

From: historysoul@earthlink.net
Sent time: 10/13/2020 08:17:46 AM
To: Planning CPC <cpc@lacity.org>
Cc: Mindy Nguyen <Mindy.Nguyen@lacity.org>; David Ryu <David.Ryu@lacity.org>; Mitch O'Farrell <Mitch.OFarrell@lacity.org>
Subject: Re: Letter to City Planning Commission re Millennium HCP / VTT-82152/ ENV-2018-2116-EIR/ CPC-2018-2115-DA
Attachments: More-MILLENNIUM-BS-1-7.pdf

Good morning.

The Guidelines state:

"Initial Submissions, not limited as to volume, must be received by the Commission Executive Assistant no later than by 4:00 p.m. on the Monday prior to the week of the Commission meeting"

The Agenda you attached was **NOT made available to the public before October 8, 2020**. The soonest Monday thereafter was yesterday, October 12, 2020. The City has once again made it impossible to comply with its own rules by making this information available after the fact.

However, assuming this will go ignored, please use the attached 7 page document to be distributed to the CPC in advance of the October 15, 2020 hearing. The other pages will be sent 10 pages at a time from other members of the public.

Please confirm receipt.

Thank you.

Jennifer

On 10/13/20 7:28 AM, "Planning CPC" <cpc@lacity.org> wrote:

CORRECTION

Good morning,

Please note your submission has been received and **WILL NOT** be distributed to the City Planning Commission for the meeting of October 15, 2020. Your submission exceeds the secondary submission guideline per our Rules & Operating procedures. Your submission will be added to the file for the record. Attached please find the agenda which outlines our submission guidelines on the first page.

<<https://planning4la.org/>>

Cecilia Lamas Commission Executive Assistant

Los Angeles City Planning

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On Mon, Oct 12, 2020 at 2:13 PM historysoul@earthlink.net <historysoul@earthlink.net> wrote:

Dear Mindy, et al.

Please include the attached PDF and all 59 pages into the administrative record for the proposed Hollywood project.

The attached is intended to also be given to the City Planning Commissioners who will hopefully be reviewing the documentation on this case prior to the 10/15 hearing. It would be nonsensical for the Commissioners to approve a project they have not read anything about, right?

Please confirm receipt.

Thank you.

Jennifer

TO: The Department of City Planning
Mindy Nguyen, City Planner

October 12, 2020

CC via email: Mitch.OFarrell@lacity.org, David.Ryu@lacity.org, Vince.Bertoni@lacity.org,
cpc@lacity.org

RE: Millennium Hollywood Center's Illegal Proposal

Case #'s: VTT-82152 | CPC-2018-2114-DB-CU-MCUP-SPR | CPC-2018-2115-DA
CEQA: ENV-2018-2116-EIR

- It's become difficult to spend any of my time writing or speaking to the Department of City Planning ("DCP") (or any other City department for that matter). I get more acknowledgement of my words from my cat. Us non-lobbying folk who only pay for City salaries, vote for local representation and put money in your pockets by calling it "paying taxes", have some nerve asking you to follow the laws, don't we.

Here, the New York developers known as Millennium are back attempting a second bite at the apple in trying to invade Hollywood. There is a grain of comfort in knowing how quickly this will end up back in the courts to be shut down again, as it was the first time. Pushing this project through, shoving it down the publics throat during a pandemic the way the City has, only gets us there faster.

The Department of City Planning has thus far ignored the publics demand to extend the comment period during a pandemic where many members of the public are without computers or are without any means to view a **13,000 + page** DEIR. The City has interfered with individuals rights to view public record documents. The DCP has tampered with the public record and now; they have held a public hearing to *allegedly* hear and consider "comments on the Final EIR", failing to consider that the Final EIR had NOT YET BEEN PUBLISHED. The mere publication of the Notice Of Hearing only serves as even more evidence that public comment is simply a legal hoop you are forced to tolerate to make this process *appear* fair. Asking constituents to weigh in on a Final EIR that had not yet been made public further implies what everyone knows - that this project is already bought and paid for. As seen in the DCP's recent certification of the EIR on 9/13, the City has certified the Final EIR without holding a public hearing on its contents. How does that sit with the CPC? This is only one example of the blatant disregard the DCP continues to demonstrate in real time. Right now. In this moment. You have insulted the citizens in this city by pushing and pushing this illegal proposal, during the pandemic, where limitations prevented the public from accessing the DRAFT EIR, shortly followed by no opportunity to review and comment on the EIR you hadn't even released before holding a telephonic only hearing. Pointing these self-evident facts out is a waste of everyones time; but it's exactly what the DCP forces the citizens to do.

