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CITY OF LOS ANGELES,  
12 LOS ANGELES CITY PLANNING COMMISSION,  
and VINCENT P. BERTONI  
13

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 FIX THE CITY, INC., a California nonprofit  
corporation,

18 Petitioner and Plaintiff,

19 v.

20 CITY OF LOS ANGELES, a municipal  
corporation; LOS ANGELES CITY  
21 PLANNING COMMISSION; VINCENT P.  
BERTONI, in his capacity as Director of City  
22 Planning for the City of Los Angeles; and  
DOES 1 through 100, inclusive,  
23

24 Respondents and Defendants.

25 ELLIOT NAYSSAN; ROBhana, INC.;  
26 NHD TERRACE, LLC; and ROES 1 through  
100, inclusive,

27 Real Parties in Interest.  
28

Case No. 19STCP03740

Assigned for All Purposes to:  
Hon. Mitchell L. Beckloff, Dept. 86

**RESPONDENTS' OPPOSITION BRIEF  
ON PROJECT SPECIFIC ISSUES  
(LEAD CASE)**

**[FILED HEREWITH:  
RESPONDENTS' OPPOSITION BRIEF  
ON ISSUES RELATED TO TRANSIT  
ORIENTED COMMUNITIES PROGRAM;  
REQUEST FOR JUDICIAL NOTICE  
(EXHIBITS A – H)]**

Trial Date: July 14, 2021  
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Dept.: 86

Action Filed: August 30, 2019

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1 **I. INTRODUCTION**

2 Petitioner Fix The City, Inc. fails to identify any lawful grounds for voiding the City of Los  
3 Angeles’s (“City”) June 2019 approval of the 120-unit residential building proposed at 10400 Santa  
4 Monica Boulevard (“Project”). Petitioner’s Opening Brief on Project Specific Issues (“Project  
5 Brief”) raises two claims challenging the Project. Neither are factually or legally supported.

6 First, Petitioner re-hashes previously asserted arguments regarding the validity of the  
7 incentives awarded pursuant to the guidelines (“TOC Guidelines”) that implement Section 6 of voter  
8 initiative Measure JJJ (the “TOC Program”). Petitioner’s argument merely repeats its unsupported  
9 facial challenge to the TOC Guidelines, without identifying any new project-specific claim. As  
10 established in the accompanying Respondents’ Opposition Brief on Issues Related to Transit  
11 Oriented Communities Program, the TOC Guidelines were properly adopted pursuant to the TOC  
12 Program text in Measure JJJ. The text expressly authorized the floor area, density and parking  
13 reduction incentives awarded to the Project. Further, the City has ample discretion to define and  
14 award additional incentives for exceptions from height, yard and open space development standards.  
15 Consistent with Measure JJJ, the City properly awarded TOC Program incentives to the Project  
16 based on its proximity to a major transit stop and its provision of new affordable housing units.

17 Second, the Project Brief wrongly asserts that a 50-foot setback is required for the Project  
18 by the Alquist-Priolo Earthquake Fault Zoning Act (“Alquist-Priolo Act”). Petitioner fails to  
19 establish that the City abused its discretion by requiring a reinforced mat foundation and numerous  
20 other conditions in lieu of a setback requirement. The City guidelines, or Information Bulletin,  
21 implementing the Alquist-Priolo Act, require a setback only as a default condition if offsite geologic  
22 investigation is not feasible to confirm the presence of an active fault adjacent to the property line.  
23 City guidelines clearly authorize alternatives to setbacks, such as reinforced mat foundations, if the  
24 reduced setback is supported by a geologic report involving multiple data sets regarding the presence  
25 of adjacent faults. Overall, the City properly carried out its duties as the lead agency under the  
26 Alquist-Priolo Act by requiring a Geologic Report for the Project, approving the report’s  
27 recommendation for a reinforced mat foundation, and imposing numerous additional conditions to  
28 ensure that potential seismic risks would be minimized.

1 **II. STATEMENT OF FACTS**

2 Respondents incorporate herein by reference the Statement of Facts in Section II of  
3 Respondents’ Opposition Brief on Issues Related to the Transit Oriented Communities Program  
4 (“TOC Opposition”), filed concurrently herewith.

