# Fwd: Public comment portal failure

1 message

**Izabella Hovhanisian** <izabella.hovhanisian@lacity.org> Thu, Feb 4, 2021 at 8:05 AM
To: City Clerk Council and Public Services <clerk.cps@lacity.org>

--------- Forwarded message ---------
From: **Elizabeth Isralowitz** <elizabethibcba@gmail.com>
Date: Wed, Feb 3, 2021 at 9:40 PM
Subject: Public comment portal failure
To: <CityClerk@lacity.org>

Hello,
I have been trying to submit my public comment for CF 20-0894 but the portal will not accept it. I have tried two different computers and three different browsers. I have tried with and without the attachment but it will not let me submit it. In light of the website failure, please consider this my official submission.

Name: Gil
E-mail Address: juangil221@gmail.com
Council File Number: 20-0894
Comments for Public Posting:

I would like to call attention to previously reported Brown Act, ADA, and Title VI of the Civil Rights Act violations, which have been ignored and may jeopardize this decision's legality.

BROWN ACT - The 5/14/2020 CPC meeting was not "public." Access to the meeting was restricted to those who could access information in English* via the internet. Per the Brown Act, "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency," but individuals with blocked phone numbers were not allowed to speak.

The CPC's *Virtual Hearing Instructions* state, "all decision-makers, board members, and hearing officers will be participating from separate locations using remote meeting technology while safer-at-home orders are in place. They will only be visible to each other. Members of the public will be able to listen to the meeting audio and offer public comment via phone when called upon for each agenda item." This policy clearly negates the entire purpose of a "public hearing" by restricting visual access to "decision-makers, board members, and hearing officers." Restricting public access to proceedings is a clear violation of the Brown Act and ignores the Governor's Executive Order N-25-20 for state and local bodies to "make reasonable efforts to adhere as closely as reasonably possible to the provision of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide public access to their meetings."

TITLE IV & ADA - On 5/14/2020, the CPC rejected the appeal submitted by J. Wong and K. Scanlan, Signees of Change.org. The CPC meeting did not provide "meaningful access" to the meeting was not provided for residents who do not have consistent internet, a computer, are deaf, and do not speak English.* Translation should have been available as ~40% of households in the project's census tracts have one or more family members with Limited English Proficiency (LEP), exceeding the 5% Title IV threshold (Price School of Public Policy, 2019). Additionally, Ms. Wong and Ms. Scanlan provided the CPC with a written request for Spanish translation, received and acknowledged by Ms. Wan from the CPC on 5/8/2020 but translation was not provided at the meeting, nor were the agenda or meeting notifications translated. The right to language access was exemplified when a California judge ruled in favor of the residents stating that "[the residents'] meaningful involvement in the CEQA review process was effectively precluded by the absence of the Spanish translation" (El Pueblo Para el Aire y Agua Limpio v. Kings County, 1991). Translation is necessary to ensure nondiscriminatory public participation and Brown Act compliance.

Despite the Justice Department's (26, 41455) recommendations, the CPC does not have an LEP Plan. Such a lack of regard for LEP residents is also observed in their agenda where a single sentence alerts constituents that they may request translation services but gives no guidelines on how to make this request. Their agenda also ignores the area's large Korean speaking population.

Access to the meeting was constrained and denying constituents full participation and willfully violated provisions of ADA. There was no way for participants to access or comment via sign language or text. Limiting the publics' visual access while providing this to staff members and decision-makers violates the Brown Act, Order N-25-20, and ADA.

ETHICS VIOLATIONS - During the appeal hearing, the appellants were given 5 minutes to present and were not allowed to respond, provide clarification, refute false claims, or otherwise interact with the CPC. In contrast, the meeting chair offered the defendants, Jamison Services, "as much time as you need." The defendants were also allowed to directly address the board and provide rebuttal. In light of Jamison's extensive campaign contributions to Garcetti and Committee for a Safer Los Angeles, a committee associated with several money laundering cases created by CPC President S. Millman, such blatant favoritism is unethical and possibly illegal. The appellants, in this case, are not the public and have the same rights as the defendant. Special treatment towards Jamison is a serious ethics violation. This flagrant favoritism is also against the agency's own rules: "7.1 At times, the Commission must necessarily limit the speaking times of those presenting testimony on either side of a subject that is designated as a public hearing agenda item. In all instances, however, equal time shall be allowed for presentation of pros and cons of agenda items to be acted upon." Additionally, the CPC participated in a blatantly unethical quid-pro-quo whereby Jamison's representative threatened to withhold affordable housing unless the CPC immediately deny the appeal and approve the development.

File Attachment Attached:

---

**LA Planning Department Brown Act Violation Complaints 8-9-20.pdf**
1179K

August 9, 2020

Samantha Millman, President City Planning Commission
Vahid Khorsand, Vice President City Planning Commission
Jason Hernández, City Planning Associate
201 N. Figueroa Street, 4th Floor, Los Angeles, CA 90012

D.A. Alan Yochelson, Public Integrity Division
211 W Temple St Ste 1000, Los Angeles, CA 90012

Dear Members of the City Planning Commission and D.A. Yochelson,

This letter is to call your attention to what we believe were substantial violations of a central provision of the Ralph M. Brown Act, the Americans with Disabilities Act (ADA), and Title VI of the Civil Rights Act per Executive Order 13166, which may jeopardize the finality of the action taken by Deputy Advisory Agency and City Planning Commission. This complaint involves the following cases and complainants.

**Case A**: City Planning Commission meeting 5/14/2020 for 3440 Wilshire Blvd, Los Angeles, CA 90005; Case No: CPC-2016-3692-VZC-MCUP-SPR, VTT-74602; CEQA: ENV-2016-3693-EAF and the appeal presented by the complainants Jennifer Wong and Katelyn Scanlan, Signees of Change.org.