The egregious decisions this department has made in regards to this illegal project are somewhat not surprising. However, what many can't wrap their heads around is just how low the City has gone this time, by choosing to risk so many lives without a care in the world. This is what is so nauseating. **Corruption is at a new level when it's players don't even realize what they are doing is so corrupt.**

What the Department of City Planning is doing, and how you are doing it is criminal. What do I mean by this?

THE ACTIVE HOLLYWOOD FAULT

1. It is ILLEGAL and against the law to put human lives at risk by approving habitable buildings on top of an active earthquake fault. You ignore* ignore* ignore* ignore* and ignore* all of this evidence. The DCP has chosen project approval over compliance and safety. You have gone even further by allowing the applicant to slander the government agencies who have done nothing but their jobs. But Millennium are such bullies and only know how to further their interests by railroading others. The only way they know how to get what they want is by cheating and by paying for it. Please see the video linked below of the July 24, 2013 City Council hearing and include the video in it's entirety in the administrative record:

https://lacity.granicus.com/MediaPlayer.php?view_id=129&clip_id=12019

Your own Chief of the Grading Division, Dana Prevost himself says: ***“In the City of LA we’ve actually long recognized that the Hollywood fault and that it’s considered an active fault.”*** (01:58:56)

Millennium’s OWN CONSULTANTS submitted a fault investigation they submitted to Prevost and his department and based on that report, the City issued an approval letter. (01:59:00)

Shortly thereafter, Prevost claims received a call from USC expressing concerns over the report. As did CGS. Prevost asked Millennium to address the concerns. It is not clear what those “concerns were” or how they were addressed. Every time it gets down to asking to see the factual data about the site related to the fault lines - transparency is absent. Both by Millennium AND by the City. Every time you do this it raises another gigantic bright red neon flag for the public to question. The fact remains: The City’s own departments have acknowledged this project has active fault lines running through it in more places than one.

In the above mentioned video, Prevost says he had been talking to the state for years trying to get this area included in the zone; which it now is (02:01:40). He goes on to inform us CGS will be doing a study to investigate the active activity levels of the fault further and to establish boundaries for the zone (02:02:15). That was in 2013. Despite the evidence that came back after those investigations proving more than one active fault line running through the illegal project’s site, Millennium’s arrogant assumption that their second attempt at building this time bomb will succeed this time around; ignoring even more evidence then there was the first time - is staggering.

2. In 2014 the California Geological Survey released its final Evaluation Report (FER) where it confirmed (even after previously confirming), but it once again informed your department of the active faults found. The CGS report informed you that they had received no additional data from the developers. The CGS report informed you the geological testing that was done by the developers was NOT DONE PROPERLY, OR IN THE CORRECT LOCATIONS. Millennium is WELL AWARE of the active fault lines that cross their project site. Why do you think they stayed away from trenching those areas? DOES THE DEPARTMENT OF CITY PLANNING BELIEVE THEY ARE GOING TO INTENTIONALLY TRENCH IN THOSE AREAS THAT WOULD EXPOSE THE FAULT LINES?

THIS IS WHY WE HAVE THIRD PARTY STATE DEPARTMENT GEOLOGICAL EXPERTS WHO HAVE NO INTEREST IN WHICH WAY THIS PROJECT GOES. It is incredibly telling of your department when it instructs the developer to hire ITS OWN CONSULTANTS or to rely on the City’s OWN CONSULTANTS rather than experts outside of the project. This is called being objective. The data is what it is. Ignoring it is not going to change it. In a sane, ethical department, this proposal would have been done with a long time ago when the department first learned it was not safe or suitable. Instead, look at how much time all of us are forced to spend in attempts at suggesting you follow the laws. Rather than follow them, it costs you even more by ignoring them.

Or does it even out? We noticed some requests for “overtime” in this case when your department sent an invoice to Jeremy Chan; Raymond Chan’s son who works for Millennium’s lawyers. The lawyers representing them in this case. You guys remember Raymond Chan right? The fault studies you rely on are listed on page 45 of chapter 2 of the FEIR. You rely on the developers consultants despite said reports proving to be insufficient as we have seen multiple times as stated by CGS. Delta chose to use methods of trenching that resulted in ambiguous interpretations that geologists cannot rely on. Not to mention the third party study you OMITTED from the FEIR. Your department omitting important data that was discovered by third party geologists is inexcusable. Speaking of objective experts, **please see Geologist Robert Hadley Sydney’s 9/1/2020 letter to the DCP.**

