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**Fwd: June 18, 2013 PLUM hearing on The Millennium, CPC-2008-3440-VZC-CUB-ZV-HD, VTT-71837-CN-1A, ENV-2011-675-EIR, Council File # 13-0593, 13-0593-S1**

Message

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**RickLee Abrams** <rickleeabrams@gmail.com>  
To: Sharon Gin <sharon.gin@lacity.org>

Fri, Jun 14, 2013 at 9:48 AM

Dear Ms. Gin:

On June 12, 2013, I forwarded via email these attachments to your attention for addition to the Administrative Record on The Millennium Project, but upon checking the City files for this project, I do not find my comments have been added to the official record.

Would you be so kind as to make certain that my June 12, 2013 comments are added to the administrative record forthwith so that others preparing for the hearing will have them available to them in a timely manner?

Thank you in advance for your prompt attention to this matter.  
Rick

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

From: **RickLee Abrams** <rickleeabrams@gmail.com>

Date: Wed, Jun 12, 2013 at 5:28 PM

Subject: Fwd: June 18, 2013 PLUM hearing on The Millennium, CPC-2008-3440-VZC-CUB-ZV-HD, VTT-71837-CN-1A, ENV-2011-675-EIR, Council File # 13-0593, 13-0593-S1

To: councilmembers Tom LaBonge <councilmember.labonge@lacity.org>

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

From: **RickLee Abrams** <rickleeabrams@gmail.com>

Date: Wed, Jun 12, 2013 at 5:26 PM

Subject: June 18, 2013 PLUM hearing on The Millennium, CPC-2008-3440-VZC-CUB-ZV-HD, VTT-71837-CN-1A, ENV-2011-675-EIR, Council File # 13-0593, 13-0593-S1

To: Sharon Gin <sharon.gin@lacity.org>

Dear Ms. Gin:

The attached documents are for The Millennium Project's Administrative Record.


**CPC-2008-3440-VZC-CUB-ZV-HD  
VTT-71837-CN-1A  
ENV-2011-675-EIR  
Council File # 13-0593, 13-0593-S1**


If you would be so kind as to add them to the official record, I would appreciate it.

Sincerely,  
Rick Abrams

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**2 attachments**

 **LRLA-1003.pdf**  
470K

 **SCAG hollywood\_2005\_data - Sheet1.pdf**  
375K

**Substantial Fraud in The Hollywood Community Plan  
Invalidates The Millennium DEIR and FEIR**

By Richard Lee Abrams

Wednesday, June 12, 2013

Project: The Millennium  
Case #: CPC-2008-3440-VZC-CUB-ZV-HD  
VTT-71837-CN-1A  
ENV-2011-675-EIR  
Council File # 13-0593, 13-0593-S1  
Next Date: June 18, 2013, 2:30 P.M.  
Place: City's PLUM Committee, Room 350, City Hall

**1. Overview of the Material Fraud on the City Council  
and on the Public:**

The Millennium Project [Project] is based on fraudulent representations from the Hollywood Community Plan [HCP], which is currently in litigation due to the frauds.

The most egregious fraud was committed on June 19, 2012 by Councilmember Eric Garcetti when he endorsed and ratified the materially false representations in the HCP and urged his fellow councilmembers to approve the fraudulent HCP. As a result, all projects based upon the HCP, such as this Project, should not be approved until the HCP has been sent back for correction.

It should be noted that the PLUM Committee after meeting in private session with the City Attorney did not recommend passage of the HCP when it sent it to the City Council.

On June 14, 2012 before the City Council considered the HCP, the Second Addition to the FEIR repeated and ratified materially false representation, thereby deceiving the most of the members of the City Council and the public.

## 2. The Frauds:

The initial fraud lead to a serious of intentional misrepresentations, confirming the saying, "what a tangled web we weave when first we practice to deceive."

Throughout the EIR, FEIR and the follow-up documents, the City misrepresented that its 2005 population figure of 224,426 ppl was found in the SCAG 2004 Regional Transportation Plan. *HCP DEIR, p 4.2-2, 4.2-6, HCP FEIR page 3.2* To the contrary, the 2004 SCAG RTP and the 2008 SCAG RTP had **no data whatsoever** on the Hollywood population.