5 **A. The Project’s Compliance With The Alquist-Priolo Act**

6 In 2017, when the initial Project application was submitted to the City, the Project site was  
7 deemed to be located in a “Preliminary Fault Rupture Hazard Study Area”, a designation established  
8 by the City to require fault investigations in certain areas prior to being formally designated as an  
9 Earthquake Fault Zone under the Alquist-Priolo Act. (AR 1316, 1433; *see also* Respondents’  
10 Request for Judicial Notice (“Resps.’ RJN”), p. 098 [Ex. H, p. 1].) In 2018, the state issued the  
11 Beverly Hills Quadrangle Earthquake Fault Zone, which formally designated the Santa Monica fault  
12 within an Earthquake Fault Zone. (*See* Request for Judicial Notice in Support of Petitioner’s  
13 Opening Brief on Project Specific Issues (“Pet.’s Project RJN”), Ex. 2.) Regardless of the  
14 preliminary or final fault zone designation, the City required the Project applicant to comply with  
15 the Alquist-Priolo Act by preparing a Geologic Fault Study (“Geologic Report”), which was initially  
16 completed on or around December 22, 2016. (*See* AR 1313-79.) The City thereafter provided  
17 several rounds of comments and ultimately adopted the recommendations in the Geologic Report,  
18 while imposing additional conditions to reduce potential seismic, soils and surface fault rupture  
19 hazards. (AR 1435-39.)

20 The Geologic Report referenced prior fault investigations by the Project geologist that were  
21 immediately adjacent to the site. (AR 1316-17). The report set forth the methodology for site  
22 evaluation, which included “a combination of 7 Cone Penetrometer soundings and 2 continuous  
23 core borings to a maximum depth of 80 feet depth, over a span of 110 feet, resulting in an average  
24 of 12 feet between boreholes.”<sup>1</sup> (AR 1319.) The Project geologist discussed the proposed

25  
26 <sup>1</sup> “Cone Penetrometer Testing” is a form of testing the subsurface soil condition from the  
27 ground surface, and is approved by the City for fault investigation in conjunction with physical  
28 borings, in areas where there is typically not enough room to trench, and where significant depth is  
required to reach Pleistocene sediments. (Resps.’ RJN, p. 100 [Ex. H, p. 3].)

1 methodology with the City prior to mobilizing the field exploration. (AR 1318-19.) The report  
2 further noted that trenching was not a suitable option because the Project geologist determined that  
3 the depths of necessary soils for evaluating the presence of active faulting were likely located more  
4 than 10 feet below the surface. (*Id.* at 1318.)

5         Based on the Geologic Report’s findings, review of prior investigations, and several  
6 published and unpublished maps and reports, the Project geologist’s professional opinion was that  
7 “the site is not underlain by the Santa Monica fault or fault splay.” (AR 1325.) The fault  
8 investigation did not extend 50 feet north of the Project’s property boundary, due to space  
9 constraints and other practical considerations limiting offsite study, such as the presence of gas and  
10 sewer utility lines and narrow alley access. (*Id.*) The Geologic Report therefore recommended that,  
11 in the absence of further offsite exploration, “a thick slab ‘mat’ foundation should be utilized for  
12 this project, as a form of engineered mitigation against fault rupture within close proximity to the  
13 proposed building.” (AR 1326.)

14         The Los Angeles Department of Building Safety (“LADBS”) initially reviewed the  
15 applicant’s Geologic Report and issued a Soils Report Approval Letter on February 2, 2017.  
16 (AR 1433.) LADBS provided a subsequent review and Soils Report Approval Letter on April 21,  
17 2017. (AR 1435.) The April 2017 Soils Report Approval Letter documented additional materials  
18 provided by the applicant, and concurred in the recommendation to install a reinforced mat  
19 foundation “to accommodate secondary rupture from possible faults just outside of the area  
20 explored.” (AR 1436.) The April 2017 Soil Report Approval Letter provided additional City  
21 findings concurring with the recommendations in the Geologic Report and imposing 38 additional  
22 conditions related to seismic, soils and surface fault hazards. (AR 1436-39.) Condition 4 required  
23 that copies of the Geologic Report and the City’s Soils Report Approval Letter “shall be attached to  
24 the District Office and field set of plans.” (AR 1436.) As such, the Geologic Report and the City’s  
25 Soils Report Approval Letters are incorporated into the approved site plan for the Project.