**Case B:** Deputy Advisory Agency meeting 5/19/2020 for 4629-4651 West Maubert Avenue; Case No: VTT-82654, DIR-2019-3760-TOC-SPP-SPR; CEQA: ENV-2019-3761-SCPE. Complainants include Elizabeth Isralowitz, Carol Cetrone, Susan Winsberg, and David Wheatley

The nature of the violations are as follows:

**I. Case A and B**

(1) Brown Act violation

The action taken was not in compliance with the Brown Act because the meeting was not held in "public." Access to the meeting was restricted to those who could access information in English and through the internet. According to the Brown Act, "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency." In addition, as noted in the original appeal presented for Case A, individuals "with blocked phone numbers are not allowed to speak in the public forum" (see Attachment A1).

According to the Planning Department's *Virtual Hearing Instructions - Non-Commission Public Hearings and Board Meetings* (e.g., Case B):

"All decision-makers, board members, and hearing officers will be participating from separate locations using remote meeting technology while safer-at-home orders are in place. They will only be visible to each other. Members of the public will be able to listen to the meeting audio

and offer public comment via phone when called upon for each agenda item." This policy clearly negates the entire purpose of a "public hearing" by closing all visual access to "decision-makers, board members, and hearing officers." This differentiation of access to the hearing proceedings is contrary to both the letter and spirit of the Brown Act and does not meet the burden set by the Governor's Executive Order N-25-20 (3/4/2020) for state and local bodies to "make reasonable efforts to adhere as closely as reasonably possible to the provision of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide public access to their meetings."

(2) Discrimination based on Title IV of the Civil Rights Act and ADA

All these requirements blatantly are exclusionary and discriminate against an entire portion of Koreatown constituents that are not tech-savvy, do not have access to a computer, or wifi but could otherwise attend a meeting in person. Based on a report by USC's Annenberg Research Network on International Communication (Halperin, Wyatt, & Le, 2020) released April 16, 2020 "1 in 4 families with school-age children in LA County lack the technology resources" necessary for activities such as those required to access relevant information from the Planning Department website. The report also found that only "half of the K-12 households in the bottom 20% of the income distribution are equipped" with computers and broadband internet. Additionally, "regardless of income, students of color are less likely to have the technology resources." An estimated 40-50% of families residing in the Wilshire Center Koreatown region lack access to basic internet and technology (Partnership for Los Angeles Schools, 2020). With a median household income of just over $30,000 a year, an average household size of 3 people, and a population that is 91% people of color, the lack of technology access is not surprising and should have been considered when the Planning Department claimed it was able to provide all residents with "meaningful access," to "public" hearings.

Access to the meeting was constrained and was conducted in such a manner that denied constituents full participation and willfully violated provisions of the Americans with Disabilities Act (ADA). While the meeting instructions for case B clearly precluded the participation of those with hearing impairments and other disabilities that would impair an individual's ability to process information solely based on auditory cues, in Case A, the Planning Department's *Virtual Commission Meeting Instructions* (https://planning.lacity.org/about/virtual-commission-instructions) state that visual access will be provided for the meeting, "(to) access the live meeting video by clicking on the link at the top of the meeting agenda and entering the Meeting ID," but no information or Meeting ID was provided on the agenda (see Attachment A2) nor were presentation slides "made available on the live video." This lack of visual access to the hearing is contradictory to the Governor's conditions that the public has the right to "observe… the public meeting," which "includes, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act." Limited visual access for the public despite the department's ability to provide such access

as demonstrated by the provision of access to other decision-makers is clearly in violation of the Brown Act, Executive Order N-25-20, and ADA.

**II. Case A**

(1) Discrimination based on Title IV of the Civil Rights Act

In its meeting of May 14, 2020, the City Planning Commission took action via voting to reject the appeal submitted on April 3, 2020, by Jennifer Wong and Katelyn Scanlan, Signees of Change.org. The action taken was not in compliance with the Brown Act because the meeting was not held in "public." In addition to the above-mentioned Brown Act violation, the lack of provision of "meaningful access" to the meeting for residents without consistent broadband internet or a computer and who do not speak English represents a discriminatory violation of Title VI of the Civil Rights Act. Additionally, per Executive Order 13166, access to translation services should have been made available as more than 5% of the population served by the Planning Department in the nearest two census tracks are designated are considered to demonstrate limited English proficiency (LEP). According to a report by USC's Price School of Public Policy (2019), approximately 40% of households in the census tracts surrounding the 3440 Wilshire Blvd project have one or more family members who are considered to have LEP, far exceeding the 5% federal threshold. Per the previously mentioned estimate and requests by community members represented by the complaints, Ms. Wong and Ms. Scanlan provided the Planning Department with a written request for oral Spanish translation. While this request was received and acknowledged by Ms. Wan from the Planning Department on May 8, 2020, translation services were not provided during the meeting, nor were items such as the agenda or the meeting notification sent to residents translated. There is significant legal precedent that, in some circumstances, providing language access may be the only way to facilitate public participation. In 1991 language access court case, a California judge ruled in favor of a community group representing the residents of an area with 40% limited English-proficient population stating that "[the residents'] meaningful involvement in the CEQA review process was effectively precluded by the absence of the Spanish translation" [El Pueblo Para el Aire y Agua Limpio v. County of Kings, 22 Env. L. Rptr. 20357, 20358 (Cal. Super. Ct. 1991)].