After Petitioners in the SaveHollywood.org v City of Los Angeles litigation had reviewed the 70,000 pages in the HCP, they discovered that there was no SCAG data on Hollywood's 2005 population. Not only did rthe SCAG 2004 and 2008 RTP contain no data, there was no other SCAG daa on Hollywood's 2005 population. Thus, Councilmember Garcetti knew that the HCP had no evidence to support his claim that Hollywood's population in 2005 was 224,426 ppl. <sup>1</sup>

In May 2013, Petitioners obtain information showing that SCAG had non-public and non-official data on Hollywood's population. While SCAG had non-public population projections which had shown the 2004 projection to be

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<sup>1</sup> Because Councilmember Garcetti sits on the SCAG Board, he had access to SCAG's data, public and non-public.

about 225,000 ppl in 2005, the final (2011) SCAG population for the 2005 was 200,546 ppl. That was 24,000 fewer people than Councilmember Garcetti was representing when urging the council to approve the HC on June 12, 2012

The misleading 224,426 ppl population was crucial to Councilmember Garcetti's goal to provide a HCP which allowed for mega-projects such as The Millennium. The use of a falsely high population for 2005 allowed Councilmember Garcetti to have the HCP argue that building for a 2030 population of 250,000 ppl was reasonable. Since the population had allegedly grown by 14,000 ppl between 2000 and 2005, it was reasonable to plan for an additional 25,000 ppl over the next 25 years. <sup>2</sup>

While Petitioners knew that councilman Garcetti was pushing a fatally defective HCP, they did not find out until very recently the outrageous nature of the totality of fraud. While Garcetti's HCP was declaring that its 2005 population of 224,426 ppl was based on SCAG data, Councilmember Garcetti withheld the fact that SCAG's revised 2005 Hollywood population was only **200,546 ppl**.

On June 14, 2012, long after the City knew the SCAG 2005 population was only 200,546 ppl, the City issued its Second Addition to the Final EIR. Rather than admit the truth that Hollywood's population in 2005 was not 224,462 and that the SCAG had set the 2005 population at only 200,546 ppl, the Garcetti HCP invented another falsehood to conceal its prior misrepresentations. The Second Addition re-asserts the 224,426 ppl as correct and explained the drop in population to only 198,228 ppl in 2010 due to "fluctuations" in Hollywood's population. The Second addition stated:

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<sup>2</sup> The 1990 population was 213,883 ppl and the 2000 population was only 210,794 ppl. In reality, by 2005, Hollywood was 15 years into a population decline. If the actual 2005 population had been disclosed, then there was no basis to adopt a community plan which was based on a population increase of more than 50,000 persons.

Population within the Hollywood CPA has **fluctuated** over the years. Population decreased from the **2005 estimated population of 224,426** to the 2010 census population of 198,228. Over the longer term, population may decline or may increase. SCAG forecasts the population will increase projecting a 2030 Hollywood population of 244,602 persons. There may be a number of reasons for this **fluctuation** in Hollywood population, and the **decline** seen between 2005 and 2010. [**bold added**] *2<sup>nd</sup> Addition to HCP FEIR, Page 16 of 33*

To the contrary, the City knew for a fact that the population had never reached 224,462 ppl and that in 2011, SCAG itself had disavowed that unduly high figure. The fluctuations explanation was a patent falsehood. Perhaps with confidence in the SCAG Hollywood data being non-public, Garcetti believed that no one would unweave his untangle web of deception. <sup>3</sup>

### **3. Review of the Fraud:**

A. There was no public or official SCAG 2005 population estimate for Hollywood, but Petitioners had to review 70,000 pages of the Administrative Record to discover that the representations about the SCAG data was false.

