Undated Scanned Letter

City of LA Dept of City Planning

Re: Notice of Completion & Avail of
Draft Environmental Impact Report
No. 2000-3213
site 1001-1029 Tiverton Ave
1020-1070 Glendon Ave 1015-1065
Glendon Ave

I am oppossed to the new development
on this site Because Westwood
is already overpopulated. On weekend
one cannot find street parking.
There is limited parking over 2 Hrs on
the street & we are heavily ticketed
for parking in a residential
neighhood where we live & pay
hefty taxes without being able to
purchase parking permits to park on
the street Because our Bldg at
969 Hilgard Avenue Los Angeles, CA 90024
only has 6 Guest parking permits that is not
allowed for Residents to stay overnight.
We need Residental parking
permits. Tiverton has parking
Meters & I am sure we would
lose all of those spaces to the
commercial use of the
commercial development.
If the developers were willing

to gain the number of signatures
to guarantee the residents

who are owners & renters
(we are owners) guaranteed
parking permits for street
parking (at a fee) the permits
cost money. Than I would be in
favor of it. If it didn't make the
parking problems which already
are entolerable worst. Than
there is the noise factor.
The Hazardous Materials. Having
to listen to the construction & noise
day & night early in the morning
all day. Destroying our free &
quiet use of our homes. The
overpopulation of Westwood.
Also my next door neighbor will lose
her view to the high rise giving the
developers max potential for
highest & best use & exhisting owners
in high rises to lose their views
which previously were unobstructed
for all of these reasons including
bringing more
strangers into our neighhood
I am against this development.

Undated Scanned Letter.

Geraldine G. Ford
969 Hilgard
LA 90024

Maya E. Zaitzevsky
City Planning Associate
LA City Planning Dept.
Environmental Review Section
200 North Spring Street, Room 763
Los Angeles, CA 90012

RE: Deir # 2000-3213

I wish to protest this application
we have just recently had
Ralphs and Longs Drugs open stores
in the area and they are creating
serious traffic problems. Certainly
we don't need another market
specialty or otherwise and
another drug store within two
blocks.
The additional population

would create more traffic problems

than we already have and the requested amendments to the Weston Village Specific Plan would destroy the entire atmosphere of what's left of the Village and make it just another unattractive Los Angeles Neighborhood.

Geraldine Ford

Undated Scanned Letter.

To: Maya E, ZaitzevskY
Re: Palazzo Westwood, Report No. 2000-3213

Dear Ms. Zaitzevsky.

As a Westwood resident since 1986, 1 have witnessed "the rise and decline" and the village from a consumer's perspective. "Intelligent" stores like book-stores and Videotheque were about & first to suffer. Them was also the Lady Footlocker, Alphagraphics, which had excellent customer service, Bullocks and some decent fast-food restaurants. like Sizzler's.

I hope you and the planners have realized by now that in this university town, people don't care about quality or culture. You'd probably counted the number of cafes available in the village, the number of junk food places, the number of nail and hair salóns. optometric, stores that go out of business right after they open, a bridal store that has lived extra hours, Thai and Chinese restaurants that keep changing names and so on.

The beauty of Broxton Avenue was a waste of money and effort. The Expo Center is a waste of money and effort Really, who's going to buy all that- junk at those prices?

The only decent acquisitions have been Ralph's and Kinko's (as a cheap/chain substitute for Alphagraphics).

And now you talk about Westwood Palazzo. Restaurants, another drugstore and a "specialty market." Trader Joe's? Whole Foods? Have you thought about your "audience?" On the one side there am the students who prefer to go to Hollywood Pries than to a snob restaurant I personally prefer to pay a Ralph's price for lactaid milk than Whole Foods price. The fruit, by the way, is better at Ralph's.

Besides the environmental and stress factors that will affect us all who live around the area, the project, I predict is going to be a failure. Do you expect the senior citizens that Retirement Place spending their money at night in all those restaurants? Come Spend their money and their time having their nails done. open a spa or a yoga studio? Or what about a park? or if what about a Target kind of store where people of all means including students, office workers on their lunch break, senior citizens and even the bureaucrats that make planning decisions can spend spend some money in a more or less useful item?

If you build another market, it will compete against the same market you just built... and it took a looooooooooong time.

Anyway, you got the idea.

In short, I disapprove 100% of the Palazzo Westwood Construction Project. Let my vote Count.

Sincerely,

Laura R.
969 Hilgard Avenue
L.A, 90024

EZEQUIEL GUTIERREZ, JR., ESQ.
11523 East 215th Street, Lakewood, CA 90715 Tel/Fax (562) 860 - 7105; 860 - 2695

April 8, 2002

Via Fax: (213) 978 - 1343

Maya Zaitzevsky, Project Coordinator
LOS ANGELES DEPARTMSNT OF CITY PLANNING
Environmental Review Section
200 North Spring Street, Suite 763
Los Angeles, California, 90012

Re: EIR Case No. ENV-2000-9213, PALAZZO WESTWOOD PROJECT
Draft EIR No. SCH #2000101123

Dear Ms. Zaitzevsky:

This letter is submitted in opposition to the proposed Palazzo Westwood Project and in response to the Draft Environmental Impact Report (EIR).

As an alumnus of UCLA, School of Law and Graduate School of Architecture and Urban Planning, and member of the Society of Architectural Historians / Southern California Chapter, I am concerned about this proposed project as It will erode the hlstoric character of the Village and *introduce dangerous* traffic conditions into the areas surrounding Glendon Avenue.

The proposal seeks to exploit its proposed location in the carefully preserved Village while at the same time severing itself from the rest of the village under the guise of a unified project.

The focus of this comment is the proposed demolition of Glendon Manor which having been determited eligible for listing in the California Register of Historic Resources would illegally violate the Westwood Village Specific Plan, the Westwood community Plan and Los Angeles General Plan.

As stated in many other comments to the DEIR, including a letter to City Councilmember Jack Weiss, submitted by Jeffrey B. Samudio, Executive Director of the CENTER FOR PRESERVATION EDUCATION & PLANNING and past member of the State Historical Resources Commission which datermined Glendon Manor eligible for listing, Glendon Manor represents the remaining residential component which served to define the original form of the Janss project as a true urban village. The integrity of the Village is dependent on keeping this his historic resource as a fully functioning part of the Village. A copy of the letter the by CENTER FOR PRESERVATION EDUCATION & PLANNING is attached and incorporated into this comment.

The Village was originally designed by the noted urban designer and planner Harland Bartholomew working for the Janse Company. While some degree of freedom was given to designers, introducing subsequent architectural projects into the village, an underlying cohesiveness was achieved through *an oversight process. The collective result was to shape the Village into* a "unified complex" with subsequent projects becoming a part of that design intent. The Village as a whole was intended to be unified not individual architectural projects. In this context, the Palazzo proposal with its extensive scale, admittedly seeks to introduce a rival unified project into the Village, which includes demolition of its last remaining residential structure. A history of the Village and its original design intent as a "unified complex" is found in the seminal work by Richard Longstreth titled CITY CENTER TO REGIONAL MALL; Architecture, the Automobile, and Retailing in Los Angeles, 1920-1950 (MIT Press, 1997). A copy of relevant excerpts

From the Longstreth publication letter is attached and incorporated into this comment.

The aspect of the proposal which substitutes Glendon Manor with truck loading docks and on-street truck maneuvering is unworkable and dangerous. It is inconsistent with a pedestrian friendly urban environment and speaks to the improper fit of this proposed project into the parameters of the site and the Westwood Village Specific Plan. It also speaks to the inherent lack of quality of this proposal in terms of good urban design and historic preservation.

Very truly yours,

Ezequiel Gutierrez, Jr.

Enc:

CITY CENTER TO REGIONAL MALL

Architecture, the Automobile, and Retailing in Los Angeles, 1920 – 1950

RICHARD LONGSTRETH

THE MIT PRESS
CAMBRIDGE, MASSACHUSETTS
LONDON, ENGLAND

Retain ownership of all the land the company exercised ongoing control of the other landowners through previsions on hancy and design.

Within the first months of planning, Janss appears to have decided that Westwood Village would have an exceptional character. The ensemble would suggest a "village" not a city; it would be cohesive and meet an unusually high architectural standard. Buildings would in effect form a commercial campus that would complement the University's and be commensurate in quality of expression". Like the University, too, the business village would stand out as a major community asset, not just for the convenience it offered nearby householders but for the atmosphere it conveyed had the stability it brought to the area. The undertaking was strenuously marketed as yet another means to strengthen propertiy values over time – another way to create a guaranteed neighborhood (figure 116).

WESTWOOD VILLAGE

To set the tone for design, Janss itself undertook developing the First two units of the complex. Each was composed to suggest a series of small buildings created at different times (figure 117). This treatment was likely inspired by the much – praised proposals for downtown Santa Barbara prepared in 1924 as part of a civic improvement campaign (figure 118). Though these designs were not realized, their general tone was adopted For the construction campaign, to which Tilton contributed, in the aftermath of a devastating earthquake that struck in June 1925. The local government adopted design guidelines on appearance not unlike those of Palos Verdes with the enthusiastic support of merchants as well as civic leaders. "In a short period, Santa Barbara was heralded as an emblem of how planning from an aesthetic perspective could also be instrumental in enhancing business. Given this reputation and the fact that the city's business district served some of the most fashionable resort communities on the Pacific coast, it is not suprising that Janss turned to the Santa Barbara initiative as a model.

At Westwood, the guidelines Janss established for building exteriors were probably vaguer than at Santa Barbara, enabling architects to work with a loosely defined spectrum of historical sources associated with Mediterranean Europe. Variety in form, detail, and character was encouraged. Virtually all shopping centers conceived during the 1920's were the product of a single (reach) of collaborating designers. Janss, on the other hand, appears to have sought the involvement of numerous architects. The company's own buildings were designed by Allison & Allison, a firm best known for its institutional work, including the new UCLA campus, and by Gordon, Kautmann, residentof nearby Hohnby Hills and a favorite architect of the elite. Other leading southern California firms soon became involved as well, including Morgan, Walls & Clements. John and Donald Parkinson, S. Charles Lee and Paul Williams, As a consequence, Westwood Village emerged as a showcase of stylish, historicizing commercial architecture, rivaled in its extent by few places nationwide.

If variety abounded in the particulars of expression, and underlying cohesiveness was achieved through the oversight process. All buildings proposals had to be approved by a company-appointed Board of Architec-

tural Supervisors, which functioned much like the art jury at Palos Verdes. Here too guidelines exceed for many aspects of design beyond the general ones on the use of historical imagery. Building fronts had to be at least seventeen feet high no more than two or three stories-probably to avoid overconcentration of business in any one part as well as to avoid discordant street scenes. At the same time, some buildings situated at strategic points in the complex could incorporate towers. The collective result was to enhance Westwood Village's identity as a modified complex while each tower served as a guide to orient shoppers within the precinct. Strict control was exercised over details, including signs. Oversight did not stop when construction was completed: all later external changes to buildings came under the same scrutiny. Janss invested substantial sums on public improvements, including ornate streetlight standards (similar to those on Wilshire Boulevard further east); multicolored sidewalks (derived from those of Rio de Janeiro) a grassy median lined with palms along Westwood Boulevard (said to be inspired by one in Honolulu) and a parklike entrance zone on what normally would be the highest-priced land, fronting Wilshire Boulevard (figure 119).

The mix of businesses was as important as design. In contrast to Other shopping centers developed during the interwar decades, Westwood Village was conceived from the start as a home for numerous branches Of leading downtown store Desmond's was among the early arrivals, its premises opening in March 1930. Two years later, Bullock's completed Its branch: Myer Siegel followed in 1937. National chains also were Courted: J.J. Newberry 1931, Sears Roebuck (1956), and J.C. Penney (1937). Yet other chains catered to routine needs including Ralphs (1929), Safeway (1929), and A&P (1931) Markers and Owl (1934) and (Sontag) (1937) drug companies. Finally, there was a broad spectrum of in-

117

Westwood Village, 900 and 1000 (blocks) of Westwood Boulevard, looking south:

WCSrIv"MA V111;%c. 9M md loan i'larks

left to right: Janss building (1929, Allison & Allison architects). Kelly building 1924 - 1930, Paul R. Williarchitect), (ILLEGIBLE TEXT)

11601 Wilshire Boulevard
Fourth Floor
Los Angeles, CA 90025-1740
TEL (310) 966-2600
FAX (310) 966-2699

April 4, 2002

RECEIVED
City of Los Angeles
APR 08 2002
CITY PLANNING DEPT
EXECUTIVE OFFICE
ROOM 1240

VIA FACSIMILE (213) 978-1275 AND U.S. MAIL

Mr. Con Howe
Director of Planning
City of Los Angeles
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: EIR No. 2000-3213
AIMCO/Casden Project "Palazzo Westwood"

Dear Mr. Howe:

Our company, Arden-Westwood, LLC, is the owner of the Westwood Center Building at 1100 Glendon in Westwood, immediately adjacent to the above referenced proposed development. As such, we are keenly interested in the public approval process as it relates to this project.

