

On October 7, 2019, I attended the Olympic Park Neighborhood Council's Meeting. During public comment I made the following remark:

According to the Brown Act, Gov. Code 54954.2 e3 states "No action or discussion shall be undertaken on any item not appearing on the posted agenda".

When vital community concerns are brought to the OPNC's attention, the OPNC relegates them to the comment period. The purpose of this is that **MATTERS ADDRESSED IN THE COMMENT PERIOD FROM THE PUBLIC DON'T HAVE TO BE ATTENDED TO, AND CAN THUS BE IGNORED LAWFULLY BY A LEGISLATIVE BODY.**

I have serious concerns appointing members of the OPNC to be authorized filers for community impact statements, when on September 9, 2019, the Board violated the Brown Act by cancelling its regularly scheduled meeting four hours before it was supposed to start.

54954.3c of CA Gov Code states: **The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.**

According to the president of the council, the meeting was cancelled due to a "lack of quorum". Lacking quorum is not a valid excuse to preemptively cancel a federally and state protected, regularly scheduled public meeting of the people four hours before it was supposed to start. Was it cancelled because the OPNC didn't want to hear the complaints of over 30 angry property owners gathered, who had no idea that you planned to donate the land in front of their houses as a spacious garden-side parking lot for Domas LLC's brand new 25 million dollar publicly funded erection?

In order to qualify to submit community impact statements, the City Clerk will only accept statements from councils that are "in accordance with the Brown Act".

CANCELLING A MEETING OF THE PEOPLE IN ORDER TO PREVENT COMPLAINTS IS A VIOLATION OF THE BROWN ACT.

The OPNC is not in accordance with the Brown Act and thus not qualified to submit community impact statements on behalf of the Council.

Each member of the OPNC represents approximately 1000 residents, a high percentage of which reside in single family homes or small apartments. The impact statements would likely be used to justify permanent supportive housing projects pushed by limited liability companies receiving public subsidies that will be free of all environmental accountability to the community.

Why would the LA taxpayer knowingly entrust hundreds of millions of dollars to development entities that rush through plans, offer no environmental or traffic studies, are anonymous and whose debts are questionable?

BROWN ACT 54950 states “It is the intent of the law that their actions [of the OPNC] be taken openly and that their deliberations be conducted openly.

Members of the OPNC have been found to communicate city business through personal email accounts.”

The new general manager of the Department of Neighborhood Empowerment, Raquel Beltran, was at the October OPNC meeting during her listening tour. I’m sorry she didn’t get to stay to listen to the public comment period, because if the OPNC knew she was listening, they would have had a difficult time appointing themselves as authorized filers of community impact statements. Even when confronted with breaking the Brown Act in September, the OPNC, led by its president Mitch Edelson, appointed himself, and four other members “to publicly express their support, opposition, or suggestions about any matter pending before the City Council, its committees, or City Commissions.” **(Attachment A)**

The members of the OPNC colluded together to deny the right of the people to have their grievances addressed on September 9, 2019 as guaranteed in the Constitution of the United States.

Members of the OPNC have been found to communicate city business through personal email accounts. On outgoing correspondences, the OPNC lists a private email and phone number. Using private phones and email addresses to communicate city business is highly questionable, particularly with the issues involving the C3 luxury subdivision and the OPNC’s 2016 letter of support, minus City record of any related discussion or action. Why is a neighborhood council conducting city business through private channels, when transparency and accountability are fundamentally intrinsic, and only a handful of residents actually vote, know about, or attend the meetings?

According to the bylaws of the OPNC, the policy of the council is: “To have fair, open, and transparent procedures of the conduct of all Council business”. The OPNC is currently in violation of this policy; additionally, the OPNC record of minute taking, particularly for their standing committees and previous sessions is lacking, and possibly missing.

