

THE SILVERSTEIN LAW FIRM

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June 21, 2021

VIA EMAIL osama.younan@lacity.org;
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Osama Younan, General Manager
Daniel Schneidereit, Engineering Geologist
Michael Van Do, Management Assistant
Los Angeles Department of Building and Safety
201 N. Figueroa Street
Los Angeles, CA 90012

Re: California Public Records Act Requests re the Hollywood Center Project;
Case No. ENV-2018-2116-EIR; SCH 2018051002

Dear Mr. Younan, Mr. Schneidereit, and Mr. Van Do:

Please include this letter and your responses in the Hollywood Center running administrative record.

These requests are made under the California Public Records Act pursuant to Government Code § 6250, et seq. Please provide copies of the following from the City (as “City” is defined below).

For ease of reference in this document, please refer to the following **defined terms**:

“Project” shall refer to the “Hollywood Center Project”, Environmental Case No. ENV-2018-2116-EIR, State Clearinghouse No. 2018051002, and generally located on, at or near 1720-1770 North Vine Street, 1746-1760 North Ivar Avenue, 1733 and 1741 Argyle Avenue, and 6236, 6270, and 6334 West Yucca Street, Los Angeles, CA 90028.

“CGS” or “California Geological Survey: shall refer to the California Geological Survey, all members, officials, employees, consultants, and agents, and any and all in-house and outside counsel retained by CGS.

“NRA” or “Natural Resources Agency” shall refer to the Natural Resources Agency, all members, officials, employees, consultants, and agents, and any and all in-house and outside counsel retained by the NRA.

“Developer” shall refer to any principal, owner, employee, agent, consultant or attorney representing the owners or applicants of the Hollywood Center project site, including but not limited to MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733 North Argyle LLC, and 1720 North Vine LLC, and any of their members, partners, employees, agents, consultants and/or lobbyists, including but not limited to:

(a) Millennium Partners, Millennium Hollywood Partners, Argent Ventures, and all principals, officers, partners, members, employees, attorneys, agents and/or consultants of such firms, including but not limited to Christopher Jeffries, Philip Aarons, Mario Palumbo, Phillip Lovett, Michael Gargano.

(b) Platinum Advisors, LLC, and their officers, partners, members, employees, attorneys, agents and/or consultants, including but not limited to Darius Anderson, Tim Lynch, Martha Miller, Beau C. Biller, Marisol Lopez, Joseph Devine, Charles Fina, Nick Garcia, Brian Lungren, Danny Offer, Steven Wallauch, and Kelly Hitt.

(c) Marathon Communications, and their officers, partners, members, employees, attorneys, agents and/or consultants.

(d) Attorneys for MCAF Vine LLC and/or related entities noted above, including Millennium Partners, and including the law firm of Sheppard, Mullin, including but not limited to Jerold/Jerry Neuman, Alfred Fraijo and Jeremy Chan, the law firm of Cox, Castle & Nicholson, including but not limited to David Waite, Michael Zischke, and Alexander DeGood, the Liner Law Firm, the law firm of Mayer Brown, including but not limited to Edgar Khalatian and Jeremy Chan.

(e) All consultants for MCAF Vine LLC and/or related entities noted above, including Millennium Partners, and including but not limited to Group Delta and Michael Reader.

“Email” includes, but is not limited to, correspondence to or from any email account through which any City business is being conducted, including but not limited to email accounts assigned by the City’s Information Technology Agency to City officials, employees or consultants, and consistent with City of San Jose v. Superior Court of Santa Clara County, each and every personal email account outside the City’s email system upon which any City business has been conducted.

“Text messages” includes, but is not limited to, correspondence to or from any communications device of the City or a City official, employee or consultant’s personal communications device over which text messages may have been sent or received and stored which are City business.

“Meeting Notes” includes, but is not limited to any personal handwritten or electronic notes maintained by any City employee, contractor, or agent, regardless of the ownership of the media.

“Exchanged between” shall mean the passing of a document from one person to another by any means of transmission or delivery.

