

From: Robert Silverstein <robert@robertsilversteinlaw.com>
Sent time: 08/25/2020 09:24:36 PM
To: councilmember.martinez@lacity.org; councilmember.ofarrell@lacity.org; craig.bullock@lacity.org; mayor.garcetti@lacity.org; mike.feuer@lacity.org; mindy.nguyen@lacity.org; nicholas.maricich@lacity.org; vince.bertoni@lacity.org
Cc: Dan Wright <Dan@robertsilversteinlaw.com>; Esther Kornfeld <Esther@robertsilversteinlaw.com>; Veronica Lebron <Veronica@robertsilversteinlaw.com>
Subject: The Silverstein Law Firm | Objections re August 26, 2020 Hearing for Hollywood Center Project; Case No. ENV-2018-2116-EIR; SCH 2018051002
Attachments: 8-26-20 [SCAN] Objection to August 26, 2020 Hearing for Hollywood Center Project Case No. ENV-2018-2116-EIR.PDF

Please see attached, and confirm receipt.

Thank you.

Robert P. Silverstein, Esq.
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Pasadena, CA 91101-1504
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August 26, 2020

VIA EMAIL

vince.bertoni@lacity.org

mindy.nguyen@lacity.org

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

Re: Objections re August 26, 2020 Hearing for Hollywood Center Project;
Case No. ENV-2018-2116-EIR; SCH 2018051002

Dear Mr. Bertoni and Ms. Nguyen:

I. INTRODUCTION.

This firm and the undersigned represent StopTheMillenniumHollywood.com. Please include this objection letter in the administrative record for the Millennium Hollywood, aka Hollywood Center, project (“Project”).

II. THE HEARING NOTICE IS FALSE, MISLEADING AND IMPROPER; IT DOES NOT LEGALLY ALLOW THIS AUGUST 26, 2020 HEARING.

The City’s instant hearing notice is for: (1) the Advisory Agency Hearing to consider the proposed vesting tentative tract map (“VTT”) and final environmental impact report (“Final EIR”), and (2) the Hearing Officer Hearing to hear the public’s testimony on the proposed entitlements and Final EIR. For the Advisory Agency hearing, this is the public’s only hearing opportunity before the City could take action to approve the VTT for the Project.

Strangely, the hearing notice is for two different sets of entitlements. Although the developer’s CEQA consultants prepared, and the City released, a Draft EIR allegedly describing the Project sought to be built by the developer, the City has now, at the first

hearing, set forth a bifurcated hearing notice that lists consideration of not only the Project as represented to the public in the Draft EIR, but also one alternative version of the Project, Alternative No. 8. The hearing notice does not suggest that any other project alternatives such as Nos. 1, 2, 3, 4, 5, 6, or 7 will be considered.

After releasing a Draft EIR on April 16, 2020 during perhaps the most painful period of the COVID pandemic and panic, and after refusing to extend the public comment period by even one day, the City received the public's comment on the Project as the Project was presented to the public in the Draft EIR. However, now the City suddenly lists Alternative No. 8 on the hearing notice as well.

Our attempt to discern more about this highly unusual City maneuver – hampered by the fact that the City has not included all of the documents surrounding this Alternative No. 8 mystery (see our August 25, 2020 Public Records Act requests, incorporated herein by reference) – suggests that Alternative No. 8 may always have been the intended project that the developer sought. Thus, the Draft EIR was a sort of bait-and-switch on the public. Alternative No. 8 was not the subject of the land use application filed with the City, nor did it receive the type of detailed technical environmental review that the publicly proposed project received.

Particularly concerning are emails among Councilmember Mitch O'Farrell's office, the City Planner Luci Ibarra, and Millennium's attorney, Edgar Khalatian, on May 13-15, 2020. (**Exhibit 1** hereto.) On May 13, 2020, O'Farrell's planning deputy sent to Ms. Ibarra an email while the public's head was down, desperately trying to review the 13,000-page Draft EIR, which had been released for review less than 4 weeks prior. The email asserts that O'Farrell had been contacted by unnamed "stakeholders" requesting office space in addition to residential units. O'Farrell's planning deputy then asked for Alternative No. 8 to be studied in greater detail because of its office space component.

Why was the public not properly notified of this, and why was the Draft EIR not recirculated to include these more detailed studies of Alternative No. 8?