How does Domas LLC get the OPNC to support its project, when on August 23, utilizing a 30-year-old ordinance, #165331, Nuri Cho from the Dept. of City Planning, sent a letter informing Domas LLC that their plans for Solaris Apts. placed at 1141-1145 Crenshaw, were on hold because they didn’t reflect the correct zoning code. “the correct zone [for]....Lots 39 Arb 2 and FR 40 Arb 2... is designated for Medium Residential land uses is R3-1-O, not CR-1-O. Please update all application documents and plans to reflect the R3-1-O zone... [City Planning] request that you provide the corrections within 30 days of the date of this letter.” **(Attachment B)**

I didn’t hear anything at the October OPNC meeting about changes to Solaris’s Plans to fit into the correct zoning R3-1-O. Shouldn’t have there been mention of changes, since the zoning for the location is now different? If the code was changed, why is Domas’ representative getting support for a project when whatever CEQA was originally produced is null and void because the zoning code for the project

was incorrect, according to the City of Los Angeles? **Does the CEQA that the vendor claims Domas is currently working on, identify that the location is in an AO Flood Zone?** According to Nuri Cho in her email from Sept. 11. "I have not determined the environmental clearance pursuant to CEQA yet, as the case is currently on hold as the applicant will be updating application documents and plans to reflect the correct zoning requirements". **(Attachment C)**

Why is the project now moving forward when the developer was attempting to build this complex in an AO flood zone? In the files viewed on both 9/19 and 9/26, I was unable to find mention that this location is in a flood zone

If the zoning has changed, why hasn't the project too in accordance with the request from the City of Los Angeles? How could the Neighborhood Council provide support for a project that is no longer applicable to the C2 zone? Does a 66-bedroom apartment with no parking qualify to be built in a AO Flood Zone? Is Domas LLC exempt under AB 1197 which eliminates CEQA and environmental or traffic studies for the next seven years on PSH buildings built by anonymous LLCs and LPs with public funds? **(Attachment D)**

Could it be that the city is trying to cite a publicly paid, privately developed apartment building when the building doesn't meet the requirements of being built in a federal AO flood zone, or conducted the correct flood studies as required by the City of Los Angeles. The City changed the zoning code to accommodate Domas LLC from C2 to R3, the project was placed on hold in August, and then after the passage of AB 1197 – the OPNC lent it support to the project when the City requested that it be modified. The violations of the Brown Act and city bylaws by the OPNC, means they are not qualified to lend support to any project. What happens when one's local government is exempt from protecting citizens' health and safety in order to ensure that private anonymous developers get to build large apartment projects abutted to single family homes at great public expense?

What other buildings have been built or planned in federal AO flood zones that have been able to sidestep zoning code and regulations via their good friends at the Dept. of City Planning, and now with AB 1197 are free to build anything they want, at public expense, with thousands of dollars every month per unit in rent guaranteed by the taxpayer.

The people of Olympic Park do not know that AB 1197 exempts PSH buildings in Los Angeles, and allows them to build large scale apartment buildings with no environmental or traffic studies. This means that the Council, without any environmental or traffic study to protect the people, supports projects with unknown consequences on the community. If OPNC truly represents the people, it would not have locked out homeowners who attempted to bring their concerns regarding Domas LLC Solaris Apts. to the Board. It is highly suspicious as to the motivation of the Council to elect themselves as filers of community impact statements, when less than a month after violating the community's rights, voted to ignore the concerns of homeowners and send a letter of support in behalf of one the largest developers of Permanent Supportive Housing in the state.

There are approximately 10 members of the council (and five vacancies). Has anyone bothered to count how many people vote for each member, and why this tiny group has the ability to publicly support the construction of massive projects, when many a times the only support these projects need for development in the community is from the Neighborhood Council? **Members of the Neighborhood Council violated the Brown act, and continue to violate the bylaws of the neighborhood council, which requires them to have “fair, open, and transparent procedures” yet use private communication to conduct city business.** How can the OPNC be able to lend support to projects, when they operate secretly, and violate the rights of homeowners by cancelling their meeting?

The OPNC continues to remain in operation, when Herb Wesson, the President of the City Council, is well aware of the meeting’s illegal cancellation and did nothing (**Attachment E**)? Why do members of the OPNC continue to conduct city business via private email, even though both the DA of the City and County of Los Angeles were contacted on 9/27 regarding this issue? (**Attachment F**).

Members at the October meeting parroted the President’s excuse and blamed the cancellation of the September OPNC meeting on a lack of quorum. The members of the council were informed in a public meeting that they violated the Brown Act. They then went ahead and appointed Mitch Edelson and four other members to represent positions for Olympic Park, a community of small homeowners whose collective value of real estate is in the billions of dollars. The owner of the Catch One Nightclub, President Mitch Edelson communicates city business through private email (OPNCLA1999@gmail.com, mitchedelson@gmail.com), uses a private phone, donates his nightclub for the meeting space, and uses a P.O. Box to receive communications. (**Attachment G**)

Why is the Olympic Park neighborhood council able to submit community impact statements when they communicate city business via non-city email and non-city phones? Isn’t this a serious conflict of interest and a violation of public ethics when members of the council, considered city employees, communicate city business through private channels? How much city business has been communicated via private email and phone regarding tens of millions of dollars’ worth of potential real estate projects in the Olympic Park area that only need support from the Neighborhood Council to get constructed?

