



Alan Como <alan.como@lacity.org>

Appeal #2 of VTT-73718

Anna Vidal <anna.vidal@lacity.org>

Thu, Sep 3, 2020 at 11:18 AM

To: Elva Nuno-O'Donnell <Elva.Nuno-ODonnell@lacity.org>, Alan Como <alan.como@lacity.org>

Cc: Maya Zaitzevsky <maya.zaitzevsky@lacity.org>, Ralph Avila <ralph.avila@lacity.org>, Chelsi Lofton <chelsi.lofton@lacity.org>, Freddy Lopez <freddy.lopez@lacity.org>, Lesly Escobar <lesly.escobar@lacity.org>, Raoul Mendoza <raoul.mendoza@lacity.org>

Good Morning,

The public counter received an online appeal from the appellant, JH McQuinton, on case file VTT-73718, see attached pdf. The project is located at 1756 & 1760 Argyle Ave. The appeal was dropped off along with payment on September 2, 2020, and the last day to appeal was, September 2, 2020. The appeal was processed today, September 3, 2020. The appellant body is the City Planning Commission. All the materials have been uploaded to e-submit. Invoice Number: 66890, Receipt #: 2020247001-60

Thank you.

LOS ANGELES
CITY PLANNING**Anna M. Vidal**

Preferred Pronouns: She/her/hers

City Planner

Los Angeles City Planning

201 N. Figueroa St., 4th floor

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 482-7079 | F: (213) 482-0443

RDO 2nd Fridays. Holidays: Sept. 7



E-NEWS

2 attachments

**VTT-73718-APPEAL&JUST#2.pdf**

564K

**Receipt-1756 N Argyle Ave 90028.pdf**

188K

Los Angeles Dept of Building and Safety
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

Reference Number: 2020247001-60
Date/Time: 09/03/2020 10:41:34 AM

User ID: rrodriguez

City of Los Angeles
Department of City Planning



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reading app on your Smartphone.
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CITY PLANNING MISCELLANEOUS

2020247001-60-1

Application Invoice Number: 66890

PLAN & LAND USE \$106.80

DEV SERV CENTER SURCH-PLANNIN \$2.67

Total: \$109.47

1 ITEM TOTAL: \$109.47

TOTAL: \$109.47

ICL Check \$109.47

Method:

Check Number: 5646

Total Received: \$109.47



City Planning Request

ment will analyze your request and accord the same full and impartial consideration to
; of whether or not you obtain the services of anyone to represent you.

ng fee is required by Chapter 1, Article 9, L.A.M.C.

ase contact the planner assigned to this case. To identify the assigned planner, please
anning.lacity.org/pdiscaseinfo/ and enter the Case Number.

ist be received by 10/04/2020. For appeal case, your appeal is not valid unless the
ived prior to 4:30PM on the last day of the appeal period.

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m	Fee	%	Charged Fee
Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

	Charged Fee
	\$89.00
	\$0.00
	\$89.00
	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Los Angeles Department of Building
and Safety
Metro 4th Floor 09/03/2020 10:41:34
AM
User ID: rrodriguez
Receipt Ref Nbr: 2020247001-60
Transaction ID: 2020247001-60-1
PLAN & LAND USE \$106.80
DEV SERV CENTER SURCH-PLANNING \$2.67
Amount Paid: \$109.47
Application Invoice Number: 66890

Council District: 13
Plan Area: Hollywood
Processed by VIDAL, ANNA on 09/03/2020

Signature:

Building & Safety Copy
Office: Downtown
Application Invoice No: 66890

City of Los Angeles
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800166890

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdscaseinfo/> and enter the Case Number.

Invoice is valid for 30 days, payment must be received by 10/04/2020. For appeal case, your appeal is not valid unless the payment is received prior to 4:30PM on the last day of the appeal period.

Applicant: MCQUISTON, JH (H:323-4646792)
Representative:
Project Address: 1756 N ARGYLE AVE, 90028

NOTES:

VTT-73718-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
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Amount Paid: \$109.47
Application Invoice Number: 66890

Council District: 13
Plan Area: Hollywood
Processed by VIDAL, ANNA on 09/03/2020

Signature:

MASTER APPEAL FORM

City of Los Angeles - Department of City Planning

APPEAL TO THE: Advisory Agency of City of Los Angeles

REGARDING CASE #: Vesting Tentative Tract Map No 73718

PROJECT ADDRESS: 1756, 1760 North Argyle Ave; 6210-6224 West Yucca St

FINAL DATE TO APPEAL Sept 2, 2020

- TYPE OF APPEAL:**
1. ☐ Appeal by Applicant
 2. ☒ Appeal by a person, other than the applicant, claiming to be aggrieved
 3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION - Please print Clearly

Name: J. H. McQuiston

Are you filing for yourself or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

Address: 6212 Yucca St, #D, Los Angeles CA 90028

My Aggrieved-Property Address: (Business and Residence 6212 Yucca St

Telephone: 323-464-6792, FAX same, Cell Phone 805-208-3426

* Are you filing to support the original applicant's position?

