



June 28, 2021

Sent Electronically

Hon. Council President Nury Martinez
200 N. Spring Street, Rm. 470
Los Angeles, CA 90012
councilmember.martinez@lacity.org

Hon. Chair Marqueece Harris-Dawson
Members of the Planning and Land Use Management (PLUM) Committee
200 N. Spring Street, Rm. 272
Los Angeles, CA 90012
councilmember.harris-dawson@lacity.org

Attn: Office of the City Clerk (clerk.CPS@lacity.org); and Leyla Campos, Legis.
Asst. (clerk.plumcommittee@lacity.org)

RE: **Council File: 20-0246, June 15, 2021 Hearing Date, Agenda Item 20, Chili Bowl, Historic-Cultural Monument, 12244-12248 West Pico Boulevard; Notice of Brown Act Violation, Request to Cure and Correct; June 29, 2021 Hearing Date Agenda Item 8**

Dear Council President Martinez and PLUM Chair Harris-Dawson and Members of the City Council:

On June 18, 2021, the Los Angeles Conservancy provided notice (see attached) of the City's violation of the Ralph M. Brown Act (Gov. §§ 54950-54963, referred to as the "Brown Act") at the June 15, 2021 Planning and Land Use Management (PLUM) Committee meeting. Further, on June 23, 2021, the West Los Angeles Sawtelle Neighborhood Council heard this matter and concurred, and passed a motion requesting the City Council and its PLUM Committee to reopen this matter.

To cure and correct this clear violation of the Brown Act, the City Council and its PLUM Committee cannot hear Council File: 20-0246 at its scheduled June 29, 2021, City Council meeting. The City must first rescind its previous PLUM

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laconservancy.org



recommendation regarding the Chili Bowl HCM nomination and hold a new hearing at which the Los Angeles Conservancy, as the applicant, and other members of the public are provided the opportunity to address this pending nomination.

We look forward to your prompt response to address this important issue and remedy a clear violation. It is important to ensure there is fair hearing and opportunity for the public to address the City Council and its PLUM Committee on this matter.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions and would like to discuss this matter.

Sincerely,



Adrian Scott Fine
Senior Director of Advocacy

cc:

Belem Lamas, Office of Councilmember Marqueece Harris-Dawson, belem.lamas@lacity.org
Terry Kaufmann-Macias, Los Angeles Office of the City Attorney, terry.kaufmann.macis@lacity.org
Adrienne Khorasanee, Los Angeles Office of the City Attorney, adrienne.khorasanee@lacity.org
Lucy Atwood, Los Angeles Office of the City Attorney, lucy.atwood@lacity.org
Len Nguyen, Office of Councilmember Bonin, len.nguyen@lacity.org
Jason Douglas, Office of Councilmember Bonin, jason.p.douglas@lacity.org
Ken Bernstein, Office of Historic Resources, ken.bernstein@lacity.org
Melissa Jones, Office of Historic Resources, melissa.jones@lacity.org
Shannon Ryan, Office of Historic Resources, shannon.ryan@lacity.org
Ms. Holly Wolcott, Office of the City Clerk, clerk.nbid@lacity.org





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June 18, 2021

Hon. Chair Marqueece Harris-Dawson
Members of the Planning and Land Use Management (PLUM) Committee
200 N. Spring Street, Rm. 272
Los Angeles, CA 90012
councilmember.harris-dawson@lacity.org
Attn: Leyla Campos, Legis. Asst. (clerk.plumcommittee@lacity.org)

Re: Council File: 20-0246, June 15, 2021 Hearing Date, Agenda Item 20, Chili Bowl, Historic-Cultural Monument, 12244-12248 West Pico Boulevard; Notice of Brown Act Violation, Request to Cure and Correct

Dear Chair Harris-Dawson and Honorable Members of the PLUM Committee:

On behalf of the Los Angeles Conservancy, we provide notice of the City's violation of the Ralph M. Brown Act (Gov. §§ 54950-54963, referred to as the "Brown Act") at the June 15, 2021 Planning and Land Use Management (PLUM) Committee meeting. The City violated the Brown Act by failing to allow the Los Angeles Conservancy and other members of the public the opportunity to address the PLUM Committee regarding the Historic-Cultural Monument (HCM) nomination for the Chili Bowl in West Los Angeles. The violation is particularly egregious because the Los Angeles Conservancy was the applicant for the Chili Bowl HCM nomination.

In enacting the Brown Act, the Legislature found "the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business." (Gov. Code § 54950.) To that end, the Brown Act requires that legislative bodies, including the PLUM Committee, "shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public." (Gov. Code § 54954.3, subd. (a); see also *Galbiso v. Orosi Public Utility Dist.* (2008) 167 Cal.App.4th 1063, 1079–1080 and Gov. Code § 54954.3, subd. (c) ["The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body"].) This requirement remains mandatory during "teleconference meetings;" the legislative body "shall conduct teleconference meetings in a manner that

protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.” (Gov. Code § 54953, subd. (b)(3).) A teleconference meeting must “provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.” (*Ibid.*)

Despite the Brown Act’s clear mandate to allow members of the public to address PLUM Committee Agenda Item 20, the Chili Bowl HCM nomination, as described in detail below, the City failed to allow the Los Angeles Conservancy and other members of the public to address the PLUM Committee regarding this agenda item. This letter serves as notice of this Brown Act violation by the City pursuant to Government Code section 54960.1. This letter is also intended to provide the City with the opportunity to cure and correct this Brown Act violation by holding a new PLUM Committee hearing on the Chili Bowl HCM at which it allows the applicant for the HCM, the Los Angeles Conservancy, and other members of the public to address the PLUM committee regarding this item.

On June 15, 2021, at the PLUM Committee meeting and public hearing, item 20 (Council File: 20-0246) was heard for consideration and a City Council recommendation on the pending HCM for the Chili Bowl at 12244-12248 West Pico Boulevard. This is in follow-up to the December 5, 2019 action by the Cultural Heritage Commission which unanimously recommended approval of this historic resource for HCM designation.

As per the published agenda (Attachment 1) and the manner in which the PLUM Committee was organized at the beginning of the meeting, item 20 was treated as a matter of regular business, limiting public comment consideration to only when this item was under consideration and discussed by the committee. Two members of the public did speak on this item in support of the HCM in addition to another agenda item as part of multiple agenda item provisions set by PLUM.