THE ACTIVE FBI INVESTIGATION IN CITY DEPARTMENTS & OFFICIALS

1. Two Councilmembers who were on the PLUM Committee during this projects first approval process are currently being indicted by the FBI. The public continues to apply pressure on the FBI to further pursue their investigations of the rest of our elected officials, the DCP the city attorneys office. Members of the public have also requested members of the Mayor appointed Commissions be investigated for obvious reasons. It is consistent with the DCP’s course of conduct to think it’s reasonable to push this illegal project through knowing bribery, racketeering, fraud and money laundering charges are being pursued against the councilmembers who said yes round 1. It truly baffles the mind for one to try and understand how undisguised the DCP has been about forcing this project through at the time of a pandemic, at the time of FBI investigations; and when in receipt of SO MUCH DAMNING INFORMATION about how these applicants conduct business and how scandalous and toxic to our communities they are. That the City would welcome them into our neighborhoods is truly what disgusts the most.

ALTERNATIVE 8 WAS NOT THE PROJECT ANALYZED IN THE DEIR

1. The Commission must be made aware how Alternative 8 was **NOT analyzed**. This is once again, Millennium doing what they do by attempting to slide in details no one ever had the opportunity to properly review. There is no evidence that Alternative 8 meets the needs of the neighborhood or the City, or proof that it complies with local and state laws that would warrant approval of the unsafe, illegal and destruction that this proposal promises to deliver. This Commission would be approving what was disguised and presented to the public very differently.

WHAT COMMUNITY PLAN IS THE HCP ALLEGING TO FOLLOW?

1. After the City was sued in 2012 and a Judge threw out the City’s illegal Hollywood Community Plan, the City was forced to revert to the 1988 Hollywood Community Plan. The plan on which Millennium currently relies. It is unknown how or where specifically the Hollywood Center Project complies with the 1988 Hollywood Community Plan. Whereas one of the “OBJECTIVES OF THE PLAN” is to: *“perpetuate its image as the international center of the motion picture industry.”* Whereas another objective is to: *“Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.”*

One of the Hollywood Community Plan’s “POLICIES”:

“encourages the preservation of lower density residential areas, and the conservation of open space lands.”

There is no evidence of how or where this project has considered this.

One of the Hollywood Community Plan's "Standards and Criteria" says:

No increase in density shall be effected by zone change or subdivision unless it is determined that the local streets, Boulevards and Avenues, freeways, and public transportation available in the area of the property involved, are adequate to serve the traffic generated."

There is no evidence of how or where this project has considered this.

One of the "PURPOSES" of the Hollywood Community Plan is: *"To promote economic well being and public convenience through: "Encouraging the revitalization of the motion picture industry."*

You are changing the zoning to accommodate this one single project rather than denying it because it does not conform to the local plan and state laws. This is called spot-zoning and it is ILLEGAL.

No one has identified where or how the illegal proposal before you is consistent with the Community Plan.

COMPLIANCE AND RESPECT FOR CULTURAL TRIBAL RESOURCES

1. You ignore the evidence the Tribes have submitted to you (see June 1, 2020 email from attorney Kara Grant) You were informed by The Gabrieleno Band of Mission Indians that the illegal proposal is located within a sensitive area and may cause a substantial adverse change in the significance of tribal cultural resources

You also disregarded the law when permitting Millennium to conduct massive ground disturbance on the project site grounds with no consideration for Tribal Cultural Resources, in violation of CEQA. This is ILLEGAL. It is also disgusting. Yet the DCP regards them by project approval.

TRAFFIC, INFRASTRUCTURE + HISTORICAL RESOURCES, ETC

1. You falsely conclude this project has "no substantial impact" on traffic. You ignore and ignore the evidence that exists that have proven this proposal only increases congestion problems and increases the release of toxic chemicals into the air. There is not enough time in the day to how you have taken the word "ignore" to a new level.

2. You have accepted traffic data conducted by and assembled by consultants hired by the developer. Expecting this data to be objective and unbiased is about as reasonable as expecting the City Council to not vote unanimously; about a 99.9% of a chance.

3. You falsely conclude the infrastructure in the City can sustain this monstrous project, while the City simultaneously receives phone calls and letters from citizens about **broken sewer lines** and **sparking power lines**. City departments have failed here. Instead of addressing and attempting to solve the existing infrastructure emergencies, your department chooses to add even more; **to satisfy our elected officials insatiable hunger for greed.**

4. The Geological report submitted by the applicants is (and as to be expected) severely prejudiced. Millennium's report was done by consultants hired by the developer. It does not behoove the consulting company to go against what Millennium has hired them to do. This is not rocket science. The City is working so hard to dispute the facts presented by the neutral parties who have weighed in, such as CGS. What does the City do when it runs into a department who has not yet been put up for sale? We will have to wait and see.

