

Communication from Public

Name: Jamie T. Hall

Date Submitted: 11/06/2020 09:25 AM

Council File No: 20-0680

Comments for Public Posting: November 4, 2020 Members of the Planning Land Use Management (PLUM) Committee Ms. Connie Chauv, City Planner and, Leyla Campos, Legislative Assistant, City Clerk's staff City of Los Angeles Department of City Planning 200 North Spring Street Los Angeles, CA 90012 Leyla.Campos@lacity.org connie.chauv@lacity.org RE: Public Notice Error; 1309 - 1331 South Pacific Avenue, CPC-2019-4908-DB-SPR, DIR-2020-5031-RDP, ENV-2019-4909-CE; CF 20-0680 Dear Members of the Planning Land Use Management (PLUM) Committee: This firm represents Citizens Protecting San Pedro ("Citizens"). I am writing to inform the City that the notice required by law has not been provided for the appeal hearing scheduled for November 5, 2020 before the Planning and Land Use Management Committee ("PLUM"). As the City knows, the City limits appeals of density bonus cases to adjacent property owners. Therefore, Citizens was required to obtain signatures from adjacent property owners with proof of residency in order to process the above referenced appeal. However, the City only provided written legal notice to one person (Noel Gould). The City is constitutionally required to give notice and a right to be heard before taking action adverse to persons with protected property interests. Horn v. County of Ventura (1979) 24 Cal. 3d 605. And, the Los Angeles Municipal Code Section 12.24D requires that written notice be sent to "the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved." LAMC 12.24D(2)(a). This did not happen. Further, my client has indicated to me that the City did not post the physical notice of the public hearing at the site as required by LAMC 12.24D(3). Further, publishing notice of the hearing in a newspaper is not sufficient as a matter of law to protect the due process interests of landowners and tenants immediately adjacent to a real estate development project that may adversely impact their property, health, safety and similar interests. Such persons with constitutionally protected interests fall within the protections of the due process clause of the California and U.S. Constitutions. In Horn v. County of Ventura (1979) 24 Cal.3d 605, a property owner adjacent to a proposed subdivision of land (a quasi judicial proceeding like the case here), was held to have a constitutional

right to some “[o]ther forms of notice [that] appear better calculated to apprise directly affected persons of a pending decision.” Id. at 618. The Supreme Court dryly observed that: “While such posting and mail [to persons who submitted written requests for notice] may well suffice to encourage the generalized public participation in the environmental decision making contemplated by CEQA, they are inadequate to meet due process standards where fundamental interests are substantially affected. Those persons significantly affected by a proposed subdivision cannot reasonably be expected to place themselves on a mailing list or ‘haunt’ county offices on the off-hand chance that a pending challenge to those interests will thereby be revealed.””

For the reasons outlined above, the hearing set for tomorrow cannot go forward. The City must provide the legal notice required by law. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns. Sincerely, Jamie T. Hall

Channel Law Group, LLP

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Suite 750
Beverly Hills, CA 90211

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Fax: (323) 723-3960
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JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

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jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

November 4, 2020

VIA ELECTRONIC MAIL

Members of the Planning Land Use Management (PLUM) Committee
Ms. Connie Chauv, City Planner and,
Leyla Campos, Legislative Assistant, City Clerk's staff
City of Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012
Leyla.Campos@lacity.org
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Jamie T. Hall

cc: Terry Kaufmann-Macias

Communication from Public

Name: Jamie T. Hall

Date Submitted: 11/06/2020 09:28 AM

Council File No: 20-0680

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