Without comment, or expressing any concern that other public agencies and the public were then struggling to analyze and comment on a dramatically different project in the Draft EIR, and while the public was clamoring for additional time, which was ruthlessly denied by the City, Ms. Ibarra forwarded O'Farrell's request at 9:35 a.m. on Friday, May 15, 2020 to Mr. Khalatian. Less than half an hour later, at 10:04 a.m., Mr. Khalatian replied that the developer will "endeavor to provide the City the necessary information to review Alt 8, which means that we will be preparing tech reports for Alt 8

so that the decisionmakers have sufficient information to make an informed decision.”
(Exhibit 1.)

Neither the City planner nor Khalatian expressed concern that state and local agencies and members of the public were then immersed in reviewing and commenting on a different project.

These emails indicate that the developer was prepared to immediately agree to a different project than the one officially under review – probably because that was the plan all along. The almost immediate agreement to prepare new technical studies to support Alternative No. 8 “for the decisionmakers,” but not for other reviewing agencies and the public, shows that the City and developer seek to insert these new and more detailed analyses of Alternative No. 8 into the still pending Final EIR – without any recirculation of the Draft EIR.

What we are seeing is another example of the City and Millennium denying other agencies and the public from having the ability to review and comment on the actual project in the manner, in the correct timing, and with the procedural protections that CEQA mandates.

We again quote our Supreme Court’s admonition that:

“The EIR is . . . intended ‘to demonstrate to an **apprehensive citizenry** that the agency has, in fact, analyzed and considered the ecological implications of its action.’ [Citations.] Because the EIR must be certified or rejected by public officials, **it is a document of accountability**. . . . The EIR process protects not only the environment but also informed self-government.” Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392 (emphasis added).

Consistent with the indications described above, the City posted Millennium Partners’ powerpoint presentation for this August 26, 2020 hearing. Slide 36 makes the false and unsupported legal conclusion that:

“No ‘significant new information’ has been added to the EIR after public notice was given of the availability of the Draft EIR for public review to require recirculation of the Draft EIR. CEQA

Guidelines 15088.5(a); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993)”

This powerpoint, distributed by the City, asserts a conclusion that basic CEQA law says cannot be known at this time. In addition to the surprise appearance of Alternative No. 8 in a new and starring role, among other things, the Los Angeles Department of Building and Safety (“LADBS”) has determined that, at minimum, a new seismic inspection trench is required to be dug on the Project site to investigate the southern strand of the Hollywood Fault. (See **Exhibit 2**, inter-departmental correspondence.)

But even this somewhat-positive-sounding memorandum is incomplete, because multiple strands of the Hollywood Fault have been identified as crossing the Project site, based on the United States Geological Survey’s May 8, 2020 report. Therefore, a trench must be dug fully far enough north and south, and deep enough to reach pre-Holocene layers, before a complete and proper analysis has been done.

We have demanded it before, but renew our demands herein: The fox cannot be allowed to guard the henhouse. The City, which has zero credibility considering the ongoing FBI investigation into pay-to-play corruption, and Millennium, which has no credibility and is a corporate ne’er-do-well responsible for the Leaning Tower of San Francisco, in addition to this proposed fiasco, cannot be allowed to oversee or orchestrate the parameters for the trenching.

A panel of neutral experts, including from the U.S. Geological Survey and the California Geological Survey, plus additional experts who are not paid and are not otherwise involved, should be responsible for establishing all protocols for trenching on both the East Site and the West Site. Anything less will not be credible or accepted by the public, and will not be adequate for the EIR process.

Only after proper trenches are dug, investigations are conducted, including by the above-mentioned federal and state agencies, and transparency made paramount, can it possibly be known whether the City could ever legally approve the VTT and other Project applications and entitlements under consideration. Yet today, Millennium Partners states in its powerpoint presentation, before the first shovel is placed in the earth, that the outcome of this process is known to them: it will not yield significant new information requiring recirculation of a revised Draft EIR to permit other governmental agencies and the affected public to meaningfully participate in review of studies missing from the original Draft EIR as circulated. How is it that Millennium Partners knows the outcome studies it has not yet conducted, and why is it that our City government is so

eager to embrace such falsehoods?

