Mindy Nguyen <mindy.nguyen@lacity.org>

The Silverstein Law Firm | California Public Records Act Requests re the Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

Veronica Lebron <Veronica@robertsilversteinlaw.com> Mon, Nov 23, 2020 at 12:53 PM
To: ITA CPRACoordinator <itacpracoordinator@lacity.org>, kuljeet.arora@lacity.org, mindy.nguyen@lacity.org, ted.ross@lacity.org, Vanessa.Regalado@lacity.org, vince.bertoni@lacity.org
Cc: Dan Wright <Dan@robertsilversteinlaw.com>, Esther Kornfeld <Esther@robertsilversteinlaw.com>, Robert Silverstein <Robert@robertsilversteinlaw.com>

(Resending to include Ms. Regalado.)

[Quoted text hidden]

10-20-20 [SCAN] CPRA Request to ITA (Kuljeet).PDF
2119K

THE SILVERSTEIN LAW FIRM
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October 20, 2020

VIA EMAIL ted.ross@lacity.org;
kuljeet.arora@lacity.org
itacpracoordinator@lacity.org

Ted Ross, General Manager
Information Technology Agency
City Hall East
200 North Main Street, Room 1400
Los Angeles, CA 90012

Re: California Public Records Act Requests re the Hollywood Center Project; Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

Dear Mr. Ross:

Please include this letter and your responses in the Hollywood Center running administrative record.

We request that the Hollywood Center Environmental Impact Report ("EIR") process **not** be completed until the City has produced all of the documents requested herein, and we have had reasonable time to review them following complete production.

These requests are made under the California Public Records Act pursuant to Government Code § 6250, et seq. Please provide copies of the following from the City (as "City" is defined below).

For ease of reference in this document, please refer to the following **defined terms**:

The "City" shall refer to the City of Los Angeles, its City Council, the Mayor and all members of the City Council, including Councilman Mitch O'Farrell, his Council District 13 office, staff and employees, all members, officials, employees, consultants and agents of the City commissions, boards, offices, departments,

divisions, the City Attorney's office and any and all in-house and outside counsel for the City.

"Project" shall refer to the "Hollywood Center Project", Environmental Case No. ENV-2018-2116-EIR, State Clearinghouse No. 2018051002, and generally located on, at or near 1720-1770 North Vine Street, 1746-1760 North Ivar Avenue, 1733 and 1741 Argyle Avenue, and 6236, 6270, and 6334 West Yucca Street, Los Angeles, CA 90028.

"CGS" shall refer to the California Geological Survey, all members, officials, employees, consultants, and agents, and any and all in-house and outside counsel retained by CGS.

"DOC" shall refer to the Department of Conservation, all members, officials, employees, consultants, and agents, and any and all in-house and outside counsel retained by DOC.

"NRA" shall refer to the Natural Resources Agency, all members, officials, employees, consultants, and agents, and any and all in-house and outside counsel retained by the NRA.

"Developer" shall refer to any principal, owner, employee, agent, consultant or attorney representing the owners or applicants of the Hollywood Center project site, including but not limited to MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733 North Argyle LLC, and 1720 North Vine LLC, and any of their members, partners, employees, agents, consultants and/or lobbyists, including but not limited to:

(a) Millennium Partners, Millennium Hollywood Partners, Argent Ventures, and all principals, officers, partners, members, employees, attorneys, agents and/or consultants of such firms, including but not limited to Christopher Jeffries, Philip Aarons, Mario Palumbo, Phillip Lovett, Michael Gargano.

(b) Platinum Advisors, LLC, and their officers, partners, members, employees, attorneys, agents and/or consultants, including but not limited to Darius Anderson, Tim Lynch, Martha Miller, Beau C. Biller, Marisol Lopez, Joseph Devine, Charles Fina, Nick Garcia, Brian Lungren, Danny Offer, Steven Wallauch, and Kelly Hitt.

(c) Marathon Communications, and their officers, partners, members, employees, attorneys, agents and/or consultants.

(d) Attorneys for MCAF Vine LLC and/or related entities noted above, including Millennium Partners, and including the law firm of Sheppard, Mullin, including but not limited to Jerold/Jerry Neuman, Alfred Fraijo and Jeremy Chan, the law firm of Cox, Castle & Nicholson, including but not limited to David Waite, Michael Zischke, and Alexander DeGood, the Liner Law Firm, the law firm of Mayer Brown, including but not limited to Edgar Khalatian and Jeremy Chan.

(e) All consultants for MCAF Vine LLC and/or related entities noted above, including Millennium Partners, and including but not limited to Group Delta and Michael Reader.

"Email" includes, but is not limited to, correspondence to or from any email account through which any City business is being conducted, including but not limited to email accounts assigned by the City's Information Technology Agency to City officials, employees or consultants, and consistent with City of San Jose v. Superior Court of Santa Clara County, each and every personal email account outside the City's email system upon which any City business has been conducted.

"Text messages" includes, but is not limited to, correspondence to or from any communications device of the City or a City official, employee or consultant's personal communications device over which text messages may have been sent or received and stored which are City business.

"Meeting Notes" includes, but is not limited to any personal handwritten or electronic notes maintained by any City employee, contractor, or agent, regardless of the ownership of the media.

"Exchanged between" shall mean the passing of a document from one person to another by any means of transmission or delivery.

"Document," as defined in Govt. Code § 6252(g), shall mean any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail, message texting or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including

letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

"Working files" includes, but is not limited to, any paper or electronic file maintained by any official or employee of your office related to the Project such as a desk reference folder containing documents related to the Project, or an electronic file stored on a personal computer, laptop, internet cloud account, or City shared server location holding any documents related to the Project at the time of this request. Under no circumstances may the City delete, destroy or spoliate any working file which is the subject of this request, and anticipated to contain records relevant to any future litigation filed over the Project.

