

From: Veronica Lebron <Veronica@robertsilversteinlaw.com>
Sent time: 09/18/2020 04:21:39 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: The Silverstein Law Firm | Objections to Letter of Determination for 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: 9-18-20 [SCAN] Letter to City Planning (Nguyen) re Objections to Letter of Determination (LOD) for Hollywood Center.PDF

Dear Ms. Nguyen:

Please include the attached letter in the administrative record for the above-referenced matter.

Please provide a timely response to the objections.

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

=====
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.

=====

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

September 18, 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 Letter of Determination for 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”).

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.

I. INTRODUCTION.

On September 14, 2020, the Advisory Agency issued a Letter of Determination (“LOD”) purporting to approve Vesting Tentative Tract Map No. 82152 for Alternative 8. The LOD incorrectly identifies the end of the appeal period as September 23, thus misinforming the public. Assuming the entire process were even proper, we believe the appeal period would end on September 24, 2020.

Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
September 18, 2020
Page 2

California Code of Civil Procedure § 12 provides that statutory time limitations shall exclude the first day:

“The time in which any act provided by law is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded.”

The Subdivision Map Act (Govt. Code § 66462.5) provides for a 10-day appeal period “after” the action of the advisory agency:

“(a) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body. The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.”

Recalculating the appeal deadline to properly exclude the first day of mailing (September 14) yields a final appeal date of September 24, – not September 23 as listed in the LOD.

The City must issue a revised LOD with a new 10-day appeal period to ensure the public has the lawfully mandated time to respond. Crucially, even if the City accepts appeals filed on September 24th, all appellants were prejudiced by the City’s unlawful calculation of the appeal period. Appellants and potential appellants were deprived of the most valuable resource to review the enormous volume of documents in the LOD – time. The City’s unlawful inclusion of the first day resulted in approximately 10 percent less time than statutorily mandated. Accordingly, only a new extended notice period can cure the defective LOD.

Vincent Bertoni, Planning Director
Mindy Nguyen, City Planner
City of Los Angeles, Department of City Planning
September 18, 2020
Page 3

We also express our concern that there appears to be a pattern and practice by the City to deprive the public of time and fair opportunity to review and respond to other issues and documents in this matter. Not only did the City refuse to give even one additional day on the close of the official comment period for a 13,000-page Draft EIR dropped on an unsuspecting public during the height of the pandemic and lock down orders, but it held an August 26, 2020 hearing even though the Final EIR was not yet circulated, and it now shortens the already bare minimum appeal timing provision.

We also note the irony of the City refusing to give the public any modicum of reasonable timing extensions, or here, even the minimum time for an appeal, when the City, in response to our Public Records Act requests, has unilaterally granted itself an additional 14 days to respond, and who knows how much more time the City will actually take before providing us with a complete and good faith production, if at all. Good faith should mean that the City provides us with all responsive documents well in advance of the next upcoming hearing so that we, our client and the public can actually review and assimilate that information in time to assist us in making more complete comments.

We are reminded of the Supreme Court's admonition that "the government must not be motivated solely by a desire to win a case, but instead owes a duty to the public to ensure that justice will be done. [Citation.]" County of Santa Clara v. Superior Court (2010) 50 Cal.4th 35, 57.

Individually and collectively, the City's actions amount to actionable due process violations. We request that the City immediately send out a new/corrected LOD and notice of a new 10-day appeal period running from the date of that new LOD. Anything less is a violation of law.

Very truly yours,

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

RPS:vl