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1 **III. STANDARD OF REVIEW**

2 Petitioner alleges that the City’s award of TOC Program incentives violated the City’s  
3 zoning code and were not authorized by Measure JJJ. The Project Brief does not allege that such  
4 incentives were awarded in violation the TOC Guidelines. Petitioner’s claims instead amount to a  
5 facial attack on the TOC Program, as opposed to a Project-specific challenge.

6 As noted in the TOC Opposition, the TOC Guidelines serve as the City’ interpretation of its  
7 zoning code, which “is entitled to great weight unless it is clearly erroneous or unauthorized.”  
8 (*Berkeley Hills Watershed Coal. v. City of Berkeley* (2019) 31 Cal.App.5th 880, 896; citing  
9 *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1193. *See also Yamaha*  
10 *Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12.) “Greater deference is  
11 accorded an agency’s interpretation where the agency has expertise and technical knowledge,  
12 especially where the legal text to be interpreted is ... entwined with issues of fact, policy, and  
13 discretion.” (*Berkeley Hills Watershed Coal.*, 31 Cal.App.5th at 896.) The award of TOC Program  
14 incentives to the Project in this case may only be invalidated if the Court finds that the City’s  
15 underlying adoption of the TOC Guidelines was facially invalid and clearly erroneous.

16 In addition, Petitioner’s Project Brief alleges that the City violated the Alquist-Priolo Act by  
17 approving the Project without a 50-foot setback from the property line adjacent to the closest known  
18 traces the Santa Monica fault. Claims alleging violations of the Alquist-Priolo Act are reviewed  
19 under the abuse of discretion standard. “In determining whether an abuse of discretion has occurred,  
20 a court may not substitute its judgment for that of the administrative board, and if reasonable minds  
21 may disagree as to the wisdom of the board’s action, its determination must be upheld.” (*California*  
22 *Oak Found. v. Regents of Univ. of California* (2010) 188 Cal.App.4th 227, 247 [internal citations  
23 omitted]; *accord, Better Alternatives for Neighborhoods v. Heyman* (1989) 212 Cal.App.3d 663,  
24 672 [holding that substantial evidence supported University of California’s conclusion that a fault  
25 trace was inactive, despite conflicting testimony by petitioner’s experts].) “In general the inquiry is  
26 limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support.”  
27 (*California Oak Found., supra*, 188 Cal.App.4th at 247.)

28 ///

1 **IV. ARGUMENT**

2 The record in this case clearly confirms that the City properly awarded TOC Program  
3 incentives to the Project, and followed all applicable requirements under the Alquist-Priolo Act.  
4 Accordingly, Petitioner’s alleged project-specific claims should be denied in their entirety.

5 **A. The 10400 Santa Monica Boulevard Project Received Valid TOC Incentives**

6 Petitioner’s arguments regarding the Project’s approval are virtually identical to the claims  
7 asserted in its Opening Brief on Issues Related to Transit Oriented Communities Program (“TOC  
8 Opening Brief”). (*Compare* Project Brief at 10:8-11:20 *against* TOC Opening Brief at 17:24-  
9 18:19.) The Project Brief repeats that “the Project’s approval rests entirely upon the incentives  
10 provided by the Planning Department’s improper expansion of incentives via its TOC Guidelines,  
11 not the voters in Measure JJJ.” (*See* Project Brief at 11:7-11:8; TOC Opening Brief at 18:13-18:14.)

