

Hollywood and Gower project - Council Files 19-0571 and 19-0571-S1

Todd Nelson <todd@agd-landuse.com>
Posted in group: **Clerk-PLUM-Committee**

Aug 12, 2019 3:57 PM

Ms. Moreno,

On behalf of the applicant, attached please find a submittal regarding the above-referenced project, which is scheduled to be heard by the PLUM Committee tomorrow afternoon. Please let me know if you have any questions.

Todd Nelson



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August 12, 2019

BY EMAIL

The Honorable Planning and Land Use Management Committee
of the Los Angeles City Council
200 N. Spring Street, Room 375
Los Angeles, CA 90012

Attn: Rita Moreno, PLUM Committee Clerk
clerk.plumcommittee@lacity.org

Re: Hollywood & Gower Project; Council Files 19-0571 and 19-0571-S1

Dear Committee Members:

We represent 6104 Hollywood, LLC (“Applicant”), which is seeking approvals to develop the property at 6104 Hollywood Boulevard (the “Site”) with a mixed-use project consisting of 220 apartment units and 3,270 square feet of ground floor commercial uses (the “Project”) that will replace a surface parking lot and bring much-needed market-rate and deed-restricted affordable housing units to Hollywood. The Project has been approved by both the Deputy Advisory Agency and the unanimous City Planning Commission (“CPC”) and is now before the City Council with its requested zone change. Three parties appealed to the CPC’s action, but one appellant, the owner of the Fonda Theater, now fully supports the Project. As set forth in the detailed responses provided by Planning Department staff, each of these appeals are meritless. Therefore, we respectfully request the Committee deny the appeals and approve the Project.

One of the remaining appellants is an organization named Supporters Alliance for Environmental Responsibility, or SAFER. SAFER is represented by the law firm of Lozeau Drury, which has historically represented the Laborers International Union of North America, or LIUNA, which has repeatedly challenged projects and instigated frivolous CEQA lawsuits to induce applicants to make labor concessions. In fact, in November 2018, Lozeau Drury submitted a Draft EIR comment letter regarding the Project on behalf of LIUNA. The submittal of such comment letters has typically been LIUNA’s first step in threatening proposed developments, which is followed by administrative appeals and then litigation if a developer does not accede to LIUNA’s demands. Planning Commissioner David Ambrose has referred to this practice as “weaponizing CEQA.”

As a result of its repeated pattern of CEQA abuse, LIUNA currently finds itself defending multiple lawsuits alleging violations of the Federal Racketeer Influenced and Corrupt

The Honorable Planning and Land Use Management Committee

August 12, 2019

Page 2

Organizations (RICO) Act, as well as charges of abuse of process and attempted extortion. Presumably because of these serious claims, LIUNA has become more stealthy in its efforts to oppose projects in the City. LIUNA's law firm began sending letters and filing appeals on behalf of SAFER, a new organization that was formed in early 2019. In fact, that is exactly what has happened here; after submitting its Draft EIR comment letter in 2018, LIUNA did not submit any further correspondence to the City regarding the Project. Instead, starting in April 2019, SAFER began submitting opposition letters and filing administrative appeals of the Project, including the one currently before this Committee.

Although SAFER would like to be seen as not affiliated with LIUNA, the two organizations are one and the same. SAFER has filed a statement of information with the California Secretary of State that identifies LIUNA's business manager as SAFER's Chief Executive Officer and shows that two organizations share the same mailing address in El Monte. (See Exhibits A and B.) Moreover, one of the RICO lawsuits filed against LIUNA names the same officers and agent for service of process that are shown on SAFER's statement of information. (See Exhibit C.)

It is apparent that LIUNA is attempting to hide behind SAFER to shield itself from further liability. However, despite a different name, the same people (and the same law firm) are continuing the same tactics to threaten and oppose development projects that do not meet LIUNA's demand for labor concessions. We urge the Committee to recognize that the objections filed by SAFER and Lozeau Drury have no merit and represent an abuse of both CEQA and the City's administrative process.