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<sup>3</sup> The City Attorney is now left with a dilemma. ABA Rule 3.3 Candor Toward The Tribunal states in pertinent part:

- (a) A lawyer shall not knowingly:
  - (1) make a false statement of fact or law to a tribunal or **fail to correct a false statement of material fact** or law previously made to the tribunal by the lawyer;

B. When SaveHollywood.org finally ascertained the previously non-public, and non-official SCAG population data for Hollywood, they discovered that although SCAG had at one time used a population number close to 225,000 ppl for the 2005 population, in 2011 SCAG had revised that figure downwards to only **200,546 ppl**. *Nonetheless, Councilmember Garcetti failed to disclose that material fact to councilmembers or to the public* when he urged passage of the HCP, which provided the legal basis for The Millennium. [SCAG 2005 population spreadsheet is emailed herewith]

#### **4. The City Acts Against Legal Advice:**

As the City Attorney will advise the PLUM Committee, an EIR which is based on secret, non-public and non-official data is materially defective cannot withstand a CEQA challenge. Because secret information deprives the public's right to challenge data, the use of secret data denies public its due process rights. The City Attorney advised the City Council of the problems with the HCP on April 12, 2012, but *Councilmember Garcetti ignored the City Attorney's proposal to rectify the problem* and urge his councilmembers to adopt the HCP. [It is unlikely that in June 2012 any councilmember other than Garcetti knew about the SCAG 2005 population estimate of 200,546 pp.].

More recently on May 14, 2013, the City Attorney advised the City with respect to the Casden West LA Project that due to the material changes made by the Planning Commission, the Casden project needed to "be returned to the City Planning Department for further environmental review." *May 14, 2013 City Attorney Letter to Councilmember Ed Reyes, p2* The City ignored this legal advice.

We see a regrettable pattern emerging of the City's not only materially disregarding CEQA, but also its acting contrary to the express advice of its own legal counsel.

Now the City is close to approving this Project which has been evaluated on the basis of the fraudulent population figures in the HCP. Had the SCAG 2005 population figure of 200,546 ppl; been disclosed to the public prior to the June 19, 2012 approval, then the public could have taken action using the revised population. Of course, the SCAG 2030 population projection of 244,602 ppl would also have fallen and there would have been no support for Councilmember Garcetti's hyping Hollywood's 2030 population to 250,000 ppl. Rather than building for only an additional 25,000 ppl between 2005 and 2030, the HCP was really calling for the construction for an additional 50,000 ppl. While Councilmember Garcetti had to know that Hollywood's population was decreasing, he was laying the ground work for more mega-projects!

As the 2010 US Census showed, Hollywood's population was down to 198,288 ppl in 2010. A reasonable projection based on the US Census is that by 2030, Hollywood's population is likely to be 190,000 or fewer ppl.

## 5. L.A. Is a Pay to Play Town

As Karen Jordan writing in Hollywood Patch on June 11, 2013 noted:

New York-based developer Millennium Partners and Millennium Partners LA shelled out **\$480,460** on the services of two lobbying firms to promote its proposed 4.47-acre skyscraper project in Hollywood, the most spent by any outside company during the year's first quarter, according to the report.

Why does The Millennium have its law firm Sheppard Mullin Richter and Hampton, LL:P intervening in the HCP litigation unless the HCP is crucial to the City's approving The Millennium? In brief, Millennium is actively working to have the court rubber stamp the Garcetti's material misrepresentations so that this project will be built.



How much of the \$480,460 or related money found its way into the "independent" political packs which supported various candidates in the recent election?

Why did the City ignore the City Attorney's advise on the HCP which is so crucially important to this Project? These are questions for prosecutors to investigate. What is relevant at this juncture is whether the City will continue to approve a mega-project which is based on a community plan which has shown to be a fraud?

**6. In 2006, the City Was Warned of Impending Disaster:**

These huge lobbying expenditures allow the developers to purchase the L.A.'s zoning laws they desire for their projects. In 2006, Director of Planning Goldberg warned that the practice was leading to disaster. See LA Weekly February 27, 2008 article, How Density Hawks Changing LA, Steven Leigh Morris, <http://bit.ly/cRH37r>

Soon after taking the job of director of the Los Angeles Department of City Planning in 2006, Gail Goldberg made a declaration that let slip how City Hall is allowing developers to pursue a building frenzy straight out of the storied tale Chinatown.