Despite the recommendations of the United States Justice Department (Justice Department, supra note 26, at 41455), the Planning Department does not have a publicly accessible Limited English Proficiency (LEP) Plan - for providing language access services. Such a lack of regard for residents with LEP is also observed in their agenda where no more than a single sentence alerts constituents that they may request translation services but gives no guidelines on such a request and is only provided in Spanish and ignores the large Korean speaking population within this area.

(2) Clear prejudicial preference for the defendant and disregard for parliamentary procedure and Planning Commission Standing Rules

During the May, 14th hearing regarding the appeal filed by Jennifer Wong, Katelyn Scanlan, and Signees of Change.org, the appellants were provided 5 minutes to present their case and were not allowed to respond to any comments, provide clarification, refute false claims, or have direct interactions with the Planning Commissioners. In contrast, the records will show that the meeting chair offered the defendants, representatives from Jamison Services, "as much time as you (they) need." The defendants were also given the ability to directly address the board and to respond to comments, questions, and to provide a rebuttal. Such blatant favoritism likely stems from the long relationship between members of the Commission and Jamison Services which have provided tens of thousands in campaign contributions to Garcetti and Committee for a Safer Los Angeles, independent expenditure committee created by City Planning Commission President Samantha Millman which has been associated with recent campaign money laundering cases.

While a recent ruling by the 5th Circuit Court of Appeal in Ribakoff v. City of Long Beach (2018) affirmed the right of governing boards to impose limits on the number of times and for how long a member of the public may comment on an agenda item while allowing invited speakers unlimited time to present to the board, as appellants in this case the complaints had a right to the same time and procedural affordances as the defendant, Jamison Services. Additionally, the flagrant favoritism displayed by the chair of the Planning Commission contradicts the agency's own standing rules.

7.0 PUBLIC HEARINGS

7.1 At times, the Commission must necessarily limit the speaking times of those presenting testimony on either side of a subject that is designated as a public hearing agenda item. In all instances, however, equal time shall be allowed for presentation of pros and cons of agenda items to be acted upon."

Further insult was added when the agency allowed for a blatant quid-pro-quo whereby representatives of Jamison Services threatened to withhold the provision of affordable housing if the Commission did not deny the appeal and approve the development.

**Case B:**

On May 19, 2020, the Planning Department's Deputy Advisory Agency voted to approve a Vesting Tentative Tract map for the merger of 5 separate parcels into one lot. The applicant requested an 80% increase in allowable density, a decrease in required parking, a 33-foot increase in max permitted building height, a 25% reduction in the required open space, and a 45% increase in the permitted Floor Area Ratio (FAR). The applicant was additionally seeking a Site Plan Review, a Project Permit Compliance Review, and certification of the project as exempt from California Environmental Quality Act (CEQA) in exchange for 17 units reserved for low-income housing. I and several others were on the phone to speak at a remote planning meeting. The planning official asked if there were more public comments on the item, waited less than 5 seconds, and then just moved on. I immediately called the planning department and spoke to Daniel, who was the front desk clerk, and told him that they needed to stop because

several people trying were trying to speak, but we were all force muted before we could press *9. He contacted the person running the meeting, who said that I should just email them later. I stated that this was a Brown Act violation, and they needed to stop and let us speak.

Only after the vote on our agenda item had been taken, and several of us finally got to speak during the next item, complaining that we had wished to speak on the previous item but couldn't get unmuted, did the planning representative allow us to speak. But after we spoke, they did not allow the developer to respond to us, nor did they redo the vote, rendering our comments moot in relation to the outcome.

When I contacted Daniel, the clerk again and asked where to put in a complaint about this, he again said to email him, and he would forward it to the planning representative. This information was completely incorrect, as there is a specific portion of the county DA's office that handles things such as Brown Act violations.

Regarding the Maubert hearing: On the day of the hearing, May 19, 2020, I requested that Mr. Hernández "Cure and Correct" the Brown Act violation caused by his lack of willingness to hear public comment. Despite not having completed the agenda item, Mr. Hernández refused to allow public comment. Even later in the meeting, when several members of the public complained that they had been blocked from providing comments, he refused to "Cure and Correct" the issue, only allowing comments, but not allowing the applicant to respond to the public comment or reauthorizing the vote. Based on the actions of Mr. Hernández, the public was clearly denied the opportunity to address the decision-making body before or during their consideration of this case.

**Request to Cure and Correct Illegal Actions**

The actions were taken by officials within the Los Angeles Planning Department on May 14 and May 19, 2020 were not in compliance with the Brown Act and federal discrimination protections under Title VI because the public was denied access to and the ability to provide public comment during these meetings. As you are aware, the Brown Act creates specific agenda obligations that "[e]very agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body . . .." Cal. Govt. Code Section 54954.3(a)and also creates a legal remedy for illegally taken actions—namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), we demand that the Los Angeles Planning Department cure and correct the illegally taken action as follows: nullification of the decisions made by the Planning Commission and Department representatives on cases 3440 Wilshire Blvd, Los Angeles, CA 90005, Case No: CPC-2016-3692-VZC-MCUP-SPR, VTT-74602 and 4629-4651 West Maubert Avenue; Case No: VTT-82654; readdress these cases at a public Planning Commission meeting during which Spanish translation of the meeting will be provided including the full translation of the meeting agenda and a summary of the previously

mentioned cases, equal time and ability to respond to comments will be given to the appellants, and disclosure at a subsequent meeting of why individual members of the legislative body took the positions — by vote or otherwise — that they did, accompanied by the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda. Informed comment includes public access to all documents in the possession of the local agency related to the action taken, including any supporting documents and presentation materials from the developer/defendant within a timely manner as specified by the Brown Act.