When item 20 was considered by PLUM, there was no opportunity provided for the public to speak, including our client, the applicant of this HCM. Following a short presentation by the Office of Historic Resources and City Planning Associate Melissa Jones, only a representative (Jason Patrick Douglas) from Councilmember Bonin’s office was called upon to speak and address this agenda item. PLUM members proceeded to vote on this item without calling upon the public and incorrectly stated there was no one wanting to speak or had “raised their hand” indicating their desire to speak through the telephone line. This action and exclusion of public access and the opportunity to comment is in direct violation of the Brown Act.

As the applicant for this HCM, the Los Angeles Conservancy had previously made arrangements on June 8, 2021, through the City’s Office of Historic Resources to be


PLUM Committee
June 18, 2021
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included, identified and called upon by PLUM staff. These arrangements were confirmed by the OHR and City Planning Associate Melissa Jones on June 10, 2021 (Attachment 2). As provided to our client by the City as PLUM meeting instructions, “[a]pplicants and appellants will be called to speak after staff has made their presentation on the item.” This did not occur. Further, PLUM instructions state “[p]ublic comment for each item will be taken after staff, applicants/appellants, and the council office are allowed to speak.” This also did not occur.

Despite repeated requests to be heard by PLUM (pressing *9 to raise their hand), my client was not called upon nor were any members of the public. Immediately following the PLUM hearing on June 15, my client was in communication with a staff member of the City’s Office of Historic Resources. Staff, who was on the PLUM call, confirmed my client’s hand was raised along with several other participants requesting to speak. To cure and correct this clear violation of the Brown Act, the PLUM Committee must rescind its previous recommendation regarding the Chili Bowl HCM nomination and hold a new hearing at which my clients and other members of the public are provided the opportunity to address the nomination.

Of additional concern is that fact that this failure to provide the public with an opportunity to address the PLUM Committee regarding HCM nomination for the Chili Bowl is not an isolated incident. There appears to be a pattern and practice of PLUM improperly limiting public comments on HCM nominations. As detailed in the attached February 23, 2021 letter to the City from The Silver Lake Heritage Trust, the PLUM Committee similarly failed to provide the public an opportunity to address the committee regarding the HCM nomination for the Stires Staircase Bungalows HCM. (Attachment 3.) In that instance, PLUM was required to rescind its prior vote and rehear the issue for failure to provide the applicant with an opportunity to speak. In addition to correcting and curing the violations from the June 15, 2021 PLUM Committee meeting, the City must reform its conduct of PLUM committee meetings to ensure continuing violations do not occur.

Thank you for your time and consideration in this matter. We look forward to your prompt response to address this important issue.

Sincerely,

Amy Minter

PLUM Committee
June 18, 2021
Page 4 of 4

Enclosures

cc:

Belem Lamas, Office of Councilmember Marqueece Harris-Dawson,
belem.lamas@lacity.org

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Shannon Ryan, Office of Historic Resources, shannon.ryan@lacity.org

Ms. Holly Wolcott, Office of the City Clerk, clerk.nbid@lacity.org

ATTACHMENT 1

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Tuesday, June 15, 2021

**JOHN FERRARO COUNCIL CHAMBER, ROOM 340, CITY HALL - 2:00 PM
200 NORTH SPRING STREET, LOS ANGELES, CA 90012**

**MEMBERS: COUNCILMEMBER MARQUEECE HARRIS-DAWSON, CHAIR
COUNCILMEMBER GILBERT A. CEDILLO
COUNCILMEMBER BOB BLUMENFIELD
COUNCILMEMBER MARK RIDLEY-THOMAS
COUNCILMEMBER JOHN S. LEE**

**Armando Bencomo - Legislative Assistant - (213) 978-1080
(Questions can be submitted to clerk.plumcommittee@lacity.org)**

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, this Los Angeles City Council committee meeting will be conducted telephonically.

The audio for this meeting is broadcast live on the internet at <https://clerk.lacity.org/calendar>. The live audio can also be heard at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside) and (310) 547-CITY (San Pedro Area). If the live audio is unavailable via one of these channels, members of the public should try one of the other channels.

Members of the public who would like to offer public comment on the items listed on the agenda should call 1 669 254 5252 and use Meeting ID No. 161 644 6631 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.

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 (213) 978-1133. For Telecommunication Relay Services for the hearing impaired, please see the information located at the end of this agenda.

Submit written comment at LACouncilComment.com

Click [here](#) for agenda packets

Note: For information regarding the Committee and its operations, please contact the Committee Legislative Assistant at the phone number and/or email address listed above. The Legislative Assistant may answer questions and provide materials and notice of matters scheduled before the City Council. Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Legislative Assistant listed above.

Notice to Paid Representatives: If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

MULTIPLE AGENDA ITEM COMMENT

GENERAL PUBLIC COMMENT

ITEM(S)

(1) **07-1175**

Director of Planning oral status report relative to ongoing development of City planning policies, work programs, operations, and other items of interest.

(2) **20-1341
CD 1**

REQUEST TO CONTINUE TO 8/17/21

CONTINUED FROM 4/20/21

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 of the State CEQA Guidelines and report from the Cultural Heritage Commission relative to the inclusion of the Morris Kight Residence, located at 1822 West 4th Street, in the list of Historic-Cultural Monuments.

Applicant: Liza Brereton c/o AIDS Healthcare Foundation

Owners: Westlake Apartment Development LLC; and Rafi Ventura, Sweetzer Lofts, LLC

Case No. CHC-2020-3322-HCM

Environmental No. ENV-2020-3323-CE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(3) **19-0782**
CD 3

REQUEST TO CONTINUE TO 8/17/21

CONTINUED FROM 5/18/21

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8 and Article 19, Section 15331, Class 31 of the State CEQA Guidelines, and report from the Cultural Heritage Commission relative to the inclusion of Bothwell Ranch, located at 5300 North Oakdale Avenue, in the list of Historic-Cultural Monuments.