In another CEQA case that the City lost, the Court of Appeal explained: “The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability.” Lincoln Place Tenants Ass’n. v. City of Los Angeles (2007) 155 Cal.App.4th 425, 443-444. This hearing, and the City’s processing of the Project as it has unfolded, violates each of those fundamental CEQA principles.

This raises concerns similar to those we identified as defects in the EIR adopted by the City during the 2013 version of this project. In that EIR, the City agreed to use a project description so vague and amorphous that the courts at every level invalidated it as depriving public agencies and the public of their central role in the environmental review process. Now the City is poised to deprive the public of its right to the same type of critical information.

These emails and powerpoint suggest that Councilmember O’Farrell himself is participating in a procedural sleight of hand to substitute the real project for one used as a decoy to draw all the public comment and attention during CEQA’s official public review and comment period. This would allow the developer to conduct new studies and simply insert them into the Final EIR, no matter how significant they are, that will short circuit CEQA’s public review and input on significant matters.

CEQA is not permitted to be manipulated like a street corner shell game. If Alternative No. 8 was the intended project of the developer, it was required to take center stage as the Project analyzed in the Draft EIR, and commented upon by the public. Only Councilmember O’Farrell can explain to the public who suggested that the project be changed midstream to contain a significant office space component that does not appear at all as the Project, or its hotel alternative, focused on in the Draft EIR.

Similarly, the City when confronted with significant new information that its own grading department declares must be further investigated and reported upon, cannot unilaterally declare one of the most significant public safety issues about the Project to “not be significant,” and thus not require recirculation of a new and updated Draft EIR.

If Councilmember O’Farrell, or anyone else on the City Council, wishes to assure and protect the right of state agencies and the public to review and comment on the actual project under consideration and its seismic risks, the Draft EIR requires substantial revision and re-circulation to enable those agencies and the public to fully comprehend and provide meaningful comment on the actual project, seismic risks and all.

Finally, we note one other procedural impropriety. The City's hearing notice language is misleading, and has prejudiced the public because it may have falsely dissuaded people from submitting anything in writing based on the impression given by the City's hearing notice that objectors would have to physically deliver original documents to be considered. The hearing notice states in part: "Written materials may be submitted prior to the hearing via email, in person or by U.S. mail to the staff identified on the front of this page or to the decision-maker or hearing officer at the public hearing. **An original plus three (3) copies must be submitted prior to, or at the hearing.**" (Emphasis added.)

The hearing should be rescheduled and renoticed without that misleading statement. Also, we were informed by Ms. Nguyen that video capability would be available beginning next month. Even if all the other bigger problems did not exist, the City still should have delayed this hearing for a week or so to facilitate and promote public participation through video capabilities. The City's track record of trying to make public participation as difficult as possible during this pandemic further shows the lack of integrity in this process.

III. HOLDING PUBLIC HEARINGS WITHOUT RELEASE OF THE FINAL EIR, OR EVEN COMPLETION OF ALL SEISMIC INVESTIGATIONS, IS UNLAWFUL.

On Friday, August 21, 2020, the City sent out an email notice stating that the City intends to go forward with public testimony at the Advisory Agency and Hearing Officer Hearing on August 26, 2020 even though the City's LADBS has ordered Millennium Partners to dig a new trench to conduct more investigation of the earthquake fault lines suspected to be crossing the site, and certainly, the line officially mapped by the California Geological Survey in 2014 in the State's Alquist-Priolo Map.

The City states that it expects to "take the VTT case under advisement," apparently to await completion of the excavation and study of this new trench, preparation of a new technical report that public agencies and the public will never see during the official review and comment period, inclusion of such new report as a likely attachment in the Final EIR, and then certification of such Final EIR, followed within 10 days by possible approval of the VTT. See Millennium's powerpoint presentation cited above. "This approach has the process exactly backward and allows the lead agency to travel the legally impermissible easy road to CEQA compliance." Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1371.

We attach at **Exhibit 3** hereto the Hillside Federation's objection letter. CEQA requires that the technical investigations and written reports be completed and circulated as part of the Draft EIR for review and comment by public agencies and the public. As the Hillside Federation and we note, the noticing of this Project for public hearing when such central studies and reports have not yet been performed, and before a Final EIR has been released, is outrageous.

Indeed, the City Planning Department repeatedly told commenters that "Once the Final EIR is released, there will be a public hearing process for the related entitlements". (See, e.g., **Exhibit 4** hereto.) The City well knows the correct sequence and procedures; it simply has chosen to cast that aside now that it has become inconvenient for itself and the developer.