The Draft Environmental Impact Report (DEIR), circulated for comment on February 21, 2002, contains an appendix (Appendix A) which includes a copy of the original Notice of Preparation (NOP) and also purports to present comments to the NOP as well. It appears, however, that the comments included in the appendix did not include a substantial number of comments from the public, including comments made on December 4, 2000 by Friends of Westwood and Wilshire-Glendon Associates, which also reflected the concerns of our company.

While the provisions of the California Environmental Quality Act (CEQA) do not require the inclusion of comments made to the NOP, a significant issue of fairness and/or bias is raised by virtue of the omission of certain comments and the inclusion of others. On that basis, we respectfully request that the DEIR be revised to include all comments received and re-circulated for comment.

Secondly, we wish to request that the comment period be extended to a full 60 days, given the complex nature of the analysis required for this particular project. As abutting property owners, we have a fiduciary responsibility to our investors to carefully weigh the potential impacts that

may arise from the proposal. We feel that the 45-day time period is not sufficient for us to adequately review and comment on the document as presented.

We would appreciate your prompt response.

Sincerely,

David A. Swartz
General Counsel

cc: Councilman Jack Weiss, Council District 5 (via facsimile – (213) 978-2250)
City Attorney Rocky Delgadillo (via facsimile – (213) 680-3634)
File

SAVE WESTWOOD VILLAGE

A Community-Business Alliance Dedicated to Quality Revitalization

April 11, 2002

Terry A. Tegnazian
Co-President
Direct Tel: (310) 470-0770

By Fax & U.S. Mail

Maya E. Zaitzevsky
Department of City Planning
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Re: AIMCO/Casden Project - Palazzo Westwood
EIR No. 2000-3213
Supplement to Comments to Draft EIR issued 2/21/02

Dear Ms. Zaitzevsky:

This will supplement our comments dated April 8, 2002 regarding the above-referenced Draft EIR.

1. Pedestrian Orientation. At page 7 following subparagraph (d) at the top of the page, add the following:

(e) The proposed definition of Mixed Use Project reduces by nearly 40% and changes the requirements under current for commercial uses along street frontages, thereby further degrading the pedestrian experience along the street frontages of this project. (See discussion on Proposed Amendment (a) below).

2. Proposed Amendments/(a) Add definition of "Mixed Use" and "Unified Development." At page 15 following the end of the first paragraph and before the discussion on Unified Development, add the following:

The DEIR also fails to disclose that the proposed definition of "Mixed Use Project" reduces by nearly 40% the current Specific Plan requirement that at least 8[illegible]% of the frontage of a commercial building, to a depth of at least 30 feet, be devoted to retail, restaurant or other food service uses (§5.D.1). The proposed definition requires only that "50 percent of the ground floor building frontage abutting a public commercially zoned street," be designed to accommodate commercial uses.

Further, under the current Specific Plan only vehicular access to on-site parking is excluded from the calculation of

1093 Broxton Avenue, PMB Box 620, Los Angeles, CA 90024
Voicemail/Fax: (310) 358-7622

building frontage for this purpose. Under the proposed definition, both pedestrian entrances and driveways are excluded from the calculation of building frontage. Additionally, under the Specific Plan building frontage includes the frontage on both a public street and a courtyard accessible from a public street (§4), while the proposed definition includes only frontage abutting a public commercially zoned street. By how much do these differences reduce the "building frontage" on this project?

In addition, the proposed definition requires only that the space be *designed* to accommodate commercial uses. Unlike the Specific Plan, it does not require that the space actually be *occupied* by commercial uses. Finally, the Specific Plan carefully specifies the types of commercial uses and how they may be sited, including the requirements regarding neighborhood retail and/or neighborhood services under §5.D.2 which will apply to this project, but which this project may violate (see Bonuses - Neighborhood Retail/Services, above). The proposed definition totally ignores this issue of the types of commercial uses.

The DEIR wholly fails to analyze all the impacts of this part of the proposed definition of "Mixed Use Project." What are all the impacts of the changes to the Specific Plan being made by this part of the proposed definition of "Mixed Use Project," including without limitation the following:

(i) how much building frontage is there in this project calculated under the Specific Plan as currently in force? How much building frontage would there be as calculated within the meaning of the proposed definition?

(ii) what is the difference, in both square footage and building frontage, of the amount of ground floor commercial uses required under current law and under the proposed definition?

(iii) what are the impacts on the so-called pedestrian orientation of this project by reducing and changing the requirements for ground floor commercial uses as are being proposed? Will pedestrians be walking by more blank walls, more "holes" in the street fabric from pedestrian entrances and driveways and from more non-retail, non-restaurant uses such as financial services, etc., which are likely not to attract walk-in traffic and to be closed at night?

(iv) how will the types of ground floor commercial uses be regulated?

(v) since the majority of the retail space in this project does not even qualify as "ground floor" (see Sunken Plazas/Below Grade Retail, below), how does this proposed definition impact the requirements for this project, e.g., is this project required to have any commercial uses at all?

Very truly yours,

Terry A. Teghazian
Co-President

CASDEN PROPERTIES LLC

9090 WILSHIRE BOULEVARD
BEVERLY HILLS
CALIFORNIA 90211
310.274.5555
310.276.6486 FAX

RECEIVED
APR 16 2002
ENVIRONMENTAL UNIT

April 8, 2002

Via Facsimile (213) 978-1343

Ms. Maya Zaitzevsky, Project Coordinator
Los Angeles City Planning Department
Environmental Review Unit
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Re: Palazzo Westwood
File No. 2000-3213

Dear Ms. Zaitzevsky:

Casden Properties LLC, on behalf of the property owner Casden Glendon LLC, make the following comments on the Cultural Resources section of the above referenced Draft Environmental Impact Report.

The Glendon Manor apartment building is somewhat unique because it represents the first time a building was successfully nominated to the California Register by a third party -- apparently without a corresponding plan to finance its acquisition or preservation. Property owners often nominate buildings like Glendon Manor to obtain relief from today's more stringent life safety and earthquake codes, and to qualify for tax and financing incentives to offset the enormous cost of retrofitting a building.

At issue is whether Glendon Manor attains the level of significance that justifies eligibility for listing in the California Register. According to the National Park Service guidelines, on which the State's criteria are patterned, eligibility to the California Register should be reserved for buildings that demonstrate *statewide importance* to the history of California -- not an undistinguished 42-unit apartment building that was never recognized previously as being more than of local interest.

After exhaustive documentation, no *important* contextual connection exists between Glendon Manor and the University of California, or the development of Westwood Village by the Janss Investment Company.

- Glendon Manor lacks a *demonstrated* connection to specific UCLA uses, including student housing.
- Glendon Manor lacks a *relevant and important* connection to Janss Investment Company's master-plan of Westwood Village.
- Glendon Manor is not the *first* or *last* remaining residential building within Westwood Village.

The building itself is an undistinguished example of a building type that never became prevalent in the Village. Moreover, it does not embody the characteristic massing and detailing of Mediterranean Revival architecture that is worthy of preservation efforts in the Village.

- Glendon Manor *lacks* the characteristic detailing, massing, and form of Mediterranean Revival architecture.
- Glendon Manor is not characteristic of the Village "landmark" buildings developed by the Janss Investment Company.
- Glendon Manor does not contribute to the prevailing multi-family architectural composition of the Village.

In January 1989, the City Council amended the Westwood Village Specific Plan to protect the important cultural resources located in the commercial core. Forty-five buildings were listed as "Locally Significant Historic Resources." Three buildings were excluded from the list because they were adjacent to, or part of, redevelopment sites – including the Glendon Manor site and two sites on Westwood Blvd. These sites are designated in the Specific Plan as "receiver sites" for transfer of excess density from commercial core sites.

The Village has undergone significant changes in the last 25 years, rising to prominence as one of the City's most successful shopping districts to virtual extinction today. The Council made an informed land use decision under the Specific Plan to balance economic revitalization interests against preservation of a critical mass of historic buildings that define the unique character of the Village. The relative importance of Glendon Manor was fully considered, and the decision by the Council to consider redevelopment of the site should not be manipulated by elevating the importance of a local Category 5 building to that of *statewide* significance.

Sincerely,

Gregory D. Smith
Senior Project Manager
Casden Properties LLC

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

April 9, 2002

RECEIVED
CITY OF LOS ANGELES
APR 16 2002
ENVIRONMENTAL UNIT

Maya Zaitvevsky
Los Angeles City Planning Department
200 North Spring Street, Room 763
Los Angeles, CA 90012

Subject: Palazzo Westwood
SCH#: 2000101123

Dear Maya Zaitvevsky:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 8, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2000101123
Project Title Palazzo Westwood
Lead Agency Los Angeles City Planning Department

Type EIR Draft EIR

Description Palazzo Westwood is a proposed 528,490 square-foot mixed use project in Westwood Village which features 350 residential units and 115,000 square feet of ground floor retail. The residential portion is 413,490 square feet. The project is comprised of two parcels: Parcel A on the east side of Glendo and Parcel B on the west side of Glendon. The project has an overall FAR of 2.85. The development will be 55 feet in height, as measured by the adjoining grade. In compliance with the Specific Plan, there will also be non-habitable architectural elements, such as towers, included in the project's design. The retail/commercial component consists of neighborhood retail uses including up to three restaurants, a drug store, and possibly a specialty market. There will be 1,450 parking spaces provided within three subterranean levels. Glendon Avenue will be narrowed to 36 feet in order to accommodate 17-foot sidewalks. The project site is approximately 4.25 acres in the C4-2D-O zone.

Lead Agency Contact

Name Maya Zaitvevsky
Agency Los Angeles City Planning Department
Phone 213 978-1355 **Fax**
email
Address 200 North Spring Street, Room 763
City Los Angeles **State** CA **Zip** 90012

Project Location

County Los Angeles
City Los Angeles, City of
Region
Cross Streets Tiverton Avenue/Glendon Avenue
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 405, I-10
Airports Santa Monica
Railways
Waterways
Schools UCLA
Land Use Parking, Commercial, Residential C4-SD O Commercial

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 02/21/2002 **Start of Review** 02/21/2002 **End of Review** 04/08/2002

Department of Toxic Substances Control

Edwin F. Lowry, Director
1011 N. Grandview Avenue
Glendale, California 91201

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

March 18, 2002

RECEIVED
MAR 21 2002
STATE CLEARING HOUSE

Clear
4/8/02
e

Ms. Maya E. Zaitzevsky
Project Coordinator
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, California 90012

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PALAZZO WESTWOOD (PROJECT), SCH 2000101123

Dear Ms. Zaitzevsky:

The Department of Toxic Substances Control (DTSC) has received your draft Environmental Impact Report (EIR) for the above mentioned Project. Based on the review of the document, if during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate Health and Safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.

DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's web site at www.dtsc.ca.gov. If you would like to meet and discuss this matter further please contact Mr. Bob Krug, Project Manager, at (818) 551-2866 or me, at (818) 551-2877.

Sincerely,

Harlan R. Jeche

Harlan R. Jeche
Unit Chief
Southern California Cleanup Operations - Glendale Office

cc: See next page.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

Printed on Recycled Paper

cc: ✓ Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Department of Toxic Substances Control

Edwin F. Lowry, Director
1001 I Street, 22nd Floor, P.O. Box 806
Sacramento, California 95812-0806

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

MEMORANDUM

TO: Sayareh Amir, Branch Chief
Site Mitigation Program

FROM: Guenther W. Moskat, Chief
Planning and Environmental Analysis Section

Date:

SUBJECT: TRANSMITTAL AND REVIEW OF LEAD AGENCY ENVIRONMENTAL DOCUMENTS FOR PALAZZO WESTWOOD - SCH 2000101123

The Department has received a Draft EIR for the project listed above. As a potential Responsible Agency, the Department is encouraged to make comments pertaining to the project as it relates to hazardous waste and/or any activities which may fall within the Department's jurisdiction. Please have your staff: 1) conduct its review of the attached document prior to the end of the comment period; 2) complete the appropriate items listed in the box below; and 3) return this transmittal sheet and a copy of any response letter from your office to:

Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
P.O. Box 806
1001 I Street, 22nd Floor
Sacramento, California 95812-0806
Fax (916)324-1788

Date Comment Period Began:

Comments Due to Lead Agcy:

Reviewed By: Bob Krug Date: 3/14/01

COMMENTS have been prepared and sent to the Lead Agency on _____; **AND**

A copy to PEAS has been provided via: Attached Copy ☐ FAX (916-324-1788) or
☐ Wide Area Network at U:\ ad \ oeara \ peas \ ctc \

_____
[Enter the name of the WordPerfect file for the comments here]

NO COMMENTS NECESSARY because:

- ☐ All Department concerns have been adequately addressed; OR
- ☐ Project does not fall within the Department's areas of responsibility.