As provided by Section 54960.1, the Planning Department has 30 days from the receipt of this demand to either cure or correct the challenged action or inform us of their decision not to do so. If they fail to cure or correct as demanded, such inaction will leave us no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which we request the court to order the Planning department to pay any court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

In addition, we ask that all members of the Planning Department who have direct interactions with the public be trained in online governance and the Brown Act. We propose such a training focus on practical solutions that safeguard public rights to participation in local governance and ensure inclusive public participation for all constituents regardless of ability and English-language proficiency. Moving governance online provides the Planning Department with a unique opportunity to truly democratize decision-making in ways not possible before, and that department officials need to rise to the occasion. While we acknowledge the transition to remote meetings has not been easy, we believe that if officials are unable or unwilling to provide adequate time for and thoughtfully consider public comment, they cannot make legitimate decisions in cases such as these. The Planning Department and other city agencies should consider other ways to allow for the submission of public comments such as through social media, a chat system, or by creating an authenticated voting system so people can upvote comments digitally to make them more visible.

Respectfully yours,

| | | |
|---|---|---|
| Elizabeth Isralowitz | Jennifer Wong | Katelyn Scanlan |
| Carol Cetrone | Susan Winsberg | David Wheatley |

CC: Herb J. Wesson, Jr., Councilmember 10th District
Mitch O'Farrell, Councilmember 13th District

## Appendix of Evidence*

**Case A**: City Planning Commission meeting 5/14/2020 for 3440 Wilshire Blvd, Los Angeles, CA 90005; Case No: CPC-2016-3692-VZC-MCUP-SPR, VTT-74602; CEQA: ENV-2016-3693-EAF and the appeal presented by the complainants Jennifer Wong and Katelyn Scanlan, Signees of Change.org.

(1) Courtesy Notice of Public Meeting with case information with little to no Spanish or Korean: 2016-3692 Courtesy Notice

(2) Notice of Public Hearing – Appeal with little to no Spanish or Korean: 74602-1A_appeal notice

(3) Email request to Planning representative for translation services: Gmail - Fwd_ VTT-74602-1A [instructions for 5_14 CPC]

(4) Text message evidence of confusion: Evidence of confusion and prejudicial preference

(5) Inaccurate documentation of appeal on Planning Website (3 documents): Appeals_Filed_04062020_RPT_051000AM; Appeal file for public view; Screenshot_20200617-165359;

**Case B:** Deputy Advisory Agency meeting 5/19/2020 for 4629-4651 West Maubert Avenue; Case No: VTT-82654, DIR-2019-3760-TOC-SPP-SPR; CEQA: ENV-2019-3761-SCPE. Complainants include Elizabeth Isralowitz, Carol Cetrone, Susan Winsberg, and David Wheatley

(1) Notice of Public Hearing with case information: Maubert Hearing

(2) Email from local music teacher complaining about not being able to talk at the hearing: Email evidence from C. DeLuna

(3) Screenshot showing one of the complainants pressing *9 and other numbers tying to speak: Screenshot_05192020

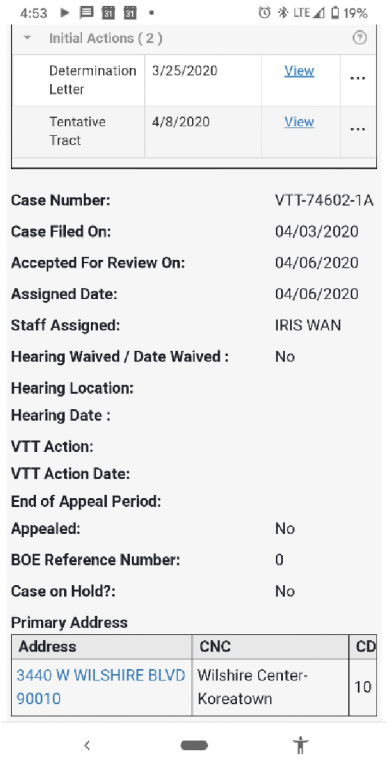
(4) Text message about not being able to make comment: Dana-Sara text

*All emails and text messages sent to or from non-Los Angeles city employees have been shared with the permission of both the sending and receiving parties.

**Supporting Evidence**

**Case A**: City Planning Commission meeting 5/14/2020 for 3440 Wilshire Blvd, Los Angeles, CA 90005; Case No: CPC-2016-3692-VZC-MCUP-SPR, VTT-74602; CEQA: ENV-2016-3693-EAF and the appeal presented by the complainants Jennifer Wong and Katelyn Scanlan, Signees of Change.org.

1. Evidence of mishandling of case with lack of listing of multiple appeals filed and publics inability to view appeal documents. Documents made available to CPC and developer but not the public.



4:53 ▶ 19%

Initial Actions ( 2 )

| | | | |
|---|---|---|---|
| Determination Letter | 3/25/2020 | View | ... |
| Tentative Tract | 4/8/2020 | View | ... |

| | |
|---|---|
| **Case Number:** | VTT-74602-1A |
| **Case Filed On:** | 04/03/2020 |
| **Accepted For Review On:** | 04/06/2020 |
| **Assigned Date:** | 04/06/2020 |
| **Staff Assigned:** | IRIS WAN |
| **Hearing Waived / Date Waived :** | No |
| **Hearing Location:** | |
| **Hearing Date :** | |
| **VTT Action:** | |
| **VTT Action Date:** | |
| **End of Appeal Period:** | |
| **Appealed:** | No |
| **BOE Reference Number:** | 0 |
| **Case on Hold?:** | No |

**Primary Address**

| Address | CNC | CD |
|---|---|---|
| 3440 W WILSHIRE BLVD 90010 | Wilshire Center-Koreatown | 10 |