How can governmental officials and the public provide useful comment on new environmental studies not yet performed, and without even the benefit of reading the City's responses to comments on the original project – which may not even be the actual project Millennium Partners seeks to develop?

Councilmember O'Farrell is free to request more study of Alternative No. 8, but such significant new environmental studies cannot be merely thrown into the back of a later-issued Final EIR and declared "insignificant." Even Millennium's legal counsel conceded that such new studies were needed for decisionmakers to make an informed decision. They are also required for informed agency and public review and comment. CEQA requires it in a recirculated Draft EIR.

IV. THE DEVELOPER'S LACK OF DILIGENCE AGAINST AN ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT DEADLINE IS NOT A BASIS FOR THE CITY COUNCIL OR PLANNING DEPARTMENT TO EXPEDITE A PROJECT NOT READY FOR PUBLIC HEARING.

It is no secret that Millennium Partners lobbied for and obtained gubernatorial approval of the Project as a so-called Environmental Leadership Development Project ("ELDP"). As stated by others in this record, including by the Natural Resources Defense Council, ELDP classification for this Project was and is improper. And of course, the Project could never qualify for ELDP status when its very *raison d'être* would violate the Public Resources Code, Alquist-Priolo Act, by building habitable structures across active earthquake fault lines.

ELDP status expires on December 31, 2020. This project, accordingly, is being prematurely rushed forward prior to its expiration date in order to access the ill-gotten “benefits” of ELDP designation. It was the job of Millennium Partners to expeditiously provide the information the City needed to process its application and EIR. “However, expediency should play no part in an agency’s efforts to comply with CEQA.” San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61, 74.

The developer’s failure to do so is not an emergency requiring short cuts by Councilman O’Farrell, the larger City Council, the Planning Department, and Mayor Garcetti for their developer friends.

The statutory right to orderly and transparent CEQA input and decisionmaking is paramount. No legitimate or legal basis to go forward with public hearings exists for this regionally/detrimentally impactful Project, and certainly not without scrupulously following all statutory procedures mandated by the Legislature.

V. THE CITY’S OBEISANCE TO MILLENNIUM’S SCHEDULE HAS ECHOES OF THE CURRENT PAY-TO-PLAY SCANDAL.

Admitted felon and former LA City Councilman Mitch Englander was the councilman who gaveled the public into silence during the 2013 City Council hearing where the earlier version of this Millennium Project was approved.

Jose Huizar, the former Chair of the City Council’s Planning and Land Use Management Committee, has been indicted by a federal grand jury on 34 counts of bribery, denial of honest services, wire and mail fraud, and money laundering. In announcing the Huizar indictment, the U.S. Attorney stated that the pay-to-play scandal is far reaching within Los Angeles City Hall – and that his investigation continues.

“Individual 1” in the Huizar and other federal indictments has been widely identified as Raymond Chan, the City’s former General Manager of LADBS, and then Deputy Mayor appointed by Mayor Garcetti. Chan, if indicted in the coming months, will likely face significant charges based on evidence listed in multiple indictment and charging documents.

During the original Millennium approvals, Chan was in charge of LADBS when his department ignored or downplayed significant information showing the active Hollywood Earthquake fault crossing the Millennium property. He also personally

testified to the City Council in July 2013, in support of Millennium's project and approvals, that there was nothing to these earthquake arguments. Nothing at all. In parts of that same time period, Raymond Chan's son, Jeremy Chan, had been hired as a paid legal intern at the law firm of Sheppard Mullin. Sheppard Mullin was Millennium's law firm and chief lobbyist during the project's administrative hearings before the City and while Raymond Chan was overseeing LADBS. Mere coincidences, no doubt.

The federal indictments (and guilty pleas) that seem to be dropping like rain allege multiple circumstances where developers, their lobbyists, certain Councilmembers, their deputies and City staff engaged in official actions to "help" projects get extraordinary treatment that no average property owner or small business in the City could ever obtain.

We also remember that two of the three PLUM Committee votes to approve the original Millennium project came from Councilmembers Huizar and Englander.

With the FBI investigation into LA City Hall corruption continuing, the City's elected and appointed officials should be working overtime to earn back the public's trust. Instead, the Millennium Hollywood Center Project and this process are another punch to the public's gut.

