

From: Veronica Lebron <Veronica@robertsilversteinlaw.com>
Sent time: 05/20/2020 07:18:49 PM
To: councilmember.ofarrell@lacity.org; david.ryu@lacity.org; kevin.keller@lacity.org; mayor.garcetti@lacity.org; mindy.nguyen@lacity.org; vince.bertoni@lacity.org
Cc: Dan Wright <Dan@robertsilversteinlaw.com>; Esther Kornfeld <Esther@robertsilversteinlaw.com>; Robert Silverstein <Robert@robertsilversteinlaw.com>
Subject: The Silverstein Law Firm | Inclusion of Original Millennium Case Administrative Record for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002
Attachments: 5-20-20 [SCAN] Letter to City Planning re Inclusion of Original Millennium Case AR in Hollywood Center DEIR AR.PDF

Ms. Nguyen:

Please see attached. Hard copy with flash drive to follow via overnight delivery. Please confirm receipt.

Thank you.

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

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THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

May 20, 2020

VIA EMAIL mindy.nguyen@lacity.org
AND OVERNIGHT DELIVERY

Mindy Nguyen
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

Re: Inclusion of Original Millennium Case Administrative Record for
Hollywood Center Project Draft Environmental Impact Report (“DEIR”);
Case Number ENV-2018-2116-EIR;
State Clearinghouse Number 2018051002

Dear Ms. Nguyen and City Officials:

In our April 29, 2020 letter to you, we submitted for inclusion in the Hollywood Center administrative record the entire administrative record and reference library of emails from the StopTheMillenniumHollywood.com vs. City of Los Angeles, et al. (LASC Case No. BS144606; Court of Appeal Case No. B282319; CA Supreme Court Case No. S258643) litigation.

Although the City Attorneys’ Office and, presumably, the City Planning Department have the entire administrative record and reference library from the original Millennium case, which we asked to be incorporated by reference, nonetheless, in an abundance of caution, we also sent to you by overnight delivery a flash drive containing the full bates-stamped administrative record and full bates-stamped reference library from the original Millennium case administrative record. That must be included here and now. Please immediately confirm that you will do so.

As of today, we see that the original Millennium case record has not been uploaded to the running administrative record for the Hollywood Center Project DEIR as requested or provided. Because of this and because we hope that the lack of inclusion in the current record is simply an oversight, we are sending an updated flashdrive containing clearer versions of the same documents we sent to you on a flashdrive via overnight

delivery on April 29, 2020. We request that the set of documents enclosed with this letter be uploaded in place of the April 29, 2020 set. If you have any questions, please contact us immediately for further clarification of this request.

The entirety of those files must be uploaded and included in the present administrative record and on the City Planning Department's running web page of the ongoing additions to the present administrative record for the Hollywood Center Project DEIR. We would suggest those materials be noted in the description as follows:

- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 1 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 2 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 3 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 4 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 5 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 6 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 7 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 8 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 9 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 10 of 13

- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 11 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 12 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 13 of 13
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 1 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 2 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 3 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 4 of 11
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- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 (“Original Millennium Case”) 11 of 11

You are required to include all of these documents from the original administrative record in the current administrative record for this Hollywood Center application and Draft EIR, including pursuant to Consolidated Irrigation District:

“We conclude that the term “submitted to” – which generally means presented or made available for use or study – is concerned with the effort that must be expended by the lead agency in using or studying the “written evidence” presented. (§ 21167.6, subd. (e)(7).) Consequently, we think that the term should be interpreted and applied pragmatically to fairly allocate the burden of handling the written evidence. Applying the term too broadly could place an unacceptable burden on lead agency personnel by requiring them to expend time and limited resources tracking down information that could have been provided more efficiently by the commenter. Based on considerations regarding the allocation of burden, we conclude that “written evidence” has been “submitted to” a lead agency for purposes of section 21167.6, subdivision (e)(7) when the commenter has made the document readily available for use or study by lead agency personnel.” Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 723.

“The third category contains five documents named in the comment letters of CID and the air pollution control district along with a citation to the specific Web page containing the document. We conclude that the information provided made these documents readily available to City personnel. To access the document, the person need only type the URL into a computer connected to the Internet. The document will appear on the computer screen and no further searching is required. Thus, the burden placed on lead agency personnel is minimal when a commenter provides the URL to the specific Web page containing the document.” Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 724-725.

City of Los Angeles, Department of City Planning
May 20, 2020
Page 5

The burden placed on the City is minimal, actually non-existent. We have provided a new flash drive with all of the bates-stamped files comprising the prior administrative record and reference library that the City itself certified. If you have any difficulty accessing or in utilizing the City's own set of the same materials, please promptly advise.

Separately, we requested in our April 20, 2020 email to you that you include in the record an April 19, 2020 LA Times article for which we provided a link. As of today, that article was not included in the record with our email. For your convenience, we are including the complete email and article below this letter. We hope this is also simply an oversight on the part of City Planning, and not an intentional failure to maintain a complete record as is required. Any linked documents referenced in a letter or other document submitted to you must be printed and included for the running record.

