

Communication from Public

Name: Jamie T. Hall

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Council File No: 21-0829-S1

Comments for Public Posting: Please see the attached letter submitted on behalf of Coalition for Safe Coastal Development (“Coalition”) and its supporting organizations and individuals.

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February 2, 2022

VIA ELECTRONIC MAIL

Hon. Nury Martinez, President
Los Angeles City Council
c/o City Clerk
200 North Spring Street
Los Angeles, CA 90012
armando.bencomo@lacity.org
city.clerk@lacity.org

Re: Item No. 30 Agenda of City Council Meeting for February 2, 2022 (Reese Davidson Project, VTT-82288; ENV-2018-6667-SE; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP; Council File Nos. 21-0829 and 21-0829-S1)

Dear President Martinez and City Council Members:

This firm represents the Coalition for Safe Coastal Development ("Coalition") and its supporting organizations and individuals.

The Coalition objects to the Project. Moreover, Coalition hereby adopts all project objections, comments, and all evidence/studies submitted in support of project objections, and specifically requests that the City print out or attach to the Council file each and every hyperlinked document cited in all comment letters in the administrative record for this Project. Additionally, please confirm that the City Clerk has placed an accurate and complete copy of all of our correspondence, including this letter, in each of the following City Council Files: Council File No. 21-0829 and Council File No. 21-0829-S1.

On December 1, 2021, the City Council adopted a Notice of Exemption from the California Environmental Quality Act ("CEQA"), denied land use appeals of a Coalition member group, Venice Vision, approved a Vesting Tentative Tract Map and a mass of amendments to fundamental zoning laws, including but not limited to the General Plan – Venice Community Plan, base zoning of the Project site, the Venice Coastal Zone Specific Plan, and the certified Venice Land Use Plan.

On January 13, 2022, the Coalition filed a lawsuit in Los Angeles Superior Court alleging the City Council's actions on December 1, 2021 violated CEQA, the Subdivision Map Act, the Mello Act, and constitutional procedural due process of law.

On January 25, 2022, Council Member Mike Bonin introduced a motion that is the subject of Item No. 30 of today's City Council meeting agenda. Yesterday, this Item was placed before the Planning and Land Use Management Committee. We refer the City Council Members to our letter dated February 1, 2022 for objections to the merits of the Motion.

Additionally, we note that the City Clerk has issued a meeting agenda that is materially at odds with the City's duties under the Brown Act when it schedules a special meeting. For instance, the City Council Rules summary at the outset of the meeting agenda are from a typical regular meeting agenda. They purport to impose limits on the amount of time that members of the public may speak at the meeting even though at a special meeting under the Brown Act, all persons who wish to speak on any item shall be permitted to speak before the Council on those items.

Inconsistent with the Council public comment "rules" placed at the outset of the meeting agenda, at the beginning of the list of meeting agenda items, the City Clerk has inserted the following statement: "An Opportunity for Public Comment will be Provided for All Items on the Agenda, Regardless of Whether a Public Hearing has been Previously Held". This statement seems to acknowledge that for a special meeting the City Council must allow public comment on all items of business. However, the rest of the meeting agenda is organized with wording that says the exact opposite.

For instance, immediately after the above statement, the meeting agenda states: "Items for which Public Hearings Have Been Held". This statement is inconsistent with the proper conduct of a special meeting. It communicates to members of the public that the items of business listed in this section and under this heading will not be given an opportunity for public comment. In other words, this statement improperly indicates that no public comment will be taken on these items, particularly if a member of the interested public did not see the single sentence clear at the top of the agenda stating the opposite: "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 meeting agenda therefore is materially misleading as to whether or not public comment will be permitted and discouraging members of the public from even bothering to call in to try to speak on an item of business they were interested in speaking on.

In addition to these inconsistent statements of how the City Council will proceed, Item Nos. 8 and 30 in the section of the agenda entitled "Items for which Public Hearings Have Been Held", contain this additional conflicting statement that no public comment will be permitted on those items if public comment was permitted at the PLUM Committee: "(Planning and Land Use Management Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)" For anyone who looks at the Council File, the PLUM Committee Report is posted and it states that public comment was permitted at the Committee. Once again, interested members of the public would believe from the conflicting statements on the meeting agenda that public comment occurred at the Committee level and would not be allowed at the full City Council meeting. This would result in interested members of the public simply not calling in to participate in the meeting.

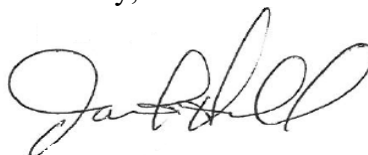
To summarize the conflicting gauntlet of inconsistent information on today's meeting agenda: Unless a member of the public ignored the incorrect meeting rules published twice at the front of the agenda, located and understood the general statement that public comment would be taken on all items of business regardless of public comment at the committee level, ignored the placement of the item in a section of the meeting agenda inconsistently entitled: "Items for which Public Hearings Have Been Held", and ignored the statement that "If public hearing is not held in Committee, an opportunity for public comment will be provided" and the PLUM Report confirming that public comment was allowed at the Committee, then and only then might such a member of public decide they would be allowed to speak at today's Council meeting if they called in. All other interested members would conclude there was no point calling in because the agenda stated in multiple locations that City Council was not required to permit public comment on Items such as Nos 8 and 30 that were previously in the PLUM Committee.

Members of the public are not attorneys or public meeting law academics. They should not have to navigate a morass of irrelevant and inconsistent statements on the meeting agenda that would have taken the City Clerk and City Attorney about 15 minutes to remove from the draft meeting agenda for a special meeting. The failure to remove the conflicting and inconsistent statements raises a presumption the City Clerk and City Attorney intended to confuse and discourage public participation by leaving these inconsistent statements on the agenda. Instead, they insert one sentence, obscured at the top of the agenda next to the boilerplate City Council rules summary, that public comment would be permitted.

Both Items 8 and 30, which are land use matters of importance to interested members of the public, have been improperly suppressed for special meeting public comment. This is a failure to proceed in accordance with Government Code Section 54954.3(a) which mandates that "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 the item." The inclusion of multiple inconsistent statements contrary to and in defiance of the mandatory duty to assure the public that they could speak on all items on the meeting agenda is a failure to proceed in accordance with law because an unknown number of interested persons would have been misled by statements that could have been easily removed from the agenda before its posting.

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