

City attorney subpoenas developer of troubled Millennium Tower

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San Francisco City Attorney Dennis Herrera on Tuesday subpoenaed the developer of a South of Market residential high-rise in an investigation into whether buyers were properly notified that the building is sinking further than expected.

The announcement follows allegations made by Supervisor Aaron Peskin last week that both Millennium Partners Inc. and city building officials knew the Millennium Tower at 301 Mission St. suffered from structural problems by the time of its completion in 2009 but failed to notify buyers of the building's more than 400 units.

"I have serious concerns that the disclosures required by state law ... did not contain information about the settling of the property," Herrera wrote in a cover letter for the subpoena.

The 58-story luxury high-rise has sunk as much as 16 inches so far and is leaning around 15 inches to the northwest at its peak. Current projections suggest it could ultimately sink more than 30 inches.

A lawsuit filed in August by lawyers representing homeowners alleges that the building, which sits on landfill, was built using a concrete slab and piles into sand rather than into bedrock "to cut costs."

The lawsuit also names the Transbay Joint Powers Authority, and alleges that excavation on the Transbay Terminal project next door has contributed to the Millennium Tower's subsidence — a claim the authority has denied.

Millennium Partners have previously said the building remains safe and blamed the Transbay Terminal project for the additional settlement, saying it remained within projected limits until that project began construction in 2010.

Millennium Partners officials planned to hold a media availability later Tuesday morning to discuss the latest developments regarding the property.

The Board of Supervisors' Government Audit and Oversight Committee will hold a hearing on building standards in seismic safety zones on Thursday at 10 a.m. Peskin has said he plans to question city officials to determine "who knew what and when they knew it."