Please note that Documents and Emails includes, but is not limited to, correspondence to or from any email account through which any public business is conducted, including but not limited to **personal or otherwise private email accounts belonging to government officials, employees or consultants**, pursuant to the California Supreme Court's decision in City of San Jose v. Superior Court (2017) 2 Cal.5th 608. This also includes text messages on any public or private device on which discussions about the Project and other public matters was discussed. **Please ensure that you have secured and produced all such personal or otherwise private emails and texts.** Therefore, we are also requesting that all relevant officials, employees and agents **preserve intact under a litigation hold** all such "personal" and official emails and text messages, and not to destroy, delete, allow to be automatically purged, or otherwise to engage in or permit spoliation of such evidence. To the extent that such emails or texts have been deleted, purged or otherwise spoliated, we demand that the holders of these devices immediately be informed that they must take all efforts to retrieve any deleted or otherwise purged emails and texts, and make all efforts to retrieve and preserve them. **Please confirm that you will do so.**

The public records requests include:

(1) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2017 through the date of your compliance with this request, which refer, relate to, or are any communications exchanged on the one hand between, among, including or with any member of the City and/or LADBS, including but not limited to City and/or LADBS staff assigned to this Project, and on the other hand, the Developer (as defined above), related to the Project and/or its Draft EIR

and/or its proposed or actual Final EIR, including but not limited to any and all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(2) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2017 through the date of your compliance with this request, which refer or relate to the Developer (as defined above, but excluding only for this request subdivision (d) of the definition of Developer, unless such documents involving those attorneys or law firms also relate to the Project) in connection with the Project, including but not limited to any and all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(3) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2017 through the date of your compliance with this request, which refer or relate to the Project, including but not limited to any and all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(4) All documents from January 1, 2019 through the date of your compliance with this request which refer or relate to the timing, and decisions about the timing, of the release of the Project Draft Environmental Impact Report ("DEIR") and/or its release during the Coronavirus Disease 19 ("COVID-19") pandemic, and further including the City's refusal to extend the close of the public comment period past June 1, 2020, including but not limited to any and all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(5) All documents that refer or relate to all deadlines, schedules or critical path time lines, including but not limited to internal City deadlines, concerning completion of the Project or its Draft EIR and/and Final EIR and/or entitlements.

(6) All documents from January 1, 2018 through the date of your compliance with this request which refer or relate to the FBI's investigation of Raymond Chan, or of "Individual 1" referred to in the FBI's criminal indictment or other documents related to the pay-to-play investigation of LA City Hall, and further including but not limited to emails, attachments to emails, texts, notes, photos, and audio and/or video recordings, and including but not limited to in connection with any and all filings and applications for the Project of the original version of the Project, as approved by the LA City Council in July 2013.

(7) All documents from January 1, 2018 through the date of your compliance with this request which refer or relate to Raymond Chan's son, Jeremy Chan, in any manner, including but not limited to emails, attachments to emails, texts, notes, photos, and audio and/or video recordings, and including but not limited to in connection with any and all filings and applications for the Project and/or the Developer.

(8) All documents from January 1, 2018 through the date of your compliance with this request which refer or relate to Millennium Partners' San Francisco residential tower, sometimes also known as the "Leaning Tower of San Francisco", including but not limited to emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(9) All documents from January 1, 2018 through the date of your compliance with this request which refer or relate to any suspected or actual FBI investigations, or any other governmental investigations, of Mayor Eric Garcetti, Councilman Mitch O'Farrell, any other LA City Councilmembers past or present, Raymond Chan, Mitch Englander, and/or Jose Huizar.

(10) From January 1, 2018 through the date of your compliance with this request, all Public Records Act requests by any and all other persons and entities about the Project, and the City's written determinations and responses thereto.

(11) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2017 through the date of your compliance with this request, which refer, relate to, or are communications between, among, including or with other governmental agencies (federal, state and local), including but not limited to the Governor or his office, CGS, DOC, NRA, CRA/LA, Caltrans, SCAQMD, and CARB, including regarding any meetings or briefings (particularly but not exclusively with CGS or Caltrans), that relate to the Project and/or Developer, and further including but not limited to any and all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(12) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2017 through the date of your compliance with this request, which refer or relate to Group Delta and/or Michael Reader, including but not limited to any and all criticisms of their work, staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(13) All documents from July 1, 2020 through the date of your compliance with this request that refer or relate to the August 7, 2020 and/or September 9, 2020 City of Los Angeles Interdepartmental Memos attached hereto at **Exhibit 1**, including but not limited to all documents that refer or relate to all discussions and considerations that led up to issuance of said Memo, all documents that refer or relate to any "scope of work for a trench," all documents that refer or relate to how LADBS or City Planning "will ensure there will be transparency with the CGS," and further including but not limited to all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(14) All documents that refer or relate to the July 22 or 23, 2020 LA Times article, variously bearing the titles:

(a) Evidence mounts earthquake fault underlies giant Hollywood proposed development;

(b) Strong evidence quake fault runs along site of Hollywood skyscrapers, state says;

(c) Strong evidence quake fault runs through site of Hollywood skyscrapers, state says; or

(d) High-rise site in quake peril, state warns.

(15) All documents from January 1, 2020 through the date of your compliance with this request between the LADBS on the one hand, and any or all of the following on the other hand: CGS, DOC, NRA, City and/or LADBS's Daniel Schneidereit, that refer or relate to the Project and/or Developer, including all seismic and soils and geology studies, reports, letters, memoranda (internal or external) and all other communications.

(16) All documents from January 1, 2020 through the date of your compliance with this request that refer, relate to, or are communications between the CGS's Steve Bohlen on the one hand and any member of the City on the other hand, including but not limited to Planning Director Vince Bertoni and/or LADBS officials, and further including in relation to these communications all notes of calls and meetings, emails, attachments to emails, texts, memoranda, photos, and audio and/or video recordings.

(17) The review of the geologic studies conducted for the Hollywood Center Project by Earth Consultants International, Project No. 3425, June 3, 2015, and all documents that refer or relate thereto, including but not limited to all staff reports, including drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(18) All documents from January 1, 2017 through the date of your compliance with this request that refer, relate to, or are contracts or other agreements for the Developer to pay or reimburse any fees or costs related to the Project, including for outside CEQA counsel or other counsel to the City, and as to such agreements further including but not limited to all invoices,

billing sheets, audits, budgets, accountings, and payments, and further including but not limited to memoranda and internal memoranda, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(19) All documents that refer or relate to the July 16, 2020 delinquency notice attached hereto at **Exhibit 2**, and any other delinquency or other notices sent by the City to the Developer, including but not limited to memoranda and internal memoranda, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(20) All documents that refer, relate to, or are communications between, among, including or with, on the one hand, the City, including Planning Dept. or LADBS staff and/or the City's attorneys, whether in-house or outside counsel, and on the other hand, the Developer's attorneys, and that refer or relate to the Project or the contents of the administrative record, including but not limited to communications about which documents to include, exclude, remove and/or replace for any reason from the Project's running administrative record, and further including but not limited to drafts and documents in "working files," studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(21) All documents that have at any time been removed, deleted, excluded, rescinded, altered or replaced from or in the Project's running administrative record, whether requested to be removed, deleted, excluded, rescinded, altered or replaced by any governmental agency, private person or other entity, and further including but not limited to all communications that refer or relate thereto, including requests to remove, delete, exclude, rescind, alter or replace, and the City's responses thereto.

