

Fw: Murray Mansions, LLC - 1251 S. West 90019 VTT-82630-CN - AO Flood Zone

From: Virginia J. (vcarville@ymail.com)

To: vince.bertoni@lacity.org

Date: Monday, May 18, 2020, 10:24 PM PDT

FYI

----- Forwarded Message -----

From: Virginia J. <vcarville@ymail.com>

To: Nicholas Hendricks <nick.hendricks@lacity.org>; Jessica Jimenez <jessica.jimenez@lacity.org>;
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Sent: Monday, May 18, 2020, 10:22:00 PM PDT

Subject: Murray Mansions, LLC - 1251 S. West 90019 VTT-82630-CN - AO Flood Zone

The content of the response below is attached.

Mr. Hendricks,

You are given an exorbitant amount of power by city politicians to use your position to single-handedly determine the application of environmental protections/CEQA exemptions - and thereby the safety of thousands of trusting and unsuspecting Los Angeles homeowners, when information prepared by the Dept. of City Planning to justify development has been found to be fraudulent.

The Dept. of City Planning, *more aptly titled The Ministry of City Planning*, has a history of consistently failing to properly identify and document the city's federally protected flood zones, and uses deceit to allow for development that otherwise could not be constructed. The "Advisory Agency" seeks to deny environmental protection for residents and neighborhoods so that serious, non-reversible long-term consequences of unregulated construction does not have to be identified, or the risks and impacts to traffic, congestion, disease, the environment, and neighborhood/city functionality and safety does not need to be studied.

The failure of city staff to identify the flood zone correctly was found with Solaris Prop HHH housing (1141-1145 S. Crenshaw Blvd.), C3 Luxury Subdivision (1102-1128 S. Crenshaw Blvd.), and Murray Mansions LLC – whose development at 1251 S. West Blvd. was considered for a condo conversion and CEQA 32 exemption by the Advisory Agency on May

13, 2020. Further, the City has worked to push the passage of State laws behind the backs of their residents during the last two years, including AB 1197 and AB 2162, that are meant to deny the people of Los Angeles CEQA environmental protections by allowing developers to legally circumcise/circumvent CEQA.

According to California State Public Resources Code 21000, the intention of the state is:

(a) The maintenance of a quality environment for the people of this state now and in the future....

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

Together the Dept. of City Planning and L.A. Politicians have failed to maintain a quality environment for the people of this city, which because of corruption and incompetent planning, it is full of trash, feces, misery, and citywide architectural eyesores. It has compromised beauty, mobility, and safety, to protect corruption, collusion, and fraud, which is committed by unscrupulous publicly paid and protected "elected" employees and their bootlickers - many of whom are put in positions of management and high control.

On May 13, 2020 I attended (by phone) the public meeting for VTT-82630, 1251 S. West Blvd., in which the developer Murray Mansions, LLC., was seeking the Advisory Agency to grant a request to allow for a condominium subdivision at 1251 S. West Blvd. The building would have 32 bedrooms, 16 parking spaces, and consist of 20-units. (Because the company is an LLC, members do not need to be publicly identified or held legally responsible for the ugly buildings they construct, or their failure in the event of an earthquake/flood.)

The public hearing notice for the project states the following:

The Advisory Agency shall consider an Exemption from CEQA pursuant to CEQA Guidelines, Class 32, and that **there is no substantial evidence** demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. (emphasis added)

If I understand correctly, Mr. Hendricks announced that vtt-82630 was inconsistent with CEQA and would be skipped at 10:06am, four minutes prior to the scheduled start time. He then placed the Rossmore project in the 10:10am hearing slot. It was at that time that I hung up and emailed Jessica about this issue, who wrote "Item VTT 82630 hasn't been presented...We will be addressing the **incorrect flood zone** during the presentation". (emphasis added) The city's presentation to the Advisory Council commenced 45 minutes later and discussion and comment lasted approximately a half hour.

The extent Ms. Jimenez discussed the "incorrect flood zone" was limited to the City's staff report, which she noted contained a discrepancy on Page 22, stating that the location of the development was not in a flood zone. Ms. Jimenez **failed to mention that the discrepancy was also included in the project's 2018 Notice of Exemption (ENV-2018-2029-TOC) prepared by the Dept. of City Planning**, which was used to claim TOC density increase

and justify a Class 32 CEQA exemption, which the City **falsely** claimed the property qualified for.