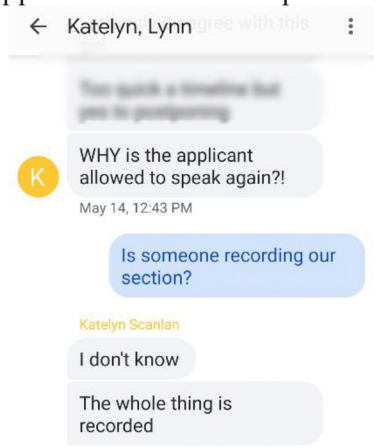
Appeals Filed Last Week
As of 04/06/2020

| Case Number | Address | Contact | Email Address | APC | Appeal Received Date | Main Case Description |
|---|---|---|---|---|---|---|
| VTT-74891-1A | 21031 W WARNER CENTER LANE 91367 | MITCHELL M. TSAI, ATTORNEY AT LAW P.C. MITCHELL M. TSAI | | SOUTH VALLEY | 02-Apr-20 | A VESTING TENTATIVE TRACT MAP OF EIGHT (8) LOTS AND PROJECT PERMIT COMPLIANCE REVIEW OF THE WARNER CENTER 2035 PLAN. |
| DIR-2017-1708-SPP-1A | 21031 W WARNER CENTER LANE 91367 | LLJ ADLER WCCLLLC &LLJ ADLER WCCII, LLC MICHAEL ADLER | | SOUTH VALLEY | 02-Apr-20 | A VESTING TENTATIVE TRACT MAP OF EIGHT (8) LOTS AND PROJECT PERMIT COMPLIANCE REVIEW OF THE WARNER CENTER 2035 PLAN. |
| ZA-2018-1586-ELD-SPR-ZAA-ZAD-1A | 11405 W VENICE BLVD 90066 | PENNY AMIC | | WEST LOS ANGELES | 02-Apr-20 | ELDERCARE FACILITY WITH 67 ASSISTED CARE UNITS AND 20 MEMORY CARE UNITS WITH SUBTERRANEAN PARKING |
| VTT-74602-1A | 3440 W WILSHIRE BLVD 90010 | LOZEAU DRURY LLP RICHARD DRURY | | CENTRAL | 03-Apr-20 | NEW MIXED-USE PROJECT CONSISTING OF 640 APARTMENT UNITS; 10;738 SF. OF COMMERCIAL FLOOR AREA; AND 1;921 VEHICLE PARKING SPACES. THE PROJECT INCLUDES CONSTRUCTION OF TWO NEW MIXED-USE BUILDINGS. |

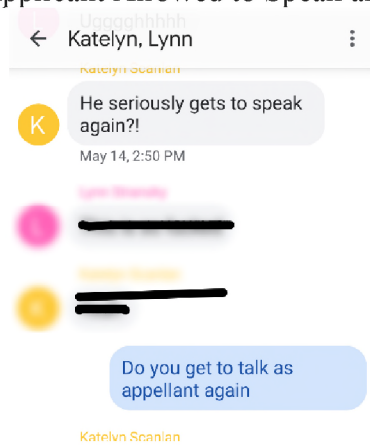
2. Evidence of confusion and prejudicial treatment of the developer

5/14/2020 Evidence of confusion caused by lack of ability to observe the public meeting and prejudicial preference provided to the respondent whose representatives were given unlimited time to speak and allowed to respond to public and Planning Commission questions on multiple occasions. In contrast, the appellant was told they had only 5 minutes to speak and were not allowed to respond to any of the comments or have direct interactions with the Planning Commissioners.

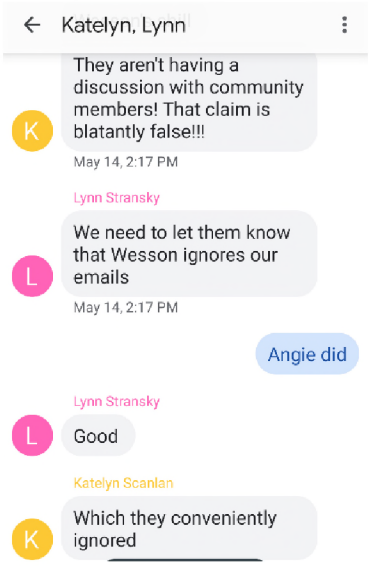
- Applicant Allowed to Speak after presentation time at 12:43 (Case before ours)



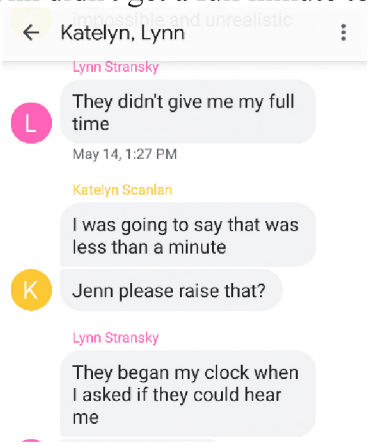

- Applicant Allowed to Speak after presentation time at 2:50 (Our Case)



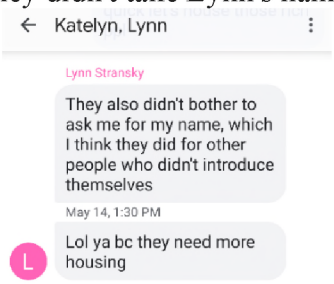

- CD10 Staffer Claims they met and were working with us (1 & 2) No way to raise hand or correct their assertion so the council members never knew it was untrue.



