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May 31, 2018

Mr. Ken Alex, Director
Office of Planning and Research
Office of Governor Edmund G. Brown, Jr.
1400 10th Street
Sacramento, California 95814

Via email: California.Jobs@opr.ca.gov

Re: Opposition to Certification of the Hollywood Center Project
(Millennium), Application 2018051002 as an Environmental Leadership
Development Project.

Dear Mr. Alex:

On behalf of Coalition to Preserve LA, we have reviewed MCAF Vine LLC's application requesting the Governor's certification that the Hollywood Center Project (a.k.a. Millennium) and object to its certification pursuant to AB 900. The application contains significant omissions and misstatements that should result in the application being rejected altogether. Most pronounced among the applicant's omissions is the fact that the proposed project is sited astride the Hollywood Fault Zone. Any construction of an occupied building across this fault is unsafe folly.

There are a number of reasons MCAF's AB 900 application cannot be approved as submitted, as explained below:

- Public Resources Code § 21178(e) plainly states that AB 900 covers "projects [that] are privately financed or financed from revenues generated from the projects themselves and *do not require taxpayer financing.*" (Emphasis added.) This standard alone eliminates the Project's eligibility because the City of Los Angeles' proposed zone change and height district change (Application, p. 24) is a form of public subsidy that will allow development of a project that does not comply with current zoning or height restrictions that apply to all other property in the same area.

- Public Resources Code § 21183(c) requires that the project not cause a net increase in greenhouse gases. The project results in a net increase in generation of greenhouse gases, which require extensive purchases of credits to offset. Offsetting emissions does not equate to avoiding a net increase in greenhouse gasses. Rather, measures such as transportation demand management, requirements for Vehicle Mile Traveled reductions and other measures set forth in the application (Application Exhibit 7, p. 27) must include every feasible measure to reduce greenhouse gas emissions. We request that CARB carefully consider whether every feasible greenhouse gas reduction measure has been implemented before allowing the applicant to purchase carbon credits and undertake other unenforceable offset measures. (Exhibit 7, p. 45.)
- Public Resources Code § 21180(b)(1) requires the project to provide at least 15 percent greater transportation efficiency than comparable projects. MCAF has failed to meet this standard. MCAF's AB 900 application (Application, p. 9) does not include any comparisons to other actual high rise development projects and provides no analysis demonstrating that the 15% standard has been met. Instead, the MCAF application manufactures a comparison to a strawman theoretical "Comparable Residential Project." (Exhibit 4, pp. 9-11.) The Application must include information about actual residential and hotel projects of similar size and location to provide a realistic assessment of how the proposed project compares with a verifiable baseline. In the same way the California Environmental Quality Act requires comparison to a real world, actual existing conditions baseline (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310), the Governor's certification must require comparison to real world projects, not theoretical ones.
- Pursuant to the Governor's Guidelines, "[t]he project's Draft Environmental Impact Report must be circulated for public review *after* the Governor certifies the project for CEQA streamlining." (Emphasis added.) Because the City of Los Angeles has already circulated and certified an EIR for the Millennium/Hollywood Center Project, there must be an assurance from the City that it will prepare an EIR specific to the Hollywood Center Project with its new proposals and configurations, rather than relying on the previously circulated, and now judicially invalidated, EIR for the Millennium project.
- The application incorrectly asserts the Project is consistent with planning goals, policies, and objectives of the City of Los Angeles. (Application, p. 23.) Instead, the Project clearly is *not* consistent with the City of Los Angeles' regulatory standards for the project site. The application explicitly states "the Project will

seek a zone change to C2-SN, a Height District Change to remove the D Limitation” and other approvals. (Application, p. 24.) Proposed projects must be consistent with existing zoning and general plan designations before, they should be certified as ELDP projects. Clearly, the Project here is not consistent with the City’s zoning and height limit regulations because it seeks to change them.

Furthermore, the Project fails to comply with State laws, thereby potentially placing human lives at risk.¹ The applicant lacks candor in disclosing such a major potential risk inherent in the Project. In violation of the Alquist-Priolo Earthquake Fault Zoning Act, the Project would site human occupied development on a location that has been identified by the State Geologist as the site of an active earthquake fault. (<http://www.latimes.com/local/la-me-hollywood-fault-millennium-20130802-story.html>). In fact, this fault runs directly through the proposed Project site. (Enclosure 1.)

As the Los Angeles Superior Court explained in its 2015 ruling granting a petition for writ of mandate to set aside approval of the applicant’s prior iteration of the Hollywood Center project, the Alquist-Priolo Earthquake Fault Zoning Act ("Alquist-Priolo"), (Pub. Res. Code §2621 et seq.), was enacted to prohibit the construction of buildings for human occupancy across the trace of active faults. (*California Oak Found. v. Regents of Univ. of California*, (2010) 188 Cal.App.4th 227, 247; *Better Alternatives for Neighborhoods v. Heyman*, (1989) 212 Cal.App.3d 663, 670.) Alquist-Priolo's purpose is in part to "provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults." (Pub. Res. Code§ 2621.5.) It is also meant to "provide the citizens of the state with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical buildings, against ground shaking." (*Id.*)

While the City of Los Angeles apparently disagrees with the State’s Geologist, OPR should not recommend, and the Governor should not certify, a project that the State’s Geologist has identified as unsafe and non-compliant with Alquist-Priolo as an Environmental Leadership project. Such a certification

¹ The Project proponent, Millennium Partners, is the same developer who built the now-infamous Millennium Tower in San Francisco. This tower has recently gained notoriety for its faulty construction planning that has led to the sinking and leaning of the large residential tower. (<https://www.sfgate.com/bayarea/article/Millennium-Tower-keeps-on-sinking-but-there-may-11297935.php> .)

