

CASE INFORMATION

Environmental Case Number: ENV-2023-209-CE

Related Entitlement Case Number(s): DIR-2023-208-TOC-HCA

Project Address: 10285 MISSOURI AVENUE, LA, CA 90025

Date of Final Entitlement Determination: DECEMBER 7, 2023

The CEQA Clearance being appealed is a(n):

EIR SCEA MND ND CE SE

APPELLANT

Check all that apply.

Representative Property Owner Other Person
 Applicant Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Laura Lake, Ph.D.

Company/Organization: Fix The City

Mailing Address: 10940 Wilshire Blvd. Suite 2000

City: Los Angeles State: CA Zip Code: 90024

Telephone: 310-497-5550 E-mail: Legal@FixTheCity.org

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

Self Other: Fix The City

Is the appeal being filed to support the original applicant's position?

YES NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

December 20, 2023

CEQA Appeal 10285 Missouri, DIR-2023-208-TOC-HCA, ENV-2023-209-CE

This appeal challenges the approval of the proposed project at 1814 S. Fox Hills Drive and 10285 W. Missouri Avenue aka 1816, 1818 & 1820 S. Fox Hills Drive. (“Project”).

Fix The City (“FTC”) challenges the Project based on the approval letter provided by the City which cited a field investigation.

FTC sought to obtain the field investigation/studies which were used by LADBS to make its determination. In a December 12, 2023, email, Daniel Schneiderei (LADBS Geologist) sent the approval letter but stated he could not access the actual studies. He said that he would obtain them and send them to us. *We do not know whether these studies will arrive before the filing deadline for this appeal, and whether we will have time to have them reviewed by an expert. We therefore reserve the right to submit additional testimony after filing this appeal.*

FTC has twice successfully sued the City for failing to follow the Alquist Priolo Act at *1751 Malcolm*, and *10400 Santa Monica Boulevard*. We remain committed to assuring public safety through compliance with the Alquist-Priolo Act and are therefore filing this CEQA Appeal focused on seismic safety, for a project approved over one or more active faults.

Specifically:

Seismic Safety is a CEQA impact listed on the CEQA Checklist, Appendix G, VI. GEOLOGY AND SOILS.

“Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.”

Further, density bonuses shall not be granted if *“The Incentive will have a specific adverse impact upon public health and safety or on any real property.”*

The answer to each question **YES**. FTC challenges the Categorical Exemption issued for this project because there is ample existing substantial evidence from numerous studies as described below showing active faulting under the Project site. *The AP Act requires that no structure for human occupancy can be built over an active fault trace.* documents. Further, FTC asserts that building a multi-family residential dwelling on an active fault will have **“a specific adverse impact upon public health and safety or on**

any real property.” The Project approvals must be withdrawn, and appropriate no-build areas designated.

The Project Site

The Project sits upon an active branch of the Santa Monica Fault according to the 2011 Metro study which found at least one active fault trace running directly through the property. Attached is our December 3, 2018, letter alerting LADBS to a seismic hazard on this site.

