

To: City Council Planning and Land Use Management
Committee

Council File: 14-1572

Several statements in the geology section of the addendum are contradicted by new information.

- 1) “The project site is not located within an Alquist-Priolo Earthquake Fault Zone” The final Alquist-Priolo map release on November 6, 2014 places the project site in the center of the hazard zone.
- 2) “The closest active fault is the Hollywood Fault, which is located at a distance of about 0.3 miles from the project site.” The A-P map shows two strands of the fault nearby. One strand is about 75 feet away on the north and the other is about 200 feet away on the south.
- 3) “the potential seismic hazard to the project site would not be higher than in most areas of the City of Los Angeles or elsewhere in the region.” The project site is in between the two strands of the Hollywood Fault at their closest approach making it the most dangerous and geologically unstable land in all of Hollywood. The seismic hazard is higher since it would be subject to ground shaking from two directions.

The entitlements include excavation for a 6-story subterranean garage. The proposed subterranean garage would be far deeper

than the depth of the 35 foot exploratory trench in the geotechnical study performed in May, 2014 by Group Delta. Six stories may not be what the applicant is currently proposing but it is what he is entitled to do and the exploration must go at least as far down as the entitlement allows.

Robert Sydnor, a former member of the LADBS Grading Appeals Board and recently retired from a 25-year career at the California Geological Survey, described the problem in a recent letter to the Hollywood United Neighborhood Council.

He said that the Hollywood Fault is a lystric thrust-fault. It is part of the fault system responsible for the active tectonic uplift of the Santa Monica Mountains. Geologists have carefully observed the geometry of the fault plane at a rapid transit tunnel that was drilled under the Santa Monica Mountains. Professor James Dolan in a 1997 study prepared boreholes to find the geometry of the fault planes. He found multiple lystric (curved) fault planes that are imbricated (like overlapping roofing shingles) with perched groundwater. This gives geologists a clear insight into what to expect on the same fault near the Hollywood & Vine and Yucca & Argyle areas. "It is readily discernible from this complex geometry of the multiple fault planes that structures with deep basements (such as a high-rise commercial building with three or four parking levels in the basement) will have to consider the subsurface set-back

of 50-feet, not the surface set-back. The deep foundations of high-rises (piles and caissons) will also have to be set-back.”

Further, Sydnor indicated that the correct approach to mapping the Hollywood Fault is to do:

- 1) A geophysical survey to locate fault planes as was performed by the USGS in a geophysical line parallel to the 405-Freeway at the Wadsworth Veteran's Administration Hospital. At least five geophysical profiles (oriented north-south along existing streets) should be performed in the Hollywood district so that the subsurface geometry of the multiple fault planes can be discerned.
- 2) Downhole logging of 80- to 100-foot deep 24-inch wide large-diameter geology boreholes.

None of the inexperienced consulting firms (who are apparently not geologically trained in advanced methods in fault evaluations) have used this cost-effective two-step method. The shallow 35-foot trenches dug by Group Delta were just not adequate to determine anything. Thus, the study was not adequate. A public comment period is essential to allow qualified geologists the opportunity to give the study the scrutiny that it sorely needs.

Sydnor concluded with the suggestion that the Planning Department of the City of Los Angeles consider the possibility

of green-belts within the active Hollywood Fault zone. A successful example is the City of Fremont, wherein the known active Hayward Fault bisects the city. It has taken more than a decade, but the City of Fremont has performed an exemplary job of coping with an active fault. Weak collapsible structures that were bisected by the Hayward Fault were removed, many were retrofitted, and new earthquake-resistant buildings were built nearby ---- but off the fault. The LA Times recently had an article about Signal Hill doing the same thing and KQED had an article about Loma Linda doing it too. Turning a seismic hazard zone into Hollywood Central Park would be a far better solution than to waste a billion dollars on covering the Hollywood Freeway.

Simply adding the new study to the EIR now without a full recirculation of the EIR does not comply with the public participation requirement of CEQA. Of course, just the fact of the applicant having conducted the study in response to the new seismic information described in the appeal is an admission that the EIR and addendum was not adequate environmental review.