☐ Yes ☒ NO

REPRESENTATIVE INFORMATION

Name: To be assigned later

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING - Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☒ Entire

☐ Part

Your justification/reason must state:

- * The reasons for the appeal
- * Specifically the points at issue
- How you are aggrieved by the decision
- * Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

Eight (8) copies of the following documents are required (1 original and 7 duplicates):

- * Master Appeal Form
- * Justification/Reason for Appealing document
- * Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- * Original applicants must pay mailing fees to SIC and submit copy of receipt.
- * Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 1226 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TI or V1T) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- * A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"if a nonelected derision-making body of a local lead agency certifies an environmental Impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

--CA Public Resources Code § 21151 ©

I certify that the statements contained in this application are complete and true:

Appellant Signature: *ZA McQuiston*

Date: August 31, 2020

Planning Staff Use Only		
Amount	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date
<input type="checkbox"/> Determination Authority Notified	<input type="checkbox"/> Original Receipt and BTE Receipt (if original applicant)	

Reason for the Appeal:

1. **California Law (Alquist-Priolo, California PUBLIC RESOURCES CODE SECTION 2621-2630, prohibits this development *ipso facto* and in plain language.** Also, the Geology portion the Developer set-forth is not in accordance with Alquist Priolo's clearly spelled-out requirements and is clearly indefensible as set forth.

2. The Approval Statement on its Page 2, to wit, "[T]he LAMC may not permit this maximum appointed density" and referral to Building & Safety for advice, is **not in accordance with State Law nor City Law regarding EIR's.** The Advisory agency **may not push-off part of the environmental clearance on another body.**

3. The "boiler-plate", so-called "specific conditions" in the Approval, clearly-prove this project is not in conformance with the Court, LAMC, nor with the aims, purposes, requirements, and intent set forth by the City in its General Plan.

The Court in *City of Los Angeles v State of California*, **138 Cal.App.3d 526 (1982)**, decreed that Los Angeles is mandated to obey the rule of law as enacted by the California Legislature with respect to City Planning, and specific law thereof requires City's adherence, especially that **City may no longer employ "haphazard zoning"** to wit, let a developer build without obeying restrictions set forth in the City's enacted Plan, and certainly-not merely by paying a fee larger than the amount prohibited by Section 65104 of the California Government Code.

4. The General Plan requires creating local and community parks at a rate of one acre of each kind for each 1000 people for each class of park. Parks Department's policy is that any park of less than 5 acres is a substantial waste of resources.

For the Hollywood Plan it was noted the **Hollywood Plan requires 105 more 5-acre parks to be located therein. Recent substantially-haphazard Hollywood redevelopment used-up most of the suitable space which could have been used to satisfy the Plan's park requirement.**

This project does not add any 5-acre park and substantially increases the population and the necessity for more 5-acre parks. Instead people will hazard their lives playing on congested streets..

There is no analytical proof proffered that the City will construct even the parks the Plan mandates.

5. There is no *analytical proof* in the VTT regarding the alleged merits and demerits of its selected alternative-design. The **alternative which is obviously-best is not even listed in the VTT, namely the one which is low-cost, LEED superior, quick to build, safe to occupy, pleasant to view, and in the Developer's and City's knowledge.**

The Adopted configuration cannot be occupied by the "intended" persons without massive subsidy. The **omitted alternative -design neither requires subsidy for the intended occupants nor displaces them during construction.**

6. **The walk and waiting for public transportation on which the VTT relies is too fanciful for realization.**

An official in the CAO said to McQuiston, "You can't bring ice cream home from the store on the RTD, you must bring it home by car or it will be melted."

