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June 29, 2018

VIA EMAIL California.Jobs@opr.ca.gov
Scott.Morgan@opr.ca.gov

Governor's Office of Planning and Research
State Clearing House
Scott Morgan, Director
1400 Tenth Street, Room 117
Sacramento, CA 95814

Re: **Supplemental Objections** to ELDP Application by MCAF Vine, LLC
State Clearing House Tracking No. 2018051002; Hollywood Center Project

Dear Director Morgan:

Please accept this letter as a supplement to the June 1, 2018 letter which I previously filed in opposition to the above-referenced ELDP Application.

As noted two days ago in the June 27, 2018 New York Times:

“Los Angeles, Salt Lake City, San Jose and Seattle are among the cities that have buildings that could suffer more damage than anticipated or in the worst case, have a greater potential for collapse, engineers said. . . . In some areas of Los Angeles County . . . the new projections nearly double the previous estimates for the type of ground shaking that is most threatening to a tall building. . . . The revised estimates for Los Angeles are the result of a five-year project by the Southern California Earthquake Center, a research organization of seismologists and engineers, that used some of the country's most powerful supercomputers to study how earthquake shaking moves through local ground conditions. . . . The new

projections of shaking in Los Angeles and other cities only apply to buildings of about 20 stories or more.” (Exh. 7.)¹

When – not if – the Hollywood Earthquake Fault ruptures, placing the Millennium developer's proposed 30+ and 40+ story towers on this site would not only kill and injure thousands of occupants, residents, workers and visitors, but it would cause enormous environmental impacts should the buildings also topple over onto surrounding structures, as well as blocking streets for weeks or months creating severe traffic impacts, which in turn would impact emergency services and response times.

Our June 1, 2018 letter and several other objection letters referenced the unique site constraints and dangers associated with this proposed development due to the California Geological Survey's Alquist-Priolo mapping of the 7.0-magnitude active² Hollywood Earthquake Fault across the site. The State's concerns about the safety of this site began as early as 2013. (See Exh. 8 [July 20, 2013 Letter from California State Geologist to Los Angeles City Council noting impending completion of Alquist-Priolo map].)

Since that time, the Alquist-Priolo Map has been completed, and the California Geological Survey has unequivocally concluded that the active earthquake fault runs through the site. (See Exh. 2 to our June 1, 2018 letter.) The State of California has been loudly sounding the alarm bell about the public health, safety, and welfare from potential development of this site.

As our Supreme Court has held, the Environmental Impact Report under CEQA

“is an ‘environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before

¹ We are continuing exhibit numbering sequentially beginning from the last exhibit number listed in our June 1, 2018 objection letter.

² Millennium Partners has argued that no active earthquake fault traverses the property. These self-serving claims do not hold water, nor do they override the State's official conclusion, as published pursuant to the Alquist-Priolo Act, that the active Hollywood Earthquake Fault crosses the property. Millennium Partners also claim they did nothing wrong in San Francisco. A 58-story sinking and tilting building says otherwise.

they have reached ecological points of no return.' [Citation.] The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.

For multiple reasons, this project and site are highly inappropriate for the expedited CEQA process that ELDP status would allow.

The irregularities by Millennium previously on this site as shown by this firm's successful litigation in StopTheMillenniumHollywood.com, et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS144606 (see also **Exh. 1** to our June 1, 2018 letter), coupled with the outrageousness of Millennium's attempt to obtain ELDP status in the face of prior State opposition to that earlier proposed development of largely the same project on the site, smacks of the same type of reckless practices seen with Millennium's current "Leaning Tower of San Francisco" disaster.

As also noted in our June 1, 2018 letter, Caltrans submitted multiple objections against the prior iteration of this project at this location. (**Exh. 3** to our June 1, 2018 letter.)

The instant ELDP application abuses the law and devalues the rationale for granting such privileged ELDP status. Not only is this project unbuildable and therefore unworthy, but this particular applicant has zero credibility. However, if a project could ever be built within safety standards at this site, that project should require the *fullest* consideration under CEQA, and not the ELDP expedited process that would richly reward perhaps the single-most notorious developer in the state – a developer as to which two state agencies have loudly sounded alarm bells.

Governor's Office of Planning and Research
Director Scott Morgan
June 29, 2018
Page 4

Finally, if these facts and others already presented by multiple stakeholders have not persuaded you to deny this ELDP application, then we urge you to consult with your own experts, the California Geological Survey and Caltrans, to seek their independent opinions as to whether this project, this property, and this developer merit receiving ELDP status.

Thank you again for your attention to these issues of public health, safety, and welfare.

Very truly yours,



ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl
Attachments

EXHIBIT 7

A Seismic Change in Predicting How Earthquakes Will Shake Tall Buildings



Earthquake engineers attending a conference in Los Angeles on Thursday were encouraged to communicate more effectively with the public. Credit: Monica Almeida for The New York Times

By Thomas Fuller

June 27, 2018

LOS ANGELES — In their quest to make tall buildings safe during earthquakes, engineers have for decades relied on calculations that represent the tremors and convulsions that a building can endure. Some of the world's top earthquake experts now say the projections significantly underestimate the severity of shaking that buildings in several West Coast cities are likely to undergo during earthquakes.

The research, presented Wednesday at a gathering of earthquake experts in Los Angeles, has significant consequences in the ways tall buildings are designed. Los Angeles, Salt Lake City, San Jose and Seattle are among the cities that have buildings that could suffer more damage than anticipated or in the worst case, have a greater potential for collapse, engineers said.

“There are going to be large changes coming,” Norman Abrahamson, a seismologist at the University of California, Berkeley, told hundreds of engineers gathered for the conference. “We now know how far-off our ground motion models have been.”