(22) All documents from August 1, 2020 through the date of your compliance with this request that refer to and/or discuss in any manner to the August 19, 2020 email regarding the Project from Councilman David Ryu's office, attached hereto at **Exhibit 3**.

(23) All documents from January 1, 2020 through the date of your compliance with this request that refer or relate to any additional or expanded

discussion, details, analysis, technical studies, review and/or consideration of the Project Draft EIR's Alternative 8, including but not limited to all communications to/from/with and/or including Councilman Mitch O'Farrell and/or his staff or office.

(24) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2018 through the date of your compliance with this request, which refer or relate to stopthemillenniumhollywood.com, Robert Silverstein, The Silverstein Law Firm, and/or George Abrahams, related to the Project or Developer, and including but not limited to memoranda and internal memoranda, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

(25) All communications among City staff regarding the August 25, 2020 letter to Steve Bohlen from Mayer Brown, LLP and/or Edgar Khalation, attached hereto at **Exhibit 4,** including but not limited to Steve Bohlen, Tim McCrink, Janis Hernandez, Lisa Halko, Jeff Newton, Clayton Haas, David Shabazian, Wade Crowfoot, Matt Baker, and Christopher Calfee; Governor Newsom's office, including but not limited to Governor Gavin Newsom; office of Department of Consumer Affirs; office of the California State Mining and Geology Board; office of Professional Engineers, Land Surveyors, and Geologists; office of the Attorney General, including but not limited to Attorney General Xavier Becerra; office of 50th Assembly District, including but not limited to Assemblymember Richard Bloom; office of the 26th Senate District, including but not limited to Senator Ben Allen; office of Council District 13, including but not limited to Councilmember Mitch O'Farrell and Planning Director Craig Bullock; Department of City Planning, including but not limited Director Vince Bertoni and City Planners Luciralia Ibarra and Mindy Nguyen; and Los Angeles Department of Building and Safety, including but not limited to General Manager Osama Younan.

(26) All documents as of the date of this letter that are not currently in the Project's running administrative record, from January 1, 2018 through the date of your compliance with this request, which refer or relate to stopthemillenniumhollywood.com, Robert Silverstein, The Silverstein Law Firm, and/or George Abrahams, related to the Project, and including but not

limited to memoranda and internal memoranda, emails, attachments to emails, texts, notes, photos, and audio and/or video recordings.

Please note that communications between the City and the Developer, and/or their respective counsel, are not privileged and must be produced. Citizens for Ceres v. Superior Court (2013) 217 Cal.App.4th 889, 922. Accordingly, you may not withhold from the Project's administrative record, delete or otherwise destroy or spoliate any documents exchanged between, among, to/from or including the City and the Developer or their respective counsel.[1] **If you disagree with this proposition, please promptly provide any legal grounds for your position that any documents exchanged between the City and Developer (both as broadly defined above) are or could be privileged and not required to be included in the administrative record. Please also describe with specificity the categories of such documents you claim would be subject to any privilege or exemption to production.**

I draw your attention to Government Code § 6253.1, which requires a public agency to assist the public in making a focused and effective request by: (1) identifying records and information responsive to the request; (2) describing the information technology and physical location of the records; and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If you determine that any information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59 which amended the State Constitution to require that all exemptions be "narrowly construed." Proposition 59 may modify or overturn authorities on which the City has relied in the past.

If you determine that any requested records are subject to a still-valid exemption, I request that you exercise its discretion to disclose some or all of the records notwithstanding the exemption and with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest. Should you deny any part of this request, you are required to provide a written response describing

[1] This principle and admonition applies to ALL documents and communications between the City, as broadly defined above, and the Developer, as broadly defined above. No pre-Project-approval documents to, from, between, among, or including them may be withheld. This applies to all of the requests contained in this letter. Please confirm that you are not withholding or redacting any such documents and/or communications, or parts of such documents and/or communications.

the legal authority on which you rely.

Please be advised that Government Code § 6253(c) states in pertinent part that the agency "shall promptly notify the person making the request of the determination **and the reasons therefore**." (Emphasis added.) Section 6253(d) further states that nothing in this chapter "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The **notification of denial** of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial."

Additionally, Government Code § 6255(a) states that the "agency shall justify withholding any record by demonstrating that the record in question is exempt under expressed provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (Emphasis added.) This provision makes clear that the agency is required to justify withholding any record **with particularity as to** "**the record in question.**" (Emphasis added.)

Please clearly state in writing pursuant to Section 6255(b): (1) if you are withholding any documents; (2) if you are redacting any documents; (3) what documents you are so withholding and/or redacting; and (4) the alleged legal bases for withholding and/or redacting as to the particular documents. It should also be noted that to the extent documents are being withheld, should those documents also contain material that is not subject to any applicable exemption to disclosure, then the disclosable portions of the documents must be segregated and produced.

Govt. Code § 6253.9(a) requires that the agency provide documents in their native format, when requested. Pursuant to that code section, please also provide the requested documents, including all applications, in their native and electronic format.

We request that you preserve intact all documents and computer communications and attachments thereto, including but not limited to all emails and computer files, wherever originated, received or copied, regarding the subject matter of the above-referenced cases, including archives thereof preserved on tape, hard drive, disc, or any other archival medium, and including also any printouts, blowbacks, or other reproduction of any such computer communications. Pursuant to, *inter alia*, Pub. Res. Code Section 21167.6(e), the documents requested herein must be retained – notwithstanding any contrary City document or email retention policies.

If the documents exist in electronic form, we ask that you provide copies on a disk or flashdrive at cost. For any non-electronic documents, if the copy costs for those documents do not exceed $500, please make the copies and bill this office. If the copy costs exceed $500, please contact me in advance to arrange a time and place where we can inspect the records. However, in light of COVID, and consistent with the remote/ electronic/telephonic protocols that have been imposed on the public by the City, we ask that as to any documents (should there be any) that are only in paper form, that all such documents also be made available electronically.

As required by Government Code § 6253, please respond to this request within ten days. Because I am emailing this request on October 20, 2020, please ensure that your response is provided to me by no later than **October 30, 2020**. Thank you.