The Transportation Handbook prescribes the average person' in Los Angeles will walk **only** about 400 feet. But our blocks are 530 feet long, **buses wont stop twice in every block, and they run very infrequently and not point-to-point, so Angelenos will use their own vehicles instead and the VTT fails its basis for mobility.**

People who could reside therein have more vehicles than the development allows on-site, and **people demand those vehicles. Even if the building is only half-occupied there is no parking available for occupants' 783-more vehicles than the development will hold, and there is no room on the streets for those 783-more vehicles.**

7. The United States HUD found by trial-and-error that **buildings for the subject's intended use must not exceed six stories.**

The VTT nowhere demonstrates why a building of more than 6 stories is environmentally-proper for the intended use.

8. **Previous decisions always included the Statement that all City and Government laws are to be obeyed with the exception of only those listed in the actual body of the decision.**

This Certification and Adoption **omits requiring the Developer to obey every part of the LAMC. By listing only a few items, VTT's inference is that all other Code requirements are waived, including Code mandates in disagreement with those stated in the Certification and Adoption.**

As only two examples of many, LAMC Sections 12.11C2 & 3 and 12.21A10 will be violated without specific Variance process required by LAMC Section 12.27.

The Court in *Los Angeles v California* disallowed the City from acting without regard for laws regulating Developments. Listing only a few requirements but **not the LAMC in entirety is contemptuous of the Court's ruling.**

By turning the Project into one-of-a-kind, City's **unlawful act perpetuates "haphazard zoning" which California and Courts prohibited for over 2 generations.**

How McQuiston is Aggrieved

McQuiston is a resident of 6212 Yucca St which is one address to be razed by the project. Over 90 years of age, both McQuiston and Wife will be dispossessed of residence and office they held for over 60 years.

As a Los Angeles City and County Taxpayer and recognized expert on City financial condition, McQuiston knows **WHEN AND NOT IF** the major seismic activity on the Hollywood Fault occurs, per Section 2621.8, California Public Resources Code **THE MASSIVE COST TO THE CITY WILL BE FINANCIALLY-BURDENSOME FOR McQUISTON.**

McQuiston knows a development-alternative undisclosed in the VTT removes the City's environmental danger and McQuiston's grievement.

Specifically the Points at Issue

If the **Reason for the Appeal** addressed specific Points, those Points are included by reference herein.

1. Statutory prohibition of this development at the proposed location is ABSOLUTE.

Sections 2621 *et seq* of California Public Resources Code, is known as the **Alquist-Priolo Act.**

Section 2621.5 (a) says first:

"It is the purpose of this chapter to provide for the **adoption and administration of zoning laws, ordinances, rules, and regulations by cities** * * * in implementation of the general plan that is in effect in any city * * *."

That sentence applies in entirety to the City of Los Angeles.

Section 2621.5 (a) says second:

"[T]his chapter is intended to provide policies and criteria to assist cities * * * n the exercise of their responsibility to **PROHIBIT THE LOCATION OF DEVELOPMENTS AND STRUCTURES FOR HUMAN OCCUPANCY ACROSS THE TRACE OF ACTIVE FAULTS.**" (Emphasis added)

That sentence applies in entirety to the City of Los Angeles.

Section 2621.5(a) says third:

"[I]t is the intent of this chapter to provide the citizens of the state with increased safety and to **MINIMIZE THE LOSS OF LIFE DURING AND IMMEDIATELY FOLLOWING EARTHQUAKES** * * *." (Emphasis added)

Section 2621.5(b) mandates:

"This chapter is **applicable to ANY PROJECT. as defined in Section 2621.6, which is LOCATED WITHIN A DELINEATED EARTHQUAKE FAULT ZONE, upon issuance of the official EARTHQUAKE FAULT ZONES MAPS to affected local jurisdictions** * * *." Emphasis added)

That sentence applies to this project. It is not only within such zone but **the address is mapped squarely on the main fault** per the **official Earthquake Map** issued years ago to the City and **put into general circulation, after time for comment elapsed. Only 5 exceptions are allowed and each is inapplicable to the project.** See 2621.7 below.

Section 2621.5(c) mandates (use of "shall" in a statute makes it mandatory):

"The implementation of this chapter **shall be pursuant to policies and criteria established and adopted by the Board.**" (Emphasis added)

That sentence puts all power to mandate in the hands of the State Board and takes power to modify it. away from the City.

Section 2621.6(a) defines "project" as meaning either of the following:

"(1) Any subdivision of land which is subject to the Subdivision Map Act * * * and which contemplates the eventual construction of structures for human occupancy.

"(2) Structures for human occupancy with the exception of either

(A) Single family wood frame or steel frame dwellings * * *.

