

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

May 13, 2022

VIA ELECTRONIC MAIL

Hon. Nury Martinez, President
Los Angeles City Council
c/o City Clerk
200 North Spring Street
Los Angeles, CA 90012
(holly.wolcott@lacity.org)

Hon. Marqueece Harris-Dawson, Chair
Planning and Land Use Mgnt. Comm.
200 North Spring Street
Los Angeles, CA 90012
(armando.bencomo@lacity.org)

Re: Proposed Ordinance Actions Related to the Reese Davidson Project at PLUM Committee Meeting on May 17, 2022, 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, Chair Harris-Dawson and City Clerk:

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. We request an email confirmation that the City Clerk has placed our correspondence into these City Council files.

We are writing to bring to your attention what appears to be serious City Charter and municipal code compliance issues related to the Planning and Land Use Management ("PLUM") Committee's May 17, 2022 meeting. On May 3, 2022, the City Clerk issued a public hearing notice for the above-referenced project. See attached Exhibit 1. To date no staff report or new City Attorney report and Draft Ordinance has been released to the public. The hearing notice

states in part that the PLUM Committee will consider taking action to approve certain ordinance(s) described as:

“a report from the City Attorney and draft Ordinance

1. amending the Venice Coastal Zone Specific Plan to create a new Subarea A and establish new land use and development regulations by amending Section 10 of the Specific Plan,
2. amending the Existing Zoning Map from OS-1XL and RD1.5 to (T)(Q)C2-1L-O, and
3. amending the Existing Zoning Map to remove the proposed Alberta Avenue right-of-way between North Venice Boulevard and South Venice Boulevard and replacing it with (T)(Q)C2-1L-O” (Numbering added.)

These actions, proposed to be considered and approved by City Council at PLUM Committee next week appear to be procedurally unauthorized by the City Charter and municipal code via the vehicle of a City Attorney Report and draft Ordinance. The first two actions were already adopted by the City Council at its meeting on December 1, 2021. *Why would the City issue a notice it intends to perform again ordinance actions it already performed last December?*

If the intent is to adopt *a different set of ordinances from that already adopted* by the December 1, 2021 official City Council Action, the City Charter specifies the procedure for processing an amendment to such ordinances already adopted. City Charter Section 558 and related Los Angeles Municipal Code provisions set forth the procedure for adoption, amendment and repeal of resolutions, ordinances and orders that change zoning, including specific plans.

Under Section 558 and LAMC section 12.32, an amendment of a previously adopted ordinance (or repeal and enactment of a revised ordinance) ***is not initiated by the City Attorney in a report or otherwise***. Section 558 authorizes the City Council, City Planning Commission, City Planning Director or applicant to propose such ordinance amendments – the City Attorney has no authority to do so. Thus, given the prior official City Council actions taken on December 1, 2021, the proposed use of a City Attorney report and Draft Ordinance never reviewed by the City Planning Commission to take the same actions again, ***perhaps with some modifications not yet disclosed***, would be null and void as violative of the mandatory procedures of the City Charter and municipal code.

The City Attorney and Councilmember Mike Bonin know how to do this correctly. Councilmember Bonin on January 25, 2022 introduced a motion to repeal resolutions adopted on December 1, 2021 related to the General Plan Amendment of the Venice Community Plan and the associated coastal Land Use Plan Amendment, and to enact different amended resolutions and maps for those plans. Those actions of City Council were referred to the City Planning Commission for hearing and recommendation, and the recommendation is included in the proposed actions next Tuesday, May 17, 2022 at the PLUM Committee meeting. But for unknown reasons, the same was not done in connection with the two ordinances also approved by City Council on December 1, 2021 related to changing the zoning and amending the Venice Coastal Zone Specific Plan. They stand as official adopted December 1, 2021 actions of the City Council until or

unless the City follows its own mandatory procedures for repealing and amending them. This means the City Attorney must advise City officials to follow its own laws, including Section 558 and related municipal code sections.