Very truly yours,

/s/ Robert Silverstein

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM, APC

RPS:vl
Encls.

Cc: Vince Bertoni, Planning Director (via email vince.bertoni@lacity.org)
Mindy Nguyen, City Planner (via email mindy.nguyen@lacity.org)

The Silverstein Law Firm
October 20, 2020
California Public Records Act Requests
re the Hollywood Center Project;
Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

EXHIBIT 1

CITY OF LOS ANGELES
CALIFORNIA

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

August 7, 2020

To: Luciralia Ibarra, Principle City Planner
Department of City Planning

From: Daniel Schneidereit, Engineering Geologist II
Department of Building and Safety

Subject: The California Geological Survey's Comments Regarding the Hollywood Center Fault Investigation

At the request of the Department of City Planning the Department of Building and Safety has reviewed a July 16, 2020 letter by the California Geological Survey (CGS) that concerns the proposed Hollywood Center development (Vesting Tentative Tract 82152). The CGS states they have new data they believe indicate there may be an active fault traversing the southerly portion of the site.

We acknowledge the CGS's concern and believe the best way to resolve this issue is for the developer to excavate another exploratory trench to demonstrate, or rule out, the presence of an active fault in the southerly part of the site. The trench needs to be approximately 30 feet deep or more to expose the necessary strata, and may require the use of shoring.

It is our understanding that the geologic consultants for the project are currently working on a scope of work for a trench. As part of the review, the Department of Building and Safety will ensure there will be transparency with the CGS, by requesting the CGS geologists to observe the trench and verify the exploration results.

Please contact me if you have further questions.
Thank you.

DCS

CITY OF LOS ANGELES
CALIFORNIA

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

GEOLOGY REPORT REVIEW LETTER

September 9, 2020

LOG # 114063 & 114169
SOILS/GEOLOGY FILE - 2
AP

MACF Vine LLC; 1740 N. Vine St. LLC; 1749 N. Vine St. LLC; 1770 Ivar LLC; 1733 N. Argyle LLC
c/o Mayor Brown
350 S. Grand Ave., 25th Fl.
Los Angeles, CA 90071-1503

TRACT:	Hollywood (MR 28-59/60) / Central Hollywood Tract No. 2 (MP 6-144) / 18237
BLOCK:	21 / --- / ---
LOT(S):	19 (Arb 1), 20 (Arbs 1 & 2), 21 (Arbs 1 & 2), 2 (Arb 1), 5 (Arb1), 4 (Arbs 1 & 2), 3, FR 2 (Arb 1) / FR 6, LT 1 (Arb 4), 12 (Arb 1), FR 13 (Arbs 2 & 3) / LT 1 (Arb 2), LT 1, Arb 3
LOCATION:	1745-1749, 1751, 1753, 1770 N. Vine St., 1746-1748, 1754, 1760-1764 Ivar Ave., (1770 N. Ivar Ave. - 6334 Yucca Ave. / 1720-1724, 1730, 1760-1768 Vine St., (1770 N. Vine St. -6270 Yucca Ave.) / (1740-1750 N. Vine St. - 6236 W. Yucca Ave.), 1733-1741 N. Argyle Ave.

CURRENT REFERENCE REPORT/LETTER(S)	REPORT No.	DATE OF DOCUMENT	PREPARED BY
Addendum Report	LA1301D	07/28/2020	Group Delta
Addendum Report	2077-77	07/06/2020	Feffer Geological Consulting

PREVIOUS REFERENCE REPORT/LETTER(S)	REPORT No.	DATE OF DOCUMENT	PREPARED BY
Dept. Approval Letter	109547	10/15/2019	LADBS
Geology/Soils Report	2077-77	09/23/2019	Feffer Geological Consulting
Dept. Approval Letter	109310	08/09/2019	LADBS
Geology Report	LA1301A	07/19/2019	Group Delta
Dept. Approval Letter	87496	07/07/2015	LADBS
Geologic Response Report	3425	06/03/2015	Earth Consultants International
Geologic Response Letter	LA-1191 A	05/17/2015	Group Delta
Third Party Review	3425	03/09/2015	Earth Consultants International
Geology Report	LA-1191 A	03/06/2015	Group Delta

The Grading Division of the Department of Building and Safety has reviewed the referenced addendum reports that concerns a proposed project of mixed-use buildings with subterranean parking levels. The Department previously conditionally approved the above previous referenced reports for the proposed project in the approval letters referenced above. The addendum reports address an alternative (Alternative 8) for the project, which is similar to that discussed in the 09/23/2019 report by Feffer Geological Consulting (Feffer). According to the 07/06/2020 Feffer report, Alternative 8 consists of a 17-story

development with seven subterranean levels on the East Site, and a 48-story and a 13-story development with five subterranean levels on the West Site. Maximum anticipated depths of excavations are 64 feet on the East Site and 60 feet on the West Site. This alternative does not alter the geologic and geotechnical issues addressed in the previous reports. A design level geotechnical report will be required prior to issuing building permits.

As discussed in an Inter-Departmental Correspondence by the Department of Building and Safety (DBS) to the Department of City Planning (DCP), dated 08/07/2020, the California Geological Survey (CGS) has issued a letter dated 07/16/2020 that concerns the possibility of an active fault traversing the southerly portion of the site. As such, a geologic fault exploration trench shall be excavated in the suspected area to demonstrate, or rule out, the presence of an active fault prior to the DBS' approval of this project.

Daniel C Schneidereit

DANIEL C. SCHNEIDEREIT
Engineering Geologist II

DCS/dcs
Log No. 114063 & 114169
213-482-0480

cc: Group Delta, Project Consultant
Feffer Geological Consulting, Project Consultant
LA District Office

The Silverstein Law Firm
October 20, 2020
California Public Records Act Requests
re the Hollywood Center Project;
Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

EXHIBIT 2

From: Rose Duroy <rose.duroy@lacity.org>
Sent time: 07/17/2020 10:52:28 AM
To: Khalatian, Edgar <EKhalatian@mayerbrown.com>
Cc: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Subject: Re: Fund Status Alert for Case Number ENV-2018-2116-EIR [MB-AME.FID1683707]
Attachments: Inv FCR20000385_Case # ENV-2018-2116-EIR.pdf

Here you go.

