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April 19, 2021

VIA ELECTRONIC MAIL

Members of the Planning Land Use Management (PLUM) Committee
Ms. Connie Chauv, City Planner and,
Leyla Campos, Legislative Assistant, City Clerk's staff
City of Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012
Leyla.Campos@lacity.org
connie.chauv@lacity.org

**RE: Public Notice Error; 1309 - 1331 South Pacific Avenue, CPC-2019-4908-DB-SPR,
DIR-2020-5031-RDP, ENV-2019-4909-CE; CF 20-0680**

Dear Members of the Planning Land Use Management (PLUM) Committee:

This firm represents Citizens Protecting San Pedro ("Citizens"). I am writing to inform the City that the notice required by law has not been provided for the appeal hearing scheduled for April 20, 2021 before the Planning and Land Use Management Committee ("PLUM"). Los Angeles Municipal Code Section 12.24D3 requires a physical notice of the public hearing be posted at the site. This section of the Code states as follows:

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.

LAMC Section 12.24D(3). Upon appeal, the same notice procedures required for the initial decisionmaker shall apply. LAMC Section 12.24I(3).

The site posting required by Los Angeles Municipal Code Section 12.24D3 has NOT occurred. Pictures are attached demonstrating this fact. These pictures were taken on Saturday, April 17th. My client has additional pictures and video from almost every day within the 10-day period showing that there has been no posting at any time. The City must provide the legal notice required by law. The hearing cannot move forward tomorrow as a result of this deficiency.

It should also be noted that my client raised the lack of site posting in the lead up to the previous appeal hearing in November of 2020 (which did not move forward due to the noticing errors). This is the second time this has occurred.

Finally, my client objects to holding the appeal hearing due to the submission of a 337-page letter by outside counsel for the applicant on April 16, 2021. My client has had an inadequate time to prepare a rebuttal to this letter which includes many technical comments. Further, the applicant has had months to review my client's supplemental appeal objection letter and form a response. It is completely unfair to allow for just four days over a weekend to review the applicant's latest submittal.

Appellants of adjudicative land use entitlements are entitled to a "fair hearing." CCP §1094.5 The procedural due process right to an opportunity to be heard has been interpreted to encompass not only the right to a public hearing, but also the right to a *fair* hearing. *Nightlife Partners, Ltd. V. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90. Failure to grant a continuance to allow for the time to meaningfully review these comments amounts to a lack of a fair hearing.

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

cc: Terry Kaufmann-Macias

**Picture of Project Site Demonstrating
Lack of Site Posting**

