Thank you for your consideration. We are available to provide any additional information you may request.

Very truly yours,



Dale J. Goldsmith

cc: Heather Bleemers
Sergio Ibarra
Craig Bullock
Luci Ibarra

Exhibit A



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

**Filing Fee: \$20.00. If this is an amendment, see instructions.
IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

G583248

FILED

In the office of the Secretary of State
of the State of California

APR-17 2019

1. CORPORATE NAME

SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY

2. CALIFORNIA CORPORATE NUMBER

C4236048

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JON P. PRECIADO	4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
ERNESTO J. ORDONEZ	4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
ERNESTO J. ORDONEZ	4399 SANTA ANITA AVENUE, SUITE 205, EL MONTE, CA 91731			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS [Note: The person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]
ALEXANDER B. CVITAN

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
3550 WILSHIRE BLVD., SUITE 2000, LOS ANGELES, CA 90010			

Common Interest Developments

10. Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

04/17/2019	JON P. PRECIADO	PRESIDENT	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

Exhibit B

Action Network

Join the LIUNA! Action network to get involved - it's your union! Learn more by signing up with LIUNA!

[Sign Up](#)

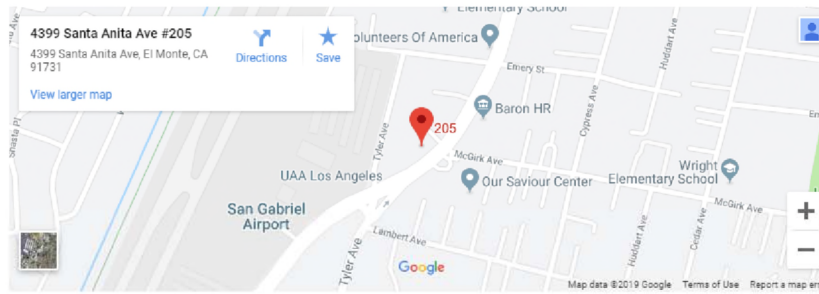
Members in Action



On Twitter

Tweets by @LIUNA

LIUNA @LIUNA
 #LIUNA in the news: wjla.com/news/local/pur...



Southern California District Council of Laborers

Jon P. Preciado, Business Manager

4399 Santa Anita Ave,
 Suite 205,
 El Monte, CA 91731
 Phone: (626) 350-6900
 Fax: (626) 350-7583

Website: <http://www.scdcl.org>

LIUNA Headquarters

Terence M. O'Sullivan, General President
 Armand E. Sabitoni, General Secretary-Treasurer

905 16th Street, NW
 Washington, District of Columbia 20006
 Phone: (202) 737-8320
 Fax: (202) 737-2754

Website: www.liuna.org

LIUNA Pacific Southwest Regional Office

Rocco Davis, Special Assistant to the General President,
 LIUNA Vice President & Regional Manager

3775 North Freeway Blvd,
 Ste. 110,
 Sacramento, CA 95834
 Phone: (916) 604-5576
 Fax: (916) 605-5588

Website: www.liunapsw.org

Exhibit C

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Wonderful Real Estate Development LLC

(b) County of Residence of First Listed Plaintiff Los Angeles (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Kristina M. Diaz, Roll Law Group P.C., 11444 W Olympic Blvd., Los Angeles, CA 90064, (310) 966-8400; Tom Goldstein, Goldstein & Russell, P.C., 7475 Wisconsin Ave, Bethesda, MD, (202) 362-0636

DEFENDANTS

The Laborers International Union of North America Local 220; Southern California District Council of Laborers; Alexander B. Cvitan; Jon P. Preciado; Ernesto J. Ordonez; Sergio Rascon; Does 1-10

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. § 1962(c) Brief description of cause: Civil RICO based on extortion

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 03/29/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ Kristina M. Diaz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

Case 1:19-cv-00416-LJO-SKO Document 1-1 Filed 03/29/19 Page 2 of 2
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.