“Document,” as defined in Govt. Code § 6252(g), shall mean any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail, message texting or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Please note that Documents and Emails includes, but is not limited to, correspondence to or from any email account through which any public business is conducted, including but not limited to **personal or otherwise private email accounts belonging to government officials, employees or consultants**, pursuant to the California Supreme Court’s decision in City of San Jose v. Superior Court (2017) 2 Cal.5th 608. This also includes text messages on any public or private device on which discussions about the Project and other public matters was discussed. **Please ensure that you have secured and produced all such personal or otherwise private emails and texts.** Therefore, we are also requesting that all relevant officials, employees and agents **preserve intact under a litigation hold** all such “personal” and official emails and text messages, and not to destroy, delete, allow to be automatically purged, or otherwise to engage in or permit spoliation of such evidence. To the extent that such emails or texts

have been deleted, purged or otherwise spoliated, we demand that the holders of these devices immediately be informed that they must take all efforts to retrieve any deleted or otherwise purged emails and texts, and make all efforts to retrieve and preserve them. **Please confirm that you will do so.**

The public records requests include:

- (1) All documents from and after January 1, 2021: (1) to, from, with or including **Daniel Schneiderei**; (2) that refer or relate to the Hollywood Center Project and/or its **recent trenching and seismic investigation**. This should include but not be limited to all communications with the Developer,, the California Geological Survey and its officials and employees including Steve Bohlen, the Natural Resources Agency and its officials and employees including Wade Crowfoot, the Governor's office, Group Delta, Thomas Rockwell, and further include all internal memoranda and communications, all intra-agency memoranda and communications, all emails with attachments, all reports, data, and preliminary and final test results, including carbon-14 and luminescence age-dating results.

I draw your attention to Government Code § 6253.1, which requires a public agency to assist the public in making a focused and effective request by: (1) identifying records and information responsive to the request; (2) describing the information technology and physical location of the records; and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If you determine that any information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59 which amended the State Constitution to require that all exemptions be “narrowly construed.” Proposition 59 may modify or overturn authorities on which the City has relied in the past.

If you determine that any requested records are subject to a still-valid exemption, I request that you exercise its discretion to disclose some or all of the records notwithstanding the exemption and with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest. Should you deny any part of this request, you are required to provide a written response describing the legal authority on which you rely.

Please be advised that Government Code § 6253(c) states in pertinent part that the agency “shall promptly notify the person making the request of the determination **and the reasons therefore.**” (Emphasis added.) Section 6253(d) further states that nothing

in this chapter “shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The **notification of denial** of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.”

Additionally, Government Code § 6255(a) states that the “agency shall justify withholding any record by demonstrating that the record in question is exempt under expressed provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Emphasis added.) This provision makes clear that the agency is required to justify withholding any record **with particularity as to “the record in question.”** (Emphasis added.)

Please clearly state in writing pursuant to Section 6255(b): (1) if you are withholding any documents; (2) if you are redacting any documents; (3) what documents you are so withholding and/or redacting; and (4) the alleged legal bases for withholding and/or redacting as to the particular documents. It should also be noted that to the extent documents are being withheld, should those documents also contain material that is not subject to any applicable exemption to disclosure, then the disclosable portions of the documents must be segregated and produced.

Govt. Code § 6253.9(a) requires that the agency provide documents in their native format, when requested. Pursuant to that code section, please also provide the requested documents, including all applications, in their native and electronic format.

We request that you preserve intact all documents and computer communications and attachments thereto, including but not limited to all emails and computer files, wherever originated, received or copied, regarding the subject matter of the above-referenced cases, including archives thereof preserved on tape, hard drive, disc, or any other archival medium, and including also any printouts, blowbacks, or other reproduction of any such computer communications. Pursuant to, *inter alia*, Pub. Res. Code Section 21167.6(e), the documents requested herein must be retained – notwithstanding any contrary City document or email retention policies.

If the documents exist in electronic form, we ask that you provide copies on a disk or flashdrive at cost. For any non-electronic documents, if the copy costs for those documents do not exceed \$500, please make the copies and bill this office. If the copy costs exceed \$500, please contact me in advance to arrange a time and place where we can inspect the records. However, in light of COVID, and consistent with the remote/electronic/telephonic protocols that have been imposed on the public by the City, we ask

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that as to any documents (should there be any) that are only in paper form, that all such documents also be made available electronically.

As required by Government Code § 6253, please respond to this request within ten days. Because I am emailing this request on June 21, 2021, please ensure that your response is provided to me by no later than **July 1, 2021**. Thank you.

Very truly yours,

/s/ Robert Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

Cc via email:

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