LOS ANGELES CITY PLANNING

Rose Duroy
Accountant
Los Angeles City Planning
200 N. Spring Street, Room 570
Los Angeles, CA 90012
Planning4LA.org
T: (213) 978-1284 | F: (213) 978-2232

E-NEWS

"Great is thy Faithfulness"

==========

On Fri, Jul 17, 2020 at 10:28 AM Khalatian, Edgar <EKhalatian@mayerbrown.com> wrote:

> Thanks, and Rose, please PDF me the invoice. Thanks.
>
>
> **Edgar Khalatian**
> **Partner**
> Mayer Brown LLP
> 350 South Grand Avenue, 25th Floor
> Los Angeles, CA 90071-1503 United States of America
> 213-229-9548
> ekhalatian@mayerbrown.com
>
>
>
>
> ---
>
> **From:** Mindy Nguyen <Mindy.Nguyen@lacity.org>
> **Sent:** Friday, July 17, 2020 9:09 AM
> **To:** Khalatian, Edgar <EKhalatian@mayerbrown.com>
> **Cc:** Rose Duroy <rose.duroy@lacity.org>
> **Subject:** Fwd: Fund Status Alert for Case Number ENV-2018-2116-EIR
>
> ****EXTERNAL SENDER****
>
> Hi Edgar,
>
> Please be advised of the Past Due FCR for this Project. You may contact Rose Duroy (cc'ed) directly with any questions.

Thank you!

---------- Forwarded message ---------
From: <Planning.ctsIntranet@lacity.org>
Date: Thu, Jul 16, 2020 at 8:04 AM
Subject: Fund Status Alert for Case Number ENV-2018-2116-EIR
To: <mindy.nguyen@lacity.org>

THIS IS AN AUTO-ALERT NOTIFICATION TO INFORM YOU THAT THE FUND STATUS FOR THE ABOVE CASE NUMBER HAS BEEN CHANGED. PLEASE DO NOT REPLY TO THIS SYSTEM GENERATED MESSAGE. CONTACT PLANNING ACCOUNTING STAFF TO OBTAIN MORE DETAILS.

Delinquent Invoice: Over $143,200 Past Due FCR Invoice (1). Pls. call Applicant.

Date Sent: 07/16/20 at 08:04 AM * Please note: Do not reply to this email. This email was sent from the web via the Coldfusion Application Server, not an actual email client.

--

LOS ANGELES CITY PLANNING

Mindy Nguyen

City Planner
Los Angeles City Planning
221 N. Figueroa St., Suite 1350

Los Angeles, CA 90012

Planning4LA.org

T: (213) 847-3674

E-NEWS

CITY OF LOS ANGELES

NOTICE OF DELINQUENCY

Customer Number	Invoice Number	Date Printed	Due Date
VC0000032254	68 FCR20000385	07-13-20	07-11-20
Case Number	**Customer Name**		**Amount Due**
ENV-2018-2116-EIR	MCA VINE LLC		$143,231.04

For any questions about this invoice, please contact: milena.zasadzien@lacity.org, 213-847-3636

Invoice Charges

Line No.	Description	Service Date From	Service Date To	Charges/Credits
1	Plan and Land Use Fees	01-01-20	03-31-20	$116,448.00
2	General Plan Maintenance Surcharge	01-01-20	03-31-20	$8,151.36
3	CP Systems Development Surcharge	01-01-20	03-31-20	$6,986.88
4	Operating Surcharge	01-01-20	03-31-20	$8,151.36
5	Development Services Center Surcharge	01-01-20	03-31-20	$3,493.44

Total Invoice Charges $143,231.04

Credit Payments Applied	-	$0.00
Total Amount Due		**$143,231.04**

If payment has already been made, please disregard this notice.

Billing for Full Cost Recovery Case from 01/01/2020 - 03/31/2020 Work Order# E182116C

THIS INVOICE IS NOW PAST DUE. IF PAYMENT HAS ALREADY BEEN MADE, PLEASE DISREGARD THIS NOTICE. OTHERWISE, PLEASE REMIT THE FULL PAYMENT IMMEDIATELY IN ORDER TO BRING YOUR ACCOUNT CURRENT AND PRESERVE YOUR CREDIT PRIVILEGES.

IF FULL PAYMENT IS NOT RECEIVED WITHIN TEN (10) DAYS, THE CASE MAY BE PLACED ON HOLD FROM FURTHER PROCESSING. ADDITIONALLY, WE WILL PURSUE ALL AVAILABLE LEGAL REMEDIES AND REFER YOUR ACCOUNT TO THE CITY ATTORNEY FOR PROPER ACTIONS.

Return this portion with your payment.

NOTICE OF DELINQUENCY

Customer Number	Invoice Number	Date Printed
VC0000032254	68 FCR20000385	07-13-20
Customer Name		**Date Due**
MCA VINE LLC		07-11-20

Amount Due	Amount Enclosed
$143,231.04	$

CITY OF LOS ANGELES

Please write Invoice Number on check or money order.
DO NOT MAIL CASH

Please make checks payable to: CITY OF LOS ANGELES, PLANNING DEPT

Bill To:

MCA VINE LLC
1995 Broadway, 3rd Floor
New York NY 10023-5882

Remit To:

CITY OF LOS ANGELES TREASURER
PO BOX 845252
LOS ANGELES CA 90084-5252

68 FCR20000385 00000000143231O4 8

The Silverstein Law Firm
October 20, 2020
California Public Records Act Requests
re the Hollywood Center Project;
Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

EXHIBIT 3

From: Emma Howard <emma.howard@lacity.org>
To:
Date: 8/19/2020 4:55 PM
Subject: Councilmember Ryu's Position on the Hollywood Center Project

Dear All, I'm emailing to share the Councilmember's position on the Hollywood Center Project with those of you who have written in to ask us about the status of the EIR and shared your additional concerns.

///
When I consider development projects, such as the Hollywood Center Project, I closely consider the reports prepared by experts in the relevant fields and verified as true by City Departments with review authority. I am not an expert in seismic engineering, and must rely on the conclusions of experts to help me determine if a development project can be constructed safely.

Which is why I am so deeply concerned by the results of the recent California Geological Survey report indicating the possible presence of an active fault strand at the project site. Given that previous studies and this new study differ so widely, I don't believe there can be confidence in the project's safety until there is clarity on the conflicting reports and data. Until such time as there is clarity, I stand in opposition to the Hollywood Center Project. Safety must be the first priority at the site.

I and my constituents are left with uncertainty, not only about the safety of the proposed future project, but also the current safety of existing buildings in the area. As I understand it, if the site has an active fault strand on it, it may not be possible for any future building at the site to ever be safe to build, no matter how sophisticated the engineering.

