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## When Bulldozers Loom, One Attorney Steps In

### Lawyer's Latest Case Involves a Brown Act Suit Against the L.A. City Council

By Peter B. Matuszak  
Daily Journal Staff Writer

Although land-use attorney Robert P. Silverstein has slopped a lot of bulldozers in his career, he doesn't oppose all development.

"A lot of these new projects have a lot of good to them," Silverstein said. "We are not reflexively opposed to development, but they should take into account neighborhood sustainability and balance."

The Pasadena-based land-use litigator frequently represents neighborhood associations, preservation groups and individuals in environmental challenges to large developments under the California Environmental Quality Act.

Silverstein also has shown a propensity for leveraging public records, open government and eminent domain challenges to

strengthen the cases of his "little guy" clients.

"Individuals can almost never get justice at the city administrative level," said Silverstein, who calls most local city planning regimes "a rigged game" and insists the only chance his clients have for a fair hearing is to get a judge to enforce the law.

The 39-year-old attorney recently filed a Brown Act suit against the Los Angeles Planning Commission and City Council, which could lead to increased scrutiny of the city's planning process.

"In my experience, most government misconduct is conscious," he said. "There is an arrogance of power and disdain for the public that, unfortunately, I encounter every day."

This perspective often leads him to launch a dual attack on behalf of his clients, opposing not only the brick and mortar of new construction projects but also the governmental bodies that approve them.

Silverstein has won land-use

cases from Beverly Hills to Rancho Cucamonga. He has fought back eminent domain claims by the Los Angeles Unified School District and even the state transportation agency, Caltrans.

He gained national recognition last year when he won a case for Bernard Luggage, a small family owned business threatened by a massive Hollywood and Vine hotel development approved by the Los Angeles community redevelopment agency.

"Robert gives you a lot of confidence. After you hire him, at least for me, it really seemed to turn things around," said Robert Blue, Silverstein's client in that case.

The luggage store, which had operated since 1946, will reopen within the new hotel currently under construction. The Blue family will retain 100 percent ownership of the location that once faced seizure by the city.

"We never would have gotten the Settlement without the strong case that he built," Blue said. "Without that strong legal thread he weaved,

we would not have been noticed at all."

By attacking several legal angles, Silverstein attracted wide public support for the case, which led to political pressure to save the business, Blue said.

Silverstein's latest case, against the Planning Commission and City Council to enforce the Brown Act open meetings law, is in conjunction with an appeal of a state-mandated environmental impact report for the Paseo Plaza Hollywood, a five-acre commercial and high-density residential development. *La Mirada Neighborhood Assoc. v. City of Los Angeles*, BS108652 (L.A. Super. Ct., filed Nov. 13, 2007).

At issue in the Brown Act complaint is the commission's March 8 approval of the project's environmental impact review. Silverstein represents the La Mirada Avenue Neighborhood As-

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sociation and Hollywood Heritage, Inc., both local nonprofit groups.

According to the complaint, the city's planning officials approved the project's environmental review at a meeting that did not list the action on its agenda, a move prohibited by the open government law.

Douglas Haines, one of the leaders of the small neighborhood group, said he had been following the project and was waiting to speak out against the EIR's treatment of the project's neighborhood impact. He specifically took issue with the potential increase in traffic in the already-congested area near Western Avenue and the 101 Freeway. But when he saw the environmental impact report was approved, allegedly without notice, Haines said he knew it was time to call Silverstein.

"When his name is mentioned, they know not to pull crap on him," said the longtime La Mirada resident.

Silverstein has represented the group several times in other matters. According to Haines, Silverstein commands respect from both activist groups and opposing counsel for his depth of legal knowledge.

"He takes the shotgun approach and attacks everything, including the government practice," Haines said.

Superior Court Judge David Yaffe refused to throw out the case at a hearing on Oct. 12. The city attorney's office, however, maintains the case is without merit.

"This complaint has no validity," said Nick Velasquez, spokesman for City Attorney Rocky Delgadillo.

"The Brown Act provides that an agenda must contain a brief general description of the matter to be considered or discussed. This required

description generally need not exceed 20 words. The March 8 agenda item description was quite detailed and went well beyond the minimum standard required under the Brown Act."

Silverstein and his client acknowledge the project was listed but claimed that CEQA-mandated reports were not listed as action items slated for approval.

If the court sides with Silverstein, it could lead to closer monitoring of the city's planning department and even the recording of closed-session meetings. Timothy McOsker, a former deputy city attorney and now a partner at Christensen Glaser Fink Jacobs Weil & Shapiro, has faced off with Silverstein in several cases.

"I was always impressed with Robert," McOsker said. "I wasn't always happy, but he's a lawyer's lawyer. Very smart, creative and always found something I didn't even know existed."

McOsker said Silverstein's willingness to directly confront politicians, such as in the latest Brown Act suit, shows his dedication to his clients.

"There's a lot of folks that wouldn't file that kind of a claim because it makes the city angry," McOsker said. "It might hurt you down the road, so it shows there's a real commitment to the client even at his own cost."

According to Silverstein, his clients are typically so "ground down" by government that they have nothing to lose. And since he only fights against government and has no political aspirations, the possibilities for retribution are limited, he said.

Silverstein earned his law degree from UC Hastings College of Law in 1996. He also externed for California Supreme Court Justice Marvin R. Baxter in 1995.