The City made two addendums to the 2012 Hollywood Community Plan Update EIR shortly before the full City Council vote without recirculating the EIR. The EIR was invalidated by the court in part for that reason. The court said "The evidence

in this record strongly supports petitioners' contention that there has been an insufficiently-reasoned rush to completion of the EIR process, and that the process was administered in a way that is clearly contrary to well-established laws as interpreted by the appellate courts." "One can only wonder how this planning process ran so far off the track." The law demands that a new EIR must be prepared and circulated or it is not adequate environmental review.

The traffic study for this project has exactly the same deficiencies as the traffic study for the neighboring Millennium Project. The City failed to use the Caltrans-demanded traffic model for analyzing the potential project impacts on the adjacent Hollywood Freeway, and instead purported to study impacts using alternative methods – which actually resulted in no study of the Project's impacts to the Hollywood Freeway. This is from the December 10, 2012 Caltrans letter: "Caltrans is concerned that the project impacts may result in unsafe conditions due to additional traffic congestion, unsafe queuing, and difficult maneuvering. These concerns need to be adequately addressed in the EIR. In summary, without the necessary traffic analysis, Caltrans cannot recognize the TIS [traffic impact study] and DEIR as adequately identifying and mitigating the project's impacts to State highway facilities." The City's use of the CMP methodology did not provide sufficient information related to the Project's impacts on the freeway

system, and therefore did not adequately consider the potential significance of the Project's impacts on the freeway system.

As noted by Caltrans in its December 10, 2012 letter at page 2, comment 3, the June 2012 Traffic Impact Study for the Millennium Project failed to include a cumulative traffic analysis for the Hollywood Freeway. At the time of the EIR for this project the full scope and impact of the 58 related projects listed in the Millennium Project EIR, the NBC Universal Project and growth from the Hollywood Community Plan was not known and could not have been known. But by the time the addendum to the EIR for this project was created the City was already on notice from Caltrans that the cumulative impacts needed to be considered and that the State methodology had to be used to accurately measure the impact of all those projects, including this project, on the State Highway System. Therefore, the objection by Caltrans to the omission of cumulative impacts in the Millennium Project traffic study also applies to the traffic study for this project.

The omission of the cumulative impacts analysis on a major adjoining freeway, as specifically called out by the responsible agency, is a fatal omission requiring recirculation of the EIR. This is a violation of the City's mandatory duties under CEQA to provide complete and accurate information. As a result, the

City violated Public Resources Code §§ 21080.4(a), 21092.4, and Guidelines § 15096(b)(2).

The EIR addendum clearly failed the test for CEQA Guidelines Section 15162(a)(3). So, the EIR addendum should have been sent to the State Clearinghouse for distribution to the commenting agencies. However, the EIR addendum with a new June 2012 traffic study was never sent to Caltrans, District 7 even though it was noted as a commenting agency by the State OPR in the original EIR nor to any other state agency listed therein. Caltrans was denied the opportunity comment and to express its concerns on the scope and content of the EIR addendum focusing on specific information related to its own statutory responsibility. Caltrans was so concerned by these facts that when I wrote to DiAnna Watson , the author of the four scathing letters against the Millennium Project traffic studies, she wrote back to me yesterday morning "Thank you for the information. If the document is re-circulated Caltrans will comment." This is a further deficiency in the environmental review process and another reason why a new EIR must be prepared and circulated.

The facts requiring recirculation of the EIR are irrefutable, and because the City has failed to perform a mandatory duty to recirculate the EIR there can be no doubt that the extensions of time under 12.32.G 1 (h) and 12.32.G 2 (f) are not applicable.

The normal 6-year expiration of both the (T) and (Q) entitlements was on Sept 9, 2014. Without the finding of the adequacy of the EIR the project is dead.

Ignoring the obvious weaknesses in the EIR and forcing a lawsuit would be a disservice to the community. We already have two zombie projects in Hollywood, Target and the Old Spaghetti Factory. The City has lost 5 out of 5 recent lawsuits due to its failure to follow CEQA statutes and the Los Angeles Municipal Code. Those lawsuits only cost the taxpayers unnecessary money -- money that could have been better used to provide services to the community. Encouraging the applicant to build while this case winds its way through the courts to the inevitable invalidation of the EIR will only result in one more partially completed or unoccupiable monument to bad planning practice and failed planning policy and another settlement from the City Attorney paid for by the taxpayers.

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