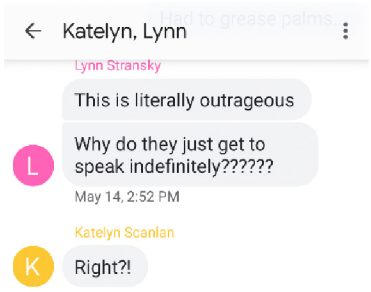

- Lynn didn't get a full minute to speak



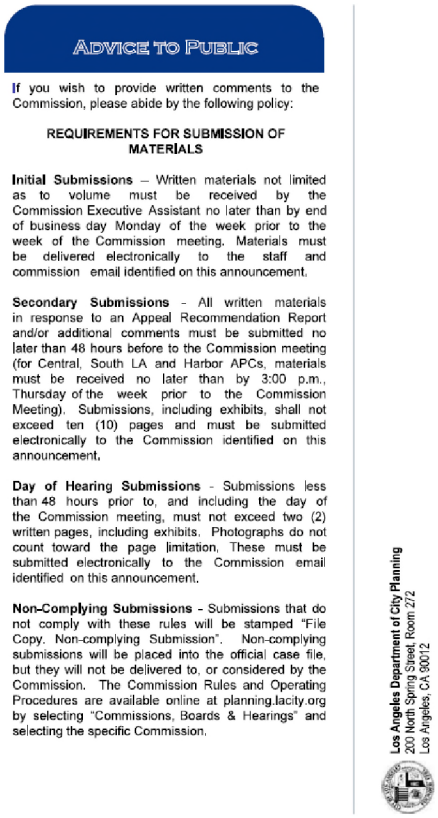

- They didn't take Lynn's name before her comment




- Staff repeatedly allowed to rebut and reply to public comments when appellant was not




3. Lack of legally required translation prejudicially blocking access limited English proficient residents from accessing public hearings.



ADVICE TO PUBLIC

If you wish to provide written comments to the Commission, please abide by the following policy:

**REQUIREMENTS FOR SUBMISSION OF MATERIALS**

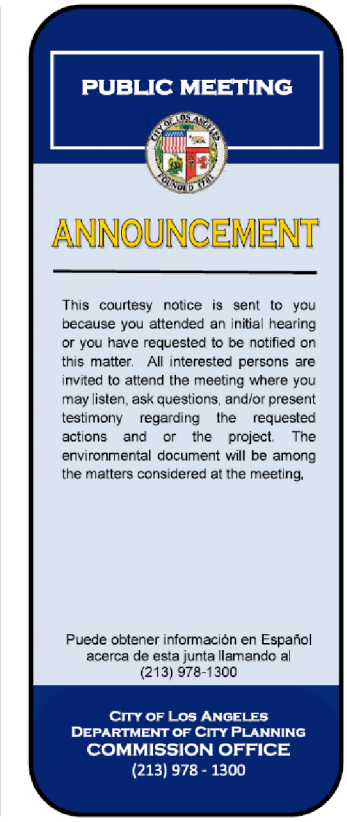
**Initial Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on this announcement.

**Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than 48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting). Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.

**Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on this announcement.

**Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions, Boards & Hearings" and selecting the specific Commission.

Los Angeles Department of City Planning
200 North Spring Street, Room 272
Los Angeles, CA 90012



PUBLIC MEETING

ANNOUNCEMENT

This courtesy notice is sent to you because you attended an initial hearing or you have requested to be notified on this matter. All interested persons are invited to attend the meeting where you may listen, ask questions, and/or present testimony regarding the requested actions and or the project. The environmental document will be among the matters considered at the meeting.

Puede obtener información en Español acerca de esta junta llamando al (213) 978-1300

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
COMMISSION OFFICE
(213) 978 - 1300

## Meeting Information

**MEETING HELD BY:**

City Planning Commission

**DATE:**

05/14/2020

**TIME:**

After 8:30 A.M.

**PLACE:**

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [https://zoom.us/].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commissions-boards-hearings and/or by contacting cpc@lacity.org

**PUBLIC HEARINGS PREVIOUSLY HELD:**

March 11, 2020

The recommendation report(s) with exhibits will be available on-line no later than seven (7) days prior to the Commission Meeting and will be accessible on-line at planning.lacity.org by selecting "Commissions, Boards & Hearings". Reports are hyperlinked to the case numbers included in the agenda.

**STAFF CONTACT:**

Iris Wan
iris.wan@lacity.org (213) 978-1397

cpc@lacity.org

## Project Information

**PROJECT LOCATION:**

3432-3470 West Wilshire Boulevard, 659-699 South Mariposa Avenue, 3265-3287 West 7th Street, 666-678 South Irolo Street

**CASE NO.**

CPC-2016-3692-VZC-MCUP-SPR

**CEQA NO.**

ENV-2016-3693-MND

**COUNCIL DISTRICT:**

10 - Wesson, Jr.

**ZONE:**

P-2, PB-2, C4-2

**PLAN AREA:**

Wilshire

**LAND USE:**

Regional Center Commercial

**PLAN OVERLAY:**

N/A

**APPLICANT:**

Central Plaza, LLC

**REPRESENTATIVE:**

Edgar Khalatian, Mayer Brown LLP

## Project Description

The proposed project is for the demolition of an existing three-story parking structure, for the construction, use, and maintenance of a 23-story mixed-use building and a 28-story mixed-use building, on top of a podium that is four stories above grade and two stories subterranean.

The mixed-use development will include 640 apartment units, 10,738 square feet of commercial floor area, 1,921 vehicular parking spaces (714 residential and 500 commercial spaces, with 707 existing spaces to remain), 500 residential bicycle parking spaces and 1,340 commercial bicycle parking spaces. The proposed maximum floor area ratio would be 4.65:1. The project proposes to remove 19 non-protected street trees and 24 non-protected trees on-site. The amount of soils removed or exported is approximately 137,000 cubic yards.