Thank you.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

Encl.: **Updated** Flash drive containing Millennium AR and RL

cc: Mayor Eric Garcetti (mayor.garcetti@lacity.org)
Councilman Mitch O'Farrell (councilmember.ofarrell@lacity.org)
Councilman David Ryu (david.ryu@lacity.org)
Vince Bertoni, Dir. Of City Planning (vince.bertoni@lacity.org)
Kevin Keller, Exec. Officer of City Planning (kevin.keller@lacity.org)

From: Robert Silverstein
To: Mindy Nguyen
CC: Luciralia Ibarra; Veronica Lebron; councilmember.ofarrell@lacity.org; kevin.keller@lacity.org; mayor.garcetti@lacity.org; mindy.nguyen@lacity.org; vince.bertoni@lacity.org
Date: 4/20/2020 2:19 PM
Subject: Hollywood Center: Objection to 45-Day Comment Period for Hollywood Center Draft Environmental Impact Report; Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen:

Thank you. Is my request for tolling or extending the public comment period being considered, and by whom?

Given the current extremely short, 45-day window and the critical issues associated with this project and the pandemic (see Mayor Garcetti's pronouncements as reported in the LA Times today: <https://www.latimes.com/california/story/2020-04-19/garcetti-state-of-city-la-address-coronavirus> [please print and include the full article as part of this communication for the record]), when can we expect a clear response from City officials to my letter?

As with all my communications, please include this in the record for this matter. Thank you.

Robert P. Silverstein, 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: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

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From: Mindy Nguyen <Mindy.Nguyen@lacity.org>
To: Robert Silverstein <robert@robertsilversteinlaw.com>
CC: Veronica Lebron <Veronica@robertsilversteinlaw.com>, Luciralia Ibarra <luciralia.ibarra@lacity.org>
Date: 4/20/2020 1:53 PM
Subject: Re: Objection to 45-Day Comment Period for Hollywood Center Draft Environmental Impact Report; Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Mr. Silverstein,

Thank you for your email. It has been received and will be noted for the record.

Best,

On Fri, Apr 17, 2020 at 6:55 PM Robert Silverstein <robert@robertsilversteinlaw.com> wrote:
Dear City Officials:
Please see attached urgent letter. Please promptly respond. Thank you.

Robert P. Silverstein, 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: Robert@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

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LOS ANGELES
CITY PLANNING

Mindy Nguyen

City Planner

Los Angeles City Planning

221 N. Figueroa St., Suite 1350

Los Angeles, CA 90012

Planning4LA.org

T: (213) 847-3674



Garcetti: L.A. is ‘under attack’ and will need to furlough thousands of city workers



In his annual State of the City address, Mayor Eric Garcetti announced plans for furloughs of thousands of city workers.

By [David Zahniser](#), [Dakota Smith](#), [Emily Alpert Reyes](#)

April 19, 2020 5:39 PM UPDATED April 19, 2020 | 9:21 PM

Mayor Eric Garcetti warned Sunday that the economic downturn facing Los Angeles will be more painful than the 2008 recession, requiring cuts to government programs and the furlough of thousands of city employees.

In a remarkable State of the City address, one that comes five weeks into the shutdown of many businesses, government buildings and other facilities, Garcetti declared that the city is “under attack” from the coronavirus and the economic fallout that has come with it.

“I’ve never before hesitated to assure you that our city is strong,” he said. “But I won’t say those words tonight. Our city is under attack. Our daily life is unrecognizable.

“We are bowed and we are worn down. We are grieving our dead,” the mayor continued, choking back tears. “But we are not broken.”

The mayor’s remarks represented a jarring break from previous State of the City speeches, when he offered overwhelmingly uplifting messages. In this year’s address, Garcetti offered a series of grim signposts about the city’s immediate future: joblessness, a collapse in hotel reservations and a 95% drop in passenger air travel — all products of the coronavirus outbreak.

The city has already borrowed \$70 million from special funds while responding to the health crisis. To balance the city budget, civilian city workers will need to take off 26 unpaid days — the equivalent of a 10% reduction in pay, the mayor said.

“From a fiscal perspective, this is the worst it’s ever been,” he declared.

So far, the city’s political leaders sounded open to the reductions being sought by Garcetti.

Councilman Mike Bonin said that, considering the extent of the economic calamity facing the region, he was relieved that the mayor was not announcing layoffs. Councilman Gil Cedillo described furloughs as the best in a series of bad choices, but worried that residents and city employees would suffer.

“City services are in greater need during a crisis,” said Cedillo, who represents parts of the Eastside.

How acutely the public will feel the cuts is far from clear. Furlough days will not be demanded of police officers, firefighters or workers at the Department of Water and Power, among others. Trash pickup will remain intact, a Garcetti aide said.