A copy of the Notice Of Completion Transmittal Form (document not included) for this project has been sent to the Permitting Branch for their information and possible consideration.

Note: If these documents have been misdirected to you, please immediately notify our office and forward the documents to the appropriate program for review and action!

Thank you for your assistance with this project. If you have any questions, please contact Ken Tipon , CEQA Tracking Center, at (916) 322-5266 or CALNET 492-5266.

Printed on Recycled Paper

Urban Concepts
9911 West Pico Boulevard, Suite 510 Los Angeles, CA 90035
310 772-7757 310 282-9991 FAX
20 West 20th Street, Suite 1101 New York, NY 10011
212 243-5504 212 255-6816 FAX

Bill Christopher
Principal

Post-it® Fax Note 7671	Date 4/15/02	# of pages ▶ 12
To MAYA	From Bill Christopher	
Co./Dept	Co UC	
Phone #	Phone # 310 772.7757	
Fax # 213.978.1343	Fax # 310.282.9991	

April 15, 2002

Ms. Maya Zaitzevsky
Environmental Review Unit, Department of City Planning
CITY OF LOS ANGELES
200 N. Spring Street, 7th Floor
Los Angeles, CA 90012

Re: **EIR #ENV-2000-3213, SCH #2000101123, Palazzo Westwood**
Comments on the Draft Document, Dated February 21, 2002

Dear Ms. Zaitzevsky:

On behalf of our client, Arden Realty Group, Inc., owners of the Westwood Center Building at 1100 Glendon, immediately abutting the subject property to the south, we offer the following comments:

A. Executive Summary

1. *Page 4, 1st Paragraph, Access and Parking*

   The paragraph notes "135 replacement trips", which we believe should read "135 replacement spaces".

2. *Page 4, 6th Paragraph, Project Construction*

   The paragraph identifies the Lopez Canyon Landfill as a potential dump site. It is our understanding that the Lopez Canyon landfill is closed and not receiving any additional material.

3. *Page 16, 1st Paragraph, Land Use Consistency*

   The paragraph states that "...the Project would have a less than significant impact with regard to land use consistency with the Westwood Community Plan and the Westwood Village Specific Plan", by virtue of its 'consistency

with the vast majority of the plans policies." We strongly disagree with this conclusion. While the project is clearly consistent with a number of the policies outlined in both the Community Plan and the Specific Plan the project runs directly counter to three very specific regulatory elements of the Village Specific Plan.

First, the residential density exceeds that codified in the Specific plan by a factor of two. Second, the FAR limitations established in the Plan were intended to scale development down as it approached the Village Core from the higher densities permitted at the perimeter. By seeking to average the FAR over the two properties involved, the Project seeks to eliminate that planned reduction in scale. Lastly, the height limit at 55' and the required setback above 40' were specifically intended to avoid the construction of 5 story facades along pedestrian scaled streets, such as those proposed by the applicant. These three factors form the heart of the Specific Plan regulations that have guided the development of Westwood Village for the past decade.

As such, we believe, any approval of proposed project must include either additional mitigation in terms of the density and physical scale of the project or a statement of overriding considerations with regard to land use consistency.

4. *Page 17, Noise, Construction Phase Impacts*

As owners of the property immediately abutting the subject site to the south, our clients are concerned that no mention is made of the impact of construction noise on the existing tenants in Westwood Center Building directly abutting the construction activity.

5. *Page 17, Noise, Operational Impacts to Off-site Uses*

Operationally, the largest of the loading facilities, serving the drug store and market, is located immediately adjacent to the retail portions of the Westwood Center building along Glendon Avenue, yet there does not appear to have been any analysis of the potential noise impacts on the neighboring businesses.

6. *Page 24, Traffic, Project Construction Impacts*

The document states that "No truck staging or travel will occur or Weyburn or Tiverton Avenues." This language clearly implies that truck staging will occur on Glendon. Given that fact that the sole access to the Westwood

Center parking structure is located on Glendon, between Kinross and Lindbrook, our clients are very concerned about the potential to for staged trucks to interfere with or completely block that access.

7. *Page 24, Project Parking Impacts*

The project proposes to eliminate on-street parking along Glendon, north of Kinross. This on-street parking serves the retail tenants at the ground level of the Westwood Center, as well as the retail and restaurant tenants on the west side of Glendon, south of the subject site. This loss of on-street parking is clearly significant.

8. *Page 25, Mitigation Operational Phase, #4*

Adding a left turn lane from westbound Lindbrook to southbound Glendon would also result in the loss of four on-street parking spaces, which are critical to the retail tenants of the Village. Overall, the loss of on-street parking must be considered a significant impact.

9. *Page 26, Wastewater, Project Impact*

The document states that "The Project land uses are consistent with the uses allowed on the site by the Westwood Village Specific Plan, and would therefore be within the expected development to be served." As noted above, the land uses are *not* consistent with the Specific Plan, specifically the residential density is twice that allowed by the plan, therefore, the wastewater impact would not be within the level of expected development.

B. Project Description

1. *Page 37, Retail Component*

This paragraph characterizes the market as a "specialty market", yet footnote #6 refers to a supermarket. A supermarket has different impact characteristics than a specialty market.

2. *Page 45, Intended Uses of the EIR*

The items outlined in #1 constitute the specific regulatory issues that, we believe, form the basis of a finding of significant impact with regard to land use consistency.

C. Environmental Setting

1. *Page 49, Table IV-1a, Related Projects*

Table IV-1a lists an 874,000 sf office building at 1950 Avenue of the Stars as "Pending", under EIR 91-0148. The address would locate it on the east side of Ave. of the Stars, while the dot on Figure 1V-4 locates it on the west side of the street.

It appears that this is the original application by JMB for a building to the located at Avenue of the Stars and Constellation.

As most people know, the entitlement for that structure was relocated to Constellation and Century Park West and is now well under construction as "Constellation Place".

D. Environmental Impact Analysis

1. *Page 64, Aesthetics, Value of Replacement Structures and Uses*

The second paragraph notes the enhanced (wider) sidewalks along Glendon as enhancing the pedestrian appeal, yet no mention is made of the large loading facility planned for the middle of the block along Glendon at the south end the site. From the plans provided, it is clear that the location of the dock, serving a large 24 hour market and a 24 hour drug store will have a significant negative impact on the pedestrian character of that section of Glendon.

2. *Page 65, Aesthetics, Value of Replacement Structures and Uses Paragraph 3*

The document notes that the Project will be taller than the residential structures to the east. This is precisely the concern that the setback requirement above 40' contained in the Plan is meant to address.

3. *Page 76, Aesthetics - Shading*

The discussion contained in paragraph 4 regarding whether or not passive solar energy system are supported by sunlight between 9:00 am and 3:00 pm is quite irrelevant in this situation.

The Village Specific Plan and the accompanying Design Review plan contain two precise criteria for measuring shading impacts in this case, as outlined on page 78.

4. *Page 76, Aesthetics - Shading, Threshold of Significance*

Paragraph 2 should refer to a four hour time period, rather than a "two hour time period".

5. *Page 84, Aesthetics - Shading, Project Impacts, Winter Solstice, Paragraph 2*

While it appears that the shadow of the project does not fall over more than one third of the footprint of the Westwood Horizons for more than two hours between 9:00 am and 3:00 pm, the discussion of the "height" of the shadow on the wall of the building is confusing and potentially misleading.

6. *Page 112, Cultural Resources, Project Impacts, Glendon Manor*

We concur that the potential loss of the Glendon Manor would result in a Significant Impact. While the Glendon Manor is not considered a "Cultural Resource" for the purposes of the Village Plan Specific Plan, it should be noted that the Plan does contain language, in section 9.B. to the effect that if a "cultural resource" is demolished, parking for any replacement structure shall not extend into the public right of way. Clearly, although consistent with the letter of the law, the proposed project is not consistent with the intent of the Plan.

7. *Page 113, Cultural Resources, Project Impacts, Adjacent Specific Plan Culturally Significant Resources, Paragraph 1*

The paragraph refers to Figure V.A1-10 to show the project in context with the cultural resources to the south, yet the image, by virtue of the acute angle and the use of an serendipitous existing ficus tree makes it impossible to render any real judgements with regard to the scale and compatibility of the project. Similarly, in Figure V.A1-11, the landscaping is skillfully deployed within the image frame in a manner to make any judgement regarding the scale of the project meaningless. Hence, we believe, that the conclusions made in the paragraph regarding Section 8A.4.a. of the Specific Plan are not supported by the Figures referenced in the document.

8. *Page 140, Land Use, Threshold of Significance*

The paragraph notes that a significant impact may exists based on a determination of whether or not the proposal is consistent with the adopted land use plan. As we have noted, we do not believe the proposed project is consistent with the adopted Land Use Plan, the Westwood Village Specific Plan.

9. *Page 142, Land Use, Compatibility with Adjacent Uses, Paragraph 3*

The paragraph notes that a change to the Plan is required to permit the proposed commercial uses to occupy portions of the site which front on Tiverton.

10. *Page 144, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Objective 1-3.1*

Height and compatibility are further regulated by the Specific Plan, in ways (55' limit and setback above 40') that run counter to the proposed project, hence, the project is not consistent with Objective 1-3.1.

11. *Page 146, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Policy 2-2.2*

See item 10 above.

12. *Page 146, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Policy 2-3.2*

See item 10 above.

13. *Page 148, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Purpose C*

The purposes outlined in Purpose C, with regard to compatibility, pedestrian scale and preservation of resources are further quantified in the regulations contained in the Plan, a number of the which the Project chooses to modify. It is, in our opinion, inaccurate to make a finding of consistency with the purpose of the Plan and then amend the regulations which define the purpose.

14. *Page 148, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Purpose E*

The location of the primary loading bay at the southern edge of the site on Glendon, in our opinion, impedes the functioning of the Village as a shopping area and is, therefore, not consistent with the stated purpose of the Plan.

15. *Page 150, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Table V.F-1*

The requested text change to the Plan, doubling the residential density, is clearly counter to the original intent of the Plan which envisioned an R3 residential density in conjunction with commercial development in the Village, not R4 or R5 which occur elsewhere in the Westwood Community. The proposed project would have a residential density of 530 sf per unit, well above the 800 sf per unit (R3) envisioned by the Specific Plan.

16. *Page 150, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Table V.F-1*

The project seeks to eliminate the required setback above 40' which was intended to provide a pedestrian scale along the streetscape. The justification offered refers to the fact that the building faces itself, hence there will be no impact. Yet the analysis does not look at the differences between the 40' street wall versus the proposed 55' height.

17. *Page 160, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Mitigation Measures*

We disagree with the conclusion that the project would not result in a significant land use consistency or land use compatibility impact, based on the foregoing points.

18. *Page 176, Noise, Loading Dock Activities*

The 3dB increase analysis for Tiverton is present in the text, but not for the Glendon dock which is proposed to be in close proximity to the retail uses of the existing Westwood Center Building. We believe these uses, which include medical offices, should be considered noise sensitive uses for the purposes of the analysis.

19. *Page 183, Population and Housing, Existing regional and Local Population and Population Projections*

The document cites SCAG projections for a 24% population increase in the City's population between 1990 and 2010, as part of the justification for additional housing needs in Westwood (at a 20% growth factor). In fact, the population in the City grew 6% between 1990 and 2000, and can be expected to grow by less than 10% in the coming decade. Growth in the Westwood Plan area may reach only half the SCAG projection by 2010.

20. *Page 220, Transportation/Traffic, Table V.J-4b*

The major issue with the traffic analysis as presented has to do with the compounded reductions taken with regard to traffic generation. According to the analysis, the people housed in the 350 units in the project's buildings will account for a full 20% of the traffic through the drug store, market and high-turnover restaurant. These 600 odd poor people have a huge responsibility to keep 115,000 sf of retail and restaurant afloat. Next, the project assumes 40% of the trip are Pass-by, yet there is no data to support that kind of reduction, particularly in this kind of urbanized environment, where, if you do not live in the project, you are very likely to drive to it to shop, since the analysis takes no deduction for walk-in traffic.