Prior to the hearing, a link to the Notice was emailed to both Mr. Hendricks and Ms. Jimenez. Although I was under the impression a CEQA exemption had previously been granted, I wrote "My concern is that Murray Mansions, LLC obtained environmental CEQA clearance....with City Planning staff falsely claiming that the location was not in a flood zone, as stated in the Notice of Exemption filed for ENV-2018-2030-CE."

The 2018 Notice of Exemption states:

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exception. None of the exceptions are triggered for the following reasons...the site is not located within...a Flood Area.

Could it be that this tidbit of information was purposely left out at the hearing so Mr. Hendricks could slip a CEQA exemption to the Developer when no evidence was presented to justify it?

A Class 32 exemption would mean Mr. Hendricks determined that the evidence presented found that placing a 56ft high TOC development in the middle of a quiet residential neighborhood would have no significant impact on the environment. How could this be when the structure would tower over the surrounding homes in the area, block out sunlight to its neighbors, and constitute a significant change to the environment of low density, single family homes in the flood zone. Queen Anne has the unfortunate designation of being in R3 Zone, and most likely will become the next prey for developers wanting their property.

During the hearing no evidence was presented, discussion held, or action requested to justify the adoption of a Class 32 exemption for Murray Mansions LLC. The City purposely failed to properly identify the flood plain and related environmental impacts so it could allow a 56ft tall density project with a TOC designation to be placed in a neighborhood of single-family homes in an AO flood zone.

Providing a Category 32 CEQA exemption and granting a subdivision to Murray Mansions LLC creates a massive liability. It demonstrates that findings by the Dept. of City Planning were purposely labeled incorrectly in order to assist the developer in circumventing law and federal flood code two years before.

The Specific Plan to Manage Flood Hazards (Ordinance 172081) states - Development Regulations #4: This section shall not create liability on the part of the City of Los Angeles, the United States or any officer or employee thereof.

ALLOWING A CEQA EXEMPTION TO A HIGH-DENSITY TOC CONDO PROJECT IN A RESIDENTIAL FLOOD PLAIN BASED ON FRAUD BY CITY STAFF CREATES SERIOUS LIABILITIES FOR THE PEOPLE OF LOS ANGELES, WHO CANNOT TRUST THE DEPT OF CITY PLANNING TO PROTECT THEM AND PROPERLY INTERPRET LAW.

Government code 822.2 states:

A public employee acting in the scope of his employment is not liable for an injury

caused by his misrepresentation, whether or not misrepresentation be negligent or intentional, unless he is guilty of actual fraud, corruption, or actual **malice**. (emphasis added)

Does the Dept. of City Planning practice malice by allowing developers to construct projects whose repercussions and long-term consequences to human/animal/plant health, safety and neighborhood security are purposely unseen/hidden by city staff?

How can anyone trust in the Dept. of City Planning when it assists developers in evading law and federal flood code?

The goal of the State of California is to protect the flood plain from overdevelopment, not abuse it to bestow your friends parking breaks, density increases, and CEQA exemptions for their projects at the expense of the welfare and safety of the people who live here.

Would Mr. Hendricks or his city planners be held liable for a pattern of failing to recognize the Flood Zone, and creating “unforeseen” citywide congestion, parking scarcity, safety issues, and other problems? For example, is it considered malice to collude to build two CEQA exempt Prop HHH Public Housing TOC projects with approximately 120 bedrooms and commercial floors and space for services, and provide NO PARKING for customers or residents, with the massive burden for furnishing parking expected to be absorbed and carried by a nearby neighborhood of single-family homes?

The Ministry/Dept. of City Planning uses deceit to forcibly sacrifice neighborhoods in Olympic Park, like Victoria Ave., to meet the needs of anonymous/well-connected/wealthy developers who aren't required to be environmentally or legally responsible for construction. These developers, with the backing of City Planning, uses residential communities to turn a profit by forcing them to double as garden side parking lots for developers who receive public funds and other breaks, but aren't required to be identified.

I HAVE HEARD RUMORS OF THAT LA CITY PLANNERS TAKE KICKBACKS, IS THAT TRUE?

One may come to the conclusion that City Planning staff colludes with private developers in order to exploit and disenfranchise homeowners, single family neighborhoods, and open space in the City.

Are city planners held responsible for providing false statements or failing to publicly reveal problems during Advisory Hearings? Does Ms. Jimenez's failure to identify the issue of the Notice of Exemption at the Advisory Agency mean she is liable for the incorrect application of a Class 32 CEQA exemption, when both her and Mr. Hendricks were aware that the location of S. West is in a Flood zone?

