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File No. 100231

October 3, 2022

VIA EMAIL TO: CLERK.PLUMCOMMITEE@LACITY.ORG

Hon. Marqueece Harris-Dawson, Chair
Hon. Gilbert A. Cedillo
Hon. Bob Blumenfield
Hon. John S. Lee
Hon. Monica Rodriguez
Planning and Land Use Management Committee
200 N. Spring Street, Room 340
Los Angeles, CA 90012

Re: October 4th Hearing Agenda Item #1, CF 22-0454: Pacific Dining Car

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

This office represents the Wesley Idol II and Toby Idol 2002 Trust, the owner (the “Owner”) of the property and improvements located at 1300-1314 West 6th Street (the “Property”) in the City of Los Angeles (the “City”), including the now-closed Pacific Dining Car restaurant. Ms. Toby Idol is the sole surviving trustee of the ownership trust and is therefore the sole owner of the Property.¹

I. The PLUM Committee Should Adopt the Unanimous Recommendation of the Cultural Heritage Commission to Set the Property’s Period of Significance from 1921 – 1934

The Cultural Heritage Commission’s (“Commission”) carefully crafted recommendation aligns with the only supportable period of significance for the Property. Upon reviewing the historic nomination and the report prepared by Chattel, Inc., the Commission held that the Chattel report’s analysis properly addressed the relevant criteria and amply supported the conclusion that a haphazard series of post-1934 additions (some entirely unrelated to restaurant

¹ The record concerning this nomination is replete with misrepresentations by those who give the impression they have an ownership interest in the property, and that they speak for the Owner. More troubling, the nomination itself suffers from a fundamental misrepresentation, as the nomination Applicant is Douglas E. Wance, yet Mr. Wance is not actually the applicant. Mr. Wance is a lawyer in Orange County with the Buchalter law firm and has stated to this office that he is not the applicant, but rather represents, presumably in a legal capacity, “fans” of the now closed restaurant. He has declined to reveal his clients and has not corrected the record with respect to his representation or the fact that he is not the applicant.

operation) did not meet the standard for designation. The Commission recommendation states:

“This [1921-1934] period...includes relocation of the 1921 dining car to the present site in 1923 and alterations/additions to the kitchen and storeroom made in 1934. **Alterations and additions to the dining car outside the period of significance do not contribute to the character of the original 1921 restaurant built in the form of a railway dining car and do not further enhance the qualities that make the subject property significant.**” (emphasis added)

The historic experts on the Commission had little difficulty in reaching this conclusion. Commissioner Kanner stated “It is the...rail car itself...that should be recognized. The other buildings are just buildings; they don’t have much character.” Commission President Milofsky stated “I have a hard time saying the [other parts of the Property] are significant...The core history is the original dining car and the kitchen that was added.”

There is no basis for the City Council to expand upon the Commission’s unanimous recommendation, and the PLUM Committee should recommend adoption of the Commission’s recommendation to the full City Council. For clarity with respect to future use of the site, the PLUM Committee should also adopt the Chattel, Inc. report as the basis for the recommendation, as the report provides more detail and context for the Commission’s recommendation.

II. The City Did Not Provide Proper Notice of This Hearing to the Owner or Its Representative and Thus Cannot Consider the Matter at Its October 4th Meeting

The City’s Administrative Code, in section 22.171.9(d)(5), requires that notice of a hearing of City Council’s consideration of historic monument application shall be sent “at least ten days prior to the date of the hearing...to the owner of record of a property or the owner's representative[.]” The City did not do so here, and there is no dispute it failed to do. First, the undersigned is the Owner’s representative in this matter and has been the representative of record since December of 2021, including in numerous correspondence to City Office of Historic Resources staff, to the Commission, and to City Council staff, and represented the Owner at the Commission’s April 7, 2022, meeting. Despite this, the City did not send notice of this hearing to this office (via email) until September 26, 2022 (see Attachment “A”).

More egregiously, the City mailed notice of the hearing to the Owner at the Property, despite knowing for many months that the Property is boarded up, abandoned, and cannot receive mail. Indeed, on April 17, 2022, the undersigned wrote a detailed email to OHR staff explaining that no mail could be received at the Property and requesting that any future notices regarding the nomination be sent to this office (see Attachment “B”). It is incomprehensible why the City has persisted in legally deficient practices that deprive the Owner and her representative of proper notice of City actions and hearings.

Failure to provide proper notice of the hearing is violation of due process and the Los Angeles Municipal Code. Given the deficient notice, the PLUM Committee cannot consider this

Marqueece Harris-Dawson, Chair

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item at its October 4, 2022 hearing.² On behalf of the Owner, this office requests that the City work with us to find a mutually agreeable date on which the matter can be considered.