Hence, magically, 60% of the major retail traffic disappears before the analysis begins. We believe that a maximum of a 40% reduction should be permitted for internal and pass-by trips, not 60%. Hence, we do not believe that a 350 unit apartment project with 115,000 sf of high traffic retail space will be limited to 287 inbound and 236 outbound PM peak hour trips (after reductions for existing uses).

21. *Page 221, Transportation/Traffic, Table V.J-5*

The net trip generation shows a reduction of 103 inbound and 109 outbound trips related to the now vacant uses on the site. Since these uses have been vacant for a substantial period, including these deductions does not present a true picture of the project's impacts on the street system.

22. *Page 225, Page 221, Transportation/Traffic, Access*

The first paragraph states that the driveway volumes shown on Figure V.J-3 are higher than the volumes used on the distribution Figures V.J.-2a & b. Figure V.J-3 shows a PM outbound count of 435 cars. Yet Table V.J-5 indicates an outbound PM peak driveway volume of 477 (after the internal trip reduction).

23. *Page 239, Transportation/Traffic, Construction Phase*

Little or no analysis is present with regard to the impact of the 64 trucks per hour (one per minute) staging on Glendon in front of or in the vicinity of the Westwood Center Building. We believe additional analysis need to be completed to demonstrate that Glendon Avenue, south of the proposed project can support the proposed hauling operation without significant impact to the operation of the Westwood Center Building.

Summary

The document raises a couple of pivotal issues regarding the future approval of the Project:

A. The request to increase the residential density of the project from 800 sf of land area to 400 sf of land area.

This request, in effect, allows the proponent to seek to increase to the unit count from 232 to 350 in the overall project. His argument is that he would still be allowed to build the square footage in any case, just using either a smaller number of units of converting the unused FAR to commercial uses. As noted above, the Specific Plan is clear in promoting R3 density in conjunction with commercial development, not R4.

The proponent is also seeking to average density over two parcels, essentially shifting density west across Glendon, when the Specific Plan seeks to lower heights and density as you approach the Village Core.

B. Elimination of the 45-degree setback above 40' along the street facades.

The Village Specific Plan has long been predicated on the requirement the buildings which seek to go higher than 40' must set back above that line. Again, this provision was included in the Plan to limit buildings to a pedestrian scale as they meet the street.

C. Glendon Manor

The other significant issue raised by the document is the question of the Glendon Manor. As an upshot of the previous battles with Mr. Smedra, the Friends of Westwood succeeded in having the State declare the Glendon Manor eligible for listing on the State Register of Historic Buildings. Given the owner's opposition to the listing, the structure is "eligible" but not actually listed. CEQA

requires that an eligible structure be treated essentially equally with a listed structure for review purposes. The developer is proposing that the City adopt a Statement of Overriding Considerations to cover the loss of the "eligible" structure. We are concerned about this finding, in light of the Specific Plan language that encourages preservation and limits any replacement subterranean parking from intruding into the public right of way.

D. Environmental Issues

The report raises some points in the Traffic section and in the Housing that can be open to some debate. They are not, however, issues that relate directly to Arden's interests. We have explored the traffic questions as a measure of fair-share access to the streets and necessary payments to mitigate impacts.

Three issues tend to impact our client directly, hauling of dirt and the staging of trucks on Glendon, along with the loss of future street parking on Glendon. The third issue is the issue of noise and aesthetics arising from the placement the main loading dock on Glendon, abutting the Westwood Center Building. These issues are not covered to any degree in the EIR, and we feel need to be included in the analysis.

E. Sub-surface Vacation

Very little information in the document relates to the issue of the sub-surface vacation under Glendon, since it doesn't fit neatly into the standard categories that are typically analyzed as part of an EIR. We are concerned that the vacation action will have a future impact on the City's ability to develop infrastructure, such that the underground right-of-way will no longer be available for water, sewer, telecommunication, cable TV, fiber optic or other necessary connections. That analysis is missing from the document.

Please consider these comments and respond accordingly. If you have any questions, please call me.

Sincerely,

Urban Concepts
As agent for Arden Realty, Inc.

Bill Christopher
Principal

cc: D. Swartz
File

FRIENDS OF WESTWOOD

10558 Kinnard Avenue, Los Angeles, CA 90024
Tel: 310-470-4522 Fax 310-470-9944 E-mail: laura_lake@email.com

Via Fax 1-213-978-1343

RECEIVED
CITY OF LOS ANGELES
APR 09 2002
ENVIRONMENTAL UNIT

April 7, 2002

Jimmy Liao
EIR Section, City of Los Angeles
200 North Spring Street, 7th Floor
Los Angeles, CA 90012

RE: DEIR Palazzo Westwood (Aimco/Casden Project)

Dear Mr. Liao:

Friends of Westwood wishes to incorporate by reference all comments submitted in response to this draft EIR.

REQUEST TO CORRECT FLAWS AND RECIRCULATE DEIR IN RESPONSE TO NOP COMMENTS FROM PUBLIC

We wish to repeat, on the record, our request for recirculation of the DEIR due to a failure to publish, reference or address NOP comments from the public (attached letter of March 27, 2002 to Con Howe, Director of Planning, and NOP comments). We believe that the refusal of the City to correct this flaw and recirculate is in direct violation of CEQA §21091(d)(1), Draft environmental impact reports and negative declarations; review periods:

> "The lead agency shall consider any comments it receives on a draft environmental impact report or on a proposed negative declaration, which are received within the public review period. *** ...The lead agency shall evaluate any comments on environmental issues that are received from persons who have reviewed the draft and shall prepare a written response pursuant to subparagraph (B)."

This has not occurred in response to public comments on the NOP. Why not? Please remedy the situation by responding and recirculating the DEIR.

PLAN OR MASTER EIR REQUIRED

The applicant seeks to amend the General and Specific Plans. The EIR for the Westwood plans was certified in 1989. It is more than six years old and cannot be used to approve these changes. We are already on record with Councilman Weiss' office and the City Attorney, requesting the preparation of a plan or master EIR, rather than a project EIR. We have not received a written response to that request. We now repeat our request.

The build-outs in the original EIR for the Westwood Plan were based on mid-1980s data and analysis, and preceded the 3.9 million square foot UCLA LRDP (1991) and the current LRDP Update to accommodate state-mandated increased undergraduate enrollment at UCLA. Both have huge population increases and therefore create a major inconsistency in the Population Element of the General Plan that can only be addressed through a new Master EIR.

Thus all analysis and discussion of population projects and the build-out are incorrect in the DEIR for the Aimco/Casden project.

INADEQUATE NOTICE AND NO POSTING

Contrary to our NOP request that all owners and tenants in the Village receive notice of this proposed project, and that the required posting occur, no such posting or notice has been provided, in violation of CEQA§21092(B): "Posting of notice by the lead agency on-and off-site in the area where the project is to be located. (C) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll." This too has not occurred. Why not?

Finally, CEQA §21092.1 Addition of new information, notice and consultation, requires that

> "When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Section 21104 and 211533, but prior to certification, the public agency shall give notice again pursuant to Section 21092, consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report."

CITY CEQA GUIDELINES NOT ADOPTED

While Draft CEQA Guideline, issued June 1998 by the City of Los Angeles are available, there is no internet provision of current, binding guidelines. A 1990 City CEQA Guideline, "Los Angeles City Planning Department, Public Participation in Environmental Review Procedures," which may still be in effect, states that "***All comment received during the NOP period must be addressed in the Draft EIR***" [emphasis added].

Please provide current, in force, guidelines, and recirculate the DEIR because many substantive issues addressed by business and community interests, were not addressed in this DEIR.

NEW INFORMATION

New information has been provided by the Applicant in an April 2, 2002 meeting with selected community leaders regarding the discrepancy between the graphics included in the DEIR and his renderings, especially regarding the 7 foot below-grade proposal along Glendon Avenue, which would not be "street level" or "ground level" retail, as a result of being more than 3 feet, as permitted by the Westwood Village Specific Plan. As a result, there is no bonus for non-street

level retail, and all FAR calculations and buildable allowances need to be recalculated. Please provide this analysis.

The applicant's representatives, Greg Smith and Howard Katz, refused to provide the accurate (per architect Jan Van Tilberg) drawings because it would acknowledge inadequacies in the DEIR and require recirculation.

PEDESTRIAN MALL ACT REQUIREMENTS, LIABILITIES, AND CONDEMNATION

Likewise, there is no discussion or analysis of how Glendon Avenue will be narrowed, including but not limited to the Pedestrian Mall Act, Division 13, §11006, which states that: "'Pedestrian Mall' means one or more 'city streets," or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel."

Note that there is no reference in the DEIR to the need for an Ordinance of Intention to create a Pedestrian Mall. Why not?

Please analyze all correspondance filed with the City of Los Angeles with regard to street vacation and pedestrian malls for the preceding project (Smedra Project) that was terminated by this city January 2002. Specifically, please explain what liabilities are incurred by the City by granting a Pedestrian Mall to the applicant, what public benefit is incurred, and what compensation will be provided to property owners and tenants who have easements for vehicular use for all alleys and streets within the Village?

This issue alone constitutes new information and analysis that is required for this project and must be supplied in an amended and recirculated DEIR. Please provide this analysis and information and recirculate.

DEIR'S FAILURE TO BASE CONCLUSIONS ON SUBSTANTIAL EVIDENCE

CEQA §21082.2(c) requires that

> "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

The applicant has failed to provide substantial evidence to reach the conclusions that there are few significant adverse environmental impacts, and that alternative projects are not feasible. Please provide substantial evidence to base such conclusions.

This DEIR is rife with inconsistencies, false and misleading information that will be addressed below. Please provide substantial evidence in each case, and recirculate the corrected DEIR.

FAILURE TO ADDRESS SERIOUS PUBLIC CONTROVERSY

This DEIR has failed to note serious public controversy that exists regarding unilateral, wholesale changes to a carefully crafted and negotiated specific plan. This controversy has existed since the Smedra project, and since its environmental documentation is referenced in this DEIR, it should also be noted.

CUMULATIVE PROJECT LIST INCOMPLETE

Several grand fathered Wilshire Boulevard highrise condo projects are approved and therefore should be listed as pending. Also, the UCLA LRDP is being revised. A scoping meeting was held yesterday, April 6, 2002 at UCLA and has been noticed publicly. Please include the additional buildable that UCLA is now contemplating.

20 YEAR TRAFFIC FORECAST REQUIRED

Whenever a general plan highway element is amended, the DEIR has to conduct an analysis of the full build-out, and a traffic analysis for a 20 year period. The traffic forecast to 2005 is not an adequate forecast.

IMPROVING THE INTERNAL STREET CAPACITY OF WESTWOOD VILLAGE

The community and commercial property owners are interested in improving the circulation capacity, rather than reducing it, of Westwood Village.

a. Please analyze the benefits of making Tiverton Avenue two ways, installing a traffic signal at Glendon and Kinross (as required for Nansay and the Smedra Project). Per Nansay EIR # 89-423-SUB(CUB)(VAC), 1992:

> "Currently, this intersection is controlled by a thee-way stop sign. The project-related impacts at this intersection would require traffic signal control for the safe and efficient movement of traffic. The applicant is required to fund the design and installation of a traffic signal and Automated Traffic Surveillance and Control (ATSAC) System at this intersection. Restripe Glendon Avenue to provide one through and one shared through/right-turn lane in the southbound direction."

Traffic has increased substantially since 1992, and these improvements are even more necessary now.

b. Upgrading this segment of Glendon Avenue to make it a secondary highway in keeping with the traffic it carries (contrary to the DEIR, it carries between 7,200 to 8,600 cars per day, based on the Smedra DEIR and FEIR). This volume warrants this designation.

c. Improving Tiverton to Secondary Highway measurements.

d. Dedicating three feet adjacent to the project frontage along the south side of Weyburn Avenue between Glendon Avenue and a point approximately 210 feet easterly thereof.
e. Widen and improve Weyburn Avenue between Glendon Avenue and Tiverton Avenue to provide an additional right turn only eastbound traffic lane on a 43 to 53 foot roadway within 73 to 76-foot right-of-way.
f. Modify the curb return on the southwest corner of Weyburn Avenue and Glendon Avenue to provide a 30-foot curb return right-of-way.

CALCULATE LOSS OF JOBS, INCOME AND REVENUE AT EXPO DESIGN DUE TO CONSTRUCTION CLOSURE AND THE PROPOSED NARROWING OF GLENDON AVENUE

How long would Glendon be closed?