15192/15193 of CEQA states, “a housing project must meet **all** of the threshold criteria set forth below....(L) Either the project site does not present a landslide hazard, **flood plain**, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.” (emphasis added)

Because 1251 S. West Blvd. is located in an AO Flood Zone, it cannot meet all of the state's threshold requirements, *and thus is not qualified for a Class 32 CEQA exemption, let alone a*

TOC designation. As a result, an exemption cannot be granted by the Advisory Agency, unless it is done fraudulently.

Ms. Jimenez asked in her presentation for approval of the project and stated it was supported by the OPNC; she did not request a CEQA 32 exemption.

Please note: the OPNC was asked to only support the condo conversion, not an exemption to CEQA.

Developers use the neighborhood council system in order to feign support/community impact statements for unpopular projects seeking “public support”. Councilmembers are elected with sometimes as little as one vote or no vote whatsoever. Many are sycophants purported to have ties to developers.

The City Attorney in October 2020 received accusations of Brown Act violations by the OPNC. Instead of investigating, as they are required to do, the City Attorney simply ignored it. This is because:

IF THE CITY ATTORNEY CONCLUDED THAT THE OPNC COMMITTED BROWN ACT VIOLATIONS, IT WOULD BE DISQUALIFIED BY THE CITY CLERK FROM LENDING “PUBLIC SUPPORT” OR COMMUNITY IMPACT STATEMENTS ON BEHALF OF PRIVATE DEVELOPMENT PROJECTS.

Should the violations of the Brown Act be recognized, it may be found that the OPNC, like other neighborhood councils, is too compromised as an entity to continue to participate as a fake public support generator for private developers.

If the necessary studies required in the flood plain were not conducted, how could Mr. Hendricks or Ms. Jimenez determine the impacts of the project or provide a thorough or complete review when no justification or evidence was presented – then recommend project approval, and slip in a CEQA exemption? Would this compromise the right of homeowners to due process if the agency/dept. that controls development in the city is corrupt?

If the project is inconsistent with CEQA, and staff committed fraud to claim it was not in a flood zone, why did Mr. Hendricks grant it also a condo conversion?

According to Ms. Jimenez, Mr. Hendricks statement below qualifies as approval for a Class 32 exemption and subdivision allocation (i.e. approval) for Murray Mansions.

“I find the evidence before me demonstrates that it is consistent with the map act and our local laws, I’m also inclined to modify any of the conditions that were addressed earlier that engineering had commentary on and had [unintelligible] organization where those conditions were placed, and that concludes that part of this, so I am inclined to approve this project and adopt or refine environmental clearance satisfactory under state statute under California environmental quality act, that concludes my hearing today.”

Ms. Jimenez mentioned that the project for 1251 S. West included TOC designation to allow for increased density while providing half of the recommended parking spaces for residents. How is providing a Tier II TOC designation for a 56ft tall condo construction project, that has a 50%+ density increase OVER THOSE ALLOWED NORMALLY IN THE R3 ZONE, allowed

in, or is consistent with, the general practices of development in the City's Federally protected Flood Zones?

According to CEQA, uniform applied development policies regulate construction in a flood zone. Would this mean that TOC designations for one building can be applied uniformly to development in an AO flood plain? How is placing a 56ft building in a community of single-family homes preserving and protecting development in flood zones, as you are required to do?

Further, A TOC TIER II designation is not consistent with the city's FMP (Flood Management Plan) or ordinance 172081.

172081 states the following:

For all projects processed by the Department of City Planning...a finding of fact shall be made as to whether or not a project is located within a special hazard area. For projects found to be located in a special hazard area the following finding shall be made "the project conforms with both the specific provisions and the intent of the Floodplain Management Specific Plan." Specific factual evidence supporting this finding shall be contained in the record pertaining to the project.

BECAUSE THE CITY FAILED TO PROVIDE FACTUAL EVIDENCE TO CORRECTLY IDENTIFY THE LOCATION OF 1251 S. WEST AS IN A FLOOD ZONE IN 2018, SUBSEQUENT DECISIONS REGARDING THE PROJECT BY THE ADVISORY AGENCY INCLUDING TOC DESIGNATION AND CEQA EXEMPTION, ARE NOT APPLICABLE.

No provisions exist in city law or the FMP (Flood Management Plan) that I know of that allow high density TOC projects to be placed in AO Flood zones.