12 All of Petitioner’s Measure JJJ arguments relating to the Project’s approval are legally  
13 unsupported, for the reasons set forth in Section IV of Respondents’ TOC Opposition. Respondents  
14 incorporate those arguments herein by reference in the interest of judicial economy and to avoid  
15 repetition. Petitioner’s Project Brief fails to identify any legal authority or facts regarding the  
16 Project approval that are not fully addressed by Respondents’ TOC Opposition.

17 As discussed in Section IV(F) of Respondents’ TOC Opposition, the Project meets all  
18 applicable criteria under the TOC Guidelines for Tier 3 Base and Additional Incentives. (*See* TOC  
19 Opposition at 24:12-27:23.) The Project is located within one-half mile from the future Purple line  
20 Century City and Constellation rail station. (AR 0810, AR 0849.) Further, the Project meets the  
21 definition of an Eligible Housing Development under the TOC Program because it proposes the  
22 construction of a 120-unit residential building with 12 units set aside for Extremely Low Income  
23 households. (AR 0020-21; AR 0838.)

24 Departures from height, yard, and open space requirements clearly fall within the  
25 understanding of “incentives” in the TOC Guidelines. (*See* TOC Opposition at 24:14-26:18.) The  
26 Menu of Additional Incentives in the TOC Guidelines explicitly includes deviations, or exceptions,  
27 from City development standards involving yards, open space, and height among other specified  
28 types of development standards. (AR 0503-05 [TOC Guidelines, VII].) As such, Petitioner’s



1 argument regarding the Project approval must be denied because Petitioner fails to identify any  
2 authority preventing the City from approving the 10400 Santa Monica Boulevard Project with the  
3 incentives for height, yard and open space. (*Tustin Heights Assn. v. Bd. of Supervisors of Orange*  
4 *Cty.* (1959) 170 Cal.App.2d 619, 633–34, citing *Rubin v. Board of Directors* (1940) 16 Cal.2d 119,  
5 124 [distinguishing “spot zoning” and other zoning amendments from variances or exceptions,  
6 which allow administrative bodies to authorize deviations from existing zoning standards]; *accord,*  
7 *San Diego Cty. v. McClurken* (1951) 37 Cal.2d 683, 691 [denying petitioner’s claim that the denial  
8 of a variance request was discriminatory, and ruling that “the granting or denial of variances rests  
9 largely in the discretion of the body designated by the zoning ordinance for that purpose, and a  
10 denial of a variance will not be disturbed in the absence of a clear showing of abuse of discretion”].)

11 **B. The City Complied with the Alquist-Priolo Act By Requiring A Geologic Report**  
12 **Investigating the Risk of Surface Fault Rupture, and Imposing a Reinforced**  
13 **Foundation As A Condition Of Approval Based on the Report’s Findings**

14 Petitioner’s Project Brief advances an incomplete and strained interpretation of the Alquist-  
15 Priolo Act and its implementing state and local guidelines to argue that the Act always requires a  
16 50-foot setback from active faults within mapped earthquake fault zones. (Project Brief at 11:21-  
17 14:8.) As a matter of law, the Alquist-Priolo Act allows structures for human occupancy to be built  
18 within 50 feet of an active fault, provided that a geologic report confirms there are no active branches  
19 or traces of the fault underlying the proposed project. The Project Brief also mischaracterizes the  
20 City’s Alquist-Priolo guidelines to argue that a 50-foot setback was required, despite clear  
21 provisions authorizing reduced setbacks in cases where the City determines that reinforced  
22 foundations adequately protect against surface fault rupture. (Project Brief at 14:9-15:15.)

22 1. The Alquist-Priolo Act Allows New Structures To Be Built Within 50 Feet  
23 of An Active Fault Provided that a Geologic Report is Prepared and all State  
24 and Local Guidelines are Followed.

25 The purpose of the Alquist-Priolo Act is to prohibit new construction of structures for human  
26 occupancy on top of an existing fault. (Pub. Res. Code § 2621.5 [purpose of Alquist-Priolo Act is  
27 to “provide policies and criteria to assist cities, counties, and state agencies in the exercise of their  
28 responsibility to prohibit the location of developments and structures for human occupancy *across*  
*the trace of active faults*”] [emphasis added].) The Alquist-Priolo Act applies to applicable projects

1 within a “delineated earthquake fault zone” and is implemented by policies of the State Mining and  
2 Geology Board (“SMGB”). (*Id. See also* 14 Cal. Code Regs. § 3600 *et seq.* [“SMGB Policies”].)

