

From: Veronica Lebron <Veronica@robertsilversteinlaw.com>
Sent time: 10/07/2020 04:35:07 PM
To: mindy.nguyen@lacity.org; vince.bertoni@lacity.org
Cc: Dan Wright <Dan@robertsilversteinlaw.com>; Esther Kornfeld <Esther@robertsilversteinlaw.com>; Robert Silverstein <Robert@robertsilversteinlaw.com>
Subject: Re: The Silverstein Law Firm | Objections to Delays of Production of Information and Documents / Demand for Immediate Production of Information and Documents re Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152; SCH 2018051002
Attachments: 10-2-20 [SCAN] Objections to City Planning (Nguyen) re Delays of and Demand for Production of Information.PDF

Dear Ms. Nguyen:

You have failed and refused to provide information we requested in our October 2, 2020 letter (resending as attached here for your convenience). We again specifically request clear responses from the City to those questions.

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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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: 10/5/2020 11:48 AM
Subject: Re: The Silverstein Law Firm | Objections to Delays of Production of Information and Documents / Demand for Immediate Production of Information and Documents re Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152; SCH 2018051002

Hi Veronica,

Confirmation receipt.

Regards,

On Fri, Oct 2, 2020 at 6:26 PM Veronica Lebron <Veronica@robertsilversteinlaw.com> wrote:

Dear Ms. Nguyen:

Please see attached regarding the above-referenced matter. Please immediately respond to issues stated in the letter.

Thank you.

Veronica Lebron
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Pasadena, CA 91101-1504
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=====



Mindy Nguyen

Preferred Pronouns: She, Hers, Her
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October 2, 2020

VIA EMAIL vince.bertoni@lacity.org;
mindy.nguyen@lacity.org

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

Re: Objections to Delays of Production of Information and Documents /
Demand for Immediate Production of Information and Documents re
Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-
2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152;
SCH 2018051002

Dear Ms. Nguyen:

This firm and the undersigned represent StopTheMillenniumHollywood.com. Please keep this office on the list of interested persons to receive timely notice of all hearings, votes and determinations related to the proposed Hollywood Center Project ("Project"). Please include this letter in the Project's administrative record.

Pursuant to Public Resources Code Section 21167(f), please provide a copy of each and every notice issued by the City in connection with this Project. We adopt and incorporate by reference all Project objections raised by all others during the environmental review and land use entitlement processes for the Project.

We note that you have requested a speedy production of documents from LADBS, but LADBS states that they will provide documents on or after November 16, 2020. (See attached Exhibit 1.) This is another violation of the City's obligations under AB 900 to upload and make public all documents required for the record within 5 days. By definition, the City is already in receipt of those documents from LADBS because LADBS, of course, is a part of the City. Yet the record, and more importantly the public, are being deprived of access to and knowledge of all documents that are required to be

Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
October 2, 2020
Page 2

uploaded and publicly posted. As to LADBS documents, these would include particularly critical documents related to, *inter alia*, seismic issues. The failure to already have had a concurrently accurate and complete running record is a violation of the public's rights that is compounded by every day of delay. Our client and the general public are prejudiced by the City's violations.

What is the significance of the November 16, 2020 date? Is the City intending to have the final City Council hearing for the Project prior to that date?

Also:

1. Why does the requested search for emails about the project go back only to February 4, 2020? Has the City completely gathered documents from the beginning of the project through February 4, 2020?
2. Why is no search being conducted of the Google email archive of the City using the search terms specified by the City? Allowing City employees to self-police what are and are not responsive email communications about the project is permission for employees to not produce all potentially relevant emails, for example, should those emails contain inconvenient information.
3. Did the instructions to City personnel specifically require a search and disclosure of communications on non-lacity.org emails or other personal email and text devices, as required by the Supreme Court's holding in City of San Jose v. Superior Court (2017) 2 Cal.5th 608?

Please provide written responses to all of the above inquiries.

Further, our August 24, 2020 letter requested documents regarding all anticipated calendaring and scheduling in this matter. The City has already announced an October 15, 2020 Planning Commission hearing (which is illegal on multiple grounds, many of which we have already raised in correspondence to the City).

What additional tentative hearing dates are currently planned or anticipated, and before which City bodies? Please immediately advise.

Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
October 2, 2020
Page 3

We are shocked by the City's delays in providing documents in response to our Public Records Act requests, including those submitted on August 25 and 26, 2020. The City has now twice extended its date to produce.

This is improper because our client and the general public need the documents and information we requested, and because transparency and full disclosure are mandatory duties on the part of the City in the CEQA process.

Pursuant to your obligations under AB 900 and PRC § 21167.6(e), all of those documents should already as a matter of course have been included and posted in the running administrative record. The fact that they are not shows the City's further violations of the law.

We are disturbed by the alacrity with which the City has continued to process the developer's applications to the point of, among other things: (1) refusing to extend the public comment period during the pandemic by even one day despite dozens of pleas from the public; (2) refusing to reschedule the Advisory Agency and Hearing Officer hearing by even one week until the Final EIR had been made public; and (3) even shortchanging the public a day regarding the City's announced deadline to file an appeal of the Advisory Agency determination. (See our September 18, 2020 letter.)