To the best of our knowledge, the third action listed above, related to the removal of the Alberta Avenue right-of-way from the Existing Zoning Map, is a proposed new ordinance action never before acted upon by the City Planning Commission or City Council. A new ordinance action to amend the zoning map must be lawfully initiated in compliance with City Charter Section 558 too. The initiation of an ordinance affecting a zoning map of the City cannot be initiated by the City Attorney in a report and Draft Ordinance, or otherwise. Thus, the proposed action listed in the May 3, 2022 hearing notice is contrary to the mandatory City procedures for processing a new ordinance action.

Finally, the May 3, 2022 hearing notice is vague as to what City Attorney report and Draft Ordinance will be relied upon. As outlined in our Brown Act cure and correct letter filed with the City on February 28, 2022 and found in the Council File, we provided detailed analysis showing that a City Attorney report and Draft Ordinance placed into the Council File on February 2, 2022, but backdated to February 1, 2022, contained, at minimum, factual misstatements of the status of the administrative record.¹ The narrative advanced in that February City Attorney report acted as if City Council took no action on December 1, 2021 to officially adopt the existing draft Venice Coastal Zone Specific Plan attached to the July 13, 2021 Letter of Determination of the City Planning Commission. Now a hearing notice has been issued acting as if City Council took no action on December 1, 2021 to approve a change of the zoning from Open Space/Residential to Neighborhood Commercial. That already happened as demonstrated by the existence of Ordinance No. 187294 posted in the City Council File.

We are concerned that the City Attorney's office is about to issue a new report and new Draft Ordinance that doubles down on the factual misstatements of the status of the administrative record, tries to continue to ignore that City Council, on December 1, 2021, under Councilmember Bonin's rushed insistence, took final action pursuant to Bonin's own motions:

¹ Our Brown Act Cure and Correct letter was issued as a precaution because the placement of the February 2, 2022 City Attorney report (backdated to February 1, 2022) and Draft Ordinance might have been construed as some item of business "approved" by the PLUM Committee at its February 1, 2022 meeting or the February 2, 2022 special City Council meeting. Our Brown Act Cure and Correct letter was intended to seek nullification of any claim of the City that the new ordinance attached to the backdated City Attorney report was somehow approved by the PLUM Committee or City Council without being agendized for the meetings. It now appears that the City will not make such an unsupportable claim, and no nullification lawsuit was required.

However, given the wording of the May 3, 2022 PLUM Committee hearing notice, it is possible a new City Attorney report and Draft Ordinance will issue just prior to the PLUM Committee meeting that does not mention or acknowledge the previous February City Attorney report and Draft Ordinance. Given that the February City Attorney report contained significant factual misstatements of the procedural history of the City project approval of prior ordinances, we note for the record that at this point any further misstatements in a new City Attorney report and Draft Ordinance would have to be construed as with knowledge of their inaccuracy by the City Attorney. It should go without saying that the City Attorney's Office should not issue any further reports containing inaccurate representations of the procedural history of this Project and its prior ordinance adoptions, but we point it out here to make clear to other City elected officials how serious it is that the February City Attorney's report came out containing such blatant erroneous statements of the procedural posture of the ordinances related to this Project.

“I HEREBY MOVE that, relative to the CONSIDERATION OF and ACTIONS RELATED TO A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), **COMMUNICATIONS FROM THE LOS ANGELES CITY PLANNING COMMISSION (LACPC), MAYOR, AND DEPARTMENT OF CITY PLANNING (DCP); RESOLUTION, and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment, Specific Plan Amendment, Vesting Zone and Height District Change**, and an APPEAL filed by Venice Vision (Representative: Jamie T. Hall, Channel Law Group, LLP), from the determination of the LACPC in approving a Statutory Exemption, No. ENV-2018-6667-SE, as the environmental clearance for the project; a Project Permit Compliance Review for a project within the Venice Coastal Zone Specific Plan, pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7; a Coastal Development Permit for a project located within the Dual Permit Jurisdiction of the California Coastal Zone, pursuant to LAMC Section 12.20.2; a Mello Act Compliance Review for the demolition of four Residential Units and the construction of 140 Residential Units within the Coastal Zone, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures; and, a Site Plan Review for a project which creates or results in an increase of 50 or more dwelling units, pursuant to LAMC Section 16.05; for the properties located at 2102-2120 South Pacific Avenue, 116-302 East North Venice Boulevard, 2106-2116 South Canal Street, and 319 East South Venice Boulevard. (Item 16 in Council today, Council file No. 21-0829-S1), Council:
DENY the appeal and **APPROVE the project**” (Emphasis added.)

