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MAJOR PROJECTS
UNIT



● McQUISTON ASSOCIATES

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consultants to technical management

August 16, 2020

No. VTT-73718, CPC2014-4705 etc

ENV 2014-4706 EIR

STATEMENT of J.H. McQUISTON on
PROPOSED UNLAWFUL & LIFE-THREATENING DEVELOPMENT: "6220 YUCCA"

Honorable Commissioners:

This project's Final EIR reads like Herr Dr Mengele's work; namely, "FINAL SOLUTION-KILL OFF THOSE OF COLOR OR LOWER CLASS".

The method here is not a gas-chamber, not mass-poisoning, nor machine-gunning; just put them in an unescapable building and let seismic acts KILL, MAIM, or CRAZE them! 2433 LIVES AT RISK!

NO City official or employee should CONTEMPLATE such a DASTARDLY anti-social PLAN. The KNOWN, PLAN-COMPLIANT ALTERNATIVE-DEVELOPMENT was KEPT-QUIET in this proposal.

Fraudulent Process

This murderous proposal was presented to Governor Brown WITHOUT MANDATORY STATUTORY DISCLOSURE of prohibition due to active fault. Yet IN THE CITY'S EIR IS CALIFORNIA LAW MANDATING FULL-DISCLOSURE of faults declared active by the State, and prohibition to build in an active fault zone even with waiver, if the construction is for human occupancy.

Mandatory State Law forbids its development where planned, and massive penalty to City if approved:

Section 2621.6(g) says: "The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid FRAUD, MISREPRESENTATION, or DECEIT in the transfer situation."

Section 2621.5 (a) says in part: "The Legislature declares that this chapter is intended to provide policies and criteria to assist cities * * * in the exercise of their responsibility to prohibit the location of developments and structures across the trace of active faults. Further, it is the intent of this chapter to provide the citizens of this state with increased safety and to minimize the loss of life during and immediately following earthquakes * * *."

Section 2621.5 (b) says in part: "This chapter is applicable to any project, as defined in Section 2621.6, which is located within a delineated earthquake fault zone, * * *."

The official map for this parcel places it not just in the delineated earthquake fault zone, but EXACTLY ON THE CENTER-LINE OF THE FAULT ITSELF, as found by scientific apparatus.

Section 2621.7 Board Policy forbids waiver for any new project for human occupancy larger than 4-family flat which lies on the trace of a defined-active fault; thus it forbids waiver for this development.

Section 2621.8 says about City penalty: "Notwithstanding Section 818.2 of the Government Code, a city * * * which knowingly issues a permit that grants an exception * * * may be LIABLE FOR EARTHQUAKE-RELATED INJURIES OR DEATHS CAUSED BY FAILURE to so adhere."

If built, CITY PENALTY will be AT LEAST \$7 billion, 418 million, 158 thousand, 200, per attachment.

City Violating Government Code

Although Los Angeles became a Charter City merely by sending a letter to the Capitol, the Constitution for Charters does not grant any entitlement which is forbidden non-Charter cities.

In *City of Los Angeles v State of California*, the City Attorney alleged the City as a Charter could not be dictated-to by the State Legislature. But the Court of Appeals declared the City Attorney was wrong; the City is required to obey the Government Code prohibiting haphazard development like this project.

Section 65302 *et seq* requires the City's Plan to assign exact uses for each parcel. The Plan's use assignments may not be modified more than 4 times per year. The City's Plan now is in violation.

This proposal may be disallowed simply by citation of the Plan's amendment-violations.

Disallowing this Proposal will not affect a re-development of the parcels in accordance with law.

Years ago McQuiston introduced the listed-owner of these properties to CRA in a meeting to explore OPA for them, but the owner failed to go forward.

The re-development was to be low-cost, 2-floor units compatible with occupant-safety and profile. It could be a model of low-cost, good design, conserving heat and climate control, livable, safe domiciles easily and quickly built yet not threatening life by inevitable seismic activity.