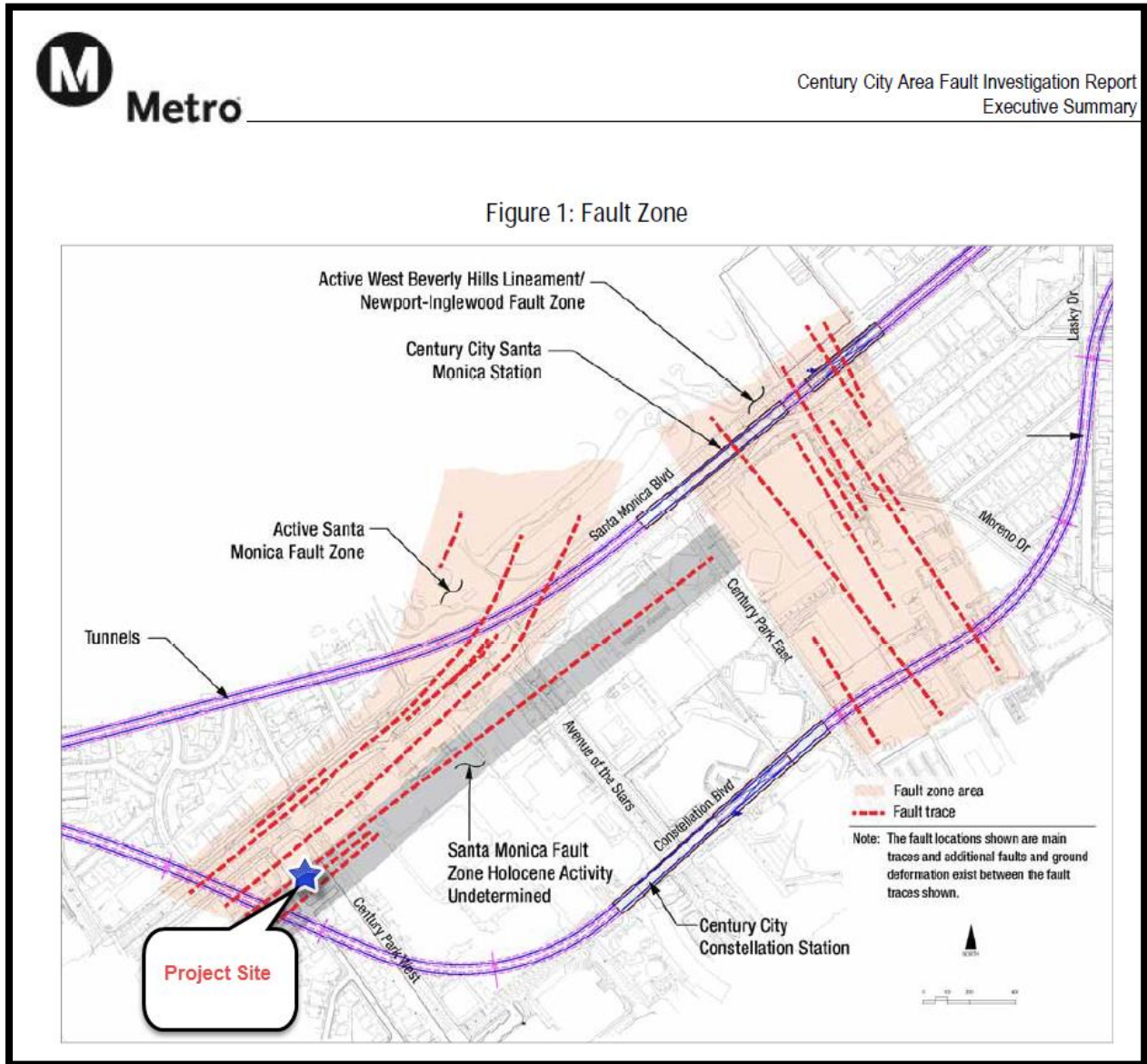


Figure 1 Project Site (blue star) Marked on the Metro Study

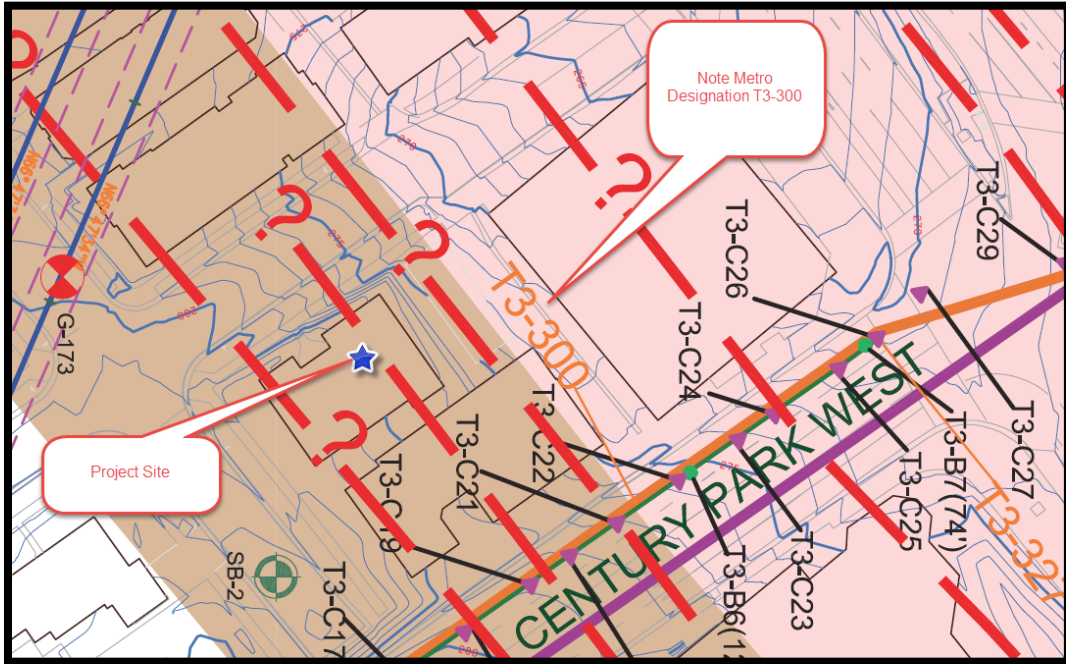


Figure 2 Project site (blue star) shown on the Metro study which depicted faulting under the site.

