

From: Sean Starkey <sean.starkey@lacity.org>
Sent time: 05/02/2020 09:14:52 AM
To: Craig Bullock <craig.bullock@lacity.org>
Subject: Fwd: Fw: Silverstein Law Firm Objection to 45 day Millennium DEIR Comments ..Comment Period Extensions only granted for 'Unusual Circumstances'
4-17-20 [SCAN] Letter to City Planning (Nguyen) re Objection to 45-day DEIR Comment Letter.PDF 4-27-20 [SCAN] OPR Notice &
Attachments: Further Objection to City Planning (Nguyen) re 45-day comment period.PDF 4-29-20 [SCAN] Response to City Planning (Nguyen) re Denial of Request for Extending Comment Period.PDF

fyi..

Sign up for the [CD13 Newsletter](#) for daily updates on COVID-19



Sean Starkey

Hollywood Field Deputy
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Find the Councilmember on: [f](#) [t](#) [i](#) [v](#)

----- Forwarded message -----

From: Brandi D'Amore <brandi@myhunc.com>

Date: Sat, May 2, 2020 at 2:25 AM

Subject: Fw: Silverstein Law Firm Objection to 45 day Millennium DEIR Comments ..Comment Period Extensions only granted for 'Unusual Circumstances'

To: George Skarpelos <George@myhunc.com>, Jim Van Dusen <Jim@myhunc.com>

Cc: Sean Starkey <sean.starkey@lacity.org>, Luis Saldivar <Luis@myhunc.com>, cesaracervera@gmail.com <cesaracervera@gmail.com>, Andrew Chadsey <andrew@myhunc.com>, Fouzia Burfield <fouzia@myhunc.com>

Brandi A. D'Amore
At-Large Unclassified Representative, Area 3
Board of Directors
Hollywood United Neighborhood Council (HUNC)
Certified Neighborhood Council, #52

From: Annie Gagen <poonsy6603@aol.com>

Sent: Friday, May 1, 2020 9:56 PM

To: Annie Gagen <poonsy6603@aol.com>

Subject: Silverstein Law Firm Objection to 45 day Millennium DEIR Comments ..Comment Period Extensions only granted for 'Unusual Circumstances'

Silverstein Law Firm Objection to 45 day Millennium DEIR Comments ..Comment Period Extensions only granted for 'Unusual Circumstances'

Hello,

The City has received your request, together with other requests, for an extension of the Hollywood Center Project Draft Environmental Impact Report (Draft EIR) comment period in light of COVID-19.

Per CEQA Guidelines Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances. While we agree that these are unprecedented times, as indicated in the Notice of Completion and Availability (NOA) for the Hollywood Center Project Draft EIR, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, are available for public review on our website at the following location: <https://planning.lacity.org/development-services/eir/hollywood-center-project-1>.

If you are having difficulty accessing the document in any way (i.e. if links are not working or the attachments cannot be viewed) please let us know immediately, as we are committed to making the document as accessible as possible from the safety of your own homes, and in compliance with the "Stay at Home" Order. In addition, and as also indicated in the NOA, the Draft EIR can be made available on CD-ROM, USB flash drive or hard copy for anyone who requests one.

While we understand that the "Stay at Home" Order prevents neighborhood groups from meeting in person, please be advised that CEQA does not require people to meet and confer on the EIR, and should not preclude anyone from reviewing the EIR and providing comments.

Furthermore, pursuant to the Governor's [Executive Order N-54-20](#), signed April 22, 2020, deadlines for filing, noticing, and posting of CEQA documents with county clerk offices have been suspended for 60 days. However, deadlines for public review and comment periods for CEQA documents, such as for draft EIRs, have not been suspended and the provisions governing public review remain unchanged.

As such, please be advised that, as the Draft EIR remains accessible to all individuals, the comment period will not be extended at this time. We understand your concern regarding this Project, and ask that you let us know if you have any difficulty accessing the Draft EIR or if you need additional accommodations to be able review it offline.

Please also be reminded that all comments must be provided in writing, and may be submitted electronically via email, or hard copy via mail. Submittal of comments in person is not required, nor recommended.

Thank you.
Mindy Nguyen

City Planner

213-847-3674



Public Comment Extension Period Request....



Public Comment Period Extension

The Hollywood Dell Civic Association, along with Neighborhood Councils and over 40 community groups, are asking the LA Department of City Planning to extend the public comment period for the proposed Hollywood Center Development (aka: Millennium Group).