What impacts on the operation of the Macy's Building will result from the closure and narrowing of Glendon?

How many jobs would be lost?

How much revenue for the City would be lost?

What is the net job and revenue result if one offsets these losses against the alleged jobs and revenue generated (no figures provided) of the proposed project?

What waivers and consents must be obtained in order to construct this pedestrian mall?

How will damages be appraised, by whom, and how long will this process take?

Will the applicant indemnify the city?

LAND USE IMPACTS

Page 15:
Contrary to the statement made on page 15, this site and its impacts on its neighbors have already been analyzed in the earlier EIR for the Specific Plan, certified in 1989. Thus, for example, to make development along Tiverton compatible, a 15 foot setback was required, and only residential development was allowed.

Please explain how the requested plan amendment to eliminate the 15 setback (inconsistently claimed to be included or excluded throughout the DEIR), enhances the transition from multi-family along Tiverton to this site.

Also note, since only residential development is allowed along Tiverton if a hotel is not built, and no bonus is provided for a mid-block Westwood Boulevard connection, nor for residential above commercial, the FAR for this site is limited to 2:1 and cannot go above this. Recalculate the buildable allowance in accord with this restriction.

Page 16:
The requested plan amendments actually have the effect of creating inconsistencies within the Community Plan and the Specific Plan. There is no R-4 density permitted in this area. Indeed, it was rejected when the plan was adopted and down zoned this area in 1989. Granting the change from high-end R-3 (800 square feet per lot area) to R-4 (400 square feet per lot area) is doubling the density, spot zoning, upzoning. Please explain how this is consistent with the spirit and intent of the Specific Plan and adjacent Specific Plans, which also require much higher parking for residential development. Since this is a discretionary project, at a minimum the City is obligated to seek parking that is appropriate for a congested area.

Projects built on the other side of Tiverton would have to provide much greater parking than this applicant is proposing. Please indicate the shortfall of parking for both of these cases, and explain the justification for failing to hold the applicant to the highest parking ratio.

OTHER SIGNIFICANT ADVERSE IMPACTS THAT ARE NOT FULLY MITIGATED OR ANALYZED

Shade and shadow impacts.
Please conduct a new shadow analysis using the actual height of the building, which is not 55 feet, as represented in the DEIR, but 84 feet, according to the architect (April 2, 2002 community meeting). See discussion on pages 76-84 and correct using 84-91 foot tall buildings to conduct shade shadow. Does this violate the 2 hours limit?

The shadow impact does not require that it be over the entire property. This project, even with the lower measurement, creates a shadow over residential buildings for more than 2 hours. Please correct and acknowledge this unmitigated, significant adverse impact.

Is there a swimming pool at Westwood Horizon? Does the shadow go over a pool and reduce its solar access, in violation of state law?

What is the shade and shadow impact of the west buildings on the eastern buildings? Please conduct analysis and provide in recirculated DEIR.

Parks
Payment of Quimby fees does nothing to reduce impacts on recreational facilities in the area because the fund is inadequate and there are no plans to acquire additional park land. Further, the growth-inducing impacts of precedential upzoning, are not addressed. Please analyze the demand for park and open space if other major sites in the Village also had their density doubled.

Please correct the analysis presented on page 23 in light of the fact that no plans exist to purchase additional park or open space. What mitigation is provided under these circumstances?

Please acknowledge that there is no mitigation for increase park and open space.

Please define open public areas as used in the Alternatives Section. Is this open to the public or internal open space? Does it count toward the FAR?

Affordable Housing Impacts

Destruction of Glendon Manor represents the loss of 42 affordable housing units, a significant adverse impact on the Housing Element of the General Plan that is not analyzed in the DEIR. Please identify all affordable housing within the Community Plan Area, and provide a mitigation plan for the loss of affordable housing in Westwood.

Highway Element of the General Plan

Please analyze the impacts on the circulation of temporarily closing Glendon, and of narrowing it. Likewise, please analyze the impact of changing Tiverton from a Secondary Highway to a Collector Street, and of not providing the R-3 Dedication and Improvement.

In order to make these changes, please conduct a 20 year traffic forecast, and contrast the requested changes with making Glendon a secondary highway and improving Tiverton as a two-way street with improvements required for a secondary highway.

It would appear that these changes are extremely significant for Westwood Village, contrary to statements made on page 16.

Finally, there is no analysis of the ability of a "big box" tenant to survive at a site served by local streets. Since they tend to be located on major highways, this is a major leap of faith that the site is suitable for such a tenant. Please analyze the traffic patterns and demands of a big box tenant and contrast with the desire to have only local streets serve this site, in effect, down-grading the street system to accommodate a big box tenant makes no sense for a circulation system.

Page 24

Lost Parking

There is no analysis or information regarding how many public street parking spaces (metered and non-metered) will be lost due to this project. Please provide as mitigation full replacement at comparable rates for all street parking that is lost. This will have a significant impact on adjacent businesses. Please calculate the impacts and revenue losses for the city due to reduced street parking. This is a significant adverse impact that is not analyzed or acknowledged in the DEIR. Please replace at 100%.

Likewise, the replacement parking calculations are inaccurate. Please refer to the original parking figures for the surface lot, deduct the 57 covenanted spaces (100% replacement), and

provide the replacement parking at 50%.

The parking shortfall from this project due to inaccurate replacement parking is almost 500 spaces, a significant adverse impact. Please calculate.

If you add the additional residential parking required for congested areas, or for projects on the other side of Tiverton, the shortfall is even greater, and no bonuses can be provided for non-surplus parking. Please determine the required replacement and residential parking.

Bonuses

Since no tenants have been identified, a Ralphs Market is operating, a Longs' Drugs is coming in shortly, and a Whole Foods is about to open, there is no basis to believe that neighborhood-serving uses will be attracted. Please explain what neighborhood-serving uses are prospects, and how they will be accommodated 7 feet below grade.

Height is not 55' but 84-91'

Throughout the DEIR the project is inaccurately described as 55 foot high, when in fact it is 84 feet, and 91 feet if you include the 7 feet below grade (per Jan Van Tilburg, April 2, 2002). This height is totally inconsistent with the low-rise Village environment, and would not be permitted in the Wilshire Scenic Corridor, which is zoned R-5!! (That area has a 75 foot height limit). Please correct the impression made in the DEIR that this is a five story building. It is the equivalent of a nine story building!

Haul Route and Staging

Please calculate the loss of business and revenue to businesses located along the haul route in Westwood Village. How many jobs will be lost?

Since the statement of overriding considerations is predicated upon the creation of jobs, it must be accurate, and address the loss of jobs and revenue due to the project. There may be no net benefit at all to justify the statement of overriding consideration.

The staging area along Sepulveda Boulevard may already be taken by UCLA for its Southwest Campus housing project. Is it? If so, what other staging area can be used, and what will the impacts be of such an alternative site?

Page 19

Population Growth

Contrary to the statement that the increase in density requested (doubling the allowed density, from R-3 to R-4), is "generally consistent" with regional and local policy," the Westwood Community Plan assumed R-3 density. Was the increased enrollment at UCLA included in the population calculation? Were the grand fathered projects along the Wilshire Corridor included in the population projections?

If other developers request comparable density doubling, what are the cumulative impacts? What inconsistencies are created between everyone else limited to R-3 and a single developer getting R-4? Does this constitute spot zoning, by conferring a unique benefit?

ADDITIONAL DEDICATIONS AND IMPROVEMENTS REQUIRED FOR NANSAY SHOULD BE PROVIDED BY AIMCO/CASDEN FOR IMPROVED TRAFFIC CIRCULATION

The Nansay project had additional dedications, such as 4 feet widening on the alley to the west of the westside of Glendon, to improve commercial deliveries, etc. Please provide comparable circulation improvements for this project, and explain if not, why not requiring the same mitigations as Nansay.

Compare and contrast the project with all required setbacks, rear yards, and sideyards.

Page 22
Schools
The applicant has failed to provide evidence that Warner Avenue Elementary School has capacity to receive any additional students. Please document how additional students will be accommodated, and if they can be. See page 200: "The proposed Project would result in a significant impact if it generates a demand for educational facilities that cannot be adequately accommodated by existing or planned facilities and services."

Page 24
Project Intersection Impacts
Please analyze impacts of the project and the 20 year build-out at Beverly Glen Boulevard and Wilshire Boulevard; and for Malcolm Avenue and Lindbrook, Malcolm and Weyburn.

Page 25
Freeway Impacts
Please analyze the impacts on the 405 (San Diego Freeway) due to the closure of both Waterford ramps (now approved by the City, but not analyzed in this DEIR).

Page 26
Wastewater
Please require on-site wastewater treatment (gray water system) to reclaim water directly on site.

FALSE DISCOUNTS/CREDITS FOR LONG-VACANT SITE

Throughout the DEIR the applicant takes credits and offsets for utility demand, traffic and parking generation for uses that have not existed for several years. For example, since there is only one tenant acknowledged for Glendon Manor, it should not get a traffic generation credit for all 42 units. Please correct and recirculate.

Page 29
Revokable encroachment permit
The DEIR does not explain or identify where the encroachment permit is to apply on the site, and what the impacts will be, and how it could be unrevoked.

Page 31
Landfills
The DEIR speculates that landfills will be expanded so that there would be capacity for this project. Please provide substantial evidence to reach this conclusion and identify the receiving landfill. Why is it not known?

Page 34
Project Description
The DEIR states that "The retail component will consist of a drug store, a specialty market neighborhood-serving retail uses and restaurants." This is speculation because no tenant has been identified. Further, bonuses are predicated on these uses. How can the applicant guarantee, when drug stores are already plentiful in the area, and two major markets have already been sited?

Page 34
ANALYZE IMPACT OF LOT TIE AGREEMENT AND NO SETBACKS

Although it is stated in the DEIR that a lot tie agreement will be sought, the impacts of that agreement with regard to additional square footage gained, are not analyzed. Please analyze the square footage gained from no sideyard requirements between the existing lots, and no rear-yards along the Tiverton residential properties. Also analyze the square footage gained from the requested lack of a 15 foot setback along Tiverton, and not "wedding cake" step-backs above 40 feet. This amounts to a significant amount of buildable area and has not been analyzed.

Page 34
Project Architecture
A 91 foot building in a plan that limits buildings to 55 feet is not "striving to preserve the integrity and spirit of the Specific Plan." Please explain the inconsistency.

The Village Specific Plan never envisioned an R-4 density project of 350 apartments for this site. Please this is a false and misleading statement. In fact, it down zoned all the R-4 property in the area! Please correct.

Page 37
Table III-1
This table does not provide the decision maker with the existing entitlements and compare it with the requested entitlements, per my NOP comments of December 4, 2000. Throughout the DEIR a false impression is created that the site allows 350, as if by right. Please provide the table of

current entitlements, requested entitlements, and the public benefit provided for each request.

Page 37

Retail Component

Since several restaurants are proposed for this site along the Glendon, it is important to analyze whether any additional restaurants are in fact permitted along this street, per the plan limitations on the spacing of restaurants.

Page 37

Footnote 6

Footnote 6 states that "the supermarket and drug stores floors will be situated slightly below street level...." The architect has stated that it is more than slightly below, it will be 7 feet. This is critical information that was not provided in the DEIR, and the statement is misleading. This is not street level retail, but subterranean retail.

Further, the Westwood Village Plan Section 7.B.3 states that bonus density can only be granted for "neighborhood retail or neighborhood services on the site. One square foot of floor area may be added for each square foot of *ground floor* neighborhood retail or neighborhood services..." (emphasis added).

"Ground Floor" is defined in Section 4 as "That portion of a floor level of a building within three vertical feet of the ground level."

Since the architect has stated that the retail will be 7 feet below the sidewalk, it is not ground floor and does not qualify for the bonus. Please analyze this discrepancy and recirculate the DEIR.

Figure III-3

This figure shows a green buffer along Tiverton, as required by the plan. However, the applicant is seeking relief from this requirement, and thus the drawing is entirely misleading. Unless Tiverton's designation is changed to collector street and the R-3 dedication is not required, the developer wants to be excused from this very vital amenity. This drawing needs to be replaced with a drawing showing the requested approval.

Figure III-4

This drawing is too small to read. It does not provide the full disclosure required of CEQA. Please provide fold-out larger drawings.

Page 43

Glendon Avenue Narrowing

How much street parking is eliminated?

There is no justification for reduced bicycle parking for a project that is intended to also serve

UCLA students.