A variant was suggested to Mayor Garcetti on July 17, 2017. The Mayor has not yet responded.

Issues with the EIR departures from law in answering comments

McQuiston is a believer in having a strong and knowledgeable Planning Department, but one that recognizes its place is not to abandon principle to satisfy less-knowledgeable legislators. And it is the Mayor's duty to keep the Planning Department strong, lawful and not subservient to fools.

In the EIR for this project, some answers to issues raised do not obey the rules laid down in the Government Code; thereby they amount to CONTEMPT OF COURT per *City of Los Angeles v California*. Some answers have no evidence to support them, and some answers are contradicted by evidence the EIR contains.

But it is not the purpose of this Statement to go further into EIR departures from law. It is to show that California Laws prohibit any of the alternative schemes in the development proposal to be built as intended.

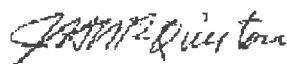
Conclusions

The present alternatives of the development are not lawful, cannot be made lawful, so must be denied.

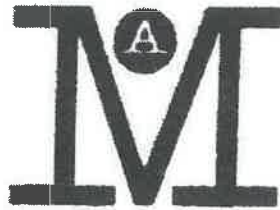
The Mayor should encourage alternatives, which are consistent with the Plan's zoning as-is, and are consistent with the surroundings and the probable needs of those inhabiting the development.

That is why the City has a Planning Department: to make plans for its betterment.

Respectfully submitted,



J. H. McQuiston, P.E. with enclosures (2)



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May 26, 2020

ENV 2014-4706-EIR plus Case File

ENV 2018-2116-EIR plus Case File

Statement of J.H. McQuiston on Projects “6220 West Yucca” and “Hollywood Center Project”

Honorable Eric Garcetti, Mayor;
Honorable City Administrative Officer;
Honorable Budget and Finance Councilmembers; and
Honorable Vincent Bertoni, Planning Director

Both Projects say the purpose of an EIR is to show the differential impact the Project will have on the City. This Statement concerns their differential impact on the City’s finances, and questions the City’s ability to survive if it allows these Projects to be built in the zone known to be seismically-hazardous.

Briefly Said

These Projects together will bring the City to financial-doom, per immutable State law. They put thousands of denizens and visitors to death, dismemberment, and unending trauma, on account of the inevitable Faulting far beneath them.

The catastrophe above is not only McQuiston’s expert conclusion, but is also conclusions of those who have *also seismically-studied* the areas proposed to be re-re-developed with these projects.

After the Faulting catastrophe, by law those injured by the two projects’ collapse will be entitled from this City a payment of \$876,170,000 per year; for 30 years the total will be \$20 Billion, 285 Million dollars.

City’s payment is *specifically-imposed* by California’s Alquist-Priolo Act, which the Projects admit is controlling for the properties¹, and it is also *generally-imposed* by the duty of the City to protect its people. There is no way the City may protect itself against the above payment if it allows the two Projects, as proposed, to be sited on their proposed locations. Read the City’s liability in law yourself.

The above-liability² doesn’t include City’s *similar indebtedness*, arising because it already-allowed new construction to occur in recognized active-fault zones.

The City’s primary responsibility is to safeguard its inhabitants from such a seismic catastrophe, and the City *has the way to do so*: reduce the population inhabiting a recognized-dangerous fault zone, like the Hollywood Fault, and prohibit construction therein which blocks persons from escaping damaged sites.

People will be trapped when doors jam. People may have to jump out of windows, and probably there will be no Firemen to catch them, or even to extinguish the blazes from ruptured lines. Also, the massive concrete water line beneath Franklin Ave, connecting Eagle Rock and Hollywood Reservoirs, will be crushed and cause the area to flood.

Human suffering will greatly exceed that of New York in “9-11” because these projects were built as-is.