Owners: Helen Ann Bothwell, Co-Trustee, Et al. Bothwell Trust and Blair B. Davis; Helen A. Bothwell, Trustee, Helen A. Bothwell Trust; Helen A. Bothwell, Trustee, Helen A. Bothwell Trust and Helen A. Bothwell

Applicant: City of Los Angeles

Case No. CHC-2019-5114-HCM

Environmental No. ENV-2019-5115-CE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(4) **16-0451-S1**
CD 8

Motion (Harris-Dawson – Price) relative to instructing the City Administrative Officer to identify funds to appropriate/transfer \$12,000 to the Los Angeles Department of Building and Safety (LADBS), to pay for the costs incurred to secure the nuisance vacated building known as the 108 Motel, located at 10721 S. Broadway, inasmuch as the owner did not comply with the order to vacate and secure the property by the date specified on the order, and extension of time, granted by the LADBS; and, instructing the LADBS, with the assistance of the City Attorney, to take all actions necessary, consistent with Los Angeles Municipal Code Section 91.9003.4.2 (Notification), to notify the property owner that a lien will be placed against the 108 Motel, to cover the cost of vacating and securing the property, and their right to a hearing.

Community Impact Statement: None submitted.

(5) **17-0309-S1**

Motion (Koretz – Blumenfield) relative to directing the Los Angeles Department of Building and Safety to submit a Code Amendment to all Los Angeles Municipal Code Sections regarding electric vehicle (EV) charging in buildings that will provide an alternative compliance pathway to meet the minimum required number of installed Level 2 chargers, provide flexibility for developers to locate conduit and stub outs in between two adjacent spaces where feasible, for spaces with no installed charger but where conduit and panel capacity are required; increase the multi-family EV ready parking space requirement from 20% to 25% to align with the County of Los Angeles, provide a reduced EV parking space requirement for certain technical hardships, provide developers flexibility relative to the parking stall size, ensuring only that parking stalls meet minimum Code requirements; and, such Code should be re-evaluated at the time of the triennial green building code update to adjust for changes in local charging needs and prevailing technologies.

Community Impact Statement: Yes.

For: Westside Neighborhood Council

(6) **21-0380
CD 11**

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 of the State CEQA Guidelines, and report from the Cultural Heritage Commission relative to the inclusion of the Wyckoff Residence, located at 1107 South Abbot Kinney Boulevard, in the list of Historic-Cultural Monuments.

Owner: Taylor Village Sacramento Investment Partners LP, et al. c/o El Paso Retail Group LP, and 1107 Abbott Kinney LLC

Applicant: Jacob Matthews, 9 Mile Investments, Inc.

Case No. CHC-2020-7443-HCM

Environmental No. ENV-2020-7444-CE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(7) **21-0374**
CD 5

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32, and related CEQA findings; report from the West Los Angeles Area Planning Commission, and draft Ordinance relative to a Building Line Removal to remove a 20-foot Building Line along Washington Boulevard, established under Ordinance No. 60,771; for a project involving the demolition of a one-story thrift store and automobile shop, and the construction, use, and maintenance of an eight-story, 91 feet in height addition to an existing four-story, 33-unit multifamily building; the addition includes 112 new dwelling units for a total of 145 dwelling units, including 15 units set aside for Extremely Low Income Households, and 2,000 square feet of ground floor commercial uses with one level of subterranean parking; the project will include 71 new parking spaces in addition to 34 existing parking spaces for 105 total parking spaces; vehicular access would be provided via two driveways on Motor Avenue (one of which is already existing), a driveway on Washington Boulevard, and a driveway on the rear alley; for the properties located at 3855-3859 South Motor Avenue and 10401 -10417 West Washington Boulevard, subject to Conditions of Approval.

Applicant: Lou Jacobs, CLG WM, LLC

Representative: Ari Kahan, California Landmark Group

Case No. APCW-2020-5233-TOC-SPR-BL-HCA

Environmental No. ENV-2020-5234-CE

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(8) **21-0438**

CD 2

Motion (Krekorian – Raman) relative to initiating consideration of the property known as Oil Can Harry's, located at 11506 West Ventura Boulevard in Studio City, as a Historic-Cultural Monument pursuant to the procedures of Los Angeles Administrative Code Section 22.171.10, instructing the Department of City Planning to prepare the Historic Cultural Monument application for review and consideration by the Cultural Heritage Commission (CHC); and, requesting the CHC, after reviewing the application, to submit its report and recommendation to the Council regarding the inclusion of Oil Can Harry's in the list of Historic-Cultural Monuments.

Community Impact Statement: None submitted.

(9) **21-0382**
CD 5

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 of the State CEQA Guidelines, and report from the Cultural Heritage Commission relative to the inclusion of the Art A. Smith Courtyard Apartments, located at 340-344 North Sierra Bonita Avenue, in the list of Historic-Cultural Monuments.

Owners/Applicants: Dale R. Kendall, Trustee, Dale R. Kendall Trust, and Jeannetta Kendall

Case No. CHC-2020-6841-HCM

Environmental No. 2020-6842-CE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(10) **21-0379**
CD 7

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8 and Article 19, Section 15331, Class 31 of the State CEQA Guidelines, and report from the Cultural Heritage Commission relative to the inclusion of the

Simpkins Residence, located at 9743 North Pali Avenue, in the list of Historic-Cultural Monuments.

Owners: Scott L. Dale and Janice Stevenor Dale

Applicant: Janice Stevenor Dale

Case No. CHC-2020-7439-HCM

Environmental No. ENV-2020-7440-CE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(11) **21-1200-S13**

TIME LIMIT: 6/28/21; LAST DAY FOR COUNCIL ACTION: 6/25/21

Communication from the Mayor relative to the appointment of Ms. Ilyanne Morden Kichaven to the South Valley Area Planning Commission, for the term ending June 30, 2023, to fill the vacancy created by the resignation of Anna Menedjian.

Financial Disclosure Statement: Yes.

Background Check: Completed.

Community Impact Statement: None submitted.

(12) **13-1698**

TIME LIMIT: 6/28/21; LAST DAY FOR COUNCIL ACTION: 6/25/21

Communication from the Mayor relative to the reappointment of Ms. Lisa Waltz Morocco to the West Los Angeles Area Planning Commission, for the term ending June 30, 2026.

Financial Disclosure Statement: Yes.

Background Check: Not Applicable.

Community Impact Statement: None submitted.

