



● **McQUISTON ASSOCIATES**

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consultants to technical management

November 28, 2014

CF14-1572

ITEM 9, PLUM 12/2/14

S. Gin

**STATEMENT of J.H. McQUISTON, P.E. on
LIFE-THREATENING PROPOSAL at 6230 Yucca St**

Honorable Chairman and Members of the Committee:

Once again you will have the opportunity not to doom inhabitants in the City to unnecessary death.

If there is one policy in the City Plan which is paramount, it is to make the City safe for inhabitants. Every City Official took an oath to protect the City and defend its laws. **That means each one must abide Alquist-Priolo.**

In 2008 I appealed to the City and this Committee not to allow the construction on this corner which **violated Alquist-Priolo prohibition**, but this Committee *recklessly, unreasonably and unconstitutionally* thumbed its nose at my expertise and my and the State and Federal warnings. The *ultra vires* City act is void *ab initio*.

Attached are representative documents which are in City Files regarding my warning and the *dire consequences for the City* if the projects in the immediate area violate Alquist-Priolo.

Fortunately nothing is constructed yet. The City is entitled to reconsider and to deny this project, which exceeds the Seismic Restriction on population-increase for this site.

City has controlling points and authorities in the prior File for CPC2006-7068 and CF08-0550. Court decisions prohibit assumption that the 1988 Plan will be amended and apply proposed amendment to the project.

Basically, the subject property lies close to the Yucca Trace of the Hollywood Fault, and State Law prohibits the scale of replacement-construction proposed for the site. Specifics are in the City Files referenced herein.

Since 1988 the City had notice that the active fault lay beneath Yucca St at this location. Since 2006 the City was reminded of that knowledge by professionals. Since 2006 the City was apprised of the massive liability it would incur by allowing what Alquist-Priolo prohibited.

I do not have space in this Statement for the *numerous* CEQA cases and the numerous Parcel-use cases which unequivocally were decided against similar reckless proposals by this City and others in California.

Prior EIR was legally-inadequate and void ab initio. And it threatened the fiscal safety of the entire City, which issue was raised and not answered as law required. But no amount of EIR-editing will spirit-away the site's geology's threatening anyone inhabiting such a proposed structure with SURE DEATH.

Use your authority to report that the project *must not go forth as proposed*.

Respectfully submitted,

Encl: 4/21, 6/20, /08 Statements, CF08-0550
7/13/08 Ltr to Garcetti
7/24/08 Statements to B&S Comm
7/2/08 Statement to CRA Board
12/2/08 Ltr to Planning Director

J. H. McQuiston, P.E. (E6091)
Affected Resident and owner of jeopardized property