The Olympic Park neighborhood council ignores community concerns, illegally cancels meetings so our concerns won’t be heard, and then colludes with its own members to lie and state the meeting was cancelled because it “lacked quorum”. **The OPNC is not qualified to file community impact statements, because it violates the brown act and breaks the bylaws of the OPNC.**

CA Gov Code 54952 c2 states: **“No board, commission, committee or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency...has a member of the legislative body...as a full voting member.”** By chance, how many members of the OPNC and Mid City Neighborhood Councils fraternize or are connected to members of development LLCs or other type of limited development partnerships who have the luxury of remaining anonymous? How many volunteer members in the neighborhood council system work or have worked for developers?

I request the CITY ATTORNEY, in accordance with 54960 of the Brown Act, to commence an action to cure or correct by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of the Brown Act by members of the OPNC, who on September 9, 2019 illegally cancelled the meeting of the OPNC in order to avoid hearing and attending to the concerns voiced by homeowners of Victoria Ave. in relation to Domas LLC's Solaris Apts. Further, the OPNC utilizes private communication to conduct City Business in violation of Gov. Code 54950 and OPNC bylaws. (Attachment F.2)

I request the district attorney determine the applicability of the Brown Act to past actions of the legislative body, subject to Section 54960.2., and determine whether any rule of action the legislative body is punishable and described below.

I request that the City Attorney demand a cure or correct to the following actions of the OPNC:

1. The Cancellation of the regularly scheduled meeting of the OPNC on September 9 at 7pm in violation of Gov Code 54954.3c. The cure requested would be recognition by the City of the impromptu meeting held in the residents gathered in the Catch One nightclub parking lot, in lieu of the regularly scheduled meeting of the OPNC, and accept the adoption of paperwork passed out to residents at the meeting to be placed on the public record.
2. Withdraw the appointment of the five OPNC members as filers of Community Impact Statements which took place on October 7, 2019 at approximately 7:45pm. The OPNC is not qualified to provide community impact statements due to colluding to cancel a regularly scheduled meeting on Sept. 9, and utilizing private communication to conduct city business in violation of the Brown Act including Gov. Code 54954.3c and 54950 (Including Policy F of OPNC Bylaws). The City Clerk only accepts statements from Neighborhood Councils, "in accordance with the Brown Act".
3. Withdraw of October 7, 2019 letter of Support for Domas LLC's Solaris Apts. The Board is not qualified to provide community impact statements, and thus the support letter for Solaris is invalid.

The city would accept the following documents passed out to residents (10 copies) for public record and display on the OPNC website:

- 1) 2015 Proposed Negative Declaration for C3 Subdivision (I only brought one copy). (Attachment H)
- 2) 2016 Letter of Support from Laura Rudison, obtained from the VTT-73424 Physical File for the C3 luxury subdivision. (Attachment I)
- 3) Mitch Edelson's response to my inquiry related to the C3 luxury subdivision dated 12/5/18. (Attachment J)
- 4) 13-page email chain between myself and Mitch Edelson, President of the City of Los Angeles' Olympic Park Neighborhood Council (front page dated 12/31/2018). (Attachment K)

5) Six-page email chain between myself and Jordann Turner, City Planner for C3 luxury Subdivision, of City of Los Angeles. (front page dated 1/12/2019). (**Attachment L**)

Why does the city give loans to LLCs and LPs for permanent supportive housing knowing that the persons behind these companies don't have to be publicly named or vested to make sure they don't already have unsustainable debt left outstanding from previous projects? Are developers indebted to the point they can't pay back what they have borrowed from others without being dependent on the taxpayer to front the bill?

Is it true that plans for Permanent Supportive Housing structures would be pushed through city review in three months, where its rumored that apartment owners can receive up to \$3500 a month in rental fees from the taxpayer for a family of four receiving Section 8? LLCs remain anonymous and qualify for tens of millions of dollars in public loans and subsidies, while being absolved of all environmental and structural responsibility for the buildings they construct, and the infrastructure issues and parking, traffic and noise problems they create and force on the community.