(13) **20-0813-S1**
CD 14

CONTINUED FROM 5/18/21

Consideration of the Olympic Tower Project Environmental Impact Report (EIR) (ENV-2015-4558-EIR), certified on November 19, 2020, and pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15162 and 15164, an Addendum, dated May 2021, a modified Mitigation Monitoring Program, dated May 2021, and modified CEQA Findings, dated May 2021; report from the Los Angeles City Planning Commission (LACPC) relative to recommendations and approvals for the Transfer of Floor Area Rights (TFAR) for the transfer of greater than 50,000 square feet of floor area, to allow for the transfer of up to 455,161 square feet of floor area from the City of Los Angeles Convention Center (Donor Site) located at 1201 South Figueroa Street, to the Project Site (Receiver Site), and to allow for the transfer of up to 101,826 square feet of floor area from the Grand Central Square (a Private Donor Site), located at 320 West 3rd Street, to the Project Site (Receiver Site), thereby permitting a maximum of 13:1 FAR in lieu of the otherwise permitted 6:1 FAR; and, Appeals filed by 1) Charles Carnow, UNITE HERE Local 11 (Representative: Law Office of Gideon Kracov), and 2) LA Fig Property Owner, LLC (Representative: Alfred Fraijo, Jr., Esq., Sheppard, Mullin, Richter and Hampton, LLP) from the decision of the LACPC in approving a Main Conditional Use to permit a full line of alcoholic beverages for on-site consumption within up to 16 premises and up to 4 premises for off-site consumption; a Conditional Use Permit to allow dancing within the commercial uses; a Director's Decisions to allow less than one on-site tree per four residential dwelling units (63 trees in lieu of 94 trees), and to allow short-term bicycle parking inside a building and short-term and long-term bicycle parking on a level other than the ground floor or nearest floor to the ground floor in a parking garage; and, approval of a Site Plan Review for a project resulting in an increase of 50 or more dwelling units or guest rooms; the Olympic Tower Project involves the demolition and removal of all existing improvements and the development of a single 57-story high-rise building containing up to 65,074 square feet of retail/commercial space; 33,498 square feet of office space; 10,801 square feet of hotel conference center/ballroom space; 8,448 square feet of residential condominium amenities; 373 hotel rooms (216,065 square feet); 374 residential condominium units (435,731 square feet); and 9,556 square feet of penthouse amenity area for a project total of 779,173 square feet of

total floor area; a six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building; two additional stories dedicated to mechanical facilities would also be included in the proposed structure; for the properties located at 813-815 West Olympic Boulevard and 947-951 South Figueroa Street, subject to Conditions of Approval.

Applicant: Olymfig26, LLC

Representative: PSOMAS, Anne Williams

Case No. CPC-2015-4557-MCUP-CUX-TDR-SPR-DD-1A

Environmental Nos. ENV-2015-4558-EIR; SCH No. 2016061048

Related Case No. VTT-73966-CN-2A

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(14) **21-0398**
CD 2

CONTINUED FROM 6/1/21

Categorical Exemption pursuant to State California Environmental Quality Act (CEQA) Guidelines, Section 15332, Class 32, and related CEQA findings; report from the Los Angeles City Planning Commission (LACPC), and an Appeal filed by Arlene Shapiro, rightthingwrongplace.com, from the determination of the LACPC in approving a Conditional Use Permit to allow the construction, use, and maintenance of a new public charter middle school (Grades 6 through 8) in the R1 Zone; and, approving the Zoning Administrator's Determination to allow a fence with a maximum height of eight feet in the front yard setback, in lieu of the maximum height of three feet six inches otherwise required in the R1 Zone pursuant to Los Angeles Municipal Code Section 12.22 C.20(f)(2); for the demolition of an existing single-family dwelling and accessory structures, and the construction, use, and maintenance of a new public charter middle school campus with a maximum enrollment of 330 students in Grades 6 through 8; project improvements include a new two-story, approximately 23,157 square foot building, with a maximum height of 24 feet three inches; an outdoor athletic field and running track, an outdoor lunch pavilion, a surface parking lot with 38 vehicular parking spaces, and a designated drop-off/pick-up area for students; and will additionally provide a total of 70 bicycle parking stalls,

consisting of 68 short-term and two long-term parking stalls; with the proposed hours of operation from 7:00 a.m. through 6:30 p.m, Monday through Friday, and a limited number of special events annually extending beyond these hours of operation; for the property located at 14203 West Valerio Street, subject to Conditions of Approval.

Applicant: Carrie Wagner, Girls Athletic Leadership School, Los Angeles

Representative: Jack H. Rubens, Esq., Sheppard, Mullin, Richter and Hampton LLP

Case No. CPC-2020-4418-CU-F-1A

Environmental No. ENV-2020-4419-CE

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(15) **21-0420-S40**
CD 2

TIME LIMIT AND LAST DAY FOR COUNCIL ACTION: 6/23/21

Request filed by Septum Group, LLC related to Application No. LA-P-19-310803-R-APP, seeking a finding of Public Convenience or Necessity for Retail Commercial Cannabis Activity in the Sun Valley – La Tuna Canyon Community Plan Area, and communication from the Los Angeles Police Department, for the proposed business located at 7235 North Clybourn Avenue.

Community Impact Statement: None submitted.

(16) **21-0420-S41**
CD 2

TIME LIMIT AND LAST DAY FOR COUNCIL ACTION: 6/23/21

Request filed by Divino Tessera, LLC related to Application No. LA-P-19-310804-R-APP, seeking a finding of Public Convenience or Necessity for Retail Commercial Cannabis Activity in the Sun Valley – La Tuna Canyon Community Plan Area, and communication from the Los Angeles Police Department, for the proposed business located at 7570 North San Fernando Road.

Community Impact Statement: None submitted.

(17) **21-0383**
CD 13

Sustainable Communities Project Exemption (SCPE), No. ENV-2020-4297-SCPE, and report from the Department of City Planning relative to determining that the proposed Project is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code (PRC) Section 21155.1; a Transit Priority Project pursuant to PRC Section 21155; and, a Sustainable Communities Project that meets all requirements of Subdivisions (a) and (b), and at least one of the requirements of Subdivision (c) of PRC Section 21155.1; for the proposed 5600 Hollywood Project that would replace an existing three-story structure, a two-story structure, associated surface parking, 27 non-protected trees, and a vacant lot; with a 200-unit apartment building on an approximately 37,135 square-foot (0.85 acre) site at the Project site within the Hollywood Community Plan Area, which is located within a Tier 4 Transit Oriented Community (TOC) area at the intersection of Hollywood Boulevard and St. Andrews Place; the Project would develop a 17-story apartment building, including 126 one-bedroom units, 71 two-bedroom units, and 3 two-bedroom townhomes; of the 200 units, 40 units would be reserved as Very Low Income affordable units; parking would be provided in the building structure with two subterranean levels and three above-ground levels, with a total of 113 bicycle parking stalls (100 long-term stalls and 13 short-term stalls) and 265 vehicle parking spaces to be provided as permitted by Assembly Bill (AB) 2345; the proposed building would be approximately 196 feet in height and contain approximately 222,234 square feet of floor area, resulting in a proposed floor area ratio (FAR) of 6.0:1; the project construction would require the export of approximately 59,000 cubic yards of soil; for the properties located at 5600-5606 West Hollywood Boulevard, 1655-1681 North St. Andrews Place, and 5607 West Carlton Way.