The proposed project is of great concern to our communities and we were alarmed to hear that the City had only provided the minimum comment period (April 16 - May 31st), despite our being under a "Safer At Home" order due to the COVID-19 pandemic.

This is a huge project that will have a major impact on the entire city and should be carefully considered.

We are asking that the public comment period on the Draft Environmental Impact Report be extended to a minimum of 90 days AFTER the city and state "Stay At Home" order has been lifted.

The Draft Environmental Impact Report (DEIR) was completed and was released for public view on April 16th.

To read the complete DEIR:

<https://planning.lacity.org/development-services/eir/hollywood-center-project-1>

The DEIR is a complicated and lengthy report that will take even the most committed residents time to read thru and understand before thoughtful comments can be made to the Department of City Planning.

The Project Features:

- Multiple buildings including two enormous high-rise towers (46 stories)
- 1,005 residential units

- A 220-room hotel
- Over a million square feet of floor area
- 30,176 square feet of space for commercial use
- 1,500 parking spaces

Direct your letter to:

Mindy Nguyen - City Planner
City of Los Angeles Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012
Email: Mindy.Nguyen@lacity.org

Please cc the following:

- **Eric Garcetti**, LA City Mayor (mayor.garcetti@lacity.org)
- **Mitch O'Farrell**, LA City Council Member District 13
(councilmember.ofarrell@lacity.org)
- 213-473-7013
- **David Ryu**, LA City Council Member District 4 (councilmember.ryu@lacity.org)
- 213-473-7004
- **Vince Bertoni**, Director of City Planning (vince.bertoni@lacity.org)
- **Kevin Keller**, Officer of City Planning (kevin.keller@lacity.org)

To read the HDCA letter, click on the button below.

HDCA Letter Requesting Extension

To Contact State Representatives...

State Assembly (District 50)
Assembly Member Richard Bloom
assemblymember.bloom@assembly.ca.gov

Capitol Office, Room 2003
(916) 319-2050
P.O. Box 942849,
Sacramento, CA 94249-0050;

District Office
(310) 450-0041
2800 28th Street, Suite 105,
Santa Monica, CA 90405;

State Senate (District 26)
Senator Benjamin Allen
senator.allen@senate.ca.gov

CAPITOL OFFICE

916-651-4026
STATE CAPITOL, ROOM 4076
SACRAMENTO, CA 95814

DISTRICT OFFICE

310-318-6994
2512 ARTESIA BLVD., #320
REDONDO BEACH, CA 90278-3279

To call Councilmembers...

- **Mitch O'Farrell**, LA City Council Member District 13
213-473-7013
-
- **David Ryu**, LA City Council Member District 4
- 213-473-7004

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April 17, 2020

VIA EMAIL mindy.nguyen@lacity.org

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

Re: Objection to 45-Day Comment Period for Hollywood Center Project Draft Environmental Impact Report (“DEIR”); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen:

This firm and the undersigned represent stpmh.com (“STMH”), a community group that actively participated in, and litigated against, the prior iteration of the newly-named “Hollywood Center” project. STMH and its supporters have an interest in actively and meaningfully participating in the current DEIR comment process, but cannot do so in the constrained, 45-day comment period imposed by the City.

We object to the City providing only the minimum allowed comment period during the unprecedented economic, social and public health upheaval resulting from the COVID-19 pandemic. The pandemic has resulted in City and State emergency declarations and stay-at-home orders that prohibit members of the public from conducting travel to visit the Department of City Planning offices for in-person review of documents. Members of the public who rely on in-person document review risk being silenced altogether, as public libraries have closed and residents are legally prohibited from non-essential travel to use a friend or neighbor’s computer and internet. Greater time is essential for the public to safely and lawfully access the DEIR and to be able to formulate comments on it.

The bare minimum 45-day comment period further prejudices STMH and the public by preventing other governmental agencies from having adequate time to fairly review and comment on the DEIR. At least two state agencies, Caltrans and the California Geological Survey, were previously involved in and actively commented on

City of Los Angeles, Department of City Planning
April 17, 2020
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the prior iteration of the proposed project. There is every reason to expect they will be concerned about the public safety impacts posed by the project this time. However, they are hobbled by limited staffing and access to their offices and materials. For example, Caltrans District 7's entire offices are closed and its personnel scattered. Indeed, I assume that you yourself, as well as Planning Department officials copied on this letter, are not physically in your offices in any normal sense.

It cannot be possible that Mayor Garcetti, Councilman O'Farrell, and City Planning believe the minimum 45 days for the public to comment is appropriate under these trying circumstances.

