

May 22, 2025

**VIA E-MAIL**

Councilmember Bob Blumenfield, Chair  
Planning and Land Use Management Committee  
Los Angeles City Council  
200 N. Spring Street, Room 340  
Los Angeles, CA 90012

Re: Council File 24-1609: 21101 W. Ventura Blvd; Improper Appeal of City Planning  
Commission Actions

Dear Chair Blumenfield:

This office represents Johnson Development Associates, Inc., the applicant (“Applicant”) for the above-referenced case (the “Project”). On October 24, 2024, the City Planning Commission (“CPC”) approved various administrative entitlements and CEQA clearance for the Project’s administrative entitlements and recommended that the City Council approve two legislative entitlements for the Project. CPC issued a letter of determination on November 19, 2024 (the “CPC determination”).

On December 8, 2024, counsel for an organization named West Valley Alliance for Optimal Living (“West Valley” or “appellant”) purported to appeal the CPC determination (the “Appeal”).<sup>1</sup> City Council’s Planning and Land Use Management Committee (“PLUM”) is scheduled to hear the Appeal on May 27, 2025. As set forth below, West Valley cannot maintain its appeal of the Project’s administrative entitlements or CPC’s CEQA determination because it failed to exhaust its administrative remedies by appearing at or submitting any correspondence regarding the CPC determination, and the City is legally precluded from considering the Appeal.<sup>2</sup>

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<sup>1</sup> There is no evidence that West Valley is an actual organization with multiple members. Rather, it appears to be a front to permit a law firm to advance project opposition in various areas in the San Fernando Valley.

<sup>2</sup> West Valley may object to the Project’s legislative entitlements when they are considered by City Council, as the decision-maker for those is the City Council. West Valley may also raise CEQA claims, only to the extent such claims relate to the Project’s legislative entitlements. All other claims are barred.

Bedrock Land Use Law Requires a Party to Exhaust Administrative Remedies to Maintain an Appeal

Decades of California law hold that to maintain an appeal of an administrative action, and to eventually challenge an agency's action in court, a party must present objections to the agency's decision-making body. *See San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738 (issues must be raised before the body with authority to approve a project). Here, the decision-making body for the Project's administrative entitlements was the City Planning Commission. There is no dispute that West Valley failed to appear during CPC's consideration of the administrative entitlements, either in person or in writing. Binding case law holds that the City cannot consider West Valley's appeal when West Valley failed to raise any issues before CPC. *Compare Browning-Ferris Indus. v. City Council* (1986) 181 Cal.App.3d 852 (exhaustion satisfied when EIR comments delivered to City Council when Planning Commission was only an advisory body).


The exhaustion doctrine applies with equal force to CEQA challenges. *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 791 ("Exhaustion of administrative remedies is a jurisdictional prerequisite to maintenance of a CEQA action."). As such, any CEQA issues that could have been raised in front of CPC related to the Project's administrative entitlements cannot be raised at the PLUM Committee hearing.

The exhaustion doctrine exists so that agencies, their decision-making bodies, and project applicants have an opportunity to address project concerns prior to an agency decision. Permitting an appeal of an administrative decision when no objections were presented to a decision-making body effectively renders the body a non-entity.

The exhaustion doctrine also promotes judicial economy by ensuring an agency has the proper opportunity to address issues prior to litigation. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 384 ("The purpose of the rule of exhaustion of administrative remedies is to provide an administrative agency with the opportunity to decide matters in its area of expertise prior to judicial review.").

Given the clear state of the law, the City is precluded from hearing the Appeal.

Sincerely,



Alexander M. DeGood

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cc: Parissh Knox, Deputy City Attorney  
Elizabeth Ene, Director of Planning and Land Use, Office of Councilmember Bob  
Blumenfield  
Adrineh Melkonian, City Planner