Applicant: Sean Beddoe, BWC/St. Andrews, LP

Representative: Greg Verabian, AIA, HKS

Case No. DIR-2020-4296-CU-DB-SPP-SPR-VHCA

Environmental No. ENV-2020-4297-SCPE

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

(18) **21-0245**
CD 10

CONTINUED FROM 5/18/21

Environmental Impact Report (EIR), No. 2008-478-EIR, Addendum dated August 2020, and related California Environmental Quality Act findings; report from the Los Angeles City Planning Commission, and proposed Ordinance relative to an Amendment to the West Adams Community Plan Implementation Overlay (CPIO) District to amend provisions applicable to Parcel E only, to: a) allow a maximum building height of 320 feet in lieu of the otherwise allowed 75 feet per CPIO Section V-2(A)(1)(c); b) allow a maximum individual floor height of up to 37 feet and with atrium space up to 52 feet in height in lieu of the otherwise allowed 14 feet and 25 feet, respectively, per CPIO Section V-2(A)(1)(e); and, c) prohibit off-site and digital signage as well as billboards; for the redevelopment of a portion of the Project site by replacing the existing surface parking area with an approximately 344,947 square foot office building that is approximately 320 feet (22 stories) in height; with approximately 908 vehicle parking spaces to be provided in four subterranean parking levels and limited surface parking; the 5850 Project would also include approximately 104 bicycle parking spaces, including 69 long-term bicycle parking spaces and 35 short-term bicycle parking spaces; existing approximately 49,877 square foot media production building would remain on-site; the Project Site would include approximately 394,824 square feet of floor area upon completion; for the property located at 5860 West Jefferson Boulevard, subject to Conditions of Approval. **(The Project was assessed in the previously certified EIR No. 2008-478-EIR, certified on June 29, 2016, and the Addendum, dated August 2020.)**

Applicant: David McNaught, 5850 West Jefferson, LLC

Representative: Francis Park, Park and Velayos LLP

Case No. CPC-2019-4992-CPIOA-ZAD-SPR-WDI

Environmental No. ENV-2008-478-EIR; Addendum; SCH No. 2008021013

Related Case: ADM-2019-4994-CPIOC

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(19) **21-0250**
CD 5

Categorical Exemption (CE) from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15332, Class 32 of the CEQA Guidelines, and related CEQA findings; report from the Los Angeles City Planning Commission (LACPC), and an Appeal filed by Fix the City (Representative: Laura Lake, Fix the City), from the determination of the LACPC in approving a Categorical Exemption, No. ENV-2019-2790-CE, as the environmental clearance for a proposed Transit Oriented Communities Affordable Housing project involving the construction of a seven-story building with 31 residential units, reserving four units for Extremely Low Income Household occupancy for a period of 55 years; with a maximum building height of 75 feet; the project includes one level of subterranean parking consisting of 12 parking spaces with driveway access of the alley, and encompasses 25,693 square feet of floor area, with a maximum Floor Area Ratio (FAR) of 3.89:1; the site is currently developed with a parking lot built in 1975, which will be demolished for the project; the project will involve grading 3,000 cubic yards of soil; for the property located at 1300 Westwood Boulevard.

Applicant: Mehdi Mossazadeh, 1300 Westwood Development LLC

Representative: Andy Simhaee, Simha Engineering, Inc.

Case No. DIR-2019-2789-TOC-1A

Environmental No. ENV-2019-2790-CE-1A

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(20) **20-0246**
CD 11

CONTINUED FROM 5/18/21

Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 of the State CEQA Guidelines, and report from the Cultural Heritage Commission relative to the inclusion of the Chili Bowl located at 12244-12248 West Pico Boulevard, in the list of Historic-Cultural Monuments.

Applicant: Adrian Scott Fine, Los Angeles Conservancy

Owners: David and Katherine M. Manzano, and 12244 Pico, LLC c/o Rohit Jain

Case No. CHC-2019-6975-HCM

Environmental No. ENV-2019-6976-CE

Fiscal Impact Statement: No

Community Impact Statement: Yes.

For:

West Los Angeles Neighborhood Council

(21) **21-0170**
CD 11

CONTINUED FROM 6/1/21

Categorical Exemption (CE) from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15332 (Class 32 Urban In-Fill Development), and related CEQA findings; report from the Los Angeles City Planning Commission (LACPC), and an Appeal filed by Harvey Lind, Sherlind Properties, LLC, from the determination of the LACPC in approving a Categorical Exemption as the environmental clearance for a proposed project involving the demolition of an existing medical office building, and the construction of a new five-story, maximum 57-feet six-inches in height; 30,681 square-foot, multi-family apartment building consisting of 38 dwelling units over one level of subterranean parking containing 39 automobile stalls; the project reserves five of the units for Very Low Income Households; and will require the grading and export of approximately 8,008 cubic yards of soil, and the removal of one non-protected tree in the adjacent public right-of-way; for the property located at 11961 West Venice Boulevard.