VI. CONCLUSION.

For the reasons stated above and in prior objection letters, no proper or legal basis exists to conduct any hearing at this time. If a hearing nonetheless goes forward, on multiple grounds, the Project applications should be denied.

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

RPS:vl

Encls.

cc: Mayor Eric Garcetti (via email mayor.garcetti@lacity.org)
Nicholas Maricich, Mayor's Office (via email nicholas.maricich@lacity.org)
Councilman Mitch O'Farrell (via email councilmember.ofarrell@lacity.org)
Craig Bullock, CD13 Planning Director (via email craig.bullock@lacity.org)
Nury Martinez, Council President (via email councilmember.martinez@lacity.org)
Mike Feurer, City Attorney (via email mike.feuer@lacity.org)

EXHIBIT 1


From: Khalatian, Edgar <EKhalatian@mayerbrown.com>
Sent time: 05/15/2020 10:16:23 AM
To: Luciralia Ibarra <luciralia.ibarra@lacity.org>
Cc: Mindy Nguyen <Mindy.nguyen@lacity.org>
Subject: RE: Hollywood Center [MB-AME.FID1683707]

Thanks, and adding Mindy.

Edgar Khalatian

Partner

Mayer Brown LLP
350 South Grand Avenue, 25th Floor
Los Angeles, CA 90071-1503 United States of America
213-229-9548
ekhalatian@mayerbrown.com

 Please consider the environment before printing this e-mail. If you need to print it, please consider printing it double-sided.

From: Luciralia Ibarra <luciralia.ibarra@lacity.org>
Sent: Friday, May 15, 2020 10:14 AM
To: Khalatian, Edgar <EKhalatian@mayerbrown.com>
Subject: Re: Hollywood Center [MB-AME.FID1683707]

****EXTERNAL SENDER****

Thanks. And my apologies, I meant to cc Mindy in forwarding you the email from the council office. She is included here so she knows what to expect from your team.

- Luci

On Fri, May 15, 2020 at 10:04 AM Khalatian, Edgar <EKhalatian@mayerbrown.com> wrote:


Thanks, Luci. In response to this request from the Council office and the Planning Department, we will endeavor to provide the City the necessary information to review Alt 8, which means that we will be preparing tech reports for Alt 8 so that the decisionmakers have sufficient information to make an informed decision.

Thanks, and happy to discuss.

Edgar Khalatian

Partner

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Los Angeles, CA 90071-1503 United States of America
213-229-9548
ekhalatian@mayerbrown.com

 Please consider the environment before printing this e-mail. If you need to print it, please consider printing it double-sided.

From: Luciralia Ibarra <luciralia.ibarra@lacity.org>
Sent: Friday, May 15, 2020 9:35 AM
To: Khalatian, Edgar <EKhalatian@mayerbrown.com>
Subject: Fwd: Hollywood Center

****EXTERNAL SENDER****

Good morning,

Wanted to share this email with you. Let me know if you would like to discuss further.

- Luci

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

From: **Craig Bullock** <craig.bullock@lacity.org>
Date: Wed, May 13, 2020 at 5:55 PM

Subject: Hollywood Center

To: Luciralia Ibarra <luciralia.ibarra@lacity.org>

Hi Luci,

I hope you and your family are healthy and safe.

As I mentioned on our call, the councilmember was contacted by multiple Hollywood stakeholders regarding the Hollywood Center Project. These stakeholders are encouraging us to be supportive of the inclusion of office space to compliment the housing. Their recommendations best match Alternative 8 in the DEIR.

The inclusion of office space is appealing to the councilmember. The office vacancy rate for Hollywood is much lower than Los Angeles County as a whole (7.8% vs 14.4%) with vacancy rates near the project site incredibly lower (approximately 2%). It is very important that Hollywood continues to grow its office capacity so that we are able to retain, expand and attract users and not have them go to other parts of the City....or even worse, to other cities!

While we remain open to this possibility, the councilmember has made it clear that he won't allow for a decrease in the project's affordable housing component. Affordable housing, especially for seniors, is very much needed.

I think the Department of City Planning should review Alternative 8 and be prepared to provide the councilmember sufficient information to give it consideration. Please communicate this to the applicant as well.