Furthermore, I believe that the Departments of Building and Safety and City Planning need to fully explain the review process used to verify seismic studies, namely, what the City does to independently confirm the information provided by the project applicants and address conflicting reports. - Councilmember David E. Ryu
/// I have also attached interdepartmental correspondence sent from a Geologist at the Department of Building and Safety containing recommendations for further study and verifications. Please feel free to contact our office if you have further questions. To submit a public comment to the project record also email Mindy Nguyen (Mindy.Nguyen@lacity.org), who is the lead planner at the Department of City Planning. And if you want to email Councilmember O'Farrell's office, my

counterpart there is Craig Bullock (craig.bullock@lacity.org). This project is located in Councilmember O'Farrell's district, Council District 13.

Regards,
Emma

DAVID RYU
L.A. CITY COUNCILMEMBER

Emma G. Howard
Director of Planning
Office: (213) 473-7004
http://davidryu.lacity.org

The Silverstein Law Firm
October 20, 2020
California Public Records Act Requests
re the Hollywood Center Project;
Case Nos. ENV-2018-2116-EIR, CPC-2018-2114-DB-MCUP-SPR, CPC-2018-2115-DA, and VTT-82152 ; SCH 2018051002

EXHIBIT 4

Mayer Brown LLP
350 South Grand Avenue
25th Floor
Los Angeles, CA 90071-1503
United States of America

T: +1 213 229 9500
F: +1 213 625 0248

mayerbrown.com

Edgar Khalatian
Partner
228053
T: 213.229.9548
ekhalatian@mayerbrown.com

August 25, 2020

BY EMAIL

Mr. Steve Bohlen
State of California Natural Resources Agency
Department of Conservation
Office of the State Geologist
801 K Street, MS 12-30
Sacramento, CA 95814

Re: CGS Comment Letter dated July 16, 2020
regarding the Hollywood Center Project

Dear Mr. Bohlen:

This firm represents the owners of the property located at 1720 North Vine Street[1] (the "Property") in the City of Los Angeles (the "City"). We write today to address the false and misleading statements made by the California Geological Survey ("CGS") regarding the planned mixed-use project at the Property (the "Hollywood Center Project" or the "Project").

Specifically, in a letter to the City dated July 16, 2020 ("the CGS Letter"), CGS claims that a recent USGS Study[2] presents "new" evidence that demonstrates the presence of an active fault strand on the Property. This highly inflammatory claim misconstrues the USGS Study, ignores basic scientific standards, and sadly represents yet another example of a concerted, years-long effort from somewhere within CGS to push a preordained conclusion at the risk of the agency's reputation and basic scientific principles.

This letter evidences how the CGS Letter intentionally omitted critical data to influence unfounded conclusions of fault activity and propagated biased interpretations based on impaired and selective interpretations out of context without regard for facts.

The underlying bias is clear from the letter's unwarranted dismissal of exhaustive subsurface studies that consistently found evidence precluding the possibility of an active fault on the Property.[3] These studies – conducted in full compliance with CGS standards by renowned

[1] The Property consists of the following assessor parcel numbers: 5546-004-006, 5546-004-029, 5546-004-020, 5546-004-021, 5546-004-032, 5546-030-028, 5546-030-031, 5546-030-032, 5546-030-033, and 5546-030-034.

[2] The United States Geological Survey ("USGS") issued a report on May 8, 2020 entitled "2018 U.S. Geological Survey – California Geological Survey Fault-Imaging Surveys Across the Hollywood and Santa Monica Faults, Los Angeles County, California" (the "USGS Study").

[3] An active fault is one that has had surface displacement within Holocene time (since the last Ice Age, i.e., within the last 11,700 years).

geologists – utilized the most scientifically-credible methods of fault investigation, including extensive trenching, transect CPTs and core borings. Importantly, all of the studies were also subjected to peer review, including review by paleoseismic experts and the City. Furthermore, at least one of the authors of the CGS Letter was also present during all of the fault trench viewings and participated in review of the transect data, which proves that CGS is fully familiar with the fault studies and yet omitted the relevant scientific data from its letter to the City.

The CGS Letter ignores these findings and seeks to obfuscate the science by claiming a recent USGS Study provides "new" evidence that demonstrates an active fault on the Property. A simple read of the USGS Study shows that is not the case.

The USGS Study does not conflict with the prior findings nor does it provide new data that illustrates fault activity contrary to the approved site-specific fault studies. All of the studies infer fault traces, but only the site-specific trenching and transect studies sought to determine the rupture history, which is determinative on whether the fault is considered active under Alquist-Priolo Zone regulations. The site-specific studies found evidence precluding the possibility of an active fault for at least the last 30,000 years. By contrast, the USGS Study never even sought to date the last rupture. In fact, the first page of the USGS Study makes clear that its seismic data provides "***little or no information*** about the rupture history of the fault traces."

In other words, the USGS Study admits on its face that it contains no scientific evidence by which CGS or any other geologist could ascertain whether the fault is active, undercutting the entire foundation of CGS' argument. The CGS Letter, not surprisingly, fails to point this out. It also fails to point out that USGS urged "***extreme caution***" in evaluating its data because of the noisy conditions caused by high-cultural noise levels on North Argyle Avenue, heavy traffic along the 101 overpass and Hollywood Boulevard, and subway trains.

No doubt recognizing the fallacy of relying on the USGS Study, the CGS Letter also clings to two other investigations cited in that study (Ninyo & Moore, 2015; and Group Delta, 2015). That is again misleading, as one of the investigations was never signed and the other fault was considered indeterminate and needed further investigation. Moreover, both investigations involved sites that are blocks away from the Property and are of little probative value relative to the Property.

CGS' claim that "new" evidence casts doubt on the findings from the 2015 and 2019 Fault Studies is factually inaccurate. The USGS Study identified four potential locations of fault "activity" along North Argyle Avenue. However, the on-site trenching determined that there are no active faults at three of the four locations identified in the CGS Letter. The CGS Letter fails to acknowledge this salient point. Furthermore, CGS, without explanation, intentionally located this supposed fault approximately 30 feet south of where USGS interpreted possible faulting.

Lastly, and equally disturbing, is the CGS Letter's recount of the site-specific fault study peer review (ECI, 2015). Not only does the CGS Letter misquote simple geologic legend definitions provided in the peer review figures, but it misguides readers as to the interpretations presented in

the peer review. If the peer review is read in the context for which it was prepared, as all scientific based documents are, it is obvious that the conclusions of the data evaluation lead the reviewer to support the findings in the site-specific fault studies for the Property that the faulting below the Property has been inactive through at least the Holocene time (i.e., since the Ice Age). In short, like the USGS Study, the two other investigations referenced by CGS provide no credible basis to question the peer-reviewed conclusions reached in the prior site-specific fault studies.