Narrowing Glendon will have profound impacts on the circulation of this area, particularly when trucks have to back up in order to enter the loading bay on Glendon.
Please provide analysis of the Pedestrian Mall Act and how the project will comply with this state law in order to narrow Glendon.

How can the revokable subsurface encroachment permit be revoked?

Page 43
Project Construction
Since the preferred alternative is not to demolish Glendon Manor, and no substantial evidence is provided why this cannot be done, the statement that the project requires demolition of all existing structures is an argument and speculation. The applicant wants what the applicant wants, and has not marshaled any evidence that the preferred alternative is not feasible.

How long will construction take?

How long will Glendon be closed?

What will be the bearing weight of Glendon after construction of the subsurface vacation is completed?

Page 44
Project Objectives
Contrary to the misleading 55 foot height statements, this would be a 84-91 foot high project and therefore NOT appropriately scaled. Please correct.

The requested height measurement would be unique in the city, which certainly has other sloped properties. This amounts to spot zoning and creates a city-wide inconsistency.

Page 46
No discussion or explanation for the CUP relief from the Corner Retail Ordinance is provided. Please provide.

Page 46
The proposed plan amendment to permit commercial on Tiverton would in effect change the FAR from 2:1 to 3:1 along the Tiverton fronting lots. Please analyze and justify this upzoning.

This project does not qualify for an exception from the Tiverton 15 foot setback requirement. There is no hardship. Please analyze the basis for granting this approval, and what precedent is created in eliminating this amenity.

Page 52

Slope on Site

The DEIR states that there is a 19 foot slope over this site. The architect says 26 feet. Please have the city survey this site and correct any errors by recirculating the DEIR.

Page 65

Glendon Avenue as a Local Street

This discussion of Glendon Avenue does not address the private easements noted in the NOP comments of Arden Realty, Center West and Friends of Westwood, Save Westwood Village, etc. Please provide an analysis of private easements to Glendon Avenue and the procedures required to narrow this street, notice, postings, and findings required as well.

Figure V.A1-13

This figure is misleading, based on above discussion of Footnote 6. Please provide a figure that shows the 7 foot below grade retail from the street.

Page 72

There is a cumulative impact of eliminating a cultural resource. It sets a precedent that results in an aesthetic impact that cannot be mitigated. Why is the option of selling Glendon Manor not explored? Our NOP comments made it clear that there are qualified buyers who would like to restore the building. Two meetings have been held since the DEIR was issued between qualified buyers and the applicant. Please update the DEIR with information regarding the option to sell to preservationists. This would eliminate the need for a statement of overriding consideration (page 115).

Page 113

Do the cornice lines of the project with its inflated height (84-91 feet, not 55) actually correspond with the historic buildings adjacent on the alley and the Moustache Cafe?

Figure V.F-2

This figure is inaccurate and needs to be corrected. It fails to identify, for example, LOT 32 as a UCLA property, as well as the Unisys Building, and other leased/owned properties within the Village. Please correct and recirculate the DEIR.

Page 140

Mixed Use

Alternative Two is a mixed use project without any plan amendment (see page 279). Explain why the amendment is needed, and what benefits accrue to the applicant. Other than wanting additional buildable beyond the permitted FAR, the applicant has not provided substantial evidence to explain/justify the requests for additional entitlements.

Page 144

There is no landscaped buffer on Tiverton! It is not consistent with the plan. Please correct.

Page 144
This is not compatible in height with the existing residential neighborhood. A 84-91 foot tall building would not be permitted even along Wilshire Boulevard! Please provide substantial evidence.

Page 146
Parking is inadequate, contrary to this statement. Cannot make this finding. See above discussion.

Page 146
Since the retail is below ground, this does not provide pedestrian-oriented areas. It is a sunken retail complex. Such complexes have a hard time remaining viable and are antithetical to the spirit and intent of the plan, and do not qualify for the street level bonuses. Please analyze.

Page 148
Contrary to the statement made: "The project Applicant is not requesting amendments that will result in changes to allowance land uses on the site nor increases in the allowable floor area ration on the site," allowing commercial on Tiverton is not allowed presently, and would yield an increase in FAR from 2:1 to 3:1.

Page 153
The Specific Plan is not silent on FAR averaging. Please provide substantial evidence to support this statement. It does not permit it, and clearly envisioned a lower FAR on the west side of Glendon and along Tiverton (if a hotel were not built).

Page 154
No substantial evidence is provided to justify the new measurement of height than increases height from 55 feet to 84-91 feet. This creates a citywide inconsistency and is clearly spot-zoning.

Page 159
What is the basis for the statement that it is unlikely that Tiverton will be converted to a two-way street south of Weyburn? A traffic signal was required for Nansay at Glendon and Kinross that could make this happen. The community would like this to happen. Why isn't it likely? Please provide full documentation from DOT.

Page 160
Decreasing the actual and potential street capacity of Westwood Village sets a bad precedent that is not analyzed.

Pages 187-190

For reasons discussed above, several of these findings of consistency are in error. This does not, for example, given the added height and density, provide a transition to the adjacent communities.

It doesn't provide adequate buffers. It is lot-line-to-line-line and the equivalent of 8-9 stories!

It is not providing affordable housing and is not consistent with the city's goals for affordable housing. It is in fact eliminating affordable housing! Please correct.

Since the Westwood Plan was certified in 1989, how is it possible to conclude that this meets the housing or population elements for 2010?

This is not conserving the scale and character of Westwood Village. It is incompatible with adjacent projects and entitlements along Tiverton Avenue with regard to density, height, setbacks, and parking. Please correct and find inconsistent.

This is not conserving and improving existing housing stock. It is destroying existing housing stock It is therefore inconsistent! Please correct and recirculate DEIR.

Page 191
Since the existing plan is predicated on R-3 density, 45 foot height limit, how can this not create an inconsistency with respect to population? Where's the substantial evidence?

No mitigation is provided for the loss of 42 affordable housing units. Please address.

Page 200
No mitigation is provided for the impacts on Warner Avenue Elementary School, which does not appear to have capacity to receive any additional students. A statement of overriding consideration would have to be issued for this impact. Please document capacity of school.

Pages 204-205
Is the applicant suggesting that sidewalks fulfill the open space requirements of the General Plan? This is ridiculous! A statement of overriding consideration is required for unmitigated impacts on parks and open space since there are no plans nor funds to acquire additional open space within the plan area. Please correct this error.

Page 208
Are all mitigations for Sunset disclosed? If not, why not?

The volume of streets does not indicate the capacity of these streets. Eliminating on-street parking along Glendon would reduce the capacity of the street to accommodate traffic during rush hour. Please analyze.

Traffic figures do not correspond with Smedra and city counts. Please explain.

On-street parking is not quantified. How many spaces are to be lost?

Page 216
All of the LOS calculations assume no pedestrians still in street as signal changes; no breakdowns, no illegally parked cars, no accidents. Please provide analysis with some of these occurrences, to more realistically predict traffic flow.

Page 218
While the trip rates may have been approved by DOT, have the discounts and credits been approved? They are extremely generous, especially since most of the site has long been vacant! Please correct Table V.J-4b to reflect a maximum of 20, not 60% pass-by and internal trips.

Page 221
Table V.J-5 grants credits for 278 trips (42 unit apartment building) when the DEIR states that only one unit is occupied. Please correct this calculation.

Likewise, the retail is vacant and does not qualify for the 992 trip credit. Please correct.

Finally, the 652 seat cinema lease has expired and the credit of 1226 trips should be eliminated, or based on current retail receipts.

Pages 233-234
Table V.J-8a & 8b require 20 year forecast, not to 2005. 2005 is not the "future," but rather, the opening of the project. Please correct.

Please explain how a value above 1 can occur, since 1 equals capacity saturation. On paper you can, but you can't fit more toothpaste into the tube. Please explain.

Page 235
Freeway Impacts
Explain impact of closing both ramps for Waterford.

Page 238
See earlier comment on staging area on Sepulveda. Please correct and respond. Also, not clear why staging is not used after 9 am. Please explain.

Pager 238
What is the basis for the Glendon count being less than 3000 per day? When, under what circumstances? How does this square with 7200 to 8600 in Smedra and DOT studies?

Page 239

A project construction traffic control plan will be developed. When? How? Will input be sought from local merchants? Will compensation for lost business be provided? What is the city's liability?

If you don't know what the mitigation will be, how do you know it can be mitigated?

Page 240
What are the traffic impacts without the trip discounts and credits for vacant buildings? What are they with the 20 year build-out?

Table 264
Table V.K3-3 does not include the new LRDP and proposed projects. Please correct.

Table 275
No substantial evidence is provided to determine feasibility of alternatives. This is required.

Page 277
"pedestrian-oriented" does not correspond with the sunken retail. Please explain.

Vagrancy, crime and blight are results of neglect by the property owner, a self-induced hardship. Why reward a negligent owner?

Page 278
Please explain the ridership, route, efficacy, and funding for this shuttle.

Where are the data to reach the conclusion that the all-residential project was economically infeasible? Were tax incentives and building code relief, and other preservation incentives factored into this analysis? Because it does not trigger a density bonus does not mean that the project is not economically feasible.

Page 279-282
The commercial square footage figures are inconsistent: 255,679 (page 279) 182,700 (page 280), and 182,700 Figure VI-4 and Table VI-1. Page 289, 200,455 square feet.

Page 281
The Nansay project did not include or own Glendon Manor and left in tact. This discussion instead implies that Glendon Manor would have been removed. This is incorrect. Please correct.

There is no substantial evidence presented that other reuse alternatives are not feasible (such as selling to interested preservationists).

Page 289
Please define "Public Areas" and explain whether these count toward FAR. Are these available to the public or on private property?

The project does not qualify for any bonuses because it fails to provide street level retail, surplus parking, no midblock connection for Westwood Boulevard. Please correct the building intensity discussion.

Page 290
Please define "feasible density." Provide substantial evidence of feasible density.

Page 291
Not granting the height change would actually create a stepped, more interesting, Mediterranean hilltown type of development. The developer is threatening aesthetic blackmail to make it a flat, boring building if he does not get additional entitlements. This does not meet the substantial evidence test.

Further, the Specific Plan requires any building wider than 100 feet to resemble several different buildings. The applicant has not sought relief from this requirement, and it is extremely unclear how this can be accomplished with a 7 foot sunken retail element. Please explain and provide substantial evidence.

It is not accurate to conclude that the alternative would have no less impact than the proposed project because if there is no commercial on Tiverton, there is no bonus density, no extra height, and thus the impact would be far less with the alternative.

Page 294
What credits and discounts were used to reach the transportation/traffic conclusion?

Page 296
There is an inconsistency on this page. It claims that the site would be demolished except for Glendon Manor, but then later it states that it would have 652 movie seats. Which is it? Demolition of the movies or no demolition? And if it is 12,000 feet smaller , how can it come out to the same 2.85:1 FAR?

Page 301
The table needs explanation: How can the ratio be 2.85:1 when it did not include Glendon Manor, and this project does provide the bonuses that Nansay did. Please explain.

Page 315:
"The jobs to be created are retail/service industry jobs that do not require a highly specialized workforce. Thus employees could be found in the nearby areas." What areas? This is a highly educated, skilled population. These are not jobs for locals, as represented. Please correct.

Page 315:
This project is not similar to/compatible with surrounding structures in terms of height, density, etc. 45 feet is not equal to 84-91 feet (proposed project).

Page 315:
The applicant has assured the community leaders that this is not a project for students. Yet it is stated that the project could reduce trips for resident of the project who are enrolled at UCLA! This would require substantially more parking, if this were the case, since with luxury housing, students double and triple-up to pay the rent. Please analyze the parking supply if students are tenants.

We asked the applicant's representatives how they could deny students, and they said they could and would. Please explain this inconsistency.

Page 317:
No contacts from the public are listed, despite NOP filings.
Many NOP comments remain unaddressed, in violation of City CEQA Guidelines. Please correct.

Batching Fee
Letter of Sept. 15, 2000 from Emily Gabel-Luddy does not show permit fee for batching. Was this initiated as batching? What is the process for citizens to initiate plan amendments through batching? What is the fee?

Construction Hours
Please provide limited construction hours to minimize adverse impacts on local businesses and the adjacent residential community. For example, all construction shall be restricted to between the hours of 7 am and 6 pm, Monday through Friday, and 8 am to 6 pm on Saturdays.

Thank you for your consideration.