Entitlements requested include:
(1) a Vesting Zone Change from P-2 and PB-2 to C4-2; (2) a Master Conditional Use Permit to allow the sale and dispensing of full line of alcoholic beverages for on-site consumption at up to two establishments; (3) Site Plan Review for development over 50 dwelling units

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
City Hall 200 North Spring Street Los Angeles CA 90012

# NOTICE OF PUBLIC HEARING

| | | | |
|---|---|---|---|
| **To Owners:** | ☐ Within a 100-Foot Radius | **And Occupants:** | ☐ Within a 100-Foot Radius |
| | ☐ Within a 500-Foot Radius | | ☐ Within a 500-Foot Radius |
| | ☐ Abutting a Proposed Development Site | **And:** | ☒ Interested Parties/Others |

This notice is sent to you because you own property or are an occupant residing near a site for which an appeal from a Department action was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, if applicable, will be among the matters considered at the hearing. The Commission may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional.**

**Project Site:** 3432-3470 West Wilshire Boulevard, 659-699 South Mariposa Avenue, 3265-3287 West 7th Street, 666-678 South Irolo Street

| | | | |
|---|---|---|---|
| **Case No.** | VTT-74602-1A | **Council No:** | 10 - Wesson |
| **CEQA No.** | ENV-2016-3693-MND | **Related Cases:** | CPC-2016-3692-VZC-MCUP-SPR |
| **Held By:** | City Planning Commission | | |
| **Date:** | **May 14, 2020** | **Plan Area:** | Wilshire |
| **Time:** | **After 8:30 a.m.** | **Existing Zone:** | C4-2, P-2, PB-2 |
| **Place:** | In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [https://zoom.us/]. The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commissions-boards-hearings and/or by contacting cpc@lacity.org | **Proposed Zone:** | C4-2 |
| | | **Plan Overlay:** | None |
| | | **Land Use:** | Regional Center Commercial |
| **Staff Contact:** | Iris Wan, City Planner<br>200 North Spring Street, Room 621<br>Los Angeles, CA 90012<br>Iris.wan@lacity.org<br>(213) 978-1397<br><br>cpc@lacity.org | **Applicant:** | Central Plaza, LLC |
| | | Representative: | Edgar Khalatian, Mayer Brown LLP |
| | | **Appellants:** | (1) Supporter's Alliance for Environmental Responsibility |
| | | | (2) Katelyn Scanlan |
| | | Representatives: | (1) Richard Drury |
| | | | (2) Jennifer Wong |

**PROPOSED PROJECT:**
Demolition of an existing three-story parking structure; for the construction, use, and maintenance of a 23-story mixed-use building and a 28-story mixed-use building, on top of a podium that is four stories above grade and two stories subterranean. The mixed-use development will include 640 apartment units, 10,738 square feet of commercial floor area, 1,921 vehicular parking spaces (714 residential and 500 commercial spaces, with 707 existing spaces to remain), 500 residential bicycle parking spaces and 1,340 commercial bicycle parking spaces. The proposed maximum floor area ratio would be 4.65:1. The project proposes to remove 19 non-protected street trees and 24 non-protected trees on-site. The amount of soils removed or exported is approximately 137,000 cubic yards.

**APPEAL:**
Appeals of the Advisory Agency's determination to adopt the Mitigated Negative Declaration as the environmental clearance, ENV-2016-3693-MND, in approving Vesting Tentative Tract Map No. 74602 to permit the merger and re-subdivision of six subdivided lots and a non-subdivided remainder, into one ground lot and five airspace lots. Lot 1 consists of a master ground lot with approximately 316,438 square feet of lot area, Airspace Lot 2

consists of 640 apartment units, Airspace Lot 3 is a commercial lot with an allocation of two commercial condominiums with 2,360 square feet of commercial space, Airspace Lot 4 consists of parking, Airspace Lot 5 consists of an existing 5-story parking structure, and Airspace Lot 6 is a commercial lot with an allocation of two commercial condominiums with 3,700 square feet of commercial space.

---

*Puede obtener información en Español acerca de esta junta llamando al (213) 978-1300*

## GENERAL INFORMATION

**FILE REVIEW** - The complete file will be available for public inspection by appointment only. Please email the staff identified on the front page, at least three (3) days in advance, to arrange for an appointment. **Files are not available for review the day of or day before the hearing.**

**AGENDAS AND REPORTS**- Commission Agendas are accessible online at planning.lacity.org, by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

**TESTIMONY AND CORRESPONDENCE** - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

**REQUIREMENTS FOR SUBMISSION OF MATERIALS** - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. The case number must be written on all communications, plans and exhibits.

Please see revised submission guidelines below which have been modified in order to accommodate the conduct of the public hearing telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020).

- **Regular Submissions –** Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page.

- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting).** Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.

- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on the front of this page.

- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped *"File Copy. Non-complying Submission"*. Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions & Hearings" and selecting the specific Commission.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES AND JUDICIAL REVIEW** - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**ACCOMMODATIONS** - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other services, such as translation between English and other languages, may also be provided upon written request submitted a minimum of seven (7) working days in advance to: per.planning@lacity.org. Be sure to identify the language you need English to be translated into, and indicate if the request is for oral or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

4. Timely request for the provision of translation services

**Fwd: VTT-74602-1A [instructions for 5/14 CPC]**
2 messages

**Katelyn Scanlan** <katelynrscanlan@gmail.com> Sat, Jun 20, 2020 at 11:31 AM
To: Elizabeth Isralowitz <eisralowitz.woknc@gmail.com>

See our written request for Spanish translation below.