3 The Alquist-Priolo Act allows structures for human occupancy to be built within 50 feet of  
4 an active fault, if the City determines, through substantial evidence provided by a geologic fault  
5 investigation report, that the structure will not be located over an active fault. SMGB Policies  
6 provide that “[n]o structure for human occupancy, identified as a project under [the Alquist-Priolo  
7 Act], shall be permitted to be placed across the trace of an active fault.” (SMGB Policies, § 3603.)  
8 In addition, “the area within fifty (50) feet of such active faults shall be presumed to be underlain  
9 by active branches of that fault unless proven otherwise by an appropriate geologic investigation  
10 and report.” (*Id.* [emphasis added]. *See also California Oak Found., supra*, 188 Cal.App.4th at 248  
11 [ruling that the Alquist-Priolo Act prohibits (1) building structures for human occupancy across an  
12 active fault, and (2) building such structures “within 50 feet of an active fault unless [the lead  
13 agency] first demonstrates the proposed structure will not be built over an active branch of a fault”  
14 [emphasis added].)

15 Neither the Alquist-Priolo Act nor the SMGB Policies expressly reference or require  
16 setbacks for projects that may be within 50 feet of an active fault. In fact, the word “setback” does  
17 not appear in those provisions. Petitioner’s Project Brief asserts without citing any legal authority  
18 that, under the Alquist-Priolo Act, “construction is not permitted within 50 feet of the site boundary  
19 in the direction of the fault zone” and that “even if there is not a fault on the site, the risk of off-fault  
20 deformation requires a setback.” (Project Brief at 14:7-8, 13:26-14:1 [emphasis omitted].) Instead,  
21 the provisions for setbacks are governed by LADBS regulations, which the City complied with in  
22 connection with the Project.

23  
24 2. City Guidelines Authorize the Use of Reinforced Mat Foundations to Address  
the Possibility of Minor Off-Fault Rupture as an Alternative to Setbacks.

25 The Alquist-Priolo Act directs cities to adopt local ordinances and guidelines implementing  
26 the act, while expressly noting that cities may “[e]stablish policies and criteria which are stricter  
27 than those established by [the act].” (Pub. Res. Code, § 2624.) LADBS has issued various bulletins  
28 establishing guidelines related to fault investigations. LADBS Bulletin P/BC 2017-129 (“Bulletin

1 2017-129”), titled “Surface Fault Rupture Hazard Investigations,” was in effect at the time that the  
2 Project was approved. Bulletin 2017-129 established recommended methodologies for field  
3 investigation, preparation of surface fault rupture hazard reports, and recommended mitigations,  
4 which included setbacks from active faults or reinforced foundations as alternatives to setbacks.  
5 (*See generally* Resps.’ RJN, pp. 098-104 [Ex. H].)

6 Bulletin 2017-129 sets forth the general requirements for geologic or fault investigation  
7 reports. Under Section II.D, “Report Contents” the bulletin states that fault investigation reports  
8 should recommend setbacks or, in the alternative, setbacks may be reduced, “[i]f appropriate...  
9 where the possibility of minor off-fault rupture may exist, reinforced foundations can be  
10 considered.” (Resps.’ RJN, p. 101 [Ex. H, p. 4].)

11 Petitioner’s Project Brief selectively cited the setback provisions under Bulletin 2017-129  
12 while ignoring the alternative compliance provisions that allow the City to reduce setback  
13 requirements. Setbacks may be reduced through the use of reinforced mat foundations based on the  
14 project geologist’s technical review and recommendations. Section III of the bulletin reiterates the  
15 City’s requirements and recommendations for setbacks:

16 Building setbacks from active fault traces are key recommendations provided in  
17 fault investigations. The default building setback from an active fault is 50 feet.  
18 Reduced setbacks can be considered if the location, trend and nature of a particular  
19 fault trace are accurately established by several data points.

