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The man who stopped a Target



Patt Morrison

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Angelenos know that real estate is a war-to-the-knife affair, especially at the meta-level of planning, zoning and development. Pasadena attorney Robert P. Silverstein cuts and thrusts in the fray. His winning legal maneuvers on behalf of neighborhood groups and a precise reading of urban planning rules — in particular, his shutting down of [an oversize Target on Sunset](#), the [Sunset-Gordon residential tower](#) and the massive [Hollywood Millennium mixed-used project](#) — have earned him the moniker "activist attorney" from those who regard him as an obstacle to a new, 21st century Los Angeles. Silverstein cherishes a remark made nearly 50 years ago by a judge when he sentenced a city councilman to prison for taking a bribe for a zoning change. "In this county, the power to rezone property involves the power to create great wealth, and the effect of corrupt action by a public official in these matters, in my opinion, is just as reprehensible as taking money from the public treasury."

Three major Hollywood projects have been upended because of your actions. Courts have agreed that they didn't meet local or state requirements. How do these projects happen?

It comes from the top, but I can't blame this solely on [Mayor] Eric Garcetti. It precedes him, though he certainly has been a source of tremendous frustration from community groups I represent because he's advocated for irresponsible density when our infrastructure is bursting at the seams, and when he has shown such a disregard for the rule of law.

I like David versus Goliath fights.

The Sunset-Gordon project, where this 22-story tower now exists on the rubble of the historic [Old Spaghetti Factory] building — the developer was required by city ordinance to preserve the 1924 facade. In exchange, they got millions of dollars in savings in construction costs [and] approximately [another] \$10 million, in part for preserving the facade. They preserved it in a landfill — did a midnight demolition, like grave robbers.

It shocks the conscience that Garcetti and the rest of the city establishment did nothing to stop that illegal construction and forced us to go to court. There's a fundamental lack of confidence in the integrity of the land-use and planning process. City Hall abuses its power and certain developers are allowed to break the law with impunity. It's a Wild West mentality and the city is not being the sheriff.

Things are so broken that the expectation of buying a property for X dollars and then applying for [variances] to make the value of that property 10 times X shows it's a free-for-all.

When you densify a city like this without the sort of infrastructure we need, [you get] water mains bursting and sewers overflowing. Every day, the city becomes less livable because of the policies of elected officials and the culture of secrecy and rule-breaking that permeates City Hall.

The mayor has said that bad development has no place in Los Angeles.

We expect more from our mayor than trite statements. How often is the public going to swallow such nonsense? He's at the storm center of these projects. Unfortunately, he has supported some of the biggest public policy and land-use fiascoes in the city.

There are those who think legal actions like yours stand in the way of affordable housing, and of a changing Los Angeles.

That's a canard by people who want to silence us. Was there one unit of affordable housing in the Hollywood Millennium project? In the Sunset-Gordon project? Affordable housing was wiped out by that project. Had Target pursued a code-compliant project, they'd be up and running, serving the community and making money.

This "sky is falling" argument by developers and lobbyists and the politicians who have abandoned the interests of the public — the sky is not falling. There's all sorts of successful building going on. The cases that are challenged tend to be the most egregious examples of lawbreaking.

[With] Target, the specific plan that was violated was the expression of years of work by the community and the planning department. When the laws are followed, the public is not upset.

The several dozen tenants of the Sunset-Gordon building were told to move out, after a state court of appeal ruling.

The real scandal, beyond allowing that building to be built, is the city gave CIM Group [*the project's developer*] a temporary certificate of occupancy, and CIM moved people in without informing them everything was about to come crashing down. As bad as CIM is, the city is worse because it enabled all this.

Your lawsuits sometimes invoke CEQA, the California Environmental Quality Act, which requires environmental mitigation in projects. Even Gov. Jerry Brown is a CEQA critic.

The government officials and developers who want to silence us talk about CEQA needing to be reformed. If CEQA is stopping projects, it's because a judge agrees there's a violation of laws. When a project would impact police and fire response time and endanger people's lives and would be calamitous for the functioning of the 101 Freeway, and we bring a lawsuit under CEQA and win, we have protected the public.

I like David versus Goliath fights. Without CEQA and the Public Records Act and the Brown Act, the little guy would be utterly powerless. If we left it solely in the hands of the mayor and City Council, we'd be in a world of hurt.

You're getting a reputation as a guy who, when he sits down at the poker table, other players — like developers — fold.

I have seen that a couple of times. We are not looking for fights. If we had a different mentality at City Hall that simply said you can build but you have to do it within the confines of the law, there would be far less litigation. I hope there's some ripple effect, when we have prevailed in front of multiple judges on multiple issues.

Some of your cases are pro bono. How do you manage?

I can tell you it is not the best business model or a lot more people would be doing it! A lot of cases I take are pro bono, public interest, contingent-risk cases; often I go for years without payment, and I have to win to get a fee award from the court. The Private Attorney General Statute says attorneys who do public interest work that vindicates important rights should be compensated. The law exists to encourage this type of litigation. Were it not for the handful of attorneys who do what I do on behalf of whoever finds themselves in the cross hairs of government, you would see government and scofflaws getting away with everything.

Why are you passionate about this?

Part of it is my upbringing [*Silverstein's grandfather was rabbi at the Breed Street Shul in Boyle Heights*]. The Torah says "*tzedek, tzedek tirdof*" — "justice, justice shalt thou pursue." That's a bedrock mission. What has always riled me is abuse of power, the arrogance of power.

Before I became an attorney, I wanted to be a vet. I'm sure many at L.A. City Hall wish I had been a veterinarian instead.