

From: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Sent time: 06/08/2020 06:49:48 PM
To: Robert Silverstein <robert@robertsilversteinlaw.com>
Cc: Vince Bertoni <vince.bertoni@lacity.org>; Naira Soghatyan <Naira@robertsilversteinlaw.com>; Veronica Lebron <Veronica@robertsilversteinlaw.com>
Subject: Re: Objections to City's failure to provide a concurrent searchable admin record; Case No. ENV-2018-2116-EIR; SCH 2018051002

Dear Mr. Silverstein,

In response to your June 3, 2020 email, the City is fully complying with the requirements of Public Resources Code (PRC) Section 21186(d), as it is making every document that is part of the administrative record available in electronic format. The PRC Code Sections regulating Environmental Leadership Development Projects do not require the City to make each document made available in electronic format text searchable.

Please also be advised that the current Rules of Court do not contain a Rule 3.1367. As of 2014, the rules related to Petitions brought under the California Environmental Quality Act (CEQA) were renumbered. See California Rule of Court Rule 3.1365. Furthermore, the California Rules of Court do not apply at this stage as no Petition for Writ of Mandate has been filed to challenge the City's actions related to the Hollywood Center Project on CEQA grounds. If a lawsuit is filed in the future to challenge the City's actions under CEQA, the City will ensure that the administrative record that is lodged with the Court and provided to the parties in that litigation will fully comply with the requirements of California Rules of Court, Rule 3.2207.

Sincerely,

On Thu, Jun 4, 2020 at 1:53 PM Mindy Nguyen <Mindy.Nguyen@lacity.org> wrote:

Dear Mr. Silverstein,

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

Best,

On Wed, Jun 3, 2020 at 6:38 PM Robert Silverstein <robert@robertsilversteinlaw.com> wrote:

Dear Mr. Bertoni and Ms. Nguyen:

Please ensure that this communication is included in the administrative record for the Hollywood Center matter.

Upon review of the project's concurrently prepared administrative record, we see that the City is violating the Rules of Court and Public Resources Code requirements.

As an example, the records in the following links - including in the DEIR - were not searchable:

Agency Comments:

[https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Agency%20Correspondence%20on%20ENV-2018-2116-EIR/Agency%20Correspondence%20on%20ENV-2018-2116-EIR.htm](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Agency%20Correspondence%20on%20ENV-2018-2116-EIR/Agency%20Correspondence%20on%20ENV-2018-2116-EIR.htm)

DEIR:

<https://planning.lacity.org/eir/HollywoodCenter/deir/Appendices/Apx%20A-4%20-%20NOP%20and%20Scoping%20Meeting%20Comments.pdf>

Pursuant to Pub. Res. Code Section 21186(d)-(f), the City must make any comment "available to the public in a readily accessible electronic format."

The quoted requirement stems from the general requirement in Pub. Res. Code Sec. 21186(a) stating: "The lead agency for the project shall prepare the record of proceedings pursuant to this division **concurrently with** the administrative process." (Emph. added.)

While CEQA does not define what the "readily accessible electronic format" for the administrative record is, such definition is provided by Rule of Court Rule 3.1367(a), requiring that the administrative record be in PDF format (subdivision (2)) and "**capable of full text searching**" (subdivision 5). (Emph. added.)

Not all documents in the Project's running administrative record are "capable of full text searching" -- in violation of Rule 3.1367(a)(5),

Besides these violations of CEQA and the Court Rules, the City's failure to provide a fully compliant administrative record concurrently with the administrative process is a major impediment for us and for the public to be apprised of the full contents of the administrative record, including to fully participate in the administrative process in a meaningful, timely and more fully informed manner.

We request that the City immediately correct these violations to ensure that the Project's entire administrative record is concurrently prepared in a readily accessible electronic format "**capable of full text searching**".

Please confirm that you will do so, and that all documents previously uploaded that are not yet full text searchable are immediately made so, and that all documents going forward similarly conform. 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

=====
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (626-449-4200), and delete the original message. Thank you.

--



Mindy Nguyen
City Planner
Los Angeles City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
Planning4LA.org
T: (213) 847-3674

     

--



Mindy Nguyen

City Planner

Los Angeles City Planning

221 N. Figueroa St., Suite 1350

Los Angeles, CA 90012

Planning4LA.org

T: (213) 847-3674



E-NEWS