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August 1, 2022

VIA ELECTRONIC MAIL

Los Angeles Planning and Land Use Management ("PLUM") Committee
Honorable Chair Marqueece Harris-Dawson
Los Angeles City Hall Los Angeles, CA 90012
Via Email: clerk.plumcommittee@lacity.org

**Re: Appeal of Conditional Use, Density Bonus and Site Plan Review at 2111-2139
S. Pacific Ave; CPC-2019-4884-CU-DB-SPR-RDP and ENV-2019-4885-CE;
Appeal Case No. CPC-2019-4884-CU-DB-SPR-1A**

Honorable Chair Harris-Dawson and Committee Members:

This firm represents Appellant Citizens Protecting San Pedro ("CPSP") in its appeal of the City Planning Commission's approval of the Conditional Use Permit, Density Bonus incentives and waiver, and Site Plan Review for the Project at 2111 South Pacific Avenue in the San Pedro Community. The appeal hearing for the above-referenced case is scheduled to be heard at tomorrow's PLUM Committee meeting. Conducting the hearing or rendering any action on the appeal would violate the LAMC's mandatory procedures for posting notification prior to holding an appeal hearing. Appellant requests that the Committee reschedule the hearing to enable a fair opportunity to be heard for Project opponents.

I. THE PROJECT SITE HAS NOT BEEN PROPERLY POSTED

The Los Angeles Municipal Code ("LAMC") provides mandatory notice procedures. LAMC Section 12.24 D.3. requires a physical notice of the public hearing be posted at the site. This section of the Code states:

The Department **shall** give notice in **all** of the following manners: 3. **Site Posting.** By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, *shall also post notice of the initial meeting of the decision-making body on the matter.* This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. *The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.*

Further, the Director of Planning has adopted guidelines consistent with LAMC Section 12.24-D.3. in Form CP-7762 (**Exhibit 1**) which requires:

4. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be ***easily read by the public.*** The sign must be sturdily attached to a wooden post if it will be free-standing. (See illustration B below).

5. Regardless of who posts the site, it is always the responsibility of the applicant/owner to assure that the notice is ***firmly attached, legible, and remains in that condition throughout the entire posting period,*** specified in item #7 below.

6. If the case involves more than one street frontage, ***post a sign on each street frontage involved.*** If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.

7. YOU ARE REQUIRED TO POST THE SIGN 10 DAYS (5 DAYS IF ONLY GOING BEFORE A DESIGN REVIEW BOARD) BEFORE THE SCHEDULED PUBLIC HEARING, AND 10 DAYS BEFORE THE INITIAL CITY OR AREA PLANNING COMMISSION DECISION MEETING. FAILURE TO POST COULD RESULT IN DELAYING THE PROCESSING OF YOUR APPLICATION.

Here, the Applicant has failed to comply with the required notice procedures in two respects. First, the required posted notice on the 21st Street frontage had become unattached from the fence, was blown by the wind and folded so its back was visible to the public street, in violation of requirements 4 and 5. Second, the Pacific Avenue frontage of the Project had no notice posted, despite being the most prominent frontage seen by most members of the public. A photograph of the illegible notice is attached as **Exhibit 2**.

Failure to properly post the site as required by the LAMC not only violates the procedural mandates of the LAMC prior to holding the appeal hearing, it prevents ordinary members of the public from becoming aware of the appeal and presenting arguments and evidence in its support. The City would err and abuse its discretion by holding the hearing without properly posting the site as required by the LAMC and Form CP-7762.

II. CONCLUSION

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

EXHIBIT 1

ON-SITE POSTING OF PUBLIC HEARING NOTICES – LAMC 12.20.3 M, 12.24 D 3, 12.27 C 3, 12.28 C 2 (b), 12.32 C 4 (c), 14.00 B 4 (c), 16.50 E 3, 17.07 A 1