---------- Forwarded message ---------
From: **jwocognac@gmail.com** <jwocognac@gmail.com>
Date: Fri, May 8, 2020 at 12:37 PM
Subject: Re: VTT-74602-1A [instructions for 5/14 CPC]
To: Iris Wan <Iris.Wan@lacity.org>
Cc: Katelyn Scanlan <katelynrscanlan@gmail.com>

Iris,

The Spanish constituents would like to know if there will be a translator on the call as the would like to participate and speak at the meeting as the public.

**Here is our information for the call:**
CEQA: CPC-2016-3692-VZC-MCUP-SPR and VTT-74602 is ENV-2016-3693-MND.
Appeal Case Number: VTT-74602-1A
Case: VTT-74602.

Jennifer Wong - 0605
Katelyn Scanlan - 8882

On Fri, May 8, 2020 at 8:12 AM Iris Wan <Iris.Wan@lacity.org> wrote:
> Hi Katelyn and Jennifer,
>
> Please submit the dial-in info and powerpoint by 5:00 PM today.
>
> On Wed, May 6, 2020 at 5:01 PM Iris Wan <Iris.Wan@lacity.org> wrote:
> > Hi Katelyn,
> >
> > Rough estimate would be 2 to 5 minutes.
> >
> >
> > On Wed, May 6, 2020 at 4:25 PM Katelyn Scanlan <katelynrscanlan@gmail.com> wrote:
> > > Hi Iris,
> > >
> > > Can you give me an estimate? That will determine (to some extent) the materials I furnish for you by 5/8.
> > >
> > > Katelyn
> > >
> > > On Wed, May 6, 2020 at 3:55 PM Iris Wan <Iris.Wan@lacity.org> wrote:
> > > > Hi Katelyn,
> > > >
> > > > That will be determined on the day of the hearing.
> > > >
> > > > Please provide the requested information by 5/8.
> > > >
> > > > Will you be presenting a powerpoint presentation?
> > > >
> > > > On Wed, May 6, 2020 at 3:53 PM Katelyn Scanlan <katelynrscanlan@gmail.com> wrote:
> > > > > Hi Iris,
> > > > >
> > > > > As an appellant, how much time will I be given to speak?
> > > > >
> > > > > Thanks,
> > > > > Katelyn
> > > > >
> > > > > On Tue, May 5, 2020 at 3:11 PM Iris Wan <Iris.Wan@lacity.org> wrote:
> > > > > > Jennifer,
> > > > > >
> > > > > > If the appellant will be presenting a powerpoint presentation at CPC, the deadline to submit the powerpoint to staff is **5:00 PM this Friday**.
> > > > > >
> > > > > > Thank You.
> > > > > >
> > > > > > On Tue, May 5, 2020 at 2:18 PM Iris Wan <Iris.Wan@lacity.org> wrote:
> > > > > > > Jennifer,

Will the appellants be presenting a powerpoint presentation?

On Tue, May 5, 2020 at 9:48 AM Iris Wan <Iris.Wan@lacity.org> wrote:

Jennifer,

The 5/8 deadline is for participants (applicant, appellants, council office representatives).
The general public can still dial in the day of and will be called by the last four digits of their phone numbers.

The time allotted for a person to speak is determined the day of by the Commission Chairperson.
The agenda will be posted today or tomorrow at the latest.
You will see the agenda item number on the posted agenda.

The CEQA case number for both CPC-2016-3692-VZC-MCUP-SPR and VTT-74602 is ENV-2016-3693-MND.
VTT-74602-1A is the appeal case number for VTT-74602.

VTT-74602 was approved and appealed, thus the 1A suffix was added for the appeal case.

Please let me know if you have any other questions.

Thank You.

On Sun, May 3, 2020 at 3:07 PM Jennifer Wong <jwocognac@gmail.com> wrote:

Iris,

We have some questions about your procedure and the timing.

- What happens to the people who want to join after the May 8th deadline to provide contact and phone information?
- How many minutes will each person be allowed to speak?
- I am not finding the Commission Agenda posted online at planning.lacity.org. under Commissions or Hearings.
- I see the case # CPC-2016-3692-VZC-MCUP-SPR but where is the **Agenda Item Number**?
- Is it the same as the CEQA number?
- What is VTT-74602-1A?

Please let us know as soon as possible.

Jennifer Wong

On Thu, Apr 30, 2020 at 4:39 PM Iris Wan <Iris.Wan@lacity.org> wrote:

Hi Jennifer and Katelyn,

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID19, the CPC Commission meeting will be conducted entirely telephonically.

You will be provided with a Zoom dial in phone number and meeting ID prior to the date of the Commission Meeting. This information is also noted on the Commission Agenda posted online at planning.lacity.org. All participants who dial in are automatically muted and will appear simply as a phone number on the Zoom screen accessible to Planning staff. In order to identify you upon entry into the meeting, ***please provide the last four digits of the phone number you will be using to dial in, as well as your full name, and the case number/agenda item number you represent***. This information is necessary in order for Commission staff to rename you in the Zoom screen "participants list" when you enter the meeting and will make you easily identifiable so staff can unmute you when it is your time to present.

**NOTE**: **Blocked numbers will not be allowed to speak** since the Commission Office will not be able to see/identify a number to call out for your turn to speak. When your agenda item number comes up, **please press *9 to "raise your hand"**. Commission staff will then unmute you and you can begin to present for your allotted time. Commission Office will track your allotted time and give you a two minute warning before the end of your allotted time, subsequently re-muting your line when your allotted time has concluded. Should there be any questions from the Commissioners or Planning staff requiring your response, you will again be unmuted.

Please let me know if you have any questions, and provide the requested information by **05/08/20**.

Thank You.

--

**Iris Wan, AICP, LEED AP**
City Planner
**Los Angeles City Planning**
200 N. Spring St., Room 621
Los Angeles, CA 90012
Planning4LA.org
T: (213) 978-1397

--