Sincerely,

Laura Lake, Ph.D.
President
Friends of Westwood

cc: Jack Weiss, Councilman 5CD
Rocky Delgadillo, City Attorney, LA
Jim Hahn, Mayor LA

Richard Agay, Westwood Homeowners
Terry Tegnazian, Save Westwood Village
Carole Magnuson, Westwood Hills Property Owners
Prudence Faxon, Friends of Westwood
Sandy Brown, Holmby-Westwood Property Owners

FRIENDS OF WESTWOOD

March 27, 2002

Via Fax

Mr. Con Howe, Director of Planning
City of Los Angeles
200 N. Spring Street, Room 525
Los Angeles, CA 90012

RE: Fundamental Deficiency in DEIR and Request for Recirculation of AIMCO/Casden Project (Palazzo Westwood)
EIR No. 2000-3213; VAC-E1400741

Dear Con:

After a preliminary review of the DEIR for the above referenced project, it has become apparent that several fundamental errors have occurred in the preparation of this document that require recirculation after correcting the deficiencies. The DEIR was issued February 21, 2002. Comments are due by April 8, 2002.

1. FRIENDS OF WESTWOOD, ARDEN REALTY, and WILSHIRE GLENDON ASSOCIATES jointly submitted extensive comments. Neither our comments, nor those of any other public respondent, were published in the DEIR.

   This stands in stark contrast with the Smedra DEIR, with all its deficiencies, which did include all public comments. It thus appears that there are *variable standards of review* by the Planning Department, which violate due process protections. At a minimum, if the City chooses to include any comments, then it must include *all* such comments.

2. Friends of Westwood, et al's comments raised several substantive issues that were not addressed in the EIR. The City is obligated to respond to public comments in a reasonable manner. We can find no response to substantive issues identified in our comments.

   Without publishing both the comments and addressing them in the DEIR, decision-makers would have no way to know of these concerns, and may be unaware of significant liabilities if they approve the requests. Above all, CEQA is a full-disclosure law. *Full disclosure of potential impacts and possible mitigations have not been provided to decision-makers in this DEIR.*

10558 Kinnard Avenue, Los Angeles, CA 90024
Tel 310-470-4523 ■ Fax 310-470-9044 ■ E-mail: laura.lake@gmail.com

3. Also missing from the DEIR are the pertinent staff reports or analyses (e.g., from the Department of Transportation or the bureau of Engineering), and information on the proposed street vacation/pedestrian mall (along with the public comments filed on that issue, which were addressed to the Bureau of Engineering).

   It is essential that all relevant approval and the impacts related thereto be fully and fairly disclosed in the DEIR in order to avoid *piecemeal approvals*. Proposed actions by the Bureau of Engineering for this project need to be within the scope of this DEIR.

We therefore call upon you to immediately correct this fatal deficiency and recirculate the DEIR in its entirety.

Thank you for your prompt consideration and action on this matter. Feel free to call me at 310-470-4522.

Sincerely,

Laura Lake, Ph.D., President
FRIENDS OF WESTWOOD

cc: Maya Zaitzevsky, EIR Section, Planning Dept.
Jimmy Liao, EIR Section, Planning Dept.
Emily Gabel-Luddy, Planning Department
Councilman Jack Weiss
Rocky Delgadillo, City Attorney
Renee Schillaci, Deputy to Councilman Weiss
Mayor James Hahn

FRIENDS OF WESTWOOD, INC.
WILSHIRE GLENDON ASSOCIATES
CENTER WEST, LIMITED
ARDEN REALTY

Via Fax 213-580-5542

December 4, 2000

Ed Reyes
Environmental Review Section
Los Angeles City Planning Department
221 N. Figueroa St.
Los Angeles, CA 90012

Re: EIR 2000-3213 Notice of Preparation Palazzo Westwood

This letter is to amend the earlier submission today, to include Arden Realty in its objection to narrowing Glendon Avenue. Please send correspondence on this to:

Bart Porter
Arden Realty
11601 Wilshire Boulevard
Los Angeles, CA 90025

Thank you,

Laura Lake, Ph.D.
President
FRIENDS OF WESTWOOD, INC.

FRIENDS OF WESTWOOD, INC.
WILSHIRE GLENDON ASSOCIATES
CENTER WEST, LIMITED

Via Fax 213-580-5542

December 4, 2000

Ed Reyes
Environmental Review Section
Los Angeles City Planning Department
221 N. Figueroa St.
Los Angeles, CA 90012

Re: EIR 2000-3213 Notice of Preparation Palazzo Westwood

Dear Mr. Reyes:

Thank you for the opportunity to respond on the Notice of Preparation for Palazzo Westwood. This letter is in behalf of Friends of Westwood, Inc., Center West , Limited, and Wilshire Glendon Associates.

Amending Specific Plan: The Specific Plan is now eleven years old. It is not appropriate to amend the plan for a single project, but rather, to prepare a plan-area EIR and identify changes that benefit all stakeholders, not just this applicant.

The applicant has not shown why he cannot build within the envelope permitted by the plan, which is twice the buildable allowed under Prop U.

Please provide a baseline of entitlements under the plan, before showing the requested entitlements. In other words, what the applicant is entitled to by right, and what additional entitlements he is seeking. In instances where additional entitlements are being requested, please indicate the public benefit.

Acreage: 4.98 acres is not accurate. Our calculation is approximately 4 acres. Please correct this figure. I had pointed this out in my earlier letter (October 31, 2000) and it was not corrected. The density permitted on this property should be reduced accordingly.

Glendon Manor: Since 1989, when the Westwood Village Specific Plan was adopted the State of California provided a method whereby local groups could nominate a building to the State Cultural Heritage Commission. This was done successfully by Save Westwood Village and Friends of Westwood more than two years ago.

This is not a delay tactic: two developers would like to buy and restore this historic building. **Please provide a mitigation measure of offering this building for sale at fair market value so that it can be preserved.**

Please provide an alternative project that has Glendon Manor preserved and respects the height restrictions for buildings adjacent to cultural resources.

Thus there is now more than one way to be designated a cultural resource, and this is not reflected in the current specific plan.

Please note that the destruction of a cultural resource within Westwood Village denies the applicant the right to a subsurface vacation, something that he is requesting.

Density: Please state what the permitted density is under the plan. What percent increase is 350 units? The application states some units would be as small as 750 square feet. This would violate the R-3 density Q condition for Westwood Village which requires a minimum of 800 square feet per unit.

Would the requested density constitute R-4 or R-5 density?

Please state base density and then the density granted for bonus with mixed-use projects and any other bonuses.

Contrary to recent statements made by Mr. Casden in the Los Angeles Business Journal, there was never a plan for high density housing in the Village, only in the Wilshire Corridor. **There is still the highest density permitted in the City in the Wilshire Corridor of Westwood**. Indeed, there is considerable high density housing currently under construction in the Westwood Wilshire Scenic Corridor.

The Village Specific Plan was designed to preserve the Village as a low-rise, pedestrian oriented. Until 1989 there was no height limit for the Village. This height limit was agreed to by all parties: the City, UCLA, LABC, community groups, and property owners.

Affordable Housing: There is a dearth of affordable housing on the Westside. It does not make sense to demolish existing housing (Glendon Manor, 42 units).

The applicant does not indicate if any of the proposed housing is to be affordable.

Glendon Avenue: Wide (17 foot) sidewalks are commendable if they come from the applicant's property, not Glendon. Please analyze the following impacts of reducing Glendon Avenue by 50 percent:

- What is the impact in additional buildable creating the sidewalks from Glendon Avenue in terms of square footage and percent of additional buildable?
- How many on-street parking spaces are lost?
- How much revenue is lost to the parking meter district?
- What is the impact on ingress and egress for the Macy's and Arden Buildings?
- What are the impacts on the circulation system of the Village?
- This constitutes a partial vacation of Glendon Avenue. What are the liability and damage consequences for this vacation under the State Law (Streets and Highways)? Further, what is the liability for the city?
- Is notice of this action being sent to all property and business owners within the original tract map?

Subsurface Vacation: Are the rights of property owners in the Village impaired or altered through a subsurface vacation?

- Do they have the right to notice of this proposal, starting from the Notice of Preparation?
- Did they receive notice of the NOP, and have they been apprized of their rights by the city?
- Does the city have the authority to grant this subsurface vacation without the permission of business and property owners within the original tract map?
- What liability does this action create for the city?
- What damages are property owners entitled to for this action?

Retail Element and Bonuses: Since Ralphs Market is going into the Macy's building, it would appear that the applicant is not entitled to a bonus for a market. For this reason, a new project alternative needs to be developed without a retail element on the east-side. There should be many benefits: height limit compliance, far less expensive parking, etc.

Corner Retail Ordinance: this ordinance specifically protects adjacent residential properties from overly tall structures or long hours of operation. The height limit under this ordinance is 40 feet, rather than 45 feet along Tiverton. Please provide an alternative project that conforms with this law as well.

It is not clear how much retail is on the east or westside of Glendon Avenue.

Street Tree Removal: please provide replacement trees of equal size as a mitigation measure.

Setbacks: The required setbacks along Tiverton provide a buffer for the adjacent residential properties and maintain the residential character of Tiverton Avenue. Likewise, the stepped-back requirement for structures over 40 feet is intended to provide a pedestrian-friendly ambience, not big boxy structures.

- How much additional buildable is created by eliminating the setback?

Contrary to the application, structures are permitted above 40 feet, ***if they step back.*** Further, since Glendon Manor is a five story building, there is no problem in a 55 foot building dwarfing it.

A solid wall on the Tiverton frontage, even with the setback, is not in keeping with the residential nature of Tiverton Avenue. It should be an articulated surface, and have no commercial intrusion. Also, it appears from the plot plan (of very poor quality to decipher) that there may be commercial access to the site from Tiverton (a staircase). No commercial access means no commercial access. Is this an error?

An alternative project should include structures that obey the required step-back above 40 feet.

Traffic: the traffic analysis needs to include an updated figure for UCLA that reflects new developments on and off campus (i.e., include Village tenancy). Do not rely on the old Long Range Development Plan figures, which are out of date.

Correspondence should be sent to:

Friends of Westwood, Inc.
1015 Gayley Ave., #1063
Los Angeles, CA 90024

Phone 310-470-4522
Fax 310-470-9944
E-mail: lake4counci@hotmail.com

Center West, Limited and Wilshire Glendon Associates
10877 Wilshire Boulevard, Third Floor
Los Angeles, CA 90024

Phone 310-824-3000
Fax 310-824-2424
E-mail: indivestinc@aol.com

Sincerely,

FRIENDS OF WESTWOOD, CENTER WEST, WILSHIRE GLENDON ASSOC.
5

Laura Lake, Ph.D.
President
Friends of Westwood, Inc.

Westwood Hills Property Owners Association
incorporated 1958
P.O. Box 24515 Los Angeles. California 90024

April 8, 2002

RECEIVED
CITY OF LOS ANGELES
APR 09 2002
ENVIRONMENTAL UNIT

Facsimile Transmission (copy mailed)

Ms. Maya E. Zaitzevsky, Project Coordinator
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

RE: Comments on Draft EIR, EIR Case No.: ENV-2000-3212; Project Name: Palazzo Westwood; Reference Nos.: SCH # 2000101123; Location: 1001-1029 Tiverton Avenue, 1020-1070 Glendon Avenue, 1015-1065 Glendon Avenue.

Dear Ms. Zaitzevsky:

The Draft EIR on the referenced project fails to examine key issues and is inadequate in its examination other issues. In addition, it contains misleading statements, factual errors, unsupported conclusions, and poorly conceived mitigation. All of these shortcomings must be addressed and corrected before your department submits a final Environmental Impact Report for review and approval.

The DEIR errs in finding that the project is in substantial compliance with planning and zoning requirements and guidelines in effect on the site. In fact, *the project is not in compliance with most elements of the Westwood Village Specific Plan and would only become compliant if the City Council votes to change the plan.* **The DEIR cannot rely on speculative changes to the Specific Plan to find that land use impacts are insignificant.** As presented, the project is **non-compliant with two of the three** statements of general intent set forth in the Specific Plan ordinance (Ord. 164,305 Summary of Provisions 1-1), relating to preservation of historical structures and limiting building height and density to insure compatibility with existing buildings and the capacity of the Village street system. The EIR must be corrected to indicate that the project does not comply with existing requirements in these and other areas:

Building height: The DEIR describes the buildings as 55 feet high measured from grade to the ceiling of the uppermost dwelling unit. While this may be a correct description of the building, it is also irrelevant to the issue of building height. The City of Los Angeles, and the Westwood Village Specific Plan requires that buildings be measured to the uppermost point of the roof structure or parapet wall. The EIR cannot speculate that the method of determining height on the site will be changed at some future time thereby rendering the project compliant with applicable laws. **The EIR must disclose the actual height of the buildings as determined by the law in effect at the time of the environmental review.** What is the actual height of the buildings as determined by current law? Is this height compliant with the Westwood Village Specific Plan?