¹ The City’s boilerplate “builder is liable for damages” is over-ridden by the Act. The City may not callously-doom people by ignoring well-known fault dangers.

²The amounts above do not include building and accessory damages at the project sites.

McQuiston Associates

McQuiston Associates was founded in 1959 by J.H. McQuiston to be "all things to all men". E.g, McQuiston invented the device which allowed the United States to develop-rapidly giant rocket engines and achieve "MAD", ending the Cold War; subsequently those engines powered the United States to the Moon and beyond. McQuiston is cited as the reason Congress allows attorney fees if IRS unfairly attacks a taxpayer. McQuiston got the City to enact the City's refuse-collection charge, thereby saving \$32 million a year for the General Fund. These illustrate the breadth of McQuiston's work.

McQuiston, a graduate of Caltech and admitted to its "Honor society" (Tau Beta Pi), holds California license for Engineering. There he got training from inventors of seismic engineering, like Charles Richter, the creator of the Richter Scale. For many of his 90 years he continued there with meetings, seismic engineering, and ICBO issues among other topics.

For 60 years, both McQuiston Associates' office and its manufacturing-plant are located atop the identified traces of the Hollywood and Santa Monica Faults. McQuiston thereby gained expertise about their seismicity.

Hollywood Fault

The EIRs factually-belittle the magnitude and danger of the underlying Fault-system, of which the Hollywood Fault is one part of it. The system begins East of Pasadena and extends West to and including the Channel Islands in the Pacific. That system has been described as partly "reverse", because one side thrusts itself over or under the other side to varying extent, strongly-pushing against the hills to its North. The Los Angeles River ran through Cahuenga Pass before the upthrusts forced the river Eastward.

Caltech in lecture³ and print said the Hollywood Fault soon will "shake" with an amplitude of 6 feet, will "accelerate" with a magnitude of *at least* 1 "g", and will have a magnitude of *at least* 7.5 with strong vertical component. A person will not be able to stand, nor dodge objects hurled at the person including walls and ceilings, during the lengthy seism. And, buildings like these will swing to destruction.

The Red Line subway investigation found the potential "rebound" of this fault to be about 30 feet. The "rebound" of the 1906 San Francisco quake was about 20 feet.

Typical "reverse" faults occurred years ago in Anchorage AK and in Kobe, Honshu. Japan has a seismic Code many times more-rigorous than the USA. Yet in both quakes building-floors "pancaked"⁴. Loaded floors pancaking may cause the entire building to collapse, akin to the collapses in New York City when "9-11" occurred.

"Reverse" faults are more-likely to elude simpleton's searches by their very nature; moreover, they may be "blind", buried deeply. *But they threaten peoples' lives and they can be evaluated by appropriate tests.*

Comment on Subject EIRs' Seismic Approach

The EIRs admit that the Hollywood Fault is present in the vicinity, and that the Fault is recognized as "active". They admit the existence of the State's Alquist-Priolo Act. The Act imposes a heavy penalty on governments' allowing additional construction in active-fault zones.

To allow approval it follows that the developers must present facts proving the actual location of the Fault

³McQuiston was in Beckman Auditorium, Caltech, when a Caltech expert gave the public a lecture about imminent damage to properties near Hollywood and Vine, on account of the Hollywood Fault's presence. A person there, who worked in the Taft Bldg. at Hollywood and Vine, asked what to do about working there, and the lecturer said, "Go to work late and leave early". Residents can't escape harm that way.

⁴The Valley quakes spawned vertical "shakes" of 2g. When a floor "pancakes" it falls on top pf the floor below, with more energy than its weight, usually causing the floors to "pancake" also. Ad infinitum. Persons have no time nor way to escape death.

and must prove its faulting will not bring harm to inhabitants of the proposed developments⁵.

The Developers' researchers are apparently-certified for "petroleum geology". McQuiston questions the propriety of their writing, facts, and conclusions as *seismic engineers*. There is no showing that the researchers are certified to calculate the amount of damage the Fault may cause to the developments. There are also no calculations in the EIRs in the seismic section, to justify their bizarre conclusions.

