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March 17, 2023

RE: Appeal Application / **Attachment B**: Justification/Reason for Appeal
Case No.: DIR-2020-954-RV
Subject Property: 6701 West Santa Monica Boulevard, Los Angeles, CA 90038
Appellants: 7-Eleven, Inc. (Op); Chaar, Inc. (Op); Anil Ali (Op)

Appellants/Operators 7-Eleven, Inc., Chaar, Inc., and Anil Ali (individually “Appellant,” collectively “Appellants”) hereby appeal the March 7, 2023 Determination and Imposition of Conditions issued by Zoning Administrator Jack Chiang (“ZA”) in the above-referenced matter (the “Determination”).

Appellants are appealing the ZA’s *entire* Determination, including but not limited to Conditions 1, 2, 5, 7, 8, 10, 11, 13, 14, 16, and 18 through 33, inclusive.

Appellants are materially harmed and aggrieved by the ZA’s Determination because it (1) impairs and restricts Appellants ability to conduct its lawful business (operation of a small market and convenience store) at the Subject Property; (2) deprives Appellants of profits; and (3) subjects Appellant to excessive and arbitrary conditions, restrictions, fines, fees, and exactions.

Appellants contend that the ZA erred and/or abused his discretion in the following ways:

- (1) Appellants were denied their right to Due Process of law by the conduct of multiple agencies of the City of Los Angeles during the conduct of this investigation/adjudication, including but not limited to the ZA, Los Angeles Police Department (“LAPD”), and Los Angeles Office of City Planning;
- (2) Appellants were denied the ability to conduct discovery or otherwise view records in the possession of the City of Los Angeles material to this matter;
- (3) Appellants were limited to obtaining and reviewing records available to the general public via the California Public Records Act (“CPRA”);
- (4) Appellants were denied their rights to examine public documents under the CPRA by LAPD, until the LAPD and Planning Department was forced to finally provide these public records through lawsuits in the Superior Court filed by Appellants;
- (5) Appellants were denied notice and an opportunity to respond to documents, information, communications by the Planning Department and Zoning Administrator’s Office, and investigatory actions undertaken by the Planning

Department and Zoning Administrator's Office which were not included in the public record/file available for inspection by Appellants (See *Declaration of Adam Koslin*, which is attached hereto and incorporated by reference);

- (6) Appellants were denied the ability to present, examine, or question witnesses;
- (7) Appellants were denied an in-person hearing;
- (8) Appellants were denied the right to have the accusations against their business considered by a neutral arbiter;
- (9) The ZA and/or other City personnel unlawfully acted as both an investigator and quasi-judicial decisionmaker in this matter;
- (10) The ZA and/or investigators working for the ZA and/or other City personnel solicited information and evidence on an *ex parte* basis;
- (11) The ZA and/or other City personnel unlawfully considered evidence not timely added to the public record and/or not disclosed to all parties;
- (12) The ZA and/or other City personnel conducted investigations and relied on information obtained outside the public record which Appellants were not given notice of or an opportunity to respond to;
- (13) The ZA and/or other City personnel unlawfully failed to consider and/or analyze relevant evidence timely submitted to, and contained within the record;
- (14) The ZA and/or other City personnel failed to act on this matter in a timely manner, subjecting Appellants to unlawful and prejudicial delay;
- (15) The ZA exceeded his authority and jurisdiction under the Los Angeles Municipal Code ("LAMC");
- (16) The ZA failed to make findings which are required by the LAMC before any action may be taken to abate an alleged nuisance;
- (17) The ZA made factual findings which are unsupported by the evidence presented in the record;
- (18) The ZA erred as a matter of law when he determined that Appellants' business constitutes a nuisance on the basis of criminal activity committed by third parties, which Appellants did not create or cause;
- (19) The ZA erred as a matter of law when he determined that Appellants' business constitutes a nuisance on the basis of criminal activity which is the City's obligation to prevent or deter.
- (20) The Determination unlawfully holds Appellants liable for conduct occurring on neighboring properties over which Appellants do not, and legally cannot exercise dominion or control – to wit, neighboring businesses including a donut shop and laundromat, and the portions of a shared parking lot allocated to those businesses;
- (21) The determination erroneously identifies the subject 7-Eleven premises located at 6701 West Santa Monica Blvd as also including the property at 6703, 6705 and 6707

West Santa Monica Boulevard, which are in fact the addresses of unrelated adjacent businesses which 7-11 does not own, lease, sublease, or have any legal control over;

- (22) The Determination improperly requires Appellants to perform illegal acts, including but not limited to trespass, conversion, and/or other violations of the property rights of neighboring third party owners/lessees at 6703, 6705, and 6707 West Santa Monica Boulevard;
- (23) The Determination imposes conditions which require Appellants to perform illegal acts including but not limited to discrimination;
- (24) The Determination imposes conditions which are arbitrary and have no nexus to the alleged nuisance to be abated;
- (25) The Determination imposes conditions which the ZA does not have the authority to enforce under the LAMC or otherwise;
- (26) The Determination imposes conditions which are mutually-exclusive, contradictory, and therefore impossible to comply with;
- (27) The Determination imposes conditions which are so vague, overbroad and indeterminate that compliance is impossible including but not limited to imposing security related obligations potentially far beyond the subject 7-Eleven premises;
- (28) The Determination imposes fines and fees upon Appellants which are contrary to law, arbitrary and excessive;
- (29) The procedure to appeal this Determination imposes fees upon Appellants which are contrary to law, arbitrary, and excessive; and
- (30) The decision is untimely and barred by laches.

Further, Appellants incorporate into this appeal all of the arguments and information contained in their attached briefs dated February 11, 2022 and December 15, 2022 (including the exhibits thereto included in the case file).

Very truly yours,

SOLOMON SALTSMAN & JAMIESON


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