Mr. Bonin offered two motions. One that read as above but only asked to “APPROVE the project” and a second version that read as above but asked to “DENY the appeal and APPROVE the project.” Both motions are in the Council File. The Clerk’s vote result shows two votes taken on December 1, 2021 approving the actions requested in the Council File. The wording of Mr. Bonin’s motion specifically refers to the report of City Planning Commission which is the July 13, 2021 Letters of Determination of the City Planning Commission **transmitted to the Council for action**.

In the Council File related to the legislative actions, the City Planning Commission’s Letter of Determination included a version of both Ordinance 187294 changing the Zoning Map from Open Space/Residential to Neighborhood Commercial, and the Ordinance to amend the Venice Coastal Zone Specific Plan. Pursuant to City Charter, the Mayor’s subsequent failure to act on the second ordinance resulted in its being deemed approved by the Mayor. It appears that the City Clerk thereafter failed to publish the Ordinance amending the Specific Plan, but the Clerk’s failure to perform the ministerial task of publication of the Ordinance does not nullify the City Council action to approve the version of the Ordinance amending the Venice Coastal Zone Specific Plan attached to the Letter of Determination of the City Planning Commission. That action was taken as documented in the City Council File.

Further underscoring the factual reality that the City Council took full actions on December 1, 2021 to approve the Project and all proposed ordinances in the City Council File, in the subsequent City Council hearing on February 2, 2022, Mike Bonin specifically told his City Council colleagues that if “this seems like déjà vu” it was because the Project was approved back in December. Thus, even at the hearing to adopt some, but not all, of the amendments the City thinks are necessary, the Councilmember “expert” about the Project acknowledged that he was asking for amendments to the

general plan amendment and land use plan actions taken to approve the Project in December. Thus, any City Attorney report narrative that ignores or glosses over the December 1, 2021 ordinance approvals, is contradicted by the video statements of Mr. Bonin himself from the February 2, 2022 City Council meeting.

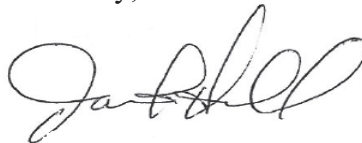
At this point, we do not know if the PLUM Committee will be asked to pick up the February 2, 2022 City Attorney report and Draft Ordinance (backdated February 1, 2021 in the Council File) and approve it without following the procedures mandated by the City Charter, or if a new City Attorney report and Draft Ordinance encompassing all three of the topics listed in the May 3, 2022 hearing notice will suddenly appear in the Council File at the last minute to prevent our ability to substantively respond to it.

All we can state at this point is that the City's May 3, 2022 hearing notice proposes taking up a "City Attorney report and Draft Ordinance" that will be likely different from those adopted by the City Council on December 1, 2021, and may even contain a new ordinance action related to changing the Zoning Map to remove the Alberta Avenue right-of-way which to our knowledge has never been considered in prior administrative proceedings before the City Planning Commission. Such a proposed procedure violates Charter Section 558 that specifies who in the City may initiate new City Ordinances or amendments of existing City Ordinances.

Because it appears the City Attorney is poised to proceed without authority to do so, and because you often rely upon the advice of the City Attorney, we encourage you to seek outside counsel to determine if the City Council is poised to proceed legally to support Mr. Bonin's rush to amend City ordinances without complying with City Charter requirements including review and recommendation from the City Planning Commission.