Local residents and homeowners have no protection from the hidden power dynamic of illegal, unregulated and unnecessary development pushed by the Dept. of City Planning, who by their actions show contempt for the safety and security of single-family homeowners and their neighborhoods whom they treat as expendable.

The goal of the Dept. of City Planning it seems is to purposely destroy the safety and cohesiveness of single family home communities and the environmental protection of city flood zones, in order to enable unregulated, over scaled, ugly developments by anonymous individuals, who collude with city staff in order to commit fraud and deceit, so that single family neighborhoods can be pillaged by developers of its open space, and whatever available parking is left.

City Planning sends a clear message – it does not care about homeowners nor their environmental protection. They will use fraud and deceit in order to circumvent zoning code– because little homes don't generate the kind of property taxes they determine to be worthy of protection.

The Dept. has already demonstrated its incompetence in City Planning by the dysfunction of traffic congestion/immovability of the City's Westside, and are planning the same development standards to the people of Olympic Park in an effort to make their

neighborhood unlivable and undrivable as well.

The city has no viable way to come up with new sources of income to pay for the billions of dollars in unsustainable pension debt, salaries, worker's comp claims, homeless hotel bills, and other dysfunctional and unsustainable costs that get passed and absorbed by the taxpayer. The taxes necessary to balance city books cannot be generated without causing the people of this city egregious environmental and financial harm which comes from (For example), having to foot the cost for private developers to construct a billion dollars in public housing, which simply doubles as a scam to have residents and property owners pay off developers' debts. Wouldn't it make better financial sense to place qualified homeless (such as those who are considerate enough to pick up after themselves) in empty commercial buildings that can be converted to residential use?

As one City Planner was honest enough to reveal, little homes don't generate the type of high property taxes needed to cover the expenses of salaries/pensions for city employees.

I met some of your city planners earlier in 2019 at the Temple Beth Am on La Cienega Blvd. who were pushing the Dept's plan for uncontrolled development in Mid City/Mid-Wilshire. The city used the Temple Beth Am, a house of worship, to add legitimacy to a demonic plan/no plan that would require the destruction of single-family homes and small apartments and replace it with CEQA exempt pre-covid high-density construction. **NONE** of the planners present were able to provide population projections, estimated costs of construction, infrastructure, emergency planning, and availability and allocation of resources. How can the Los Angeles City Government be in God's good graces when it uses his house of worship to peddle corrupt bullshit?

It isn't widely known that the City of Los Angeles was originally named after Mary, the mother of Jesus Christ. (Nuestra Senora La Reina de Los Angeles). What is God's reaction when the city uses deceit and incomprehensible laws to destroy its protected heart and disenfranchise its people.

The Dept. of City Planning places the health and safety of residents and city functionality subservient to the desires and wants of self-serving well-connected anonymous developers. The people of this city are tired of being exploited by unscrupulous public employees who utilize their positions of power to allow for deceit and trickery to be practiced for the benefit of anonymous developers, at the expense of the people.

The City has a history of wiping out entire communities, including at Chavez Ravine and the residential neighborhoods of Downtown Los Angeles, who were eminent domained, bulldozed, and sold out to private developers. With the Dept. of City Planning, willing to lie, and the protection afforded by the City Attorney who does not hold LA public employees accountable for corruption - why wouldn't the Dept. of City Planning do to the homeowners of Olympic Park what their predecessors previously had done to the people of Chavez Ravine, which is to f\$\$k them over.

Sometimes the only way to attempt to hold public employees accountable is to not currently be a public employee yourself.

Sincerely,

Virginia Jauregui

On Wednesday, May 13, 2020, 12:16:46 PM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:

Hi Virginia,

Thank you for attending the hearing.

Yes it will be approved with a Class 32 CEQA exemption. Mr.Hendricks concluded the case met CEQA requirements at the very end.

A decision was reached and it will be approved.

Please let me know if you have additional questions or concerns. I'm happy to help.

Best regards,

Jessica

On Wednesday, May 13, 2020, Virginia J. <vcarville@ymail.com> wrote:

Hi Jessica,

Does the condo development get approved with a CEQA 32 exemption or will they be completing a CEQA in order to commence construction for the subdivision?

Mr. Hendricks skipped that portion, will it be addressed again? I also didn't understand if an actual decision was reached regarding the subdivision of the property.