The mayor has already closed a number of city facilities to the public, including cultural centers, the Los Angeles Zoo and scores of branch libraries. Some city employees have been reassigned to work in recreation centers operating as makeshift homeless shelters.

One union leader voiced dismay over the cost-cutting plans, saying his members have been called into duty as emergency workers, helping to relocate the city’s homeless population and working at coronavirus testing centers. Adding more instability for those workers will hurt the city, said Bob Schoonover, president of Service Employees International Union Local 721.

“We cannot call these men and women heroes and then turn around and attempt to balance the budget on their backs,” said Schoonover, whose union represents custodians, tree trimmers and others.



Los Angeles Mayor Eric Garcetti, delivering his State of the City speech in a nearly empty City Council chamber, says: “We are bowed and we are worn down. ... But we are not broken.”
(Marcus Yam / Los Angeles Times)

Sunday’s address comes at an extraordinary time for Garcetti and the city. Over the last five weeks, the mayor has issued emergency orders to close businesses, halt evictions, require face masks, waive parking tickets and generally keep Angelenos away from each other on beaches, hiking trails and in other locations.

With much of the city staying indoors, Sunday’s speech bore little resemblance to previous State of the City addresses in L.A. Gone was the color guard, the Pledge of Allegiance and the other ceremonial flourishes that typically accompany Garcetti’s yearly address to the city.

In normal years, Garcetti has delivered the address before hundreds of people in packed venues such as the California Science Center and the Valley Performing Arts Center at Cal State Northridge. On Sunday, he spoke inside a mostly empty City Council chamber, with even council members staying at home.



People watch as Los Angeles Mayor Eric Garcetti gives his annual 'State of the City' speech at City Hall in Los Angeles.

(Marcus Yam/Los Angeles Times)

As a result, the event felt closer to one of the many evening [coronavirus briefings](#) given by Garcetti since mid-March. However, the overall message was more grim, with Garcetti saying the city would need major help from the federal government to weather the crisis.

“Don’t bail out banks but leave cities with cuts and collapse,” he said.

Garcetti said Congress should pass a national infrastructure bill to put people back to work. And he called on the federal government to loosen restrictions on emergency funds that prevent the city from using them to replace lost revenue.

The coronavirus outbreak and accompanying economic downturn pose by far the biggest challenge to Garcetti and other city leaders since the 2008 recession. During that crisis, the city’s elected officials responded by imposing furloughs, laying off hundreds of workers and eliminating thousands of jobs.

“Until now, it was the biggest economic blow of our lifetime, and it hurt,” Garcetti said. “But there’s no way to sugarcoat this. This is bigger. It will hurt more.”

Revenue for the coming budget year could be as much as \$598 million below projections, depending on how long Angelenos continue staying indoors, according to figures [released last week](#) by City Controller Ron Galperin.

Much of the reductions have been caused by the steep drop-off in tourism activity, including a major decline in projected hotel bed taxes, Galperin said. Since stay-at-home orders were issued across the state, [unemployment claims](#) have [skyrocketed](#), with workers in the [entertainment](#), hospitality and travel industries hit particularly hard.

Garcetti is scheduled to release his proposed budget Monday. The document, which covers spending for the fiscal year that starts July 1, must be approved by the City Council before it can go into effect.



Hollywood resident Kat DeVoe-Peterson joined other protesters outside Getty House on Sunday night. Activists want Los Angeles Mayor Eric Garcetti to cancel rent payments across the city, and take over hotels and fill vacant rooms with homeless Angelenos. (Dakota Smith/ Los Angeles Times)

While Garcetti delivered his address, activists staged a protest outside Getty House, the mayor's official residence in Windsor Square, calling on him to use his emergency powers to order the cancellation of rent payments and fill vacant hotels with homeless Angelenos.

As drivers repeatedly honked their horns, dozens of sidewalk protesters from the Los Angeles Tenants Union and other groups chanted, “No rent, no rent!” Hollywood resident Kat DeVoe-Peterson, who was recently laid off from her job at a bar in Silver Lake, said Garcetti needs to secure federal funding for renters in the city.

“It’s not just about me, it’s about everyone,” said DeVoe-Peterson, driving a car with the sign “Food Not Rent.”

Josh Rubenstein, a Los Angeles Police Department spokesman, said 11 citations were issued during Sunday’s protest. Some drivers who repeatedly honked their horns were cited for violating an “amplified sound” ordinance. Two protesters on the sidewalk were also detained and cited, police said.

Garcetti said in recent weeks that he has been pressing lawmakers in Washington, D.C., to approve a stimulus package that safeguards both renters and landlords from a massive financial collapse. During his address, he said federal funds should specifically be used to back the suspension of rents and mortgages.

The mayor said the federal government also needs to tackle problems that hurt Americans well before the coronavirus outbreak — depressed wages, crippling college debt, a lack of access to healthcare.

“We must ask of our city and our nation at this time, is ‘normal’ really what we want to come back to?” he asked.