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

Exhibit 1

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. Spring Street, Room 395
Los Angeles, CA 90012
General Information: (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER

clerk.lacity.org

May 3, 2022

CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-1A
ENV-2018-6667-SE
Council District 11

NOTICE TO APPLICANT(S) AND INTERESTED PARTIES

You are hereby notified that the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council will hold a public hearing **telephonically on Tuesday, May 17, 2022**, at approximately **2:00 P.M.**, or soon thereafter, to consider the following: Statutory Exemption from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code Section 21080.27(b)(1), and related CEQA findings; reports from the Los Angeles City Planning Commission (LACPC) and Mayor, corrected Resolution and Findings for a General Plan Amendment to the Venice Community Plan and the certified Venice Local Coastal Program Land Use Plan (LUP) to correct the Resolution map exhibits, pursuant to Los Angeles Municipal Code Section 11.5.6, removing Exhibits 11b Height and 15 Buffer/Setback and including the correct set of exhibits to the Venice LUP [Exhibits 2a Venice Coastal Zone, 2b Venice Coastal Zone, 5b Subarea North Venice and Venice Canals, 10b LUP (Map) North Venice and Venice Canals, 14b Height Subarea North Venice and Venice Canals, and 17a Coastal Access Map]; to redesignate Open Space and Low Medium II Residential land to Neighborhood Commercial use, as part of the approval of a Permanent Supportive Housing Project that will construct 140 residential units; the amendment was previously reviewed and approved by the LACPC on May 27, 2021, and included new policies in the Venice LUP to create a new Subarea A, policies for the development of Supportive Housing Projects, and updates the map exhibits in the LUP to include Subarea A; and, report from the City Attorney and draft Ordinance amending the Venice Coastal Zone Specific Plan to create a new Subarea A and establish new land use and development regulations by amending Section 10 of the Specific Plan, amending the Existing Zoning Map from OS-1XL and RD1.5 to (T)(Q)C2-1L-O, and amending the Existing Zoning Map to remove the proposed Alberta Avenue right-of-way between North Venice Boulevard and South Venice Boulevard, and replacing it with (T)(Q)C2-1L-O; for a proposed mixed-use, 100 percent affordable housing development project in the Specific Plan Area; for the property located at 2102-2120 South Pacific Avenue, 116-302 East North Venice Boulevard, 2106-2116 South Canal Street, and 319 East South Venice Boulevard.

Applicant: Sarah Letts, Hollywood Community Housing Corporation, and Rebecca Dennison, Venice Community Housing
Representative: Christopher Murray, Rosenheim and Associates, Inc.
Related Case Nos. VTT-82288-1A; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP-1A

Pursuant to Assembly Bill 361, and due to concerns over COVID-19, this Los Angeles City Council committee meeting will take all public comment by teleconference.

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 visit this site for information: <https://www.fcc.gov/consumers/guides/telecommunications-relay-services-trs>.

If you are unable to telephone-in at this meeting, you may submit your comments in writing. Written comments may be addressed to the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012, or submitted through the Public Comment Portal: www.LACouncilComment.com.

In addition, you may view the contents of Council file No. **21-0829-S1** by visiting: <http://www.lacouncilfile.com>

Please be advised that the PLUM Committee reserves the right to continue this matter to a later date, subject to any time limit constraints.

For inquiries about the project, contact City Planning staff:

Ira Brown

(213) 978-1453

ira.brown@lacity.org

For inquiries about the meeting, contact City Clerk staff:

Candy Rosales

(213) 978-1078

clerk.plumcommittee@lacity.org

Candy Rosales
Deputy City Clerk, Planning and Land Use Management Committee

Note: If you challenge this proposed action 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. The time in which you may seek judicial review of any final action by the City Council is limited by California Code of Civil Procedure Section 1094.6 which provides that an action pursuant to Code of Civil Procedure Section 1094.5 challenging the Council's action must be filed no later than the 90th day following the date on which the Council action becomes final.