At the August 8, 2019 City Planning Commission meeting, Amani Apartments LP was granted "streamlined, ministerial approval", a close to 60% density increase, and exemption from the California Environmental Quality Act. Could it be that the presence of Herb Wesson's staff to push the project is why the valid concerns of residents regarding parking were ignored? How could Herb Wesson support a project with approximately 85% of the cost provided by the taxpayer, when it is unclear what debts Amani LP members currently carry and owe to others. Why are the concerns of homeowners sidestepped, when a small neighborhood of single-family homes supplies the only available parking in the area?

There is a question whether the notices regarding Amani Apartment Senior housing project on Pico were properly received by residents. A neighbor commented that she didn't know anyone, besides herself, who received notice. Can it be that residents of Victoria Ave. AGAIN were not properly notified, a la C3 luxury subdivision in which 626 notices were allegedly sent out, but no one in the neighborhood received them? Would this be so no one would be present at meetings, such as for the Advisory Agency or City Planning Commission, regarding permanent supportive housing and subdivisions affecting their neighborhoods?

Developer Amani Apartments LP, is planning on placing a 55-unit senior housing complex with 2,500 ft. of commercial office space, and building only four parking spaces at 4200 Pico Blvd. There would be no parking for residents or customers. Close to 85% of the estimated 30 million in construction costs would be provided by loans and other incentives sucked from the taxpayer. It is convenient that Amani LLC place their development at this particular location, because 4200 Pico is under the purview of Mid-City Neighborhood Council, and the houses on the same side of the street, those south of Pico in **Victoria Circle, have the luxury of a city-sanctioned iron gate blocking their street to vehicular and foot traffic.** It's easy for one neighborhood council to support a massive apartment project, when their residents have an iron fence, and burden of parking for residents, employees, and customers falls on a street of

residential homes overseen by the OPNC, whose ties and interactions with developers are questionable, places the health and safety of homeowners and residents of the area at risk.

According to the City, uncontrolled development is needed to relieve the problem of homelessness. How many people who are homeless now are transients from other parts of the country, or because they got kicked out of their apartments while the City stood by and turned their back? *Why should the taxpayer be forced to cover the problems of the City's bad decisions, when half of all new apartments in downtown sit empty, and the idea of affordable supportive housing costs approximately \$550,000 - \$570,000 a unit to construct, as in the case of Domas LLC and Amani Apartments LP, who are requesting 85% and 60% of their estimated personal building expenses to be covered by the taxpayer.*

The Dept. of City Planning seeks to clog a vital junction between the 10 freeway and Wilshire Blvd, which would place three massive projects (and countless others) within two blocks of each other on Crenshaw between Country Club and Pico Blvd without any of them, or others after them, requiring a traffic or environmental study. No developer placing permanent supportive housing in the City would be responsible for the commercial and residential parking needs of their residents, nor be required to complete an environmental or traffic study thanks to the recent passage of AB 1197 in late September.

LA City Planners would willingly create a terrible bottleneck that would compromise the commute of thousands of people, and destroy the neighborhoods of Oxford Square, Country Club Park, and obstruct whatever available parking there is left. It will set in motion the destruction of other surrounding single-family neighborhoods who will be pushed out, landlocked, or simply eminent domain'd or Chavez Ravine'd for anonymous LLC's whose apartment buildings are built in the "public interest".

With so few people attending the OPNC meetings, how many residents voted in the elections? How many votes in total were actually received, particularly for the president himself? Why won't the OPNC digitally record their own meetings when requested, or post the minutes of their meetings for public reference in a timely fashion? Further, homeowners and residents in one of the oldest areas in Los Angeles should be suspicious when a handful of people vote and determine the membership of a government body, a pivotal contact for developers, who publicly support anonymous LLCs, but use private emails and phone number to communicate city business so that no one knows what is being said and done behind their backs.

OLYMPIC PARK AND MID CITY Residents' quality of life is at serious risk of being compromised by city officials and developers who will purposely destroy single home communities, create bottlenecks, parking problems, safety concerns, stress infrastructure, eliminate oversight, and bend law backwards in order to secretly accommodate developers at taxpayer expense while jeopardizing the health, safety and quality of life of the people they claim to care about .

Virginia Jauregui
October 9, 2019