We will not speculate on CGS' motives for submitting such a misleading letter at this late stage, other than to say that over the last several years, it appears that factions at CGS have pursued an arbitrary and capricious campaign to reach a preordained conclusion on this Project, regardless of what the scientific evidence demonstrated. Whether that effort was motivated by hubris or an improper effort to aid Project opponents is not yet clear. What is clear, though, is that CGS' actions on the Hollywood Center Project stand in stark contrast to its silence on the many other entitlement projects pending in the Property's immediate surroundings.

Below are additional details regarding our concerns. We respectfully request that you immediately investigate the facts surrounding the issuance of the CGS Letter and either rescind the letter or provide immediate contextual clarification that the studies presented in the CGS Letter do not provide a scientific basis to infer an active fault on the Property.

I. The 2015 and 2019 Fault Studies Both Found No Active Fault on the Property.

Two geological studies were performed on the Property by Group Delta Consultants, Inc. ("Group Delta"), a leading geotechnical engineering firm that has been practicing with professional geologists on earthquake hazards for more than thirty years; one was dated March 6, 2015 (the "2015 Fault Study") and another was dated July 19, 2019 (the "2019 Fault Study"). Both studies were peer reviewed by another leading geological consulting firm, Earth Consultants International. The studies collectively involved:

- A review of previous site exploration data;
- A review of site vicinity fault investigation data;
- 48 core borings;
- 117 cone penetration tests; and
- Excavation and logging of four trenches, the locations of which were reviewed by CGS and approved by the City, to evaluate the stratigraphic horizons and potential fault traces.

Germane to the issue here, Group Delta geologists, the City geologist, and CGS geologists personally entered the trenches to observe whether there was any Holocene-age fault movement. Following this inspection, all of the geologists unanimously concluded that there was clear evidence precluding the possibility of an active fault.

In addition to the trenching, the following on-site geotechnical investigations were performed:

PRIOR ON-SITE GEOTECHNICAL INVESTIGATIONS PERFORMED

Consultant	Report Date and Type	Fault Related Investigation/Conclusions
Langan Engineering & Enviro. Services	5/10/2012 Geotechnical	• Four geotechnical borings to depths ranging from 61.5 to 101.5 feet • Feasible Project with conditions that could be mitigated
Group Delta Consultants (See Appendix G)	3/6/2015 Fault Activity Investigation	• 35 continuous core borings, 78 Cone Penetrometer Tests (CPTs), maximum explored depth of 60 feet, two fault study trenches on the East Site • No Holocene-active faults – Project approved for redevelopment
Earth Consultants International	3/9/2015 & 6/3/2015 Fault Study Review	• Third-party opinion of 2015 Group Delta investigation • Agreed no Holocene-active faults – Project approved for redevelopment
Rockwell Consulting	12/13/2018 Fault Study Review	• Paleoseismic and soil specialist interpretation of the Holocene seismic history at the Project Site • No Holocene-active faults – Project approved for redevelopment
Earth Consultants International	7/18/2019 Fault Study	• Third-party review of 2019 Group Delta investigation • Agreed no Holocene-active faults – Project approved for redevelopment
Group Delta Consultants (See Appendix G)	7/19/2019 Surface Fault Rupture Hazard Evaluation Report	• 8 continuous core borings to maximum depth of 55 feet, 18 cone penetrometer test borings to maximum depth of 60 feet, three trenches to maximum depth of 15 feet, soil horizon dating, concluded no fault activity within at least the last 120,000 years • No Holocene-active faults • Recommended removal of 50-foot building setback zone for Project Site
Feffer Geological Consulting (See Appendix G)	9/23/2019 Geotechnical Investigation	• Researched previous investigations, 4 soil borings to maximum depth of 135.5 feet, installation of one groundwater monitoring well, geotechnical testing of soil samples, provided preliminary geotechnical recommendations for project design, concluded project feasible with mitigatable conditions

The following local geotechnical investigations were also performed in the Property's vicinity:

LOCAL GEOTECHNICAL INVESTIGATIONS PERFORMED

Consultant	Location	Report Date and Type	Fault Related Investigations/Conclusions
Group Delta Consultants	1800 Argyle Avenue	6/30/2014 Geotechnical	• See 2015 Fault Study • Feasible project with mitigatable conditions
Group Delta Consultants	1756,1760 Argyle Avenue	9/7/2014 Fault Study	• 13 CPTs, 5 continuous core borings, fault trenches, bucket auger borings • No Holocene-active faults – project approved for redevelopment
Group Delta Consultants	6220 West Yucca Street	10/7/2015 Geotechnical	• See 2015 Fault Study • Feasible project with mitigatable conditions
Group Delta Consultants	1800 Argyle Avenue	11/10/2015 Fault Study	• 20 CPTs, 2 Bucket auger borings, 9 Continuous core borings, fault trenches • No Holocene-active faults – project approved for redevelopment
Group Delta Consultants	1718 Vine Street	7/28/2016 Fault Study	• 7 continuous core borings, 14 CPTs, maximum explored depth of 80 feet • No Holocene-active faults; feasible project with mitigatable conditions; project approved for redevelopment
Rockwell Consulting	6305 Yucca Street	7/9/2018 Fault Study	• Paleoseismic and soil specialist interpretation of the Holocene seismic history at the site • No Holocene-active faults – project approved for redevelopment
Group Delta Consultants	6305 Yucca Street	8/30/2018 Fault Study	• Core borings and fault trenches • No Holocene-active faults – project approved for redevelopment

The above charts demonstrate that the Property and the surrounding area have been subjected to extensive subsurface testing and multiple layers of review consistent with best practices and CGS standards. Evaluations were performed and reviewed by renowned geologists, including CGS. And they were approved by the City. They provide the best technical evaluation of the surface fault rupture hazards at the Property and the surrounding area, yet CGS inexplicably dismisses them outright.

II. CGS' Efforts to Discredit the 2015 and 2019 Fault Studies Ring Hollow.

CGS seeks to discredit the 2015 and 2019 Fault Studies by erroneously suggesting they were not sufficient. That is nonsense.