Said Goldberg, newly arrived here from a similar post in San Diego: "In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true."

"The value of the land is not based on what the zone says ... It's based on **what [the] developer believes he can change the zone to.**

"This is **disastrous** for the city. **Disastrous.** Zoning has to mean something in this city." [**bold added**]

While population growth has slowed all across California and the City of Los Angeles, under Councilman Garcetti Hollywood has experienced an exodus. The rate of departure increased by 400% under Garcett. Director Goldberg was correct that allowing developers to buy the zoning they want has been “disastrous.” The excessive density, such as this Project embodies, appears to be the main culprit for the population flight.

### **7. The Misrepresentation Concerning TOD's:**

For years and years, the City has been promoting the discredited notion that Transit Area District's [TOD's] are desirable or beneficial for Hollywood. TOD's are an old invention of landowners who accumulate land along transit routes and then have the City greatly increase the density within these TOD's.

The City itself warned itself of this age old scam in its 1915 Transit Study. The 1915 Transit Study was saying the same thing director Goldberg noted — allowing landowners to set the zoning is very harmful to the City. The HCP is an egregious example how landowners within these TOD's are setting the zoning — contrary the evidence. See <http://bit.ly/cJh5BP> Study of Street Traffic Conditions in the City of Los Angeles (1915) p 38

### **8. The Misrepresentations of the Subways' Revitalizing Hollywood:**

The 1915 City of Los Angeles Traffic Conditions Study previously laid bare the fraud of fixed-rail transit for passengers in a circular urban area encompassing 5,000 square miles. Whether it is above ground or subterranean, fixed rail-transit is not a solution, but instead it is a serious problem.

The data on the Hollywood subway proves that the civil engineers in 1915 were correct. The contractors who constructed the subway became

wealthy while others suffered. In a form of rapid karma, which one seldom witnesses, the misrepresentations how wonderful TODs would be and how the subway would revitalize Hollywood turned on the developers in record time to bring them economic disaster. Neither the mathematics nor the finances of subways have changed in 100 years.

Three subway stations in Hollywood have CRA projects above them and each one is a financial disaster.

1. The CRA Hollywood-Highland Complex cost \$625 Million to construct and was sold to CIM Group for \$201 Million a few years later. The City had invested \$100 Million of general funds as well as the CRA money. Next the City gave CIM group \$30 Million to rehab the new Kodak Theater. This complex was one of the largest real estate write downs in the country's history. No stretch of the imagination can say that the subway revitalized Hollywood-Highland.

2. The W Hotel with its 85% of unsold condos sits on top the Hollywood-Vine station

3. The mixed-use project above the Hollywood-Western station has been unable to rent 1/2 of its real space for the decade of its existence.

In fact, according to the 2000 - 2010 US Census, when one looks at the net population gain or loss for census tracts abutting subway stations in Hollywood, the data shows a significant loss in the adjacent census tract.

<u>Subway Station Location</u>	<u>Net Gain or Loss</u>	<u>Cumulative Loss</u>
Santa Monica-Vermont	Net Loss 802	-802
Sunset-Vermont	Net Loss 1,678	-2,480
Hollywood-Western	Net Loss 1,684	-4,164
Hollywood-Vine	Net Gain 207	-3,957
Hollywood Highland	Net Loss 346	-4,303

Perhaps population patterns reflect the old adage, "you can lead horses to water,— but you can't force them to drink poison." The more mixed-used projects which the Councilmember Garcetti forced into his district, the more people departed.

#### **14. Summary:**

Although the road to Hell can be paved with good intentions, the quicker route is paved with bad intentions. The fundamental motivation behind the fraudulent nature of the Hollywood Community Plan was goal to make money for developers with no regard for the quality of life of Hollywoodians, present or future. The City is now faced with one of the fruits of that fraud – The Millennium!

This Project needs to be sent back to square one and await the new DEIR for the remanded HCP.

Lenovo:Abrams:LRLA-1003