To further demonstrate the position of the Project relative to the Metro study, we have overlain the project site location on the Metro subsurface transect data. Extensive faulting is clearly shown below the Project site. The Metro transect showing faulting was a mere 100 feet away to the east.

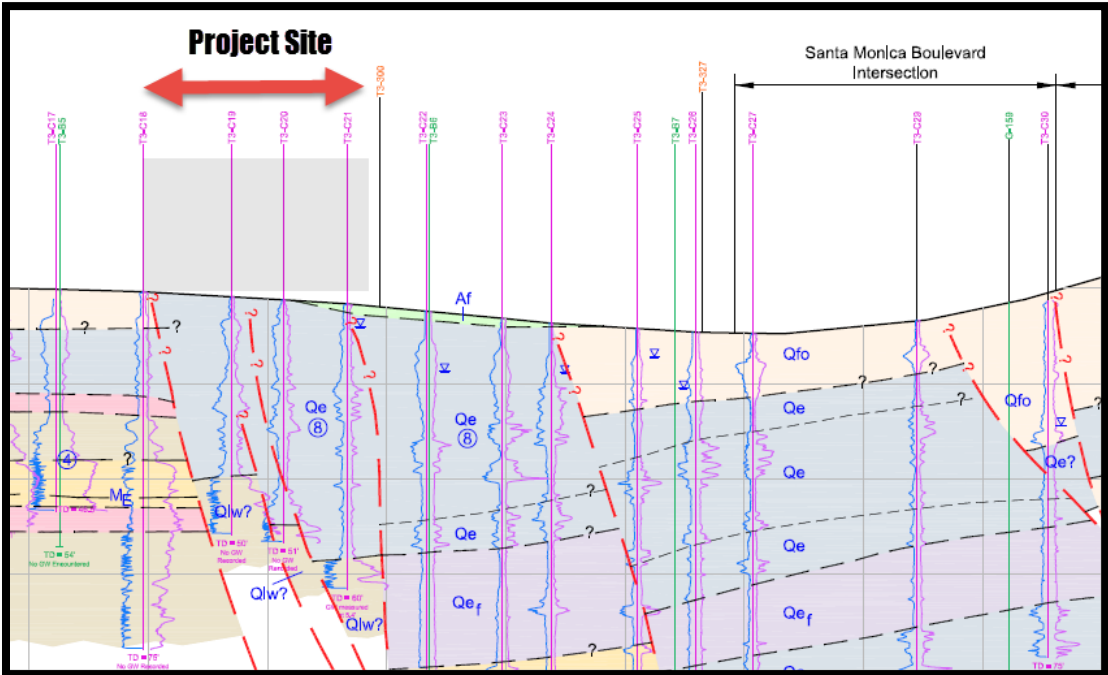


Figure 3 Metro Subsurface diagram at Century Park West - 100 feet from the Project site.

LADBS APPROVAL LETTER

The approval letter for 10285 Missouri Avenue contains several statements that are inconsistent with the Metro study as well as a studies 900 feet away at 10400 Santa Monica and 1500 feet away at 10448 Santa Monica. For example, the approval letter states:

“The earth materials at the subsurface exploration locations consist of up to 9 feet of uncertified fill underlain by older alluvium.”

The approval letter then goes on to state that the trench was 55 feet long by 3 feet wide by 9 feet deep – precisely the depth of the “uncertain fill” cited above.

Note that it is also unclear where exactly the “55’ trench was relative to the Property without the study. Regardless, the Property is 130 feet along its western border. To preclude intrusions into the 50’ setback area, the trench would have needed to be 230’ long, extending 50’ to the north and 50’ to the south. A 55’ trench could not have provided substantial evidence of the absence of faulting as required.

The conclusion of the study as cited by the approval letter was:

“Several faults were identified by the consultants; however, the consultants conclude that all faults encountered are overlain by an unfaulted Pleistocene soil.”

This conclusion and the approval by LADBS are contrary to the conclusions of active faults by Metro and at the other two above-mentioned locations. LADBS is required by CEQA to exercise independent judgment, and not merely rubber-stamp consultants’ recommendations.