Just to be clear, the councilmember is not taking a position on the project or on Alternative 8. I will just need to have sufficient information for him to make an informed decision. He will make a decision on his position after reviewing the EIR analysis for the project, as well as those for the alternatives, and after community engagement has occurred.

Please let me know if you have any questions.

Thanks!

Craig

--



CRAIG BULLOCK

Planning Director

Office of Councilmember Mitch O'Farrell, 13th District

[200 N. Spring Street Rm 480 Los Angeles, CA 90012](#)

[\(213\) 473-7013](tel:(213)473-7013) | craig.bullock@lacity.org



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* For appointments, please contact Darlene Navarrete at (213) 847-3683 or Darlene.Navarrete@lacity.org



Luciralia Ibarra

Principal City Planner

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EXHIBIT 2

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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PRESIDENT

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JOSELYN GEAGA-ROSENTHAL
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CITY OF LOS ANGELES
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ERIC GARCETTI
MAYOR

DEPARTMENT OF
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OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

August 7, 2020

To: Luciralia Ibarra, Principle City Planner
Department of City Planning

From: Daniel Schneidereit, Engineering Geologist II
Department of Building and Safety

Subject: The California Geological Survey's Comments Regarding the Hollywood Center
Fault Investigation

At the request of the Department of City Planning the Department of Building and Safety has reviewed a July 16, 2020 letter by the California Geological Survey (CGS) that concerns the proposed Hollywood Center development (Vesting Tentative Tract 82152). The CGS states they have new data they believe indicate there may be an active fault traversing the southerly portion of the site.

We acknowledge the CGS's concern and believe the best way to resolve this issue is for the developer to excavate another exploratory trench to demonstrate, or rule out, the presence of an active fault in the southerly part of the site. The trench needs to be approximately 30 feet deep or more to expose the necessary strata, and may require the use of shoring.

It is our understanding that the geologic consultants for the project are currently working on a scope of work for a trench. 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.

Please contact me if you have further questions.

Thank you.

DCS

EXHIBIT 3

P.O. Box 27404
Los Angeles, CA 90027
www.hillsidefederation.org



PRESIDENT
Charley Mims
CHAIRMAN
Marian Dodge
VICE PRESIDENTS
Mark Stratton
John Given
TREASURER
Don Andres
SECRETARY
Julie Kremkus

August 23, 2020

By Email Only to mindy.nguyen@lacity.org

Mindy Nguyen, City Planner
City of Los Angeles Dept. of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012

RE: Hollywood Center Project — OPPOSE
Case Nos.: VTT-82152; CPC-2018-2114-DB-CU-MCUP-
SPR; CPC-2018-2115-DA; ENV-2018-2116-EIR

Dear Ms. Nguyen:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains. The Hillside Federation previously submitted general comments regarding the Hollywood Center project’s Draft EIR and the City’s refusal to provide interested members of the public a sufficient opportunity to review the extremely lengthy environmental review document before closing the public comment period. At its meeting of July 21, 2020, the Hillside Federation voted to oppose the project, and we now write to voice our strong opposition.

We also write to object to the City’s outrageous and prejudicial public process in moving forward with the joint DAA / hearing officer hearing despite the Final EIR not being published. As the staff recommendation report for the vesting tentative tract map case notes, the Final EIR has been held to address a late-submitted letter from the California Geological Survey (CGS). (VTT 82152 Recommendation Report, p. 29.) Due to the Final EIR not being complete the staff recommendation is to place consideration of the project under advisement, pending release of the Final EIR. (*Ibid.*, p. 10.)

The CGS letter is not some minor or technical land use issue, it relates to a matter of significant public safety. The letter reports to the City that on May 8, 2020, the United States Geological Survey “issued a new, peer-reviewed analysis of the Hollywood Fault zone in the immediate area of [the project].” The peer-reviewed analysis found: (1) new earthquake traces not identified in the existing environmental document’s appendix G, (2) that it is highly likely that an active fault strand crosses the project site, and (3) that neither the 2014 earthquake trench nor other investigative

Argyle Civic Assn.
Beachwood Canyon NA
Bel-Air Assn.
Bel-Air Hills Assn.
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Dixie Canyon Assn.
Doheny-Sunset Plaza NA
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
LFIA (Los Feliz)
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon NA
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon HOA
Oaks Homeowners Assn.
Outpost Estates HOA
Residents of Beverly Glen
Save Coldwater Canyon!
Shadow Hills POA
Sherman Oaks HOA
Silver Lake Heritage Trust
Studio City Residents Assn.
Sunset Hills HOA
Tarzana POA
Torreyson Flynn Assn.
Upper Mandeville Canyon Assn.
Upper Nichols Canyon NA
Whitley Heights Civic Assn.