City of Los Angeles – Department of City Planning

1. Obtain the blank posting sign and certificate form at the City Planning Development Services Center. Or, make arrangements with BTC, the City's mailing contractor for public hearing notices, at (213) 617-9600 or (818) 779-8866 to post the sign (subject to a service fee).
2. The applicant or designated poster will receive official written notice of the date, time and location of the public hearing (hearing notice or agenda) and a map showing the subject property on the reverse side of the notice sheet. Appeal or other notices may not have maps on the reverse side. It is the responsibility of the applicant/owner or representative to contact the City Planning Department for verification of date, time and location of meeting.
3. Attach a copy of the front (the written hearing notice/agenda) and back (the radius map or, in Land Division cases, the Tentative Tract or Preliminary Parcel Map) of the written notice to the lower half of the sign to be posted. For appeals the radius map need not be affixed to the sign. For other cases without a map of the subject property on the back of the written notice, place the Site or Plot Plan in the referenced location instead. (See illustration A below).
4. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing. (See illustration B below).
5. Regardless of who posts the site, it is always the responsibility of the applicant/owner to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire posting period, specified in item #7 below.
6. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
7. **YOU ARE REQUIRED TO POST THE SIGN 10 DAYS (5 DAYS IF ONLY GOING BEFORE A DESIGN REVIEW BOARD) BEFORE THE SCHEDULED PUBLIC HEARING, AND 10 DAYS BEFORE THE INITIAL CITY OR AREA PLANNING COMMISSION DECISION MEETING. FAILURE TO POST COULD RESULT IN DELAYING THE PROCESSING OF YOUR APPLICATION.**
8. If a hearing officer holds the public hearing, the applicant/owner must post both the public hearing and the initial commission meeting on the matter.
9. Return the signed and dated Certificate of Posting to the Department of City Planning with the correct case number entered at least two days prior to hearing or meeting.
10. Department policy requires that for verification of the date of posting, a minimum of two photographs must be taken and submitted to the Planning Department along with the completed Certificate of Posting. At least one photo should be the front page of a newspaper next to the sign with the date of the paper clearly readable in the photograph, and at minimum a second photo should show the sign(s) posted on the site from across the street.
11. After the hearing remove the posted sign from the subject property.

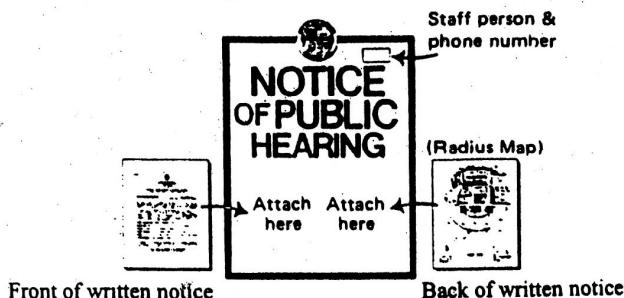


Illustration A

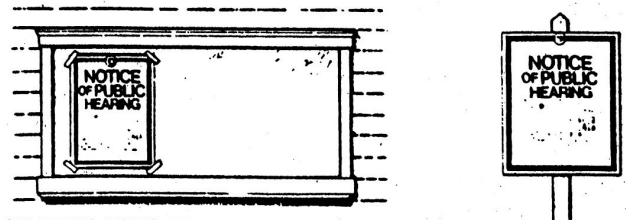


Illustration B

CERTIFICATE OF POSTING FOR PUBLIC HEARING

City of Los Angeles
Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-4801

CASE NO. _____

- () Expedited Processing - Metro - Room 721
 - () Expedited Processing - Valley - 6262 Van Nuys Blvd., Rm 351, Van Nuys, CA 91401
 - () Neighborhood Project Plan Implementation Division-Metro - Room 621
 - () Neighborhood Project Plan Implementation Division- Valley - 6262 Van Nuys Blvd., Rm 430 Van Nuys, CA 91401
 - () Historic Preservation Overlay Zones - Room 601
 - () Subdivisions/Parcel Maps - Metro - Room 721
 - () Subdivisions/Parcel Maps - Valley - 6262 Van Nuys Blvd., Rm 351, Van Nuys, CA 91401
 - () Zoning Administration - Room 763
 - () City/Area Planning Commission Office - Room 272
- To verify the Commission information, call the Commission Office at (213) 978-1300.

CERTIFICATE OF POSTING

This certifies that I/WE have posted the "NOTICE OF PUBLIC HEARING" sign for

(type of request)

located at _____
(address of development)

Public Hearing scheduled _____

I hereby certify under the penalty of perjury that I posted the above-mentioned NOTICE OF PUBLIC HEARING on the
_____ day of _____ 20_____.