This is not the first time that CGS has attempted to "move the goal posts" on this Project when the scientific data did not support its preordained conclusion. For example, after the 2014 fault trench exposure refuted the presence of Holocene faults that CGS had mapped, CGS simply moved the fault strands north into Yucca Street and south, just outside the southern limits of trenching. Similarly, CGS decided to extend the width of its zone, but again only after trenching was

completed and revealed no active fault. When the science does not support an active fault, that science should be respected, not undermined by repeatedly moving the fault traces to avoid inconvenient data.

As for the CGS call for additional trenching, this ignores the extensive subsurface testing already conducted on the Property. Trenching is not the only way to evaluate fault recency. As outlined in CGS SP 42 and LABC 1803.5.11 Document No. P/BC 2020-129, transects of closely spaced CPTs and core boring investigations are considered a reliable method when interpreted by a trained certified engineering geologist. In fact, they are often the only subsurface investigation method used to evaluate fault recency below an urban site. Here, several transects of closely spaced CPTs and core borings were extended to the southern perimeter of the Property. After evaluating the transects, combined with the stratigraphy evaluated in the extensive trenching, experienced geologists unanimously concluded that there has been no fault activity for at least 30,000 years. And again, these interpretations were already subjected to peer review and approved by the City.

III. CGS Did Not Present "New" Evidence Pointing to an Active Fault on the Property.

CGS' claim that "new" evidence casts doubt on the findings from the 2015 and 2019 Fault Studies is likewise nonsense. The USGS Study identified four potential locations of fault "activity" along North Argyle Avenue. However, the trenching already found evidence to refute active faults at three of the four locations identified in the CGS Letter, which are in fact identified as two fault zones in the USGS report (not four individual fault traces as CGS claimed). The CGS Letter fails to acknowledge this salient point, and instead focuses attention on the one location that was not subject to previous trenching along the southern Property line and disregards continuous core data that shows unfaulted near surface stratigraphy dated to be pre-Holocene deposition (i.e., not an active fault). As further proof that CGS is trying to reach its preordained position on where this fault is located, CGS, without any explanation, intentionally located their supposed fault a full 30 feet south of where USGS pointed to possible fault activity. If CGS were to locate the fault activity where the USGS located it (even though the USGS study was supposedly the basis for the "new information" CGS uncovered), CGS would not be able to claim an active fault as the 2015 Fault Study overlaps with the USGS interpreted possible fault zone showing continuous pre-Holocene deposition. Instead, CGS chose to manipulate the data to reach their desired conclusion.

But even this is misleading. The USGS Study cited by CGS does not dispute the 2015 and 2019 Fault Studies; it is agreeable with them. The faults inferred by the USGS survey can be evaluated for recency with significantly more accurate data generated by the subsurface investigations in 2015 and 2019 Fault Studies. The site-specific fault studies were specifically designed to evaluate the age of the faults (and proved them to be inactive and pre-Holocene), while the USGS methodology was not. In fact, USGS specifically disclaimed any attempt to date the fault, stating that its data provides "***little or no information about the rupture history of the fault traces***." The age of the fault is, of course, determinative on whether the fault is active, so the USGS Study provides no scientific evidence of an active fault. Yet somehow, the CGS Letter misleadingly uses

the study to assert there is an active fault without definition in the context of an Alquist-Priolo Zone study nor the available stratigraphic context in the local area.

The CGS Letter also fails to mention that USGS urged "***extreme caution***" in evaluating its data because of the noisy conditions caused by high-cultural noise levels on North Argyle Avenue, heavy traffic along the 101 overpass and Hollywood Boulevard, and subway trains. Again, though, regardless of the reliability of the USGS data, the USGS Study did not attempt to ascertain the rupture history, which is determinative on whether the fault is active.

Finally, CGS' attempt to bootstrap two other investigations (Ninyo & Moore, 2015; and Group Delta, 2015) cited in the USGS Study is of no moment. For one, USGS should have never calibrated their study with incomplete studies that required more investigation for fault determination when there was more reliable, City approved data available. And both investigations involved sites blocks away from the Property. Like the USGS Study, these investigations provide no scientific basis to question the findings of the site-specific Group Delta studies.

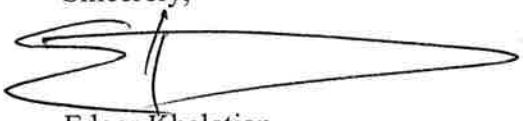
The 2015 Fault Study and the 2019 Fault Study, both conducted within the Property, represented an exhaustive subsurface investigation of the Property. Those studies were conducted by leading geologists, peer-reviewed by internationally-recognized experts, and approved by the City. All agree they clearly preclude the possibility of an active fault. Yet at the eleventh hour, CGS still refuses to accept the science and continues to chase a preordained conclusion that has been repeatedly disproven by the facts. This conduct appears to be part of a concerted, years-long effort to undermine the Hollywood Center Project, potentially in concert with Project opponents. If so, these actions put the reputation of CGS at great risk.

Based on our review of the relevant technical information, all of which is publically available, it is our opinion that the CGS Letter is either (i) extremely poor quality with no basis in science, (ii) intentionally misleading to achieve a preordained conclusion, or (iii) prepared by a government agency working in concert with local project opponents who continue to oppose and litigate the development of much-needed housing in Hollywood (this later point is highlighted by the apparent fact that CGS provided individuals opposing the Project with information related to the CGS Letter prior to the letter being finalized or provided to the public). In any of these instances, the actions of CGS must be investigated by a neutral third-party.

We respectfully urge you to immediately investigate this matter and ask that CGS either rescind its misleading letter or provide the necessary qualifications to make clear that the studies presented in that letter do not provide a scientific basis to infer an active fault on the Property.

We are also simultaneously referring this matter to the Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors, and Geologists to request a complete and transparent investigation into CGS' actions related to this matter.

Sincerely,



Edgar Khalatian
Partner

Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors, and Geologists
California State Mining and Geology Board
California Board for Professional Engineers, Land Surveyors, and Geologists
The Honorable Gavin Newsom, Governor of California
Mr. Xavier Becerra, Attorney General of California
State Senator Ben Allen
Assemblymember Richard Bloom
Mr. Wade Crowfoot, California Secretary for Natural Resources
The Honorable Eric Garcetti, Mayor of Los Angeles
The Honorable Mitch O'Farrell, Councilman for the 13th District
Mr. Vince Bertoni, Department of City Planning, Director
Mr. Osama Younan, Department of Building & Safety, General Manager, Superintendent of Building
Ms. Luci Ibarra, Department of City Planning