



Daniel Luna &lt;daniel.luna@lacity.org&gt;

**Public Comments Not Uploaded RE: 1840 W. Adams Blvd.; (CF No. 22-1055) [JMBM-LA.FID2037370]**

1 message

**Daniel Freedman** <DFreedman@jmbm.com>

Fri, Dec 2, 2022 at 4:01 PM

Reply-To: clerk.plumcommittee@lacity.org

To: Jenna Monterrosa &lt;jenna.monterrosa@lacity.org&gt;, Benjamin Reznik &lt;BMR@jmbm.com&gt;

Cc: Clerk-PLUM-Committee &lt;clerk.plumcommittee@lacity.org&gt;, Candy Rosales &lt;candy.rosales@lacity.org&gt;, cd8plum &lt;cd8plum@lacity.org&gt;, "Kathryn.Phelan@lacity.org" &lt;Kathryn.Phelan@lacity.org&gt;, "terry.kaufmann-macias@lacity.org" &lt;terry.kaufmann-macias@lacity.org&gt;

Ms. Monterrosa: We submit this response in vigorous opposition to the City's unlawful action of extending/reinstituting the CEQA appeal period as proposed by your email below. LAMC Section 11.5.13(C) provides that a CEQA appeal must be filed "within 15 days of the Project approval becoming final." According to the Council file, our client's small lot subdivision approval [became final on October 14, 2022](#), which means an appellant would have needed to file an appeal no later than October 29, 2022. The City cannot ignore the LAMC and arbitrarily extend and/or create a new appeal deadline as it is attempting to do here.

Moreover, it is irrelevant to the City's CEQA appeal ordinance whether or not the "appellant was informed that its appeal was deemed denied." The applicable deadlines are contained clearly in the LAMC and the subdivision map act, and so the appellants had, at minimum, constructive notice. Moreover, the City filed a new Notice of Exemption on Oct 25, 2022, which identified the new final approval date, which again constitutes yet further notice to the appellant that a final action was taken on October 14, 2022. Significantly, in a recent filing, the Appellant acknowledges that it was aware of the NOE, and therefore it cannot say that no notice was given. These points aside, there is nothing in Section 11.5.13(C) that requires any notice be provided to any particular appellant, and so the City's concern over the purported lack of notice is completely misplaced, and it is also potentially establishing a very dangerous precedent. We would also note that the City's conduct here goes beyond an abuse of discretion, and closer towards a failure to perform a mandatory duty (i.e., comply with the LAMC) and clear bad faith against our client's housing development project. There is absolutely no legal support for the City's action here, and we demand the City rescind this new "appeal period" and recognize that the appeal period has passed without the filing of an appeal.

Finally, note, we submit this correspondence once again in protest, as we continue to maintain that a final approval for this project was originally issued on February 14, 2022 and the time to appeal expired on March 7, 2022 with no appeals having been filed.

**Daniel F. Freedman** | Partner

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**From:** Jenna Monterrosa <[jenna.monterrosa@lacity.org](mailto:jenna.monterrosa@lacity.org)>

**Sent:** Wednesday, November 23, 2022 11:20 AM

**To:** Daniel Freedman <[DFreedman@jmbm.com](mailto:DFreedman@jmbm.com)>; Benjamin Reznik <[BMR@JMBM.com](mailto:BMR@JMBM.com)>

**Cc:** Clerk-PLUM-Committee <[clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)>; Candy Rosales <[candy.rosales@lacity.org](mailto:candy.rosales@lacity.org)>; cd8plum <[cd8plum@lacity.org](mailto:cd8plum@lacity.org)>

**Subject:** 1840 W. Adams Blvd.; (CF No. 22-1055)

Dear Mr. Reznik and Mr Freedman,

This email is in reference to Vesting Tentative Tract Map application VTT-83081-SL-HCA-2A. On August 31, 2022, an appeal by the West Adams Neighborhood Association was filed pursuant to LAMC, section 17.06(A)(4). This appeal application was governed by both the state Subdivision Map Act and the LAMC. In this case, on or about October 14, 2022 the City Council lost jurisdiction over the appeal pursuant to Government Code, section 66452.5 of the Subdivision Map Act. The City Clerk's memorandum to Council File No. 22-1055 states this.

However, because the appellant was not informed that its appeal was deemed denied on or about October 14, 2022 pursuant to Government Code, section 66452.5, they have been notified today via email that its appeal of Vesting Tentative Tract Map application VTT-83081-SL-HCA-2A was deemed denied on or about October 14, 2022 and that all administrative appeals of the Project approval have been exhausted.

Therefore, pursuant to LAMC 11.5.13(C), the appellant has fifteen (15) days from today, on or before December 8, 2022, to file an appeal of the CEQA exemption determination for the project.

Sincerely,

Jenna Monterrosa

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**Jenna Monterrosa**

Senior City Planner - Council Liaison

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