The commencement of the running of the DEIR comment period, which period should be at least 90 days, should be tolled to a date after the lifting of local and state stay-at-home orders. At a minimum, it should be extended to 120 days from yesterday.

Given the thousands of pages of technical documents just released, and the impacts of the crisis now raging, anything less will prejudice the public and governmental agencies whose duties are to protect the public health, safety and welfare.

Please include this letter in the administrative record for this matter, and please promptly reply with a public announcement tolling or extending the comment period. Thank you.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

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

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April 27, 2020

VIA EMAIL mindy.nguyen@lacity.org

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

Re: Further Objection to 45-Day Comment Period 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:

As a follow-up to my April 17, 2020 letter requesting a tolling or extension of the minimal 45-day public comment period provided for the controversial “Hollywood Center” (aka Millennium Hollywood) project Draft EIR, and as a further follow-up to my April 20, 2020 email to you which, as of the date of this letter, has not been responded to, please see the link below and relevant language excerpted from the State Office of Planning and Research (“OPR”) encouraging public agencies to extend CEQA public review and comment periods during the COVID-19 crisis.

My office, my clients, many other community members with whom I have spoken, and governmental agencies – most of which are operating at extremely reduced capacity – are all severely prejudiced by the City’s imposition of a minimum comment period during these unprecedented times.

I renew my April 17, 2020 request for a tolling or extension of the current, 45-day public comment period on the Draft EIR.

<http://opr.ca.gov/ceqa/>

“Public Meetings and Public Review of Documents

“As to providing CEQA documents at public libraries, CEQA Guidelines section 15087(g) states that “[l]ead agencies should furnish copies of draft EIRs to public library systems serving the area involved.”

Providing copies of CEQA documents at libraries may not be feasible at this time, as many libraries are closed. Agencies should be considering other methods to make CEQA documents publicly available, such as posting on the Internet and on [CEQAnet](#), that do not require the public to obtain copies in person.

“Regarding public review and comment periods for CEQA documents, such as notices of preparation and EIRs, OPR encourages public agencies to consider extending those periods. Given that public agencies are using new methods to make public documents available in light of the current pandemic, additional time for public review and comment periods may be appropriate.” (Emphasis added.)

While Mayor Garcetti announces that “LA is ‘under attack’ and will need to furlough thousands of city workers” (LA Times, April 19, 2020), the public is doubly under attack by a process so transparently designed to harm community members and groups under attack not only by COVID-19, but by a cynical Draft EIR comment process meant to elevate the interests of a developer over the rights of the public that City officials were elected to serve.

The commencement of the running of the DEIR comment period, which period should be at least 90 days, should be tolled to a date after the lifting of local and state stay-at-home orders. At a minimum, it should be extended to 120 days.

Please confirm that the comment period will be tolled or extended as requested not only by this office and the groundswell of similar requests you are receiving, but also pursuant to OPR’s recommendation.

Alternatively, if the City refuses to act responsibly and fairly, please prominently announce to the public that the comment period will not be extended.

Thank you.

Very truly yours,

/s/ Robert P. Silverstein
ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM, APC

City of Los Angeles, Department of City Planning
April 27, 2020
Page 3

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)

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April 29, 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: Objection to Denial of Request for Extension of 45-Day Comment Period
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:

This letter and all complete documents and materials contained in the links set forth within this letter are to be included in the administrative record for the above-referenced matter.

The City's April 28, 2020 response to our and others' request for an extension of the Hollywood Center Project DEIR comment period is repugnant, verging on mocking the public. To acknowledge as your April 28, 2020 email does that "these are unprecedented times," and yet for the Planning Dept. to treat them for public comment purposes as regular times, defies logic. Its import also ignores how everyone's lives have been upended as people are busy trying to stay safe, to home school children, to care for sick relatives, to manage entirely new and disruptive routines, etc. This no less includes the staff of governmental agencies expected to comment on this DEIR, and which should have the fullest time possible to comment as part of their duties to ensure the public health, safety and welfare.

It is also to deny Mayor Garcetti's repeated emotional pleas, and even threats, to the community about obedience to his "Stay-at-Home" orders. The Planning Dept. buck of unreasonable denial of a tolling or extension of the public comment period for this

massive project and EIR stops with Garcetti. We incorporate by reference the articles contained at these links quoting Mayor Garcetti in this regard:

“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.’”¹

“Los Angeles Mayor Eric Garcetti unveiled a \$10.5-billion budget for the city Monday that imposes cuts across an array of city agencies, with nearly 16,000 city workers being furloughed in response to the economic fallout from the coronavirus outbreak.”²

“‘This weekend we saw too many images of too many people crowding beaches or canyons beyond their capacity. Too many people, too close together, too often,’ Garcetti said during his daily briefing on the impact of the novel coronavirus. ‘The longer we do that, the more people will get sick, and the more people will die. There’s no way to sugarcoat that.’