20 Where exploration does not extend 50 feet beyond a property line within a fault  
21 investigation zone, an active trace at the property line must be considered present  
22 and require a setback. Data from adjacent or nearby sites can be used to possibly  
23 reduce a property line setback. Setbacks and buildable areas shall be clearly shown  
24 on the geologic map/site plan, and included in the report.

25 Special/reinforced foundations may be used to mitigate minor ground displacements  
26 that could occur near a more significant fault trace. If special foundations are used,  
27 the report shall show a special foundation area on the geologic map/site plan.

28 (*Id.* at 104 [Ex. H, p. 7].) Bulletin 2017-129 therefore requires a 50-foot setback only as a default  
condition, which may be reduced where supported by data points regarding the fault trace. In cases  
where offsite exploration is not feasible, data from adjacent sites may be considered. Lastly,  
reinforced mat foundations may be used to mitigate displacement from more significant fault traces  
that may be presumed to be adjacent to the property line. Petitioner’s allegation that a 50-foot

1 setback was required in this case is therefore misleading to the Court as it ignores alternative  
2 compliance measures that may be recommended in a geologic fault investigation report, and which  
3 the City relied upon in this case in connection with the Project.

4  
5 3. The City’s Decision to Require a Reinforced Foundation In Lieu of Requiring  
a Setback Was Supported by Substantial Evidence.

6 The administrative record in this case clearly shows that the City followed all of the  
7 requirements of the Alquist-Priolo Act, SMGB Policies, and the City’s Bulletin 2017-129 when  
8 reviewing and mitigating the Project for potential surface fault rupture hazards. Although the Santa  
9 Monica fault had not yet been included as an Alquist-Priolo Earthquake Fault Zone at the time that  
10 the City initiated processing of the Project, the City nevertheless required the preparation of a  
11 Geologic Report due to the site’s location within the Preliminary Fault Rupture Hazard Study Area  
12 for the Santa Monica fault. (AR 1316.) The Geologic Report referenced prior fault investigations  
13 by the consulting engineering geologist that were immediately adjacent to the site. (AR 1316-17.)  
14 The report set forth the methodology for site evaluation, which included “a combination of 7 Cone  
15 Penetrometer soundings and 2 continuous core borings to a maximum depth of 80 feet depth, over  
16 a span of 110 feet, resulting in an average of 12 feet between boreholes.” (AR 1319.) Consistent  
17 with SMGB Policies and the City’s Bulletin 2017-129, the project geology consultant discussed the  
18 proposed methodology with the City prior to mobilizing the field exploration. (AR 1318-19.) The  
19 report further noted that trenching was not considered a suitable option due to the estimated depths  
20 of Pleistocene soils necessary for evaluating the presence of active faulting. (*Id.* at 1318.)

21 The Geologic Report ultimately concluded that, based on the report’s findings, review of  
22 prior investigations, and several published and unpublished maps and reports, “the site is not  
23 underlain by the Santa Monica fault or fault splay.” (AR 1325.) However, the fault investigation  
24 did not extend 50 feet north of the Project’s property boundary, due to space constraints and other  
25 practical limitations limiting offsite study, such as the presence of gas and sewer utility lines. (*Id.*)  
26 The Geologic Report therefore recommended that, in the absence of further offsite exploration, “a  
27 thick slab ‘mat’ foundation should be utilized for this project, as a form of engineered mitigation  
28 against fault rupture within close proximity to the proposed building.” (AR 1326.)

1           Petitioner’s Project Brief cited the Geology and Soils Report Approval Letter issued by  
2 LADBS in February 2017. (*See* AR 1433-34.) However, that letter was superseded by a subsequent  
3 Soils Report Approval Letter issued by LADBS on April 21, 2017, in part due to various addenda  
4 and supplemental soils reports that were provided to LADBS by the Project geologist between  
5 December 2016 and March 2017. (*See* AR 1435-39).