Developers did not perform testing in the Fault Zone that would assess the actual danger to people inhabiting the proposed projects. McQuiston witnessed their on-site activities. The investigators did not even determine the Fault's actual location or its seismicity. Nor did they review the extensive Hollywood Fault's trace-analysis performed slightly to the West in preparation for the Red-Line subway.

Totally absent, for example, is the famous Converse Foundation Engg's wealth of facts about the Hollywood Fault developed for the Red Line subway⁶. And, totally absent from EIRs is the wealth of Reports from local Engineering Groups and Universities about the Fault and its location; those sources declared the Fault is an imminent danger to nearby inhabitants. If the EIRs had been done correctly, they *could not have concluded the seismic threat is so low that no mitigation is required*; they should have said the projects are *dangerous and should not be built in the proposed locations*⁷.

Also they artificially-shortened the length of the Fault System, perhaps to disguise its capacity for destruction. The "periods" of the buildings were not set forth. The Fault's type wasn't listed. There was no evidence the researchers found the Fault's actual trace and its "dip". Not going beneath the mountain of detritus left by earthmovers in the prior re-development, the report is totally-inadequate.

Nor is it proper for these EIRs to allege that if *one* type of active Fault that will kill people is present but *not specifically cited in law forbidding development thereon or nearby*, that a *development allowing the Fault to kill its inhabitants is entirely-proper* if the City lets the development proceed!

That is what the seismic report alleges. It puts the burden on the City to stop unsafe development without giving it facts, knowing that the City will bear the liability if the project "kills" the inhabitants.

Moreover, the EIRs put it to the City to inspect every detail of the site and Plans and Construction, warning that otherwise the development will not be safe and occupation will be a deathtrap. Developers thus use Alquist-Priolo as a sword against the City, a position which the City should not allow⁸.

McQuiston does not accuse the property-owners of such callous behavior, because they usually have no actual knowledge of seismic issues. Nor have City personnel charged with approving or denying developments. But people admitted to Engineering registration are sworn to obey the laws of City, State and Country and are required not to be so callous with people's lives.

There are other defects in the Reports, but herein already is enough to get the Projects re-designed or relocated. But note also that for this amount of development, Yucca must be widened to 4 lanes plus parking from

⁵Young geologists have no idea what the subject area was like before the Hollywood Freeway was built. We old-timers remember Franklin Hill, which was leveled because the State declined to tunnel the freeway through it. Surrounding terrain is now devoid of geological accuracy.

⁶The Red Line's SEIR contains a letter from City Engineer Morhar denying the Hollywood Fault is a hazard. Morhar's allegations were ignored by the United States and the Red Line designers, who designed extra protection for travelers from the Fault's measured- seismicity.

⁷Floors are not designed to stay intact under such massive vertical shaking as expected here. On the Anatolia Fault, modern designs became submerged with such shaking. A similar outcome will occur for these properties.

⁸ EIR: "There is a possibility of damage * * * if a moderate to strong shaking occurs as a result of a large earthquake"

Argyle to Gower, and Freeway ramps at Argyle and Gower require widening and signals.⁹

Calculating City's Eventual Liability

Liability is conservatively-calculated by amassing the number of people liable to be on the properties when the Fault lets-go, calculating their loss of incomes, life, and other effects on themselves and dependents, and calculating the time over which their livelihoods will be interrupted.

The number of people liable to be on the properties was calculated using McQuiston's experience in the neighborhood and throughout the City. McQuiston calculated 976 residents and 1457 visitors for "6220", and 3166 residents and 2366 visitors for "Center". The grand total is 7965 people present at the quake.

The properties will be very costly to inhabit, so inhabitants must be wealthy. McQuiston witnessed lawsuits awarding multi-millions in damages to wealthy people. Accordingly, McQuiston used for each person the average-award of \$110,000, without anything for costs or fees.