5. The transportation section of the EIR is severely prejudiced. It is not an accurate representation of day to day life in the affected area. This delusion the City has about building monstrosities close to transit with the idea residents will give up their cars has proven over and over and over and over

again, to not work. More evidence in the numbers you ignore, ignore, ignore. Why then demand these new construction buildings provide so many parking spaces? If you are so certain the rich upper class will relinquish their vehicles to ride Metro, why demand parking spaces at all? The even bigger ignored fact here, is the [data showing how Metro riders are low / poor class](#). [Data continues to show the decline in people using metro](#). But you just set aside these and the other facts as if they don't even exist. NEWSFLASH: The pushing out of existing residents causes homelessness. The homeless are sleeping in the metro trains (the same metro trains you are so convinced the upper class will gladly take in lieu of their Lexus”).

6. The City falsely concludes the construction of 2 skyscrapers in the center of Hollywood has "no impact" on historical resources, or will otherwise have no negative impact on the neighbors or their views. You ignore, ignore, ignore ALL of the evidence in the form of phone calls and letters submitted, that demonstrate otherwise. **Coming from the residents mouths themselves IS the evidence**. How many ways are there to say “BLATANT DISREGARD”.

Hollywood IS the historical resource being impacted - severely. Building skyscrapers in Hollywood; where NO SKYSCRAPERS EXIST BY DEFAULT, CHANGES ITS IDENTITY.

MILLENNIUM DOES NOT HAVE PERMISSION OR AUTHORITY TO ASSIGN A NEW IDENTITY TO HOLLYWOOD

DEPARTMENT OF CITY PLANNING’S TAMPERING WITH THE PUBLIC RECORD

1. THE DCP has ILLEGALLY & repeatedly tampered with / altered the administrative record documents in this case - which is ILLEGAL. The DCP has removed public comment letters and communications from public access, in violation of Chapter 4 of the California Penal Code. This alone requires authorities to get creative with how to prosecute you personally and individually. The immunity City employees are given continues to contribute to the disregard when your department gets sued. It is you who is making these calls and you who should be held accountable in addition to your employer.

2. This Commission’s responsibility includes giving advice and making recommendations to our elected officials as well as the director of planning with respect to City planning and related activities and legislation. The CPC must take a very close look at how the Department of City Planning has managed this case and the commitment its made to pushing it as hard and as fast down the throats of the public as it can. Never stopping or slowing down enough to even read the laws. More law suits mean more of the tax-payers money is wasted away only because the City departments repeatedly choose what they believe will be profit, over us. The [\\$2.5 million dollars in sanctions a Judge recently ordered](#) the City to pay in a case where the City failed to comply with discovery is a perfect example. Lawsuits are prevented when our laws our followed. This Commission is either going to be lock step with the other city departments contributing to the problems related to the corruption associated with this case, or it’s going to be part of the solution by demanding transparency & not tolerating any of the shell games played by Millennium and enabled by the City.

LADBS ENGINEERING GEOLOGIST II DANIEL SCHNEIDERREIT’S AUGUST 2020 LETTER

1. Although the letter itself is dated August 7, 2020, the DCP received an email from Schneiderreit on August 18, 2020 stating: **“As part of the review, the Department of Building and Safety will ensure there will be transparency with the CGS, by requesting the CGS geologists to observe the trench and verify the exploration results.”**

The DCP has managed to manipulate this requirement in the FEIR where on page 55 of chapter 2 you write:

“LADBS’ reviewing geologist, California Geological Survey (CGS) geologists, and other paleoseismic experts **shall be invited to observe the trench after the trench has been secured**; shored or benched; cleaned, and a string line or grid reference system is in place. Once the field exploration and geologic analysis are completed, the project engineering geologist shall prepare a Surface Fault Rupture Hazard Investigation Report to the satisfaction of LADBS, and submit the Report to the City.”

THE ABOVE IS MOST CONCERNING AND COMPLETELY DEFEATS THE ENTIRE PURPOSE OF THE INTENTION.

PERFORMING THIS TRENCH AS DESCRIBED IS NOT TRANSPARENT.