CHAIRS EMERITI
Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Steve Twining
CHAIRS IN MEMORIAM
Brian Moore
Gordon Murley
Polly Ward

Hillside Federation Hollywood Center Comments
DAA / Hearing Officer Joint Hearing (Aug. 26, 2020)
August 23, 2020
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techniques are adequate to clear the project site of active faults. (Sr. Eng. Geologist Hernandez/ Sup. Eng. Geologist McCrink, CGS, project comment letter to Mindy Nyugen, July 16, 2020.) In light of the extremely serious nature of the CGS findings, an additional exploratory trench is being required by the Los Angeles Department of Building and Safety. (Recommendation Report, p. 32.)

It is unconscionable that the City would even consider moving forward with public hearings for this project before the entire environmental record is complete. Doing so robs members of the public of the ability to make meaningful comment on the project and evinces the City's clear intention to approve the project once it feels it has the minimum legally adequate cover to do so. This is assuredly not the CEQA process envisioned by California's legislature or courts "to demonstrate to the public that it is being protected." (*See* 14 Cal. Code of Regs. § 15003, citing leading CEQA cases.) The City's citizens are right to be extremely apprehensive about this project. As Councilmember David Ryu recently expressed in a public email following publication of the CGS letter regarding the USGS earthquake trace analysis:

I and my constituents are left with uncertainty, not only about the safety of the proposed future project, but also the current safety of existing buildings in the area. As I understand it, if the site has an active fault strand on it, it may not be possible for any future building at the site to ever be safe to build, no matter how sophisticated the engineering.

The Hillside Federation urges the City to recirculate the Draft EIR with the revised geological information once the additional study required by LADBS has been completed, and to postpone any further public hearings on the project until those steps have been taken. If the City determines it will move forward with the hearing, the Hillside Federation urges the DAA to deny the tract map, and expresses to the hearing officer its strong opposition to the project based on our previous public comments as well as those of our member organizations and their constituents and other project objectors.

Sincerely,



Charley Mims
President, Federation of Hillside and Canyon Associations

Cc (by email only):

Vincent Bertoni, Director of Planning
Michael N. Feuer, City Attorney
Councilmember Mitch O'Farrell, Council District 13
Councilmember David Ryu, Council District 4

EXHIBIT 4

From: Mindy Nguyen <Mindy.Nguyen@lacity.org>
To: Veronica Lebron <Veronica@robertsilversteinlaw.com>
CC: Vince Bertoni <vince.bertoni@lacity.org>, Dan Wright <Dan@robertsilversteinlaw.com>, Esther Kornfeld <Esther@robertsilversteinlaw.com>, Robert Silverstein <Robert@robertsilversteinlaw.com>
Date: 6/1/2020 7:14 PM
Subject: Re: Initial Comments on and Objections to Draft EIR for Hollywood Center Project; Case No. ENV-2018-2116-EIR; SCH 2018051002

Hi Veronica,

Thank you for your email. Your comments have been received and will be included in the administrative record for the Hollywood Center Project EIR. Response to your comments will be provided in the Final EIR, for which you will be notified once available for public review.

Once the Final EIR is released, there will be a public hearing process for the related entitlements, at which time, I would advise that you provide any comments regarding non-CEQA related issues for the decision maker's consideration.

Please let me know if you have any questions in the meantime.

On Mon, Jun 1, 2020 at 5:39 PM Veronica Lebron <Veronica@robertsilversteinlaw.com> wrote:

Dear Ms. Nguyen:
Please click on below link containing our letter for the above-referenced matter.

<https://www.dropbox.com/s/e6xgr2dfc4j2nic/6-1-20%20%5BSCAN%5D%20Initial%20Comment%20On%20%26%20Objections%20To%20DEIR%20for%20Hollywood%20Center%20Project.pdf?dl=0>

We had difficulties assembling the documents because of the file size. However, everything should be readable and totals 2,596 pages. 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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City Planner
Los Angeles City Planning
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Los Angeles, CA 90012
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