The time period for compensation will be long because the population in the buildings will be youth-skewed and permanently-"disabled". McQuiston used only 30 years for each person's compensation.

Thus the yearly assessment City *must pay* will be \$872,170,000. Yearly payments will last for 30 years. For just the two projects the City *must pay* \$24,285,100,000.

The City cannot pay that much without cutting almost 1/4 of each of its entire services for 30 years. At least 2,500 police will have to be let-go, and retirement benefits will require axing. The City's AAA Rating will vanish. Borrowing will become costly.

Think how much the City can accomplish with that sum if it does not allow the Projects as-is on those sites.

Alternatives

McQuiston is not saying the projects have no merit, but they require *safe location* and *strict inspection*. In this City there is too much failure to obey what the State imposes on the City regarding its General Plan. Developers now can pay the City a "bribe" and develop the City haphazardly, unlawfully, like these projects.

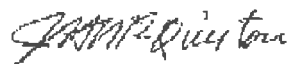
It is time to stop haphazard development, and the State and Courts repeatedly require the City to do that. Don't wait for the U.S. Department of Justice to act. Alquist-Priolo subject-areas are excellent places to begin.

Conclusion

The City must reject the Projects as-proposed for these plots. They are only suitable for construction elsewhere.

Respectfully submitted,

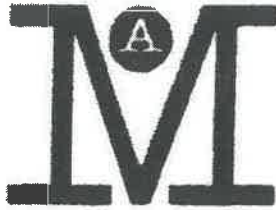
McQuiston Associates



c: Interested parties

J. H. McQuiston, P.E.

⁹Already Yucca is blocked by trucks double-parking during long periods, on account of City's forgetting the requirement for an off-street loading place for the new Hotel at Yucca and Argyle. Yucca is now "double-double striped" for the exclusive benefit of that Hotel, meaning Yucca is impassible a substantial time of day and night. Any development on the South side requires widening the street.



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July 17, 2017

Honorable Eric Garcetti, Mayor
City of Los Angeles
Los Angeles, CA 90012

Dear Mayor Garcetti:

REFERENCE: Proposed 20-story Development at SE Corner, Yucca St and Argyle Ave, in Hollywood, CD13.

Reference is **clearly contrary to CITY's new policy regarding housing for homeless and low-income wage earners.**

Here is a better development for implementation, either by a developer or by CITY direction:

1. This parcel is bounded by Argyle, Yucca, Vista del Mar, and Carlos. **It by FAR could have over 300 reasonable-sized low-income units including what exists, although limited to only 3 stories for safety.**
2. This parcel is **very close to multiple lines of transit**, including Red Line, RTD Buses, Flyaway, and other forms besides autos.
3. Personally, **I know no one on transit lines except me wears a coat and tie. Those use autos instead.**
4. This parcel is very close to shopping centers, businesses, banks, library and eateries. **It is ideal for those of low-wage incomes, retirees, and parents of small children. Residents may obtain necessities of life without long trips by vehicle.**
5. **This parcel is the only one in this area suitable for easy construction of such low-cost development.**
6. Surrounding developments are unaffordable (\$2300 -plus) for an employee even at \$15 per-hour wage ($15 \times 173 = \2595).
7. **Property is situated directly on the Hollywood fault-scape. For safety, buildings thereon must be low and squat (3-story max) to withstand the shaking Caltech predicts for them. and to permit safe exit after that occurrence.**
8. **Development may proceed without displacing a single existing-resident.** Buildings may be finished consecutively; then current residents could occupy a finished building while their original units are either redeveloped or another story is added to their existing building.

CITY can get this done. It has the wherewithal and Code in place.

I believe now is time to implement the above before irreversible damage occurs.

Respectfully submitted,

c: Champion Real Estate Co
Rubinfeld L P

J. H. McQuiston, P.E.