We have also observed you and other City staff emailing on weekends in furtherance of expediting the Developer's project and applications. While such attention to work might be admirable under normal circumstances, these are not normal circumstances. The public lawfully seeks documents under the Public Records Act that it needs to more thoroughly participate in the administrative process, yet the City drags its feet for months in giving us documents we should already have had. But when Millennium says jump, the City says "how high?" This favors the developer at the expense of the public.

This illegal and improper approach by the City is perhaps most vividly illustrated by the City Attorney's "advisement" for LADBS to delay production of documents until November 16, 2020. (**Exhibit 1.**) Could that directed delay be because of embarrassing and damaging seismic information that the City Attorney wants LADBS to suppress?

As our Supreme Court has said in a prior case dealing with the Los Angeles City Attorney's office:

Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
October 2, 2020
Page 4

“A government lawyer in a civil action . . . has the responsibility to seek justice and **to develop a full and fair record**, and he **should not use his position or the economic power of the government to harass parties or to bring about unjust** settlements or **results.**’ [Citation.]” City of Los Angeles v. Decker (1977) 18 Cal.3d 860, 871 (emphasis added).

In our August 25, 2020 Public Records request letter, we stated:

“We request that the Hollywood Center Environmental Impact Report (“EIR”) process **not** be completed, and that no Final EIR be scheduled for certification, until the City has produced all of the documents requested herein, and we have had reasonable time to review them following complete production.” (Emphasis in original.)

The City has ignored that request, and indeed, appears determined actively to deny the public critical information and documents, while proceeding at breakneck speed to approve the Hollywood Center Project before all of that requested information is provided.

At a time when LA City Hall is under withering FBI scrutiny, and for a proposed project as controversial as Hollywood Center, the public needs and deserves fullest transparency and accountability from the City.

We continue to reserve all rights and objections. Please immediately respond to the above questions, and not merely with a perfunctory “your correspondence has been received.” Thank you.

Very truly yours,

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

RPS:vl
Encl.

**The Silverstein Law Firm
October 2, 2020**

**Objections to Delays of Production of Information and Documents /
Demand for Immediate Production of Information and Documents re
Hollywood Center Project;**

**Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-
2018-2115-DA, and VTT-82152; SCH 2018051002**

EXHIBIT 1

From: LADBS Custodian of Records <ladbs.custodianofrecords@lacity.org>
Sent time: 09/22/2020 07:52:08 AM
To: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Subject: Re: Hollywood Center Project Correspondence Request

LADBS is still working on obtaining the requested documents. A second extension letter was sent last Friday, for a new response date of November 16, 2020, pursuant to City Attorney's advisement.

On Mon, Sep 21, 2020 at 3:18 PM Mindy Nguyen <Mindy.Nguyen@lacity.org> wrote:

Hello,

I just wanted to follow up on this request.

Thank you.

On Tue, Sep 15, 2020 at 8:27 AM Mindy Nguyen <Mindy.Nguyen@lacity.org> wrote:

Hello,

This email is being sent to persons that have been identified as possibly having either email or written correspondence regarding the **Hollywood Center Project**, located at **1720-1770 North Vine Street; 1746-1764 Ivar Avenue; 1733-1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street.**

The Project has been designated by the State as an Environmental Leadership Development Project (ELDP). As part of this process, the City is required to collect and upload all relevant public records of proceedings regarding the Project at the time the Draft EIR is published, and thereafter, including electronic communications, such as emails (including personal emails) and text messages.

Therefore, we'd like to request that you submit any written or email correspondence either **from, to, or between** any City staff relating to the Hollywood Center Project, dating back **from February 4, 2020 to present.**

1. All **email (digital) correspondence** should be submitted via a single **Dropbox or Google Drive link**. Per the Office of the City Attorney's request, emails shall be submitted in the format outlined in the [instructions attached to this email](#).
2. Any **written (non-digital) correspondence** should be submitted via a scanned PDF file.
3. Any **text messages** should be screenshot and forwarded to your "lacity.org" email address and compiled based on the [instructions attached to this email](#).

Please **DO NOT** send PDFs of your emails. Instructions for email collection are attached.

At a minimum, please conduct a search using the following key words/phrases:

- *CPC-2018-2114*
- *CPC-2018-2115*
- *ENV-2018-2116*
- *VTT-82152*
- *Tract Map 82152*
- *Hollywood Center Project*
- *Hollywood Center*
- *HCP*
- *Millennium*
- *1720-1770 North Vine Street (any address in the range)*
- *1746-1760 Ivar Avenue (any address in the range)*
- *1733 and 1741 Argyle Avenue (any address in the range)*
- *6236, 6270, and 6334 West Yucca Street (any address in the range)*

- *MCAF Vine LLC*

Please submit all documents to me no later than **Monday, September 21, 2020**.

If you are aware of other City staff who may have worked on this Project but has not been included in this email, please let me know as soon as possible.

Thank you in advance for your time and cooperation.

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