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CITY OF LA HABRA HEIGHTS

September 30, 2013

Hearing Officer
1245 N. Hacienda Road
La Habra Heights, CA

Re: Appeal of Planning Commission approval of a Conditional Use Permit to allow the addition to and modification of a legal nonconforming structure for the renovation of City Hall

Dear Hearing Officer:

You have no jurisdiction to hear my appeal. First, my appeal included a challenge of the California Environmental Quality Act determination (CEQA). Environmental determinations made by a nonelected decision-making body are appealable to the elected decision-making body. You are not the elected decision-making body. One of the California Environmental Quality Act's purposes is to promote government accountability. Having a hired hearing officer decide the appeal does not satisfy the governmental accountability requirements. Second, the La Habra Heights municipal code requires the appeal of the conditional use permit to be heard by the City Council. You are not the City Council. Finally, my due process rights are being violated. Even if the City Council were somehow authorized to delegate its powers and duties, you are not independent or impartial because you have been hired by the city. Even if you are bound not to work for La Habra Heights again, the city's selection was not impartial because the city was establishing arbitrary qualifications that have not been disclosed, and hand-picking the hearing officer. I don't even know if the qualifications include your being neutral. Thus, the conflicts that the city is trying to avoid still exist.

Furthermore, the city did not clearly explain what the conflict of interest is that I was being asked to waive. I can't waive something if I don't know what I am relinquishing. Cities hold appeal hearings when the city is the applicant all of the time. I have attached some examples. However, there are other potential conflicts and it was not clear if I was being asked to waive all conflicts of interest or what legal authority there is to force me to waive all conflicts of interest in order to have my appeal heard by the elected decision-making body.

Thank you for your attention to this matter.

Sincerely,

George Edv...

9/30/13