In some areas of Los Angeles County like Century City, Culver City, Long Beach or Santa Monica, the new projections nearly double the previous estimates for the type of ground shaking that is most threatening to a tall building.

Ibbi Almufti, a researcher with the engineering firm Arup, said the significance of the new projections was “huge.”

“It’s going to amplify the shaking in terms of intensity but also the duration,” he said. “Those two things combined can have quite a damaging effect that right now we are probably not capturing.”

Greater shaking could also “bring out the vulnerabilities” in older buildings already known to have [defects](#), Mr. Almufti said.

The revised estimates for Los Angeles are the result of a five-year project by the Southern California Earthquake Center, a research organization of seismologists and engineers, that used some of the country’s most powerful supercomputers to study how earthquake shaking moves through local ground conditions.

For decades experts have arrived at their calculations of shaking by observing conditions in California, Japan, Taiwan and other seismically active places and taking an average. But they discovered that grouping far-flung regions created imprecise estimates.

The crucial changes in the new models are that they rely on local conditions, not global averages, and they model the ground more deeply. The Los Angeles [model](#) relied on measurements of thousands of local earthquakes, most of them imperceptible but which offered more precise information on how seismic shock waves travel through the earth.

Understanding how earthquakes affect cities like Los Angeles, Mexico City and Seattle have long bedeviled earthquake experts because they sit in large basins where seismic waves are trapped and amplified. The effects are often compared to the way a bowl of Jell-O reacts when jolted.

The new projections of shaking in Los Angeles and other cities only apply to buildings of about 20 stories or more. But Professor Abrahamson said calculations that would be rolled out over the next few years would offer revisions of shaking for all structures and areas across the West. In some cases, the revisions will predict lower shaking estimates than previously thought.

California has not had a major earthquake since 1994 when a 6.7 magnitude earthquake struck northern Los Angeles neighborhood of Northridge, killing more than 60 people and causing widespread damage. But the seismic faults in California can produce earthquakes that release

well more than 50 times more energy than Northridge. There are no reliable ways of knowing where and when the next big earthquake will strike.

The new projections have been met with resistance by some engineers, some of whom fear that it could drive away developers.

In Seattle, where earthquakes have the potential to be even stronger than in California, engineers will be required to take into account new projections of shaking that are 33 percent higher than the old ones, said C.B. Crouse, an expert in ground motions who helped write the new guidelines.

“That’s a significant increase from the standpoint of building design,” Mr. Crouse said. But because of pushback by engineers in Seattle, the use of the new projections in building codes has been delayed until December.

“The structural engineers said this is really going to cause a problem with developers up here,” he said. “They said, ‘We can’t institute this immediately.’”

Jim Malley, a structural engineer who helped organize the conference, said implementation was a concern.

“We have to incorporate it,” he said of the new data. “We haven’t settled on how.”

Even more difficult is the question of how to handle existing buildings in areas where the ground shaking is projected to be significantly higher.

“These cities and buildings are already in place,” said Thomas H. Heaton, the director of the Earthquake Engineering Research Laboratory at the California Institute of Technology. “Now what do we do?”

At a time of a severe shortage of housing in California, where the median price of a home is now above \$600,000, requiring retrofits would be an added and heavy financial burden.

John Vidale, the director of the Southern California Earthquake Center, said the revised projections would ultimately help engineers.

“What we are doing is mapping out things more precisely,” he said. “We are making more accurate maps. And we are shrinking the uncertainties.”

EXHIBIT 8



DEPARTMENT OF CONSERVATION

CALIFORNIA GEOLOGICAL SURVEY

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July 20, 2013

Honorable Herb Wesson, President
Los Angeles City Council

c/o June Lagmay, City Clerk
City of Los Angeles
200 North Spring Street
City Hall – Room 360
Los Angeles, CA 90012

Re: Commencement of Alquist-Priolo Fault Zone Study, Hollywood Fault Zone
Millennium Hollywood Project; EIR No. ENV-2011-0675-EIR

Dear Council President Wesson:

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code, Division 2, Chapter 7.5, Sections 2621 *et seq.*) requires the State Geologist to place Earthquake Fault Zones around faults deemed to be sufficiently active and well-defined. Under this Act, cities and counties affected by the zones must regulate certain development projects within the zones. They must withhold development permits for sites within the zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting.

Based on a number of independent geological investigations, and recent work by the California Geological Survey (CGS) culminating in the *2010 Fault Activity Map of California*, CGS has commenced a detailed study of the Hollywood Fault and its associated splay faults for possible zoning as “Active” (as defined by the State Mining and Geology Board in the California Code of Regulations, Section 3601(a)) pursuant to the Alquist-Priolo Act. This investigation and resultant maps and reports are scheduled for completion by the end of this year or early in 2014.

It is our understanding that the Los Angeles City Council and the Planning Commission are in the process of reviewing plans for the prospective Millennium Hollywood Project, which may fall within an Earthquake Fault Zone should our investigations conclude that an active portion of the Hollywood Fault lies within the project site. If sufficient information results in the placement of an Earthquake Fault Zone, it will provide the City with new information for its consideration of current and future proposed developments all along the Hollywood Fault.

Honorable Herb Wesson, President
July 20, 2013
Page 2

Results of this investigation will be provided to the City of Los Angeles immediately upon their release, and the City will have an opportunity to examine and comment on the Preliminary version of the maps and reports. Please do not hesitate to contact the CGS at any time if you have questions regarding this fault-zoning process.

Sincerely,

A handwritten signature in black ink, reading "John G. Parrish". The signature is written in a cursive style with a large, sweeping initial "J".

John G. Parrish, Ph. D., PG
State Geologist

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