Thank you,
Virginia

On Thursday, May 7, 2020, 10:56:43 AM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:

Of course. Please see the attached notice. It will be virtual and if on that day you need help please send me

an email and I will try my best to help you in case you want to speak on the item or listen in.

Thank you!

Jessica

On Thursday, May 7, 2020, Virginia J. <vcarville@ymail.com> wrote:

Thank you Jessica, would you tell me when the hearing is?

Sincerely,
Virginia Jauregui

On Wednesday, May 6, 2020, 12:57:59 PM PDT, Jessica Jimenez <jessica.jimenez@lacity.org> wrote:

Good afternoon Virginia,

I hope this email finds you in good health.

Thank you for contacting the department regarding this matter and bringing this issue to light.

We will address the discrepancy at the hearing. Please contact me if you have further questions or concerns.

Best regards,

Jessica Jimenez



Jessica Jimenez
Planning Assistant
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On Wednesday, May 6, 2020, Virginia J. <vcarville@ymail.com> wrote:

Good Morning,

I am forwarding you my two minute comment I provided at the Olympic Park Neighborhood Council meeting related to the CEQA exempt **Murray Mansions, LLC** five story condo development at 1251 S. West, 90019, in which the City stated that the location was not in a flood zone which afforded a Category 32 CEQA exemption on the property.

On May 5, the board was used to support (8 to 4 (+ 1 no position) **Murray Mansion, LLC's** plan to subdivide the property in order to now allow for condos, while not providing enough parking for residents.

My concern is that **Murray Mansions, LLC** obtained environmental CEQA clearance similar to clearance given to C3 subdivision and Solaris Apts, with City Planning staff falsely claiming that the location was not in a flood zone, as stated in the Notice of Exemption filed for env-2018-2030-CE.

Comment:

The OPNC is being asked to support/not support a subdivision of a private five story "condo" development of 20 units at 1251 S West Blvd., composed of three affordable low income dwellings.

According to the environmental clearance Notice of Exemption for the location: https://planning.lacity.org/pd_iscaseinfo/document/MTk3ODA00/03b6cd7a-61f3-4d27-8bc5-9bb6e2_0119bc/pdd

The Dept. of City Planning listed this property as being eligible for CEQA exemption. Meaning that the condominium would have no environmental responsibility to the neighborhood. The city planner states: "based on the review of the data on the Dept. of City Planning's Zimas for the subject property [1251 S West Blvd.] is not located within....a flood zone."

Why is the City of Los Angeles Dept. of City Planning staff **again** stating falsely what isn't true? Can city staff be trusted to correctly interpret federal flood code, because according to FEMA Flood Map **1251 S. West Blvd. is in an AO Flood Zone**. <https://msc.fema.gov/portal/search?AddressQuery=1251%20s%20west%20est%20blvd.%20los%20angeles%2090019#searchresultsanchor>

Stating otherwise, which is what the city is doing, is assisting a private developer in circumventing federal flood code in the construction and approval of a **CEQA exempt pre-covid** construction project with consequences purposely unseen by Dept. of City Planning employees. Has the developer conducted flood studies as required by the City?

As stated in a letter sent to the City Attorney in October 2019 "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?"

This five story high density apartment complex, by dedicating 15% of their construction to three very low income dwellings, in return are allowed to develop super high density apartment projects that would tower over the neighborhood of mostly single family homes, and set in motion a destruction of open space (**Cut off by Mr. Edelson**) and available parking currently available to the neighborhood.

Murray Mansions, Limited Liability Company would half the State requirement of 32 parking spaces and only have 16 spaces, and then rely on the rest of the neighborhood to accommodate its parking requirements of a high density CEQA exempt pre-covid structure in an AO Flood Zone. The CEQA exemption was garnered because the Dept. of City Planning most likely committed fraud in order to override AO federal flood code in order to accommodate anonymous private developers.

Worse still is the City Attorney's refusal to investigate Brown Act violations relating to the OPNC Board's 9/9/19 cancelled meeting and use of personal emails to conduct city business. If the City Attorney was doing their job, the Board would be found to not be qualified to submit community impact statements/support letters for development LLCs, who remain anonymous and bear no legal or environmental responsibility to the community/condo buyers for the buildings they construct.

The Council, like many others in the city, most likely is being used as a scheme by private developers/city politicians/LLCs - who populate the Councils with sycophants in order to gain phony public support and "legitimacy" for development projects, whose CEQA clearance through the Dept. of City Planning is questionable,

Sincerely,
Virginia Jauregui

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