(B) A single-family * * * dwelling not exceeding two stories * * *. (Emphasis added)

That definition means this project is a "project" subject to this law in its entirety.

Section 2621.7 limits the exceptions to the law's application to:

- "(a) The conversion of an existing apartment complex into a condominium.
- "(b) Any development or structure in existence prior to May 4 1975 except for [work] exceeding the value limit specified in subdivision (c).
- "(c) Any alteration or addition to any structure the value [of which doesn't] exceed 50 % of the [structure's] value.
- "(d) Any structure located in [cities of Berkeley or Oakland damaged by fire in 1991 if exemption is granted].
- "(e) Alterations which include seismic retrofitting as defined in Section 8894.2 of the Government Code."

That definition means the project is not capable of being given an exception to any of this law.

Section 2621.8 puts every inhabitant of Los Angeles in dire financial peril if the City issues a permit or grants an exception to this project:

"Notwithstanding Section 818.2 of the Government Code, a city * which knowingly issues a permit that grants an exemption *** may be LIABLE FOR EARTHQUAKE-RELATED INJURIES OR DEATHS CAUSED BY FAILURE TO SO ADHERE."**

That sentence destroys the City's non-liability for development-caused damages if it approves construction therein.

Nowhere in the VTT's assessment of value of project alternatives was the liability for environmental-damage caused by fault damage addressed. If the proposed development is built, **City's liability is AT LEAST \$7 billion, 418 million, 158 thousand, 200, per accounting in the project file but unaddressed in agency's analysis.**

Section 2622 (a) mandates the State Geologist to delineate by December 31, 1973, quarter-mile or wider zones of faults "the State Geologist determines to be sufficiently-active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep."

Section 2622 (b) mandates the State Geologist to compile maps delineating the earthquake fault zones and mandates their delivery to every affected city and county not later than December 31, 1973.

Section 2622(b) mandates every affected city and county to submit all comments regarding the maps locating faults to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of such review, the State geologist is mandated to provide copies of the NOW-OFFICIAL MAPS to each city or county having jurisdiction over lands lying within such zone.

Section 2622(c) mandates ONLY IF THE STATE GEOLOGIST DECIDES that new information warrants map-revision will map revision occur, followed by a reopening of notice-and-comment by cities and counties affected for the time-periods in (c). AT NO TIME DOES THE CODE ALLOW ANY CITY OR COUNTY TO NARROW OR IGNORE THE EXISTING OFFICIAL MAP OR DISOBEY THE RULES THE BOARD SETS FORTH.

Section 2622(d) mandates every county recorder, county assessor, and county planning commission to post the earthquake zone map it receives within five days of its receipt and to post the effective date of the notice.

In its material submitted, the DEVELOPER ADMITTED THE PROJECT IS WITHIN THE OFFICIAL MAP OF THE ALQUIST-PRIOLO ZONE IN WHICH A PROJECT AS CONTEMPLATED IS FORBIDDEN BY LAW. That law contains NO AVAILABLE EXCEPTION ALLOWING THE PROPOSED DEVELOPMENT.

Section 2623(a) mandates:

"The approval of a project by a city or county shall be in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist."

The sentence **absolutely forbids the City** from allowing development within the Board-approved official map of a fault zone, on penalty imposed by Section 2621.8.

Section 2623(a) mandates the State Board to "seek the comment and advice of affected cities, counties, and state agencies" in the DEVELOPMENT of the Board's "policy and criteria".

This sentence does not grant any city to depart from the policy and criteria the Board establishes, nor does it grant the Board a power to establish policy and criteria at odds with the chapter.

Section 2623(a) finally addresses how cities and counties may address the limited-waivers which are enumerated in the law at Sections 2621.6 & 2621.7 and which are limited by law and not to be given freely, by setting-forth a process by which waivers shall be evaluated and given or denied.

This sentence is not applicable to this project because the development is not entitled to apply for such a waiver.

Section 2624 permits cities and counties to enact a limited amount of supplementary laws:

"(1) Establish policies and criteria which are stricter than those established by this chapter."

"(2) Impose and collect fees in addition to those required under this chapter."

"(3) Determine **not to grant exceptions under this chapter.**" (Emphasis added)

This sentence **doesn't allow Los Angeles to waive any part of the chapter, but allows it to be stricter on behalf of saving lives and reducing injury.** But since the chapter was enacted the Constitution in Art XIII now prohibits fees in excess of that required to accomplish the desired result, putting 2624(2) at odds with the Constitution.