Applicant/Owner (Print)

OR

Representative/Posting Agent (Print)

Signature

Signature

Date _____

THE PROCESSING OF YOUR CASE WILL NOT BE COMPLETED UNTIL THIS FORM IS RETURNED, ALONG WITH THE REQUIRED PHOTOGRAPHS VERIFYING THE POSTING TO THE CASE FILE FOR YOUR PROJECT (SEE ABOVE FOR ROOM NUMBERS).

REGARDLESS OF WHO POSTS THE SITE, IT IS ALWAYS THE RESPONSIBILITY OF THE APPLICANT/OWNER TO ASSURE THAT THE NOTICE IS FIRMLY ATTACHED, LEGIBLE, POSTED FOR PUBLIC VIEW FROM THE PROPERTY STREET FRONTAGE, AND REMAINS IN THAT CONDITION THROUGHOUT THE ENTIRE POSTING PERIOD.

EXHIBIT 2





Any Questions? Contact:
SEAFY
TELEPHONE

NOTICE OF PUBLIC HEARING



City of Los Angeles
CALIFORNIA



June 9, 2010

CPC 2010-0000-City Clerk's Office
Council District 12

NOTICE TO APPLICANTS, APPLICANTS, OWNERS, DEVELOPERS, AND STAKEHOLDERS CONCERNING THE PROPOSED PROJECT

You are hereby notified that the Planning and Land Use Management (PLUM) Committee of the City of Los Angeles will hold a public hearing on the proposed project, **Proposed Project 12345**, at approximately 6:00 P.M. on June 15, 2010, at the City of Los Angeles, City Hall, Room 300, 120 N. Los Angeles Street, Los Angeles, California 90012. The hearing is open to the public and all interested parties are invited to attend. The hearing is held to provide an opportunity for the public to express their views on the proposed project and to provide input to the City of Los Angeles. The hearing is held in accordance with the provisions of the California Public Access Law (CPAL) and the City of Los Angeles Public Access Law (CPLA). The hearing is held to provide an opportunity for the public to express their views on the proposed project and to provide input to the City of Los Angeles. The hearing is held in accordance with the provisions of the California Public Access Law (CPAL) and the City of Los Angeles Public Access Law (CPLA).

Applicants, Owners, Developers, and Stakeholders are invited to attend the hearing and to provide input to the City of Los Angeles. The hearing is held to provide an opportunity for the public to express their views on the proposed project and to provide input to the City of Los Angeles. The hearing is held in accordance with the provisions of the California Public Access Law (CPAL) and the City of Los Angeles Public Access Law (CPLA).

Members of the public who wish to offer public comment on this notice should call the agency at 1-800-455-7272 prior to the hearing. If no, 401, 402, 403, and 404, please call the agency at 1-800-455-7272 prior to the hearing. If no, 401, 402, 403, and 404, please call the agency at 1-800-455-7272 prior to the hearing.

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting the City Clerk's Office at 1-800-455-7272. For more information, please contact the City Clerk's Office at 1-800-455-7272.

If you are unable to attend the hearing, you may submit your comments in writing. Other comments may be submitted to the City Clerk, Room 300, 120 N. Los Angeles Street, Los Angeles, CA 90012, or submitted through the Public Comment Portal at www.ci.la.ca.us/30300.

In addition, you may view the contents of Council file No. 20-0000 by visiting www.ci.la.ca.us/30300.

Please be advised that the PLUM Committee has the right to schedule the matter to a later date, subject to any time constraints.

For information about the project, contact City Planning staff at 213-475-2772.
For information about the hearing, contact City Clerk staff at 213-475-2772.

City Clerk's Office
Planning and Land Use Management Committee

Note: If you challenge the proposed project, you may be limited to filing only those issues you or others who filed at the public hearing presented at the hearing. All other issues presented at the hearing will be considered by the City of Los Angeles. The City of Los Angeles will consider all issues presented at the hearing. The City of Los Angeles will consider all issues presented at the hearing. The City of Los Angeles will consider all issues presented at the hearing.