The entire purpose of having third parties present is to allow a full and open investigation so THERE IS NOTHING TO HIDE. **YOUR DEPARTMENT INSISTING ON ALLOWING MILLENNIUM TO ONCE AGAIN PERFORM THEIR OWN TRENCHING WITH NO OVERSIGHT FROM NEUTRAL PARTIES IS ANOTHER INDICATION YOU ARE FULLY AWARE OF THE PROBLEMS AND ARE DOING EVERYTHING YOU CAN TO KEEP THEM COVERED.** It is truly a disgust and takes the cake by serving as the absolute lowest of the low the DCP can go.

THIS IS WHO YOU ARE WELCOMING INTO OUR NEIGHBORHOODS:

1. Attached herein to my letter are 3 PDF’s:

I. A copy of the 2017 complaint brought against Millennium by a Homeowners Association in San Francisco for: 1) VIOLATION OF CAL. CIV. CODE § 895 ET SEQ.; 2) NEGLIGENCE; 3) BREACH OF EXPRESS WARRANTIES; 4) BREACH OF IMPLIED WARRANTIES; 5) STRICT LIABILITY; 6) NEGLIGENT MISREPRESENTATION; 7) FRAUDULENT MISREPRESENTATION; 8) FRAUDULENT CONCEALMENT; 9) BREACH OF FIDUCIARY DUTY; 10) VIOLATION OF CAL. BUS. & PROF. CODE § 17200 ET SEQ.; 11) INVERSE CONDEMNATION; 12) TRESPASS; 13) NUISANCE; AND 14) VIOLATION OF CAL. CIV. CODE § 832.

II. A cover page to a book called “Cities Are For People” available at the web link. A good read for the Department of City Planning. Note its title. The weblink includes the entire document consisting of 122 pages. All must be included in the record for this case.

III. A Settlement Agreement Agreement between the City of New York and Millennium closing a matter involving Millennium’s failure to comply with the Lobbying Act. The complaint indicates **Millennium generated more than \$750 million dollars in sales of luxury units in the sinking Millennium towers.** Millennium made these profits by **deceiving members of the public, withholding documentation and information and looked the other way as the building was further besieged by other construction defects and negligent construction practices.** What does the Commission think - best neighbors ever?

The DCP has once again chosen profit over people but this time - you have gone too far and risked too much that isn't yours to put at risk.

THE PUBLIC / THE VOTING PEOPLE / THE TAX-PAYING RESIDENTS

1. You hold these public hearings because you are **required to make the process appear fair**. However; **our questions do not get answered**. **Our documents and evidence do not get looked at**. You allow us our single minute or two to speak on a project that forever erases Hollywood and everything everyone worked so hard on well before you. This may come as a surprise to you - but there were people who had your jobs before you. Planners who DID follow the rules. Planners who DID work hands on with the citizens who are the ones occupying the neighborhoods. **You have managed to undo decades and decades of hard work by the people that came before you. And you are doing so in a matter of months**. The current employees of the Department of City Planning are going down in the history books as the ones who took the city of Los Angeles down, taking as many down with you as you could.

You are going to thank me for my comments and let me know they have been included in the administrative record and they will never be seen, or read or considered; which is the part of the job that seems to be incredibly ~~difficult~~ impossible for you.

SO - The question remains Commissioners:

Is the CPC going to review the several thousand pages of documents in this case by the time of the hearing on 10/15 that prove fraud, blatant lies, false data, proven omitted data, faulty reports, hundreds of letters of opposition with supporting evidence by the constituents, data provided by neutral experts and more. . .

OR:

Will the CPC rubber-stamp what would be Hollywood's largest proposal filed by out of state applicants, known for corruption, dangerous building practices, lobbying OUR elected City officials, and profiteering as they try to buy their way into our City - which is not for sale.



NOTE: The CPC office has refused to distribute my letter in its entirety to you, claiming it exceeds the secondary submission guideline. This is a false allegation whereas, the City did not post the Agenda to the 10/15 hearing until October 8, 2020, which was a Thursday. The submission guidelines are listed on the Agenda. The public had no way of knowing: *"Initial Submissions, not limited as to volume, must be received by the Commission Executive Assistant no later than by 4:00 p.m. on the Monday prior to the week of the Commission meeting."* Therefore, the exhibits mentioned in my letter will be sent 10 pages at a time by other members of the public. Thank you for your understanding.

Sincerely,

**ignore: verb*

refuse to take notice of or acknowledge; disregard intentionally : he ignored her outraged question. See note at neglect .

- *fail to consider (something significant) : direct satellite broadcasting ignores national boundaries.*
- *Law (of a grand jury) reject (an indictment) as groundless.*