Section 2625(a) and (b) mandate that "reasonable" fees allowed by the chapter "may not exceed the cost to the city or county of administering and complying with the provisions of the chapter."

This appeal does not concern the adequacy nor the excess of the amount charged for processing this project by the City.

Section 2625(c) mandates:

"The geologic report required by Section 2623 shall be in sufficient detail to meet the criteria and policies established by the State Mining and Geology Board for individual parcels of land." (Emphasis added)

THIS MANDATE IS VIOLATED BY THE DEVELOPER'S REPORT AND ALSO BY THE CITY'S REPORT.

The Board has issued "POLICIES AND CRITERIA OF THE STATE MINING AND GEOLOGY BOARD", which by law the City is mandated to obey or suffer penalty per the law as stated above.

Section 3600 defines as the Purpose of the Policies and Criteria:

"It is the purpose of this subchapter to set forth the policies and criteria of the State Mining and Geology Board * * * governing the exercise of city * * * agencies to prohibit the location of developments and structures for human occupancy across the trace of active faults in accordance with the provisions of Public Resources Code Section 2621 et seq. (Emphasis added)

Section 3600 qualifies that purpose, to limit their mandates to "potential hazards resulting from surface faulting or fault creep within earthquake fault zones delineated on maps officially issued by the State Geologist."

The sentence **does not modify the Act's wider reach, nor permit the City to disobey it.**

The VTT falsely-assumed that limited-borings and copycat restatement of the limited borings of another firm, Delta, validated a claim of non-existence of Hollywood's fault system stretching from East of Pasadena to the Channel Islands, although it acknowledged recent and substantial faulting on the system's so-called "Raymond" portion.

Board's Fault zoning Criteria for Sufficiently-active zoning prescribe:

"Holocene surface displacement may be directly observable or inferred; it need not be present everywhere along a fault to qualify that fault for zoning." * * *

"The evaluation of faults for zoning purposes is done with the realization that not all active faults can be identified as active. Furthermore, certain faults considered to be active at depth, because of known seismic activity, are so poorly defined at the surface that zoning becomes too uncertain. * * * Even so, all the principal faults zoned in 1974 and 1976 were active during Holocene time, if not historically. Beginning with the maps of January 1, 1977, ALL FAULTS ZONED MEET THE CRITERIA OF "SUFFICIENTLY ACTIVE AND WELL-DEFINED." (Emphasis added) The statement includes the Hollywood Fault official map.

The Board also commented on zone boundaries it established on the 1977 maps:

"The policy since 1977 is to position the Earthquake Fault Zone boundary about 500 feet * * * away from major active faults and about 200 to 300 feet * * * away from well-defined, minor faults. Exceptions to this policy exist where faults are locally complex or where faults are not vertical."

The VTT falsely inferred without proof that there is no fault below the intended project and that if there is a fault the LAMC protects both property and occupants thereof from death or injury.

The official map of the Hollywood Fault issued after 1977 locates this project exactly on the line of this major fault stretching from East of Pasadena to and including the Channel Islands. The map is the authority and not the VTT.

In defending the VTT at hearing, the City's Staff Planner said my comments, submitted on paper regarding the State's prohibition on construction at this site, was inappropriate without reading nor discussing it, prejudicing the agency and concealing an expert's contention that if approved the environmental safety of the entire City would be put in extreme jeopardy, plus that the environmentally-superior alternative to the VTT's alleged best option was not set forth to the agency.

The second VTT false statement is nonsense, because if a building survives the predicted-shaking and displacement of 6 ft oscillation, 30 ft displacement, 1 to 2 G acceleration, **every loose thing in the building will have injured or killed all the occupants.** If the building instead were built to the Code's flimsier standard, **building could not withstand the expected ground force and the building's failure will thereby kill or injure the occupants.** Ergo, prohibition by Code.

THE ABOVE ANALYSIS of the State's prohibitory law **mandates** the City to **deny** the project for this location.

1. Each part of the law leaves the City no way to approve, and exacts a crushing monetary penalty on City's occupants if City approves, and.

2. VTT's reliance on inconsequential "surface borings" means City's **geological expert, required for review of developer's geologic work, misunderstands how substantial earthquakes cause damaging surface ruptures and thereby approved the geological report unlawfully per the Board Regulations..**

The California Geologic Survey **Special Publication 42** in Section 2.4 **explained to the public**, including geologists:
"Surface fault rupture is the result of fault movement that **breaks to the surface of the earth * * *** and is the result of tectonic movement that originates deep in the earth." (Emphasis added)
* * *

"This hazard became widely recognized following the 1971 San Fernando * * * earthquake, where damage to many buildings was attributed to *surface fault rupture*."