6           The April 2017 LADBS Soils Report Approval Letter confirmed the Geologic Report’s  
7 findings that the investigation “indicated no significant offset of the underlying strata” – *i.e.*, no  
8 active fault or fault spay was detected on the Project site. (AR 1436.) The April 2017 Soils Report  
9 Approval Letter also approved the recommended mitigation to use a reinforced mat foundation “to  
10 accommodate secondary rupture from possible faults just outside of the area explored.” (*Id.*) In  
11 addition, the April 2017 Soils Report Approval Letter imposed 38 conditions to ensure that the  
12 proposed mat foundation would serve as an acceptable form of mitigation. (AR 1436-39.)  
13 Condition 4 required that copies of the Geologic Report and the City’s Soils Report Approval Letter  
14 “shall be attached to the District Office and field set of plans” (AR 1436.)

15           The Geologic Report and the City’s April 2017 Soils Report Approval Letter collectively  
16 met all of the requirements to establish alternatives to the default 50-foot setback requirement under  
17 Section III of City Bulletin 2017-129. First, the Geologic Report acknowledged that offsite areas  
18 immediately adjacent to the Project site may be presumed to contain an active fault or fault splay,  
19 as required by Bulletin 2017-129, due to the limitations in offsite fault investigation. (AR 1325-26;  
20 Resps.’ RJN, p. 104 [Ex. H p. 7].) Overall, however, the Geologic Report relied on multiple data  
21 sets from adjacent sites (AR 1316-1317), and field exploration that included boring data (AR 1319,  
22 AR 1338-45), cone penetrometer readings (AR 1346-49), and carbon dating (AR 1323) to confirm  
23 soil depth and age. All of this data supported the conclusion that no active fault or fault splays were  
24 found to be underlying the Project site, and that the proposed reinforced mat foundation would  
25 protect against any potential surface fault rupture in close proximity to the Project. LADBS  
26 reviewed the Geologic Report, concurred in its findings, and imposed 38 conditions which were  
27 attached to the Project site plan. (AR 1436-39.)

28 ///

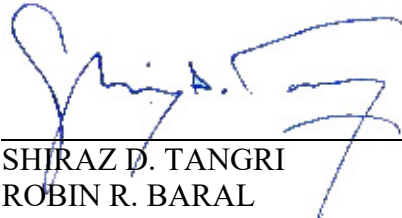
1 Based on the above, Petitioner has failed to show that the City abused its discretion in  
2 complying with the Alquist-Priolo Act by relying on the Geologic Report, approving the alternative  
3 mitigation to use a reinforced mat foundation, and imposing 38 conditions to mitigate the potential  
4 risks of surface fault rupture and other geotechnical and seismic considerations.

5  
6 **V. CONCLUSION**

7 For the reasons set forth above and in the TOC Opposition, Respondents respectfully request  
8 that the Court deny the Petition in its entirety, and grant such further relief as the Court may deem  
9 necessary and proper.

10  
11 DATED: May 10, 2021

MEYERS NAVE

12  
13 By:   
14 SHIRAZ D. TANGRI  
15 ROBIN R. BARAL  
16 Attorneys for Respondents and Defendants  
17 CITY OF LOS ANGELES,  
18 LOS ANGELES CITY PLANNING  
19 COMMISSION, and VINCENT P. BERTONI

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**PROOF OF SERVICE**

**Fix The City, Inc. v. City of Los Angeles, et al.  
Case No. 19STCP03740**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 707 Wilshire Blvd., 24th Floor, Los Angeles, CA 90017.

On May 10, 2021, I served true copies of the following document(s) described as **RESPONDENTS' OPPOSITION BRIEF ON PROJECT SPECIFIC ISSUES** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address [tstephens@meyersnave.com](mailto:tstephens@meyersnave.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 10, 2021, at Los Angeles, California.

  
\_\_\_\_\_  
Teresa Stephens

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**SERVICE LIST**  
***Fix The City, Inc. v. City of Los Angeles, et al.***  
**Case No. 19STCP03740 (Lead Case)**

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**SERVICE LIST**  
***Fix the City, Inc. v. City of Los Angeles, et al.***  
**LASC Case No. 20STCP01569 (Related Case)**

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