

Message

From: Naira Soghatyan [Naira@robertsilversteinlaw.com]
Sent: 6/16/2020 2:42:46 PM
To: Aisha Thompson [aphillips@cityofinglewood.org]; Mindala Wilcox [mwilcox@cityofinglewood.org]; Yvonne Horton [yhorton@cityofinglewood.org]
CC: Esther Kornfeld [Esther@robertsilversteinlaw.com]; Robert Silverstein [Robert@robertsilversteinlaw.com]; Veronica Lebron [Veronica@robertsilversteinlaw.com]
Subject: Brown Act Violation on June 9, 2020; Comments to June 16, 2020 CC Agenda Item Nos. SPH-2 and SPH-3; and Objection to June 16, 2020 CC Agenda Item No. O-1
Attachments: June 9 2020 City Council Hearing FB Comments.pdf

Dear Mayor, City Council and City officials

Please include this letter in the administrative record of the IBEC Project SCH SCH 2018021056.

This letter is in response to the City's communication we received yesterday, June 15, 2020, June 16, 2020 City Council Hearing Agenda items SPH-2 and SPH-3 that the June 15, 2020 relates to, as well as an objection to the June 16, 2020 City Council Hearing Agenda Item O-1 related to the Adoption of the Citywide Permit Parking Districts Program and related Ordinance.

1. Deprivation of Public Right to Address Decisionmakers under Govt. Code Sections 54954(b)(3) and 54954.3

It is a fact that the Agenda of June 9, 2020 had provided an incorrect access code, which was the only way the public could directly address the decisionmakers, distinct from their right to also contact the City in writing. It is also a fact that we and the public attempted to contact the City at the incorrect access code provided on the agenda. The City violated the Brown Act's requirements to provide a correct advance agenda notice of the access code, as well as to provide uninterrupted and reasonable opportunity for the public to contact the City even upon the late correction access code, in violation of Govt. Code Sections 54954(b)(3) and 54954.3. These statutory requirements are also consistent with the COVID-19 Executive Order N-29-20, which solely waives the physical presence requirements and yet mandates both notice and accessibility of all public meetings.

In view of our and others' failed attempts to address the decisionmakers on June 9, 2020, we have requested special assurances and special accommodations to ensure that we and the public can be heard and can exercise our statutory right under the Brown Act at both June 17, 2020 Planning Commission Hearing and at any other public meeting. Our statements that over 100 people were deprived of the opportunity to address the decisionmakers on June 9, 2020 are supported by over 100 comments people left on Facebook in real time - during the very June 9, 2020 meeting - asking for an opportunity to speak and complaining of the technical difficulties to hear others' speeches.

Attached hereto is a printout of all the real time correspondence by the public, as well as the City's acknowledgment of the problem during the June 9, 2020 meeting. The list of comments arguably does not include the people who had attempted to call and yet were unable to view the meeting on Facebook either to learn about the corrected code or to leave comments on Facebook - all due to the lack of access to computer/internet or lack of computer skills.

We also note that for those who had been calling the City on June 9, 2020 - even with the City's late-corrected access code - were still deprived of the opportunity to speak because the instructions given at the meeting to dial # and then again # "to raise your hand" to make a comment were incorrect, as the "raise your hand" command given on the phone was "#2.". The incorrect instructions with the dial

code were provided by staff orally during the hearing and were provided in writing on Facebook in real-time communications from the City.

We and the public request assurances and special accommodations to ensure that the City's teleconferencing is supported by an advance agenda, with a correct telephone and access code, printed in the same large print as the rest of the agenda, and free of any interruptions, background or static noises or other technical disturbances.

2. Re-Consideration of SPH-2 and SPH-3 and Recirculation of the IBEC DEIR.

In view of the undisputed technical problems with teleconferencing and the City's Brown Act violations to provide due notice and accessibility to the June 9, 2020 meetings, we support the reconsideration of the items upon accurate timely notice of the new hearing provided for the consideration of the General Plan Amendments in Items SPH-2 and SPH-3.

We also reiterate our claim that the General Plan Amendments will further the IBEC Project, are part of the latter, and must be considered in the IBEC Project EIR and together with all IBEC Project approvals.

The General Plan amendments were proposed on April 1, 2020, when Notices of Exemption for both General Plan amendments were posted online. This was long after March 24, 2020, when the public review period for the IBEC DEIR closed. Since no analysis of the later-advanced General Plan amendments of density/intensity modifications in the Land Use element and new Environmental Justice element (and their impacts) occurred in the IBEC DEIR, the noted General Plan amendments constitute a significant change and mandate that the DEIR be recirculated to provide the respective analysis under CEQA Guidelines Sec. 15088.5(a).

We therefore request not only the reconsideration of the General Plan amendments to ensure proper public participation, but also the recirculation of the IBEC Project DEIR, to include the analysis of the General Plan Amendments and their impacts therein.

3. Objections to the Adoption of the Ordinance re Citywide Permit Parking Districts Program, Agenda Item No. O-1.

We object to the City's adoption of the Ordinance re Citywide Permit Parking Districts Program as it is in violation of CEQA's piecemealing prohibition.

The proposal to introduce citywide parking district changes was brought up after the IBEC DEIR public comment period closed on March 24, 2020. The language of the Ordinance itself mentions that the Ordinance and the proposed changes are interrelated with the IBEC Project and are to address the parking issues associated with the foreseeable events upon the implementation and operation of the IBEC Project. Yet, the IBEC DEIR does not mention the sweeping citywide parking regulation changes, which will significantly limit public right to park on residential streets. To the contrary, the IBEC DEIR claimed that the Project would reduce traffic by 15% due to the Project's proximity to Metro and shuttle services.

We therefore object to the City's adoption of the Citywide Permit Parking Districts Program and the associated Ordinance under Agenda Item No. O-1 because of piecemealing from the IBEC Project, and request that the analysis of the impacts of the parking ordinance be included in the IBEC Project DEIR. We also request that the IBEC Project DEIR be recirculated under CEQA Guidelines Sec. 15088.5(a), to address the significant change related to the changes in the parking regulations to further the IBEC Project.

Thank you. .

Naira Soghatyan, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Naira@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

=====

The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (626-449-4200), and delete the original message. Thank you.

=====