The Metro study concluded that:

“In summary, this investigation has shown that **both the Santa Monica fault zone and WBHL are active fault zones**. Each fault zone is capable of generating earthquakes of M7 or greater with average surface displacements of 3 to 6 feet. Moreover, there is no knowledge of where either of these faults resides in their respective seismic cycles.” (Emphasis added.)

As seen below, the Metro map clearly shows an active fault traveling under the Project site.

When taken together, the Metro study, 10400 SMB study and 10448 SMB study show a clear band of *active faulting* under the Project and surrounding properties.

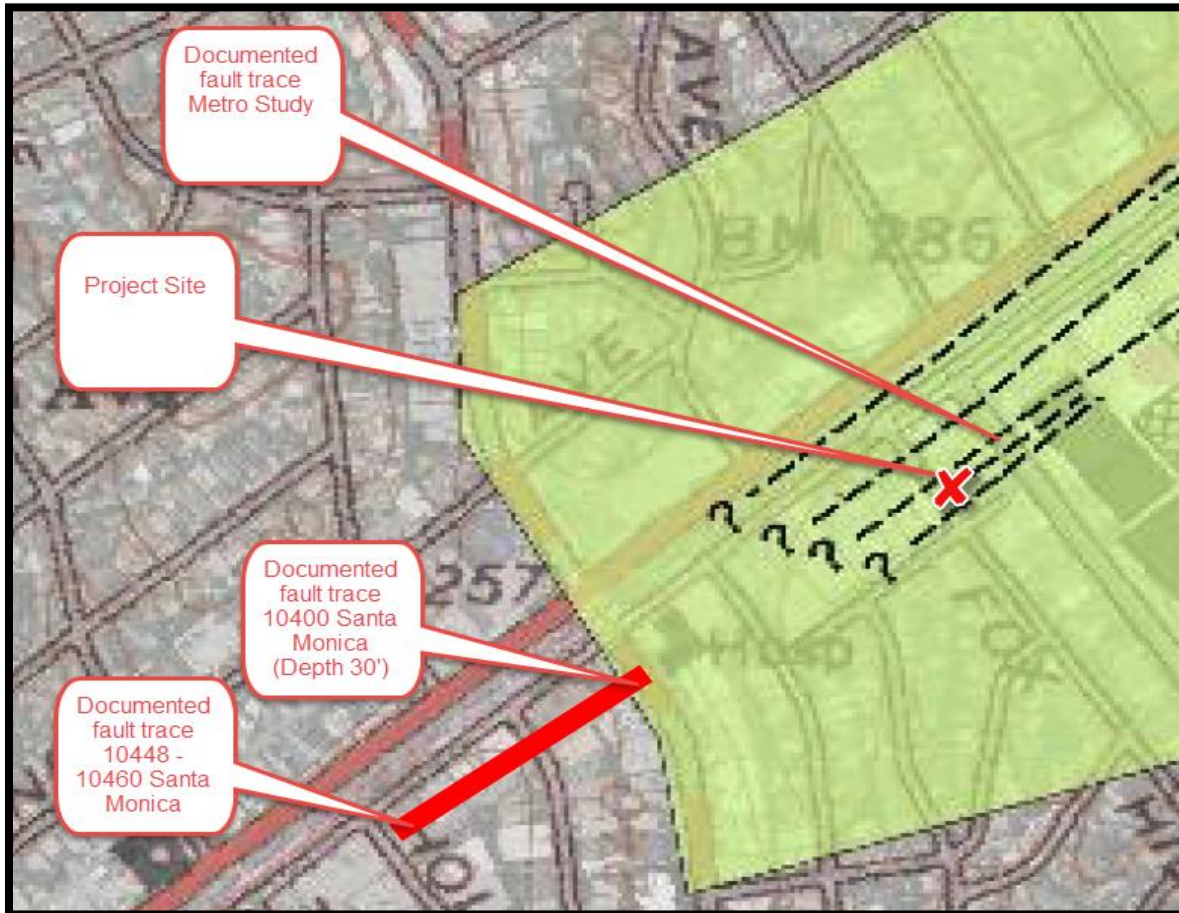


Figure 4 Project site, Metro study, 10400 SMB Study, 10448 SMB Study

For the reasons listed above, FTC asks that its appeal of the soils/geology letter, the categorical exemption and director’s determination for the Project be granted.