Applicant: Augusto Rojas, Rojas Augusto and Grace M TRS; Augusto and Grace Rojas Trust

Representative: Nichole Smith, HORIZON Development + Entitlement

Case No. DIR-2019-3815-DB-1A

Environmental No. ENV-2019-3816-CE-1A

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(22) **21-0593**
CD 5

TIME LIMIT AND LAST DAY FOR COUNCIL ACTION: 6/30/21

Consideration of Veto and Remand, OR Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15332 (Class 32), and related CEQA findings; communication from the Department of City Planning; and three appeals filed by: (1) Nikki Vescovi (on behalf of 839 Holt Townhomes Association) and Shelly Lavin, Kyle Miller, Jeremiah Loeb, Andrea Ward, Erica Goldberg, Angela Efros and P. Dumican; (2) Cheryl Holstrom; and (3) Daniel Sidis (Representative: Joshua Greer, Berger Greer, LLP), from the Zoning Administrator's determination approving, pursuant to Section 14.3.1 of the LAMC, an Eldercare Facility Unified Permit for the construction, use, and maintenance of an approximately 57,680 square-foot Eldercare Facilities development consisting of both assistive living and Alzheimer's/Dementia uses in the [Q]R3-1-O Zone, and approving, pursuant to LAMC Section 16.05, a Site Plan Review for the development. The project includes the demolition and removal of three two-story duplexes (one duplex in each of three lots, for a total of six dwelling units), and the construction, use, and maintenance of the proposed Eldercare Facility, which will contain 80 guest rooms, of which 62 guest rooms will be designated for Assisted Living Care, and 18 guest rooms will be designated for Alzheimer's/Dementia Care; the proposed 5-story building will have a total Floor Area Ratio (FAR) of 5.06:1, and will have a maximum height of 58 feet; for the property located at 825-837 Holt Avenue. **(On June 9, 2021, the City Council adopted Motion [Koretz – Raman], pursuant to Charter Section 245, asserting jurisdiction over the April 27, 2021 action of the Central Los Angeles Area Planning Commission.)**

Applicant: Applicant: Daniel Kianmahd, The Panorama Group, Inc.

Representative: Stephen Kia, Urban Concepts

Case No. ZA-2020-2164-ELD-SPR-1A

Environmental No. ENV-2020-2165-CE

(23) **21-0141**
CD 11

REQUEST TO CONTINUE

Categorical Exemption (CE) from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15332 (Class 32 Urban In-Fill Development) of the CEQA Guidelines, and related CEQA findings; report from the Los Angeles City Planning Commission (LACPC), and an Appeal filed by Erica Moore (Representative: Kate Scanlon-Double), from the determination of the LACPC in approving a Categorical Exemption as the environmental clearance for a proposed Transit Oriented Communities Affordable Housing project consisting of the demolition of three existing residential structures, and the construction of a new four-story, maximum 41-feet in height, 49,948 square foot, multi-family apartment building consisting of 77 dwelling units over one level of subterranean parking containing 43 automobile stalls; reserving seven units for Extremely Low Income Household occupancy for a period of 55 years; for the properties located at 1600-1614 East Venice Boulevard.

Applicant: Venice Wave LP, 1600 Venice LLC

Representatives: Michael Cohanzad and Matthew Hayden, Venice Wave LP

Case No. DIR-2019-4920-TOC-1A

Environmental No. ENV-2019-4921-CE-1A

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

If you challenge this Committee's action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

Materials relative to items on this agenda can be obtained from the Office of the City Clerk's Council File Management System, at lacouncilfile.com by entering the Council File number listed immediately following the item number (e.g., 00-0000).

Telecommunication Relay Services

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications.

Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TIY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detail descriptions, <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Don't hang up! Some people hang up on TRS calls because they think the CA is a telemarketer. If you hear, "Hello. This is the relay service . . ." when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.


For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.


ATTACHMENT 2

From: [Melissa Jones](#)
To: [Adrian Fine](#)
Subject: Re: 6/15 PLUM Meeting Instructions (IMPORTANT)
Date: Thursday, June 10, 2021 9:41:30 AM

Thanks, Adrian!

Best,
Melissa

 **Melissa Jones**
City Planning Associate
Office of Historic Resources, Los Angeles City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
Planning4LA.org
T: (213) 847-3679



On Tue, Jun 8, 2021 at 10:56 AM Adrian Fine <afine@laconservancy.org> wrote:

Hi Melissa,

I will be speaking on behalf of the Conservancy for the Chili Bowl HCM. I'll be calling in on my cell at 215-262-2980.

Thanks and best, Adrian

Adrian Scott Fine

Senior Director of Advocacy

Los Angeles Conservancy

523 West Sixth Street, Suite 826

Los Angeles, CA 90014

(213) 430-4203 | afine@laconservancy.org

Pronouns: He / His / Him / Mr.

Support community efforts to designate and protect Hollywood's Sister Mary Corita Studio as a Historic-Cultural Monument (HCM)! <http://laconservancy.org/issues/sister-mary-corita-studio>

laconservancy.org

[E-News](#) – [Facebook](#) – [Twitter](#) – [Instagram](#)

Membership starts at just \$40

[Join the Conservancy today](#)

From: Melissa Jones <melissa.jones@lacity.org>
Sent: Monday, June 07, 2021 3:38 PM
Subject: 6/15 PLUM Meeting Instructions (IMPORTANT)

Hi,

As you may already know, the Historic-Cultural Monument nomination for the Chili Bowl located at 12244-12248 West Pico Boulevard is scheduled to be heard before the Planning and Land Use Management (PLUM) Committee of City Council next Tuesday, June 15. The agenda has not yet been posted, but will soon be available online here: <https://www.lacity.org/government/follow-meetings/council-committee-meetings>. The call-in details are as follows:

Members of the public who would like to offer public comment on the items listed on the agenda should call 1 669 254 5252 and use Meeting ID No. 161 644 6631 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.

If you would like to present as the applicant, preparer, owner, or owner's representative, please **send me the phone number from which you will be calling in before the end of the day Thursday, June 10** so that PLUM staff can identify you when you join the meeting. Note that only one representative per side will be able to present; all others will have to speak during general public comment. Below are further instructions for participating in the hearing:

To Participate During the Meeting:

Applicants/Appellants:

- Applicants and Appellants are asked to provide staff with the phone number that they will be calling in from during the scheduled PLUM Committee meeting. *Applicants and appellants must call in from the same phone number that has been provided to me (Melissa Jones) or update me if a different number is used.* If an applicant or appellant calls in from a different number, there is a chance that they will not be identified during the PLUM meeting and will not be allowed a chance to speak.
- Only one representative from the applicant team and one representative from the appellant team should be prepared to present on their respective item(s).
 - Additional members of the applicant or appellant team may call in as the general public.
- Applicants and appellants are asked to call in 30 minutes before the meeting to allow the Committee to find and label their phone number on the line. If you get disconnected, please call back.
 - The call in phone number is noted on the PLUM agenda.
 - The call in number noted on the PLUM agenda will allow applicants and appellants to listen to the meeting as they wait in the queue to speak on their item(s).
- Applicants and appellants will be called to speak after staff has made their presentation on the item.
 - Applicants and appellants will be called on to speak by Council Staff, who will enable or disable the caller's ability to speak.
 - Callers will be muted when they enter the meeting. Once the last four digits of the caller's number has been announced during the meeting, they will be asked to press *6 to unmute themselves and begin speaking.
- **Technical Issues:**
 - If an applicant or appellant is having technical issues problems calling into the meeting, they should be instructed to email kyle.hunter-valls@lacity.org, jenna.monterrosa@lacity.org, yeghig.keshisian@lacity.org, and me at melissa.jones@lacity.org *during the meeting* to alert the Committee members that they are attempting to connect to the meeting. You may also call (213) 978-1015.