Please note: the San Fernando fault, causing death, was unknown before it ruptured. The law discussed above is the **State's expressed intent to minimize more deaths and injuries**, by discovering major faults like the one beneath the proposed development and forbidding construction on them for human habitation.

The City by law is required to have the same objective, and the City is required to have qualified and responsible people to assure it is obeying the above law.. **City obviously failed to do either objective.**

How quakes injure buildings and people

The site was previously a farm, then leveled for houses, then reworked for a large apartment and parking shed. All around the site and nearby, loose dirt was moved or dumped, making shallow boring and trenching useless for report..

The examination just to 40 feet in depth woefully was short at least 5,240 feet to get where seismic activity actually occurs, because extremely-abnormal pressure is required to cause substantial powerful movement in the Earth's crust.

Shaking begins when the resistance in the crust is too weak to continue resisting movement. But to cause a large quake that movement must cause another part of the crust to give way. That part then causes another part to give way, etc.

So, a large build-up of force is required to begin a quake, which when multiplied by movement brings-on an effect much like a zipper opening. The quakes usually have a low "period" because the adjacent segments give-way after resisting, but shaking continues until the "un-zipping" stops, usually because a constituent of the crust at that point is too tough to break from the energy at hand. Periodic shaking makes the building rock like a pendulum until it ultimately disintegrates.

Some faults, like at Eagle Rock, are showpieces for students, because just by the side of the street both sides of the fault and the "fault breccia" are easily seen. But the Hollywood Fault has lots of overburden and must instead be mapped with instrumentation and explosives, or other scientific means not listed in Special Publication 42, until one day it also breaks open from pressure deep in the crust. **The damage is greatest when the fault first breaks open from afar and the force-wave travels to the site, building-up damage as it progresses.**

The City must deny construction on the proposed development's current site

The State Geologist has mapped the proposed development's location. The Fault location is widely-known to responsible geologists and engineers, and is even used in Special Publication 42 as the representative for all major faults to show how the Board wants every city to proceed to deny projects within official Zone maps.

Why the Decision Maker Erred

THE DEVELOPER ADMITTED IN ITS PAPERS THAT THE DEVELOPMENT WAS SUBJECT TO ALQUIST-PRIOLO LAW.

THE DEVELOPER FILED IN ITS PAPERS SPECIAL PUBLICATION 42

SPECIAL PUBLICATION 42 NOT ONLY CONTAINED THE LAW AND THE BOARDS REGULATORY MANDATES, BUT ALSO EXPLAINED HOW A CITY MUST PROCEED, AND EXPLAINED FOR LAYMEN HOW THE LAW WORKS, WITH FIGURES USING THE HOLLYWOOD FAULT AS EXAMPLES OF WHICH SITES ARE FORBIDDEN.

THE DECISION MAKER HAD NO DISCRETION IN THIS CASE BECAUSE THE CONTROLLING LAW AND REGULATIONS THEREOF CLEARLY AND ABSOLUTELY FORBIDS APPROVAL.

THE ONLY WAY THE DECISION MAKER COULD HAVE APPROVED THIS PROJECT IS BY NOT READING NOR

COMPREHENDING THE CLEAR, PLAIN ENGLISH USED IN SPECIAL PUBLICATION 42.

IT IS UNMISTAKABLY CLEAR THAT NO PERSON READING THE MATERIAL IN THE FILE MAY CHOOSE TO APPROVE THE VTT AS WRITTEN AND THE PROJECT AS PROPOSED.

THE LAW'S PENALTY IS VERY CLEAR AND COMPREHENSIVE, THOSE WHO NEGLIGENTLY-ALLOW A PROJECT IN AN OFFICIAL ZONE OF AN ACTIVE EARTHQUAKE FAULT MAY BE LIABLE FOR DEATH OR INJURY OF THE HUMAN OCCUPANTS OF THAT DEVELOPMENT.

THE DECISION MAKER ERRED BY NOT PAYING ATTENTION TO THE PAPERS AND LAW SET BEFORE THE DECISION MAKER, AND INSTEAD APPROVED THE VTT WITHOUT ANY JUSTIFICATION OR BASIS WHATSOEVER.

Respectfully submitted,



J. H. McQuiston, P.E.

Appellant