‘Asked by a reporter whether the city would hold residents accountable for breaking quarantine orders, Garcetti said that law enforcement officers will ‘not be shy’ when it comes to approaching those who are seen doing so.’”³

¹ <https://www.latimes.com/california/story/2020-04-19/garcetti-state-of-city-la-address-coronavirus>

² <https://www.latimes.com/california/story/2020-04-20/coronavirus-garcetti-budget-story-2020-2021-furloughs-cuts>

³ <https://www.latimes.com/california/story/2020-03-23/coronavirus-mayor-eric-garcetti-ignoring-social-distancing-beaches>

“I know your heart breaks.... This is such a great tradition for the many families we have,’ L.A. Mayor Eric Garcetti said. ‘But we can’t afford to have one cluster of even just a few people together spread this disease to more people and kill them.’⁴

“‘Unfortunately among the fallen ‘is a city employee, Garcetti said Friday. ‘It wasn’t just lip service that these are going to be tough days.’”⁵

“If a business refuses to provide face coverings for its workers, it could be fined, but the hope is that businesses and customers will follow the order without issue, Garcetti said.”⁶

“At least five nights a week, Garcetti has appealed directly to Angelenos on live television — or Facebook, for those with smaller screens — to get them to comply with public health orders and keep up with the region’s rapidly changing response to the spread of the novel coronavirus.”⁷

“Garcetti said that his office is still receiving daily reports of nonessential businesses that continue to operate as normal — behavior he called ‘irresponsible and selfish.’”

“He also announced a Safer at Home business ambassadors initiative that aims to help push greater adherence from nonessential businesses who aren’t complying with the city’s order to close.

⁴ <https://www.latimes.com/california/story/2020-04-10/california-toughens-stay-at-home-rules-as-coronavirus-cases-top-20-000>

⁵ <https://www.latimes.com/california/story/2020-04-11/2-1-a-city-workers-die-of-coronavirus>

⁶ <https://www.latimes.com/california/story/2020-04-07/coronavirus-face-covering-order-los-angeles-mayor-garcetti>

⁷ <https://www.latimes.com/california/story/2020-04-13/garcetti-coronavirus-briefings-distancing-masks-love>

Such businesses should also expect to get a warning call from local prosecutors before the city takes more aggressive action, including turning off their water and power, he said.

‘The easiest way to avoid a visit from the city is to follow the rules,’ he said.’⁸

“Los Angeles Mayor Eric Garcetti said Wednesday that he’s authorized the Department of Water and Power to shut off service to nonessential businesses that continue to operate despite the strict Safer at Home restrictions designed to slow the spread of the coronavirus.”⁹

Your April 28, 2020 email also implies or assumes that everyone who wants to review the EIR should be able, on their own, to have an internet connection and sufficient bandwidth to download this very hefty DEIR. There is a serious Environmental Justice issue in the City’s unreasonable conduct during this time.

We and our clients are indeed prejudiced, including by my difficulty in accessing all of our hard files, including from the previous 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. Large parts of the administrative record from that original case must be included in the current administrative record because of its relevance to the instant application and DEIR. However, we cannot more discreetly select those documents because of lack of access to our physical offices.

As a result, we incorporate by reference the entire administrative record from the original Millennium case. 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 ask to be incorporated by reference, nonetheless, in an abundance of caution, we are also sending you by overnight delivery a flash drive containing the full bates-stamped administrative record and full bates-stamped reference

⁸ <https://www.latimes.com/california/story/2020-03-24/garcetti-warns-la-coronavirus-crisis-will-get-worse>

⁹ <https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-businesses-operating-amid-coronavirus-restrictions>

library from the original Millennium case administrative record. 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 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 2 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 3 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 4 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 5 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 6 of 6
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 1 of 2
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case")) 2 of 2

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.

The burden placed on the City is minimal, actually non-existent. We have provided a 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.

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Finally, please understand that this by no means remedies or sufficiently mitigates the prejudice to us, and others, from the truncated 45-day comment period during the pandemic. Our request (and that of numerous other community members) for a tolling or extension of that deadline remains active. Thank you.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

Encl.: 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)
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