- **Appeals:** If you, as an appellant or applicant, have emailed the staff noted above or called to indicate that you are having a technical issue (ie. problem calling in to the line, trouble with unmuting, etc.) *during the meeting*, your item *may be continued* and considered by the Committee on a later date.
- **Non-appeals:** If you, as an applicant, are unable to connect to the PLUM meeting by the time your phone number has been announced on the line, the Committee may act on your item, if your project is not an appeal.
- **Consent items:**
 - If an item is taken on consent, the applicant will generally not be called upon to speak.

General Public:

- Public comment for each item will be taken after staff, applicants/appellants, and the council office are allowed to speak.
- Just like applicants and appellants, members of the public wishing to comment during the meeting are directed to call the public comment phone number that is noted on the PLUM agenda.
 - The call in number will allow them to listen to the meeting as they wait in the queue to speak on an item.
 - Public comment for each item will be taken after staff, applicants/appellants, and the council office are allowed to speak.
 - Callers will be muted when they enter the meeting.
 - Members of the public wishing to speak will be asked to press *9 to raise their hand. Staff will call upon the last four digits of their phone number to allow for them to speak. They will be asked to press *6 to unmute themselves before they begin speaking.

Audio Tip for Everyone: Anyone who chooses to use two devices to listen to the meeting and provide public comment will experience audio feedback. These callers are advised to listen to their speaking device and quiet their listening device once it's their turn to speak.

To Listen to the Meeting, Only:

- Members of the public who would like to listen to the meeting only, and not provide a comment during the meeting, may call one of the council audio phone numbers that are noted at the top of the PLUM agenda or stream online. Please note that streaming has about a 30 second delay.

Thank you.

Best regards,

Melissa



Melissa Jones

City Planning Associate
Office of Historic Resources, Los Angeles City Planning
221 North Figueroa Street, Suite 1350

Los Angeles, CA 90012

Planning4LA.org

T: (213) 847-3679



ATTACHMENT 3

February 23, 2021

From:

Carol Cetrone - The Silver Lake Heritage Trust
1140 Coronado Terrace
Los Angeles, CA 90026
cetrone@silverlakeheritage.org

On behalf of:

Stires Court Tenants Assn.
1251-1259 Sunset Blvd
Los Angeles, CA 90026

Ambassador Tower Tenants Assn.
691 Irolo Street
Los Angeles, 90005

To:

Ms. Terry Kaufmann-Macias
Los Angeles Office of the City Attorney
200 N. Main St., Suite 700
Los Angeles, CA 90012

Ms. Holly Wolcott
Office of the City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Re: Brown Act Cure and Correct Demand, and Cease and Desist Demand.
February 4, 2021 Special Planning and Land Use Management Committee Meeting,
Denial of the public's right to speak on multiple items; Denial of the public's right to
speak on items 2, 3, 4, 5, & 6; Denial of the public's opportunity to speak on Agenda item
number 9: Stires Staircase Bungalow Court, 1251-1259 Sunset Blvd.

This letter is submitted in response to the City's violations of the Ralph M. Brown Act at
its February 4, 2021 Special Planning and Land Use Management (PLUM) Committee
Meeting. The City repeatedly violated the Brown Act during the Special Meeting despite
being informed during the course of the hearing by multiple speakers that the City was
ignoring the court's mandate under Preven v. City of Los Angeles. In particular, during
the Special PLUM Committee hearing for the Stires Staircase Bungalow Court (agenda
item number nine), numerous members of the public were denied an opportunity to
speak, including Miss Esmeralda Fernandez, a 20-year resident of the courtyard, on
whose behalf this demand is being partially submitted.

The requirements of the Brown Act for Special Meetings

In enacting the Brown Act, the California Legislature found and declared that, "*the public commissions, boards and councils in this State exist to aid in the conduct of the people's business.*" Government Code Section 54950. "**The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation.**" Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109, 1116.

Violation of the Brown Act
Page Two

Government Code Section 54954.3(a) sets forth differing sets of rules for when public comment must be permitted depending on whether the meeting is a regular meeting or a special meeting. By its express language, when a public agency places an item of business on a special meeting agenda, the public agency is required to permit every person who wishes to speak an opportunity to be heard:

“Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.”

Nowhere on the February 4th Special PLUM Committee Meeting agenda is there a reference to the public’s right to speak on every item. This omission stands in stark contrast to the agenda for the Special Council Meeting of February 9, 2021, which states immediately under the Roll Call: *“An opportunity for Public Comment will be provided for all items on the Agenda, regardless of whether a Public Hearing has been previously held.”*

The City repeatedly violated the Brown Act during its February 4, 2021 PLUM Committee Special Meeting

A). Denial of the public’s opportunity to speak on agenda items 2, 3, 4, 5 and 6:

Three minutes after the start of the Special PLUM Committee Meeting, Chair Marqueece Harris-Dawson opened the hearing for public comment on multiple items, allowing two minutes per speaker. The first commenter was Eric Preven, who emphasized that all items, including those items to be continued to a future hearing date, must allow for public comment.

The next speaker after Mr. Preven, however, stated that he wished to speak on just one agenda item, and was told to wait for that item to be called. The Chair then reiterated that multiple agenda items were only being heard at that time, and was allotting 20 minutes for the public to do so.

The next caller, however, also only wanted to speak on a single item. The Chair then decided to go over the items that the committee wished to continue to a future hearing date, and at 00:11:47, without allowing further public comment, the committee voted to continue agenda items numbers two through six. The Chair then went back to allowing public comment on multiple items, but improperly stated that items two through six were being continued and that he would not allow public comment on those items:

Violation of the Brown Act
Page Three

*“So to all the callers on the line, we’re going to open up the lines for folks who want to speak on more than one item. If you want to speak on more than one item now is the time to raise your hand. **You just heard the items that are being continued, so we won’t be taking comments on those items, so items 2 3, 4, 5 and 6 we won’t be taking comments on those.** So any of the remaining items, if you want to speak on those, we invite you to raise your hand now. And we will go to public comment from those people.”*

The next speaker stated that he had wanted to speak on item number 6, but heard that it was continued and wouldn’t be allowed to speak, and wanted to know when he could speak on the item. The Chair then abruptly ended the multiple agenda item comment period and called item number 1, the Director’s report.

