tripalink, Corp., applicant for the above referenced small-lot subdivision. Our office previously notified the City that the appeal filed for the above referenced project approval was filed after the City's approval of the project was final, and that as a result this appeal and all subsequent appeals are both (i) untimely; and in the alternative, (ii) deemed denied by operation of law. Accordingly, it remains applicant's view that no further hearings may be conducted on this project or in connection with these untimely appeals. Notwithstanding this position, the City has nevertheless scheduled yet another hearing on October 11, 2022, to hear these late-filed appeals. In connection with this, and under protest, we submit this letter to raise additional objections to the City's continuation of these improper proceedings.

**A. By failing to act on the latest appeals within 30 days, the appeals have been deemed denied by operation of law.**

Los Angeles Municipal Code Section 17.06(A) provides that "[t]he City Council shall hear the appeal within 30 days after it is filed..." and that "[i]f at the end of the time limit specified... the City Council fails to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed." Two appeals have been filed in this case. The first appeal filed by "USC Forward" was filed on August 31, 2022. A second appeal may have been filed on September 2, 2022. Based on these filing dates, that last day for the City Council to act on these appeals passed on September 30, 2022 and October 2, 2022, respectively. As the City failed to act on these appeals within the required 30 days, yet again, the appeals are deemed denied by operation of law, and the City Clerk is required to issue a determination reflecting this fact..

**B. Tuesday's hearing will be the tenth hearing scheduled for this project, in violation of the five hearing limit prescribed by state law.**

Second, this upcoming City Council committee hearing also violates the Housing Accountability Act's bright-line rule prohibiting local agencies from holding more than five hearings in connection with the approval of the project. (Gov C § 65905.5) The state legislature has made it clear that this limitation applies to both formal hearings, informal workshops (e.g., neighborhood council meetings), *and continuances*. To date, the City has held the following hearings in connection with this project:

1. October 27, 2020, Neighborhood Council Meeting, Item 5.
2. November 5, 2020, Neighborhood Council Meeting. Item VI(b).
3. August 26, 2021, Advisory Agency Hearing. (continued)
4. October 13, 2021, Advisory Agency Hearing, Item 1. (continued)
5. November 10, 2021, Advisory Agency Hearing, Item 1. (continued)
6. January 12 2022, Advisory Agency Hearing, Item 3.
7. March 22, 2022, Neighborhood Council Meeting, Item 5.
8. April 7, 2022, Neighborhood Council Meeting, Item VII(f).
9. July 19, 2022, South Los Angeles Area Planning Commission, Item 6.
10. October 11, 2022, City Council Planning and Land Use Management Committee.

As noted, this upcoming PLUM hearing would be the *tenth* meeting held in connection with this project, which is in clear violation of state housing laws. Accordingly, for this and the several other reasons stated previously by this applicant, this hearing should be canceled and a determination issued memorializing the fact that the Project approval is final and not subject to any further appeals. Thank you in advance for your consideration.

Very truly yours,



BENJAMIN M. REZNIK and  
DANIEL FREEDMAN of  
Jeffer Mangels Butler & Mitchell LLP

CC: Elizabeth Ene, Director of Planning and Land Use, Councilmember Blumenfield  
Paola Bassignana, Dir. of Planning and Econ. Development, Councilmember Rodriguez  
Albizael Del Valle, Deputy District Director, Councilmember Harris-Dawson  
Gerald Gubatan, Planning Director, Councilmember Cedillo  
Hannah Lee, Chief of Staff, Councilmember Lee  
Oliver Netburn, Principal City Planner, Department of City Planning  
Parishh Knox, Deputy City Attorney, Office of the City Attorney