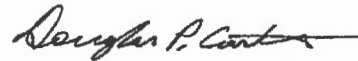
endangers residents and would tend to bring the entire Environmental Leadership certification program into disrepute.

Conclusion.

We request that the Governor not certify the Hollywood Center/Millennium Project. It does not meet the requirements of AB 900 and the application does not support such a determination. Instead, the Project would put human health at risk. It does not deserve assistance as an Environmental Leadership project.

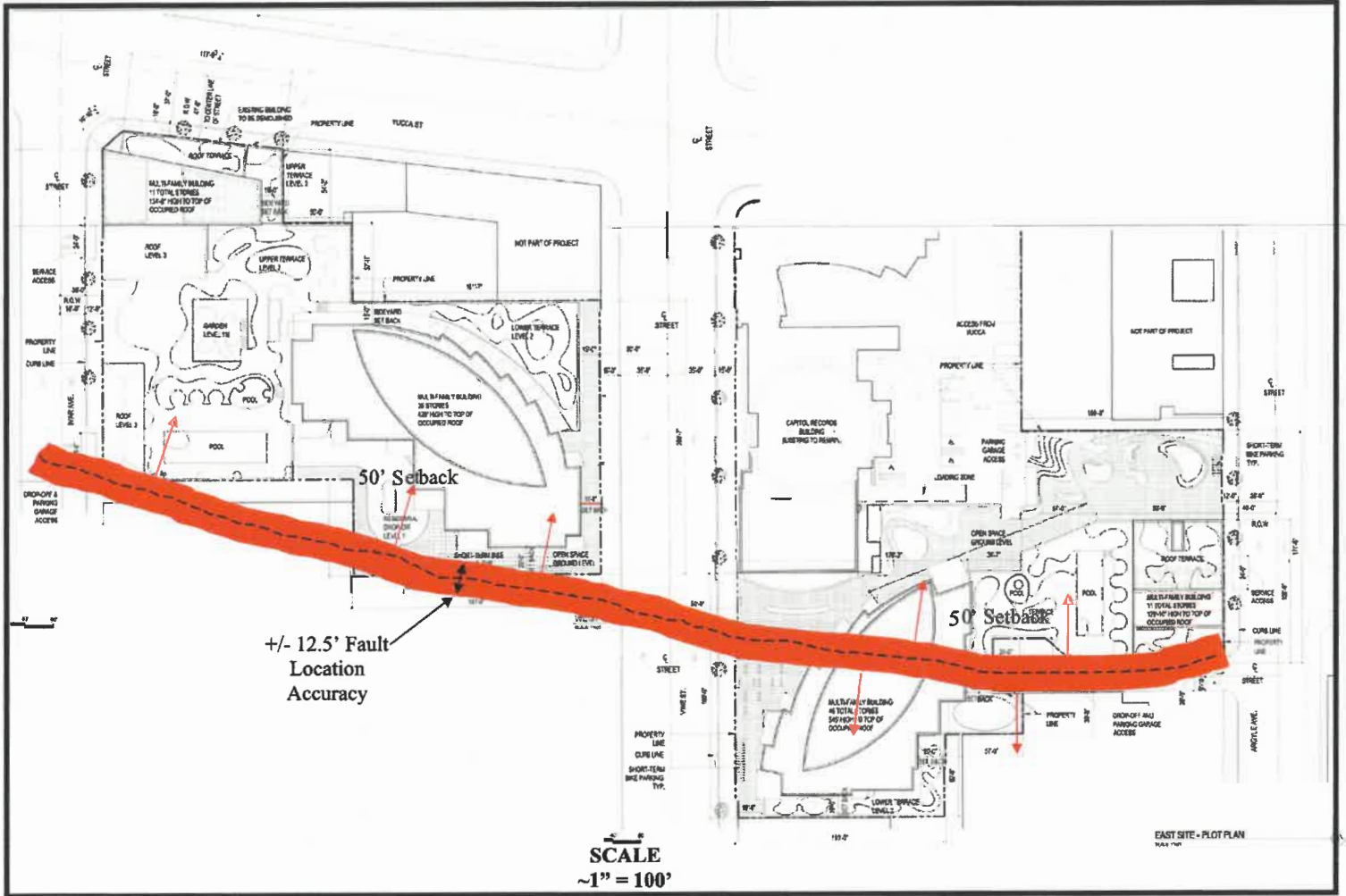
Thank you for your consideration.

Sincerely,



Douglas P. Carstens

ENCLOSURE 1



PROPOSED HOLLYWOOD CENTER – APPROXIMATE LOCATION OF HOLLYWOOD FAULT