

July 15, 2013

VIA EMAIL AND U.S. MAIL

Mr. Raymond S. Chan, Superintendent of Building
Mr. Bob Steinbach, Chief of Inspection Bureau
Mr. Dana Prevost, Engineering Geologist
Department of Building and Safety
201 N. Figueroa Street
Los Angeles, CA 90012

Re: Objections to Millennium Hollywood Project;
Inadequate Review of Geology/Seismology

Dear Mr. Chan, Mr. Steinbach, and Mr. Prevost:

This firm and the undersigned represent Communities United for Reasonable Development, a broad coalition of Los Angeles community organizations (and the individuals they represent) in the Hollywood area including, but not limited to: Beachwood Canyon Neighborhood Association, Argyle Civic Association, Hancock Park Homeowners Association, Hollywood Dell Civic Association, Hollywoodland Homeowners Association, Los Feliz Improvement Association, The Oaks Homeowners Association, and Whitley Heights Civic Association. Our position herein is supported by a wide array of Neighborhood Councils and many other associations from across the City representing more than 250,000 residents, all of which oppose the above-mentioned Project.

As you should be aware, critical issues about the inadequate geologic and seismic studies performed by Langan Engineering of Irvine, California on behalf of the Millennium Hollywood project developer have been raised by this office, other members of the public, and independent experts. These issues include:

- (1) The May and November 2012 Langan studies falsely state that the Hollywood Fault is 0.4 miles away from the project site, based upon no cited evidence;

Mr. Raymond S. Chan, Superintendent of Building
Mr. Bob Steinbach, Chief of Inspection Bureau
Mr. Dana Prevost, Engineering Geologist
Department of Building and Safety
July 15, 2013
Page 2

- (2) The Langan studies included a falsified map which misidentified the location of the subject property as being 850 feet north of its true location, in order to take it outside of the City's Fault Rupture Study boundary; and
- (3) The Langan studies fail to acknowledge, and accordingly suppress, relevant independent and authoritative data, including the 2010 California State Geological Survey Active Fault Trace Map, Professor Dolan's studies (1997) and Crook & Proctor's studies (1992), all of which indicate the existence of active fault traces across the subject property's East and West Sites.

The Draft EIR and Final EIR upon which the City is relying for its approval of the Project and its various entitlements, including to allow the construction of 1.1 million square feet and two skyscrapers of 39 and 35 stories potentially on top of active earthquake faults, relies on the inadequate and demonstrably biased Langan studies. Langan has breached their professional duties, and, we believe, has engaged with the Millennium developer to commit fraud.

The key issue for purposes of this letter is: What is Building & Safety's role in Langan's actions, and in allowing this fraud to proceed to the point that no corrective action has been taken by your Department to stop the City approval process and to require preparation of new and valid geologic/seismic studies, which should be presented as part of a recirculated Draft EIR? Recall that we are a mere 9 days away from the City Council's planned approval of the project and certification of the Final EIR.

On July 10, 2013, community leaders Fran Reichenbach and George Abrahams paid an unscheduled visit to City Geologist Dana Prevost. At that time, Mr. Prevost stated to Ms. Reichenbach and Mr. Abrahams that he had not yet fully read the underlying Langan studies. How could that be? This is despite the fact that the CEQA process for this Project has been ongoing for approximately a year and a half, and further despite the fact that on June 18, 2013, this office presented substantial evidence of Langan's falsification of data and suppression of relevant information, all of which actions by Langan – and as implicitly adopted by Building & Safety to date – have subverted the purpose of the EIR as an information disclosure document upon which the public and decisionmakers can base their decisions.

Mr. Raymond S. Chan, Superintendent of Building
Mr. Bob Steinbach, Chief of Inspection Bureau
Mr. Dana Prevost, Engineering Geologist
Department of Building and Safety
July 15, 2013
Page 3

If it is true that Mr. Prevost has not yet fully read the underlying documents given the human life, health and safety issue involved, then this shocks the conscience. Mr. Prevost has a duty as a professional engineering geologist to act as a responsible gatekeeper, and not simply to rubberstamp clearly inadequate and defective environmental studies.

I further note that on June 27, 2013, as subsequently confirmed in Mr. Abraham's June 28, 2013 email to Mr. Prevost, Mr. Prevost told Mr. Abrahams that Mr. Prevost would be issuing a "rescission letter" to the Millennium Hollywood project and developer in light of the information and objections which this office provided on June 18, 2013. At that time, Mr. Prevost said the rescission letter would be issued the following week. But since then, Mr. Prevost's story has changed, and he informed Ms. Reichenbach and Mr. Abrahams on July 10, 2013 that he first needed to meet with the Millennium Hollywood project developer. One does not need to meet with the project developer to know that their geologic/seismic studies contained falsified data, tampered with evidence/maps, and suppressed critical information from authoritative and independent sources. Mr. Prevost also unbelievably claimed that he did not know the City Council is scheduled to approve the Project and certify the Final EIR on July 24, 2013.

None of these actions of the Building & Safety Department generally, and Mr. Prevost specifically, are acceptable or consistent with Mr. Prevost and the Department's legal and ethical duties.

The enormity of the human life, health and safety dangers implicated by Langan, the Millennium Hollywood developer, and your actions cannot be overemphasized. What, exactly, are you planning to do, when, and what happened to the "rescission letter" that Mr. Prevost earlier said would be promptly issued to stop this dangerous and illegal project?

It would be a further violation of the law for the City now to attempt simply to impose some additional modification of the project approvals or require further testing after project approvals have been granted. To do so would be to paper over substantial deficiencies in the EIR and the CEQA process, and to thereby subvert that process. As our Supreme Court has repeatedly held: "Besides informing the agency decision makers themselves, the EIR is intended 'to demonstrate to an apprehensive citizenry that the

Mr. Raymond S. Chan, Superintendent of Building
Mr. Bob Steinbach, Chief of Inspection Bureau
Mr. Dana Prevost, Engineering Geologist
Department of Building and Safety
July 15, 2013
Page 4

agency has in fact analyzed and considered the ecological implications of its actions.””
Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 136, citing No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 86, accord, Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392. For many reasons, we are an apprehensive citizenry, and Mr. Prevost and your actions have greatly increased that apprehension.

Given what appears to be a complete abdication of your duties in connection with the largest project in Hollywood history, and your turning of a blind eye to the overwhelming evidence both of the existence of active fault traces crossing the subject property and the materially misleading Langan studies upon which you are still relying, we request that the City Council continue the July 24, 2013 scheduled approval date until after independent geologic and seismic studies have been performed based upon the recommendation of a neutral board of reviewers, which should be empanelled in an open and transparent process to review this matter.

Please contact us immediately regarding these issues. Please also ensure that this letter is included in the administrative record for this matter.

Very truly yours,

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM

RPS:jmr

cc: June Lagmay, City Clerk
Hon. Eric Garcetti, Mayor
Hon. Herb Wesson, City Council President
Hon. Mitch O’Farrell, Councilman, CD13
(All via email and U.S. mail)