The Metro study, 10400 studies, 10448 study, previous letters from FTC regarding the Project and CalCGS FER-259 are incorporated into this appeal by reference.

As stated above, FTC reserves the right to include new data it receives as well of analysis of that data, including but not limited to the studies associated with the Project.

Sincerely,

Fix The City

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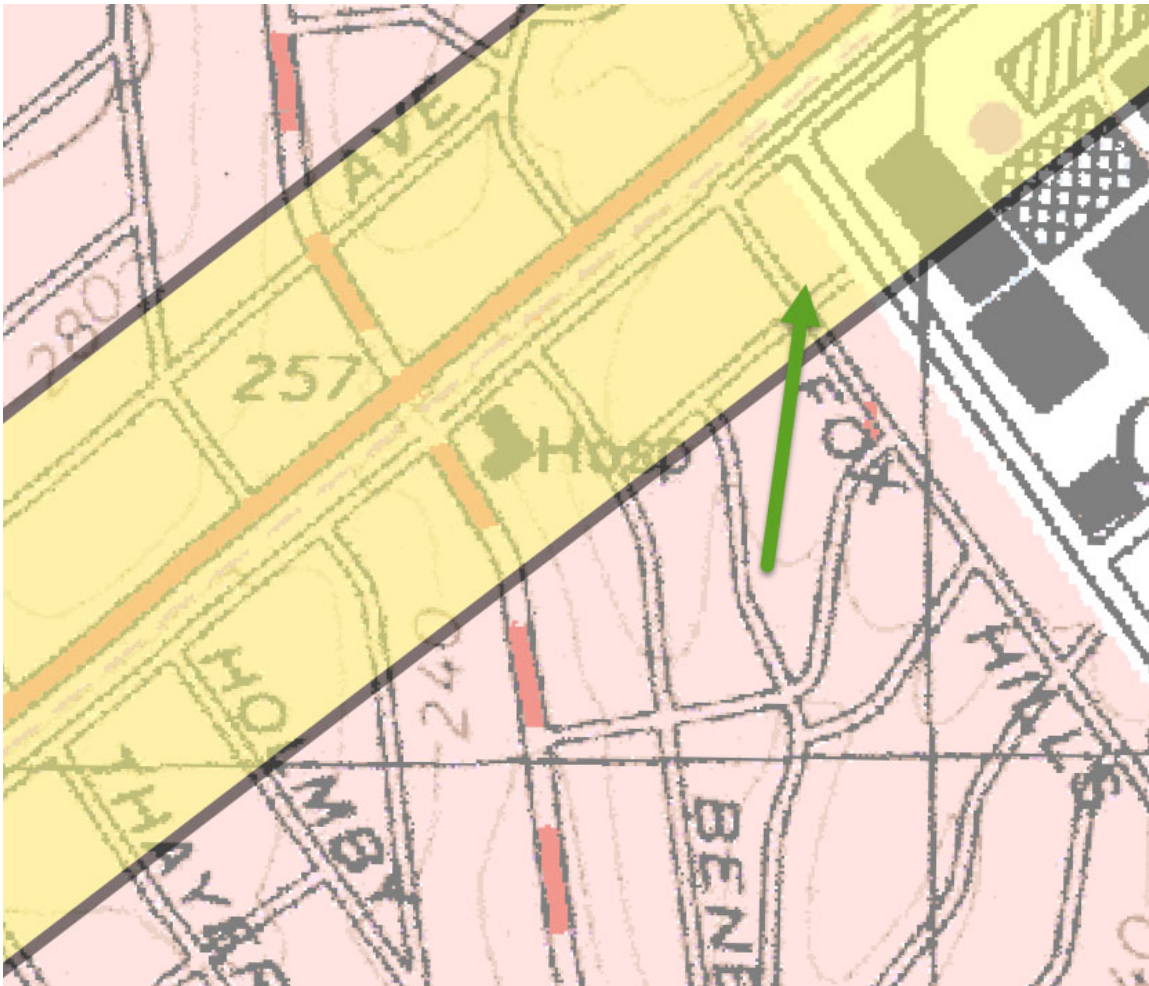
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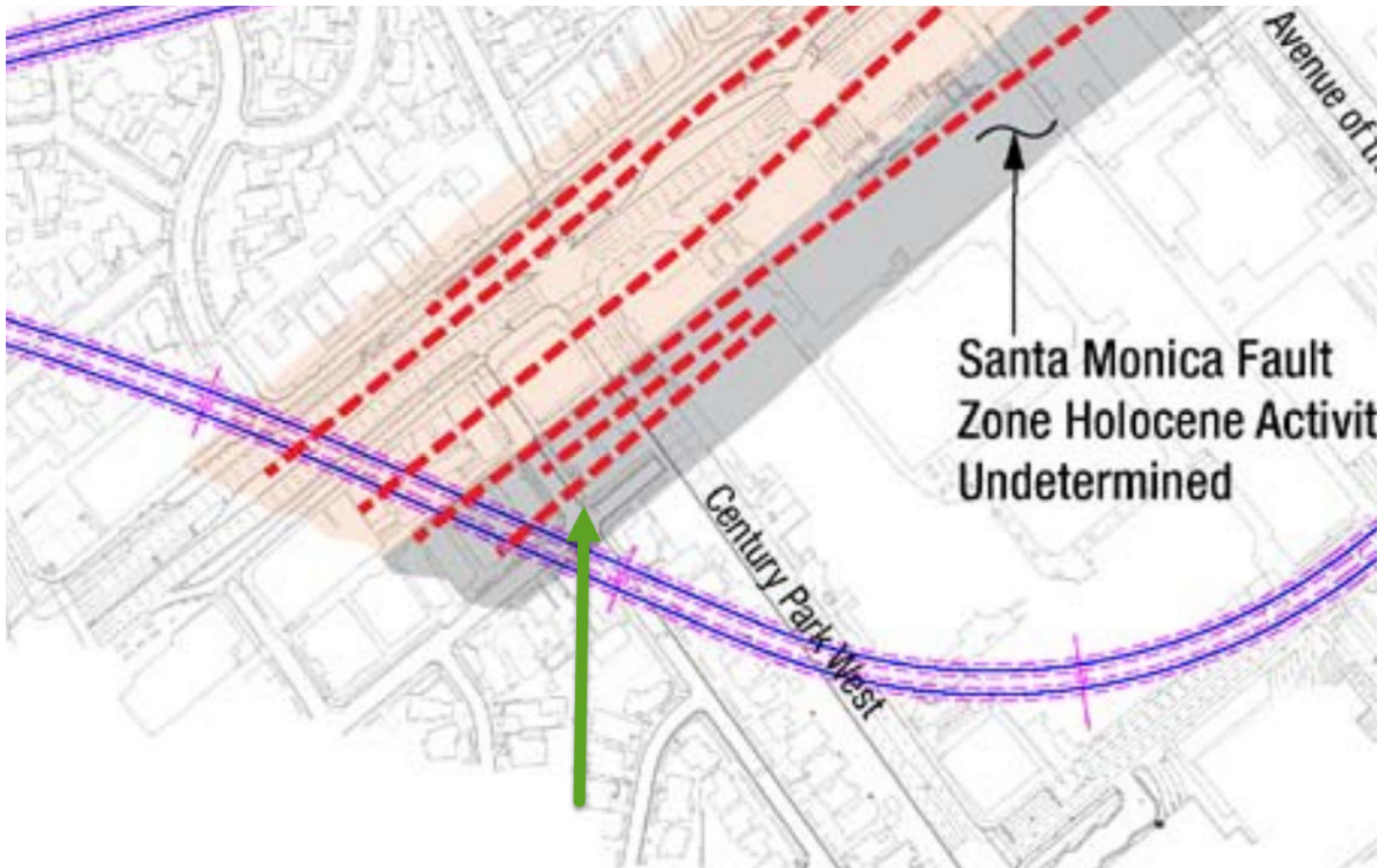
December 3, 2018

Re: Application / Permit 13010-10001-03703, Plan Check / Job No. B17LA13339

Please be aware that the above-mentioned project not only exists within an Alquist Priolo zone, but also that the Metro Century City Area Fault Investigation Report dated November 30, 2011) found a fault trace running directly through the property. The same study further found other traces outside the property but within the "setback" area.

Alquist Priolo Map





Per LADBS "Surface Fault Rupture Hazard Investigations" bulletin P/BC 2017-129:

"Where exploration does not extend 50 feet beyond a property line within a fault investigation zone, an active trace at the property line must be considered present and require a setback."

In this case, exploration has already concluded that active traces exist within the 50-foot exclusion zone as well as under the property.

Further, per <https://www.conservation.ca.gov/cgs/Pages/Earthquakes/disclose.aspx>:

"Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet)."

Compliance with state and local law is required for the project listed above.

We can be contacted at: Info@FixTheCity.Org.

Sincerely,



Fix The City