Sincerely,



Alexander M. DeGood

AMD:amd

Attachments

cc: Albizael Del Valle, Office of Chair Harris-Dawson
Gerald Gubatan, Office of Councilmember Gilbert A. Cedillo
Lambert Giessinger, Office of Historic Resources
Melissa Jones, Office of Historic Resources
Candy Rosales, PLUM Committee
Terry Kaufmann-Macias, Esq., Office of the City Attorney
Adrienne Khorasanee, Esq., Office of the City Attorney

² In addition, both the Owner and the undersigned have religious obligations that begin on the afternoon of October 4th that preclude participation in a hearing. Had City staff provided advance notice to the Owner or this office that October 4th was under consideration as a hearing date, as is customary, this conflict could have been avoided, but such advance notice was not provided, and then the legally required notice was not provided either.

ATTACHMENT A

DeGood, Alexander M.

From: Melissa Jones <melissa.jones@lacity.org>
Sent: Monday, September 26, 2022 11:31 AM
Subject: 10/4 PLUM Meeting Instructions (IMPORTANT)

Hi,

As you may already know, the Historic-Cultural Monument nomination for the Pacific Dining Car, located at 1300-1314 West 6th Street, is scheduled to be heard before the Planning and Land Use Management (PLUM) Committee of City Council on **Tuesday, October 4, 2022 at 2:00pm**. The agenda has not yet been posted, but will soon be available online here: <https://www.lacity.org/government/follow-meetings/council-committee-meetings>. In the meantime, here are the details for accessing the meeting:

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.

Below is a link to a form to collect information of who will officially speak on behalf of the proposed historic designation so that Council staff can properly identify their phone number during the meeting. The intent of this form is to assist with identifying the appropriate applicants, appellants, and representatives during the meetings to ensure they have the opportunity to speak when their item is being considered. Note that only one representative per side will be able to present; all others will have to speak during general public comment.

PLUM Committee Meeting Applicant & Appellant Contact Questionnaire

If you plan to speak, please provide the requested information by the end of the day Thursday, September 29, 2022.

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



LOS ANGELES

CITY PLANNING

Melissa Jones

Pronouns: She, Her, Hers

City Planning Associate

Los Angeles City Planning

Office of Historic Resources

221 North Figueroa Street, Suite 1350

Los Angeles, CA 90012

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E-NEWS

ATTACHMENT B

DeGood, Alexander M.

From: DeGood, Alexander M. <ADeGood@coxcastle.com>
Sent: Friday, June 17, 2022 4:59 PM
To: Melissa Jones
Cc: Lambert Giessinger
Subject: RE: Pacific Dining Car

Melissa,

I appreciate your quick response. However, I must register my deep distress at the manner in which this determination letter was issued, which is entirely unacceptable and raises significant notice and due process issues.

My first communication with OHR regarding this application was with Lambert on December 1, 2021, when I left him a VM and then sent an email that it was my understanding a nomination application had been filed. Lambert responded that the initial hearing was December 2, 2021 and attached the notice letter, which had been mailed to the property. I then spoke with Lambert and explained that the property was closed and boarded up, that no mail could be received there, that I was the owner's legal representative, and that the owner lived in a condo in Westwood.

While it may be defensible that the original notice was mailed to the property (per the ordinance), it is in no way defensible or acceptable that any subsequent notice or determination letter was sent solely to the property when the City had direct knowledge, both through my communications and the City's own site visit that mail cannot be received at the property. Further, you know that I have been the owner's legal representative throughout this process. I submitted documents, including legal analysis, for the record. I had various communications with OHR. I represented the owner at the substantive Commission hearing. I am at a loss as to how OHR did not at a minimum send me a copy of the determination letter (via email), or mail a copy to my office, or inquire where it could be sent to the owner where the owner could actually receive it.

My client is an elderly widow who does not have the financial capacity to maintain the property and is therefore trying to sell it. Uncertainty regarding the City's actions has wreaked havoc with the sales process. Lack of notice of City actions creates further difficulties.

I hope in the future OHR will at least send notices and determination letters to the legal representatives of property owners.

Alex

Alexander M. DeGood



direct: 310.284.2205

ADeGood@coxcastle.com | [vcard](#) | [bio](#) | [website](#)

From: Melissa Jones <melissa.jones@lacity.org>
Sent: Friday, June 17, 2022 4:30 PM
To: DeGood, Alexander M. <ADeGood@coxcastle.com>

Cc: Lambert Giessinger <lambert.giessinger@lacity.org>

Subject: Re: Pacific Dining Car

Hi Alex,

The Commission's recommendation is still pending before the Planning and Land Use Management Committee (PLUM); the Council File is available

here: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=22-0454>. You may want to reach out to Gerald Gubatan in Councilmember Cedillo's office to inquire about the date for the PLUM hearing. The City Clerk schedules the PLUM hearings at the direction of the Council Office.

Please find attached a copy of the determination letter that was mailed to your client on April 18, 2022.

Best regards,
Melissa



Melissa Jones
Pronouns: She, Her, Hers
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On Fri, Jun 17, 2022 at 4:08 PM DeGood, Alexander M. <ADeGood@coxcastle.com> wrote:

Lambert and Melissa,

I have not received anything regarding the Commission's decision on the Pacific Dining Car. Can you please let me know the status? Thank you.

Alex

Alexander M. DeGood



direct: 310.284.2205

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