The Director gave his report and ended his comments at 00:17:55. The committee Chair then asked if there were any comments on item number 1. No member of the public raised their “virtual hand.” The Chair then stated: “All right, seeing no public comment, we’ll go to item number 7,” **eliminating any public comment on items 2 through 6, and any additional multiple comment.**

Among the speakers on Special Meeting agenda item number 7 was Doug Haines. When he was called, Mr. Haines stated that he had tried to speak during the multiple agenda period because he wished to also speak on item number 3. Under the council’s rules, the public is allotted two minutes to speak on multiple agenda items and one minute to speak on a single item. However, when Mr. Haines tried to speak on item number 3, which had been continued, he was cut off, being allotted only one minute of speaking time. When Mr. Haines protested, the city attorney stated that he had had an opportunity at the beginning of the meeting to speak during the multiple agenda item period. Mr. Haines responded that he had attempted to speak during this time, but was not called, and that the Chair had cut off such comment. He requested that his additional minute of speaking time be restored, but was cut off by the Chair.

Mr. Haines, and all other members of the public, were improperly denied an opportunity to speak on every item on the special agenda. As noted previously, Government Code Section 54954.3(a) requires by its express language that every person who wishes to speak on any special meeting agenda item be given an opportunity to be heard. The City must cure its error by allowing Mr. Haines and others additional speaking time when items two through six return to the committee to be heard.

Violation of the Brown Act
Page Four

B). Denial of the public's right to speak on agenda item 9.

Item number 9 on the February 4, 2021 Special Meeting of the PLUM Committee involved the Cultural Heritage Commission's support for the inclusion of the Stires Staircase Bungalow Court in the list of the city's Historic-Cultural Monuments. The item was called out of order at 00:49:30, with a statement from the Chair "we'll go now to item #9 to manage our time a little bit better and make sure Mr. Cedillo isn't late to his date today with his dentist." Ken Bernstein made his presentation from the Planning Department at 50:00. The first public speaker was called immediately after the presentation at 00:51:10, without calling on the applicants or appellants to speak. This was divergent from the instructions given to the applicants by the Planning Department, who asked that they be prepared to give their presentation following Mr. Bernstein and the appellants.

Numerous members of the public followed the city's instructions on how to call into the virtual meeting in an attempt to express support for Stires Court. At 1:01:40 the Chair reminded callers that they should not comment on the proposed development; he advised callers to stay on the topic of the historic nomination.

However, at 01:11:25, after only 14 people had been called for public comment, the Chair interrupted public comment to allow Mr. Cedillo an opportunity to speak before leaving for his appointment. Councilmember Cedillo then spoke in opposition to the Monument nomination and in favor of the new development for more than six minutes, speaking off-topic about homelessness, affordable housing for the working class, women and the Latino community.

Following Councilmember Cedillo's comments, Chair Harris-Dawson re-opened public comment. Seven more members of the public were allowed to speak, including Mr. Daniel Rafalian. Mr. Rafalian had previously attended a Zoom meeting on January 25, 2021 with CD1 staff and the applicants. At that meeting, he was one of two people representing the owners of the Stires Court, along with their attorney, Mr. Michael Gonzalez. At this PLUM, Mr. Rafalian spoke in opposition to the nomination but did not identify himself as being involved with the property in question. After a few more speakers the Chair closed public comment at 1:29:45, stating that Mr. Cedillo had shared his point of view, investigation and conclusions on this item. At this point, numerous members of the public were still waiting to comment, including the applicant's representative Carol Cetrone, Angie Brown, Katelyn Scanlan, and Miss Esmeralda Fernandez, a twenty-year resident of the courtyard who has lived at the site since she was four years old. Miss Fernandez followed instructions to call in and pressed *9 to raise her hand, but she was never called. It's important to note that at this time the Chair announced that the committee's other two members, Bob Blumenfield and Mark Ridley-Thomas, had joined the proceedings. Quorum was therefore ensured on this agenda item even if council member Cedillo left for his appointment.

Violation of the Brown Act
Page Five

At 01:33:55, the committee voted to deny Stires Court Historic-Cultural Monument status and moved on to the next agenda item. Councilmember Cedillo left for his dental appointment. However, at 01:48:00 the city attorney informed the committee that Ms. Cetrone, as the applicant's representative, had improperly been denied an opportunity to speak on the Stires nomination. The committee's prior action was rescinded and agenda item 9 was again opened for public comment, but only for Ms. Cetrone. Despite following the city's instructions and "raising" her virtual hand, Miss Fernandez was not called, nor was Angie Brown, Katelyn Scanlan, or any other member of the public. The committee then voted again to deny the nomination.

As a 20-year resident of the Stires Staircase Bungalow Court, Miss Fernandez's comments were crucial for the committee to consider. Yet she was denied an opportunity to speak, in violation of the Brown Act.

Government Code Section 54954.4(c) sets forth the importance that the Legislature assigns to full and complete compliance with the Brown Act by stating: "*The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act is a matter of overriding public importance.*"

Government Code Section 54954.3(a) imposes a mandatory duty upon the City to allow public comment on each and every item of business listed on a special meeting agenda issued under the authority of Government Code Section 54956.

On February 4, 2021, Chair Harris-Dawson of the PLUM Committee was put on notice by both Eric Preven and Doug Haines that the City was obligated under Government Code Section 54954.3(a) to afford an opportunity to every person desiring to speak on all items on the committee's special agenda.

As a direct and proximate cause of the actions of the City, members of the public, and the council members themselves as the decision makers, were deprived of information concerning the importance of the Stires Staircase Bungalow Court.

The City's actions in this matter are not complete, faithful, or uninterrupted compliance with the mandates of the Brown Act. The City has failed to proceed in the manner required by law.

The City must cure and correct its violations of the Brown Act as specified in Government Code Section 54960.1, and cease and desist the systematic denial of public speaking rights at special meetings, pursuant to Government Code Section 54960.2.

Thank you for your attention to this important matter.

Carol Cetrone
The Silver Lake Heritage Trust