Building massing: As proposed, the project violates provisions of the Westwood Village Specific Plan which require lower building density west of Glendon Avenue in order to insure compatibility with existing structures in the Village core. The project also proposes to increase the number of residential units allowed by the Specific Plan by more than 50 percent. The EIR must be amended to indicate that the project is incompatible with the general intent of the Specific Plan relating to massing and density. What is the impact of increasing building height and density west of Glendon on the general intent of the Westwood Village Specific Plan? How does the developer acquire an entitlement to develop additional residential units beyond those permitted? Is development at the density proposed consistent with Specific Plan requirements that only residential uses are permitted on Tiverton Avenue? How is increased density compatible with the intent of the Westwood Village Specific Plan?

Comments on Draft EIR, EIR Case No.: ENV-2000-3212; Project Name: Palazzo Westwood; Reference Nos.: SCH # 2000101123; Location: 1001-1029 Tiverton Avenue, 1020-1070 Glendon Avenue, 1015-1065 Glendon Avenue

the project located on the West side of Tiverton is required to provide less parking per unit than property located across the street on the east side of Tiverton. At the very least, the project should be required to provide parking at the rate stipulated by the Department of Transportation for projects located in congested areas.

Traffic: The project needs to provide better mitigations for traffic impacts, including installation of a traffic signal at Glendon and Kinross, and development of Tiverton as a two-way street. Would improvement in traffic flow in Westwood Village result from these mitigations? In addition, the EIR should re-examine the mitigation proposed at Veteran and Gayley/Montana, which provides for a shared westbound through-left lane. Will left turning vehicles cause increased waiting time for westbound through traffic?

Failure to disclose results of scoping process: Letters received in response to the Notice of Preparation are included in the Draft EIR, but it is not clear that these represent the full range of issues raised during the scoping process. Please correct the EIR to indicate all issues raised during the scoping process, or explain the criteria used to select those issues and letters to be excluded from the report. What is meant by the statement "All NOP comments relating to the EIR were reviewed and incorporated to the extent feasible in the EIR." Please indicate which comments received in response to the NOP were not feasible to incorporate. Why was it infeasible to incorporate these comments?

Thank you for your attention to these comments.

Very sincerely

Carole Magnuson

Carole Magnuson
President, Westwood Hills Property Owners Association

Cc: Councilman Jack Weiss
Renee Schillaci

THE HOLMBY-WESTWOOD PROPERTY OWNERS ASSN INC. 1081-99 Westwood Blvd., Suite 225 | Los Angeles, Ca. 90024 | Phone 824-0303

April 7, 2002

Maya E. Zaitzevsky, Project Coordinator
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

Comments on DEIR
EIR Case No: ENV-2000-3213
Project Name: Palazzo Westwood
Reference Nos: SCH # 2000101123
Location: 1001-1029 Tiverton, 1020-1070 Glendon Ave., 1015-1065 Glendon Ave.

The following comments are submitted on behalf of the residents who reside in the 1100 single family homes located within the boundaries of the Holmby-Westwood Property Owners Association (HWPOA). Our association was an active participant in the Nansay development as well as the Smedra project both of which predated the Casden project. There is now and there was then major controversy regarding this site. It is required that areas of known controversy be stated in the DEIR. HWPOA has not found this information in the above referenced EIR nor have all the comments regarding the NOP been included in the DEIR. Such lack of information renders the DEIR inadequate and an attached letter states the objections raised by HWPOA.

Comments regarding discretionary approvals:

1. If a project built per the Westwood Village Specific Plan (WVSP) is deemed compatible, how does a project that requires multiple major amendments to that plan remain compatible with the surrounding area?

2. What is this project's development potential if it is a mix of uses rather than mixed-use? Be specific with regard to height, FAR, and residential density for dwelling units in relation to a corner lot. Please compare in definitive numbers.

3. What are the impacts associated with a mixed-use district that do not exist in a district where the development is a mix of uses? What does adding a new definition (mixed-use) do to the development potential in the WVSP? How does this definition of mixed-use change the elements of the WVSP? Compare the projects with and without this added definition.

4. How do you quantify the impacts identified in # 3?

5. If a mixed-use district is appropriate in a location proximate to a mass transit station, is it appropriate where there is no such station?

6. There is no mixed-use district established in the WVSP and therefore, there is no existing incentive established for dwelling units. What is this request measured against? Why should there be a housing incentive if housing is already zoned for the site?

7. Mixed-use allows for the exclusion of pedestrian amenities in the calculation of permitted FAR. Are there such amenities planned for the project? Describe each amenity.

8. As a parking incentive in mixed-use development, the required number of parking spaces may be reduced. In a district where parking is in extreme need and where the number of on-street spaces will be reduced by this project, what are the public benefits of reducing the number of spaces required?

9. What is the transit facility incentive if there is no "major Transit Station" or "major Bus Center" within 1500 ft. of the Palazzo Westwood?

10. Please compare the Palazzo Westwood with and without exemptions from the regulations of mini-shopping centers and commercial corner developments.

11. What inconsistencies will be created in the WVSP by the requested Palazzo Westwood plan amendments?

12. If the Palazzo Westwood is granted the requested amendments, which sites in the Village will be granted reduced density? How will the change be accomplished?

13. If a mixed-use district is added as a definition in the WVSP, what is the worse case scenario in numbers to the carrying capacity of Westwood Village? There are several property owners in Westwood Village who own large parcels such as the Bing property at LeConte and Westwood, the Regent property at Broxton and Weyburn, and the Federated property, now Ralph's, Longs, Expo and Best Buy. If these were developed as mixed-use with all of the incentives taken, how would the carrying capacity in the village be diminished?

14. Is the decision to not require a Plan EIR a discretionary action? What findings are necessary for a Plan EIR to be required? What is the threshold in the WVSP that would necessitate a Plan EIR?

15. What are the potential differences to the community in terms of the uses in a mixed-use project compared with a project that is a mix of uses? Are there uses not allowed in one that the other is entitled to?

16. Will any request by Palazzo Westwood result in "spot zoning?"

17. Will any requested amendments to the WVSP create inconsistencies within the plan?

18. Will any of the requested amendments to the WVSP and the recent developments (UCLA at the Gap bldg., Expo, Ralph's Fresh Fare) in the Village influence the carrying capacity of the Village? If yes, to what extent?

19. What are the reasons that a community should facilitate a development that is all but non-conforming to the legally stated caps of the WVSP?

20. Could Palazzo Westwood be a fully integrated development physically if the west side of Glendon was not put in Subarea 2?

21. What are the benefits to the neighborhood and the Village independently if the east and west sites were not averaged?

22. When you combine residential and commercial, a density bonus is given for additional commercial. The developer wants more residential and therefore, has to reduce the lot area of each unit west of Glendon (Subarea 2). Without the definition requested of "mixed-use", would this development incentive be possible?

23. Should "h." on page 151 include "or mixed-use" in 2 places after "hotel site"?

24. What are the benefits to the community of a larger mass of development, exceeding housing requirements, exceeding height, using up carrying capacity of future developments that build within the WVSP, that narrows a street, and that reduces setbacks?

25. What are the negative aspects of adding "mixed-use" and "unified development" options to the WVSP? Positive aspects? How does developer and community benefit or what would each lose? Why add these to the WVSP?

26. Could vehicular ingress and egress be interconnected without FAR averaging?

27. Could both buildings on parcels A & B be designed in the same style without averaging?

28. Could buildings face each other without averaging?

29. Have unique circumstances been created by the developer in order to get densities otherwise not available? Did the Planning & Zoning Code create or encourage unified developments in order to allow additional dwelling units?

30. What is gained by limiting hotels to the easterly side of Glendon?

31. Where is Figure 3 referred to on page 154, 1.a.?

32. Is each project site one or more acres? Which one?

33. What is the citywide measurement for measuring height? How does it differ from Casden's requested method?

34. In the discussion on page 155, there appears to be no undue hardship on Casden. One cannot ask for a fully integrated (unified) development and then claim hardship because of the 19ft. deferential. Is this not a self-imposed hardship?

35. Could the developer design the project within the height limit on the site? Define the additional height added to the project on each lot by granting the Casden method (request) for measuring height.

36. By granting Subarea 2 to be 55 ft. in height plus roof, roof structures, and unoccupied towers and removing the setback at 40 ft., is this not re-writing the mixed-use definition?

37. Under the Mixed-Use ordinance, the developer can get additional height to provide more interesting facades. Would the project be the same number of units without the additional height?

38. The Mixed-Use ordinance eliminates the Commercial Corner requirements. But corner lots in mixed-use can get up to 20% increase in height. One of the goals is to increase housing stock. Is this increase that Casden wants for design or more project?

39. Casden needs bike parking for those who commute to the project (employees), for those who use the retail facilities on the site, and for those who reside in the residential component of the project. What are the findings necessary for reducing the need for bike spaces? With its proximity to the university campus and a diverse mix of uses, would there be an increased need and/or reason to require more spaces than code?

40. (Executive Summary) Are any bonuses being taken for the retail component of the project? Describe.

41. How many public parking spaces will be removed on Tiverton, Weyburn and Glendon? Detail how many spaces will be lost to narrowing Glendon, how many will be lost to traffic mitigations, and how many lost to the building of the project.

42. What is the estimated financial loss to retail on Weyburn and Glendon, and to hotels on Tiverton during construction?

43. How much open space to the proposed project is lost by averaging over the entire site?

44. What is a "revocable permit area?" page 7, 9)

45. Please list any "mitigation measures" referred to on page 8 that have been incorporated into the design of the project that will alter the view impact as seen from the east.

46. page 10, 21. Providing rideshare and transit incentives for construction personnel does not necessarily bring results. What provisions have been made for construction workers and other personnel on site for parking during construction? How many such individuals will be involved during work hours?

47. page 11, Cumulative Impacts. "none are anticipated to be close enough...." Have you considered the UCLA graduate housing on Veteran and Weyburn? Other UCLA projects? Malcolm & Wilshire 105 units?

48. What has been arranged for the covenanted parking spaces on existing site during construction phase? Are those spaces out of commission for 2 years?

49. Page 20. What is the extent of upgrades for water pressure?

50. How does a contribution to the Fire Hydrant Fund insure adequate water pressure? What is that contribution?

51. Describe how Warner Ave. School can accommodate 44 students, almost 2 additional classrooms. See question # 100.

52. Why would this development be allowed to average open space over the entire project and then be granted an in-lieu fee for adequate parkland? In-lieu fees do NOT provide parkland while averaging open space reduces the amount provided. In a park poor city, why isn't every effort being made to retain open space and parkland?

53. What is the requirement of this project's assessment to the Quimby Fund? What dollar amount is in Westwood's Quimby Fund now?

54. What is the requirement of this project's assessment to the Los Angeles Public Library?

55. page 25, 1. Please list the construction crew's parking requirements.

56. page 30. By exceeding the WVSP, is this project not using up other projects water consumption?

57. (Project Description) page 34 Do you accept the opinion that the Project design is intended to comply with the Specific Plan as much as possible?

58. Is residential planned over loading docks?

59. Is a traffic signal planned for Malcolm Ave. at Wilshire as mitigation for this project?

60. In order to accommodate wider sidewalks, could the developer accomplish the same without narrowing Glendon and without eliminating street parking by using his property and eliminating some of his development?

61. Describe how narrowing Glendon and eliminating street parking is considered a street improvement.

62. Describe the impacts of closing Glendon during construction.

63. In legal terms, what are the steps that must be taken in order to close Glendon to those who own property in the same tract?

64. page 45, How does the developer plan to facilitate pedestrian and shuttle access to UCLA? Meeting the spirit and intent of the plan are meaningless words unless addressed in their project. Where is this addressed? In fact, most of the project objectives should be ignored. The one that should not be ignored and that is very obviously missing is the saving of Glendon Manor.

65. Will there be units in the project for corporate use? How many?

66. (Environmental Setting) page 47. 2. should read 187 "apartments".

67. Please cite the code that states that vehicular access does not have to be maintained on local streets. Who (including the public and Govt. offices) must agree to removing such a street from vehicular use?

68. Figures V.A1-10, 11, and 13 do not demonstrate that the project is pedestrian oriented. There are no setbacks, ground floor retail is 7 ft. below grade, and palm tree trunks are visible at eye level as well as cement on either side of the pedestrian walkway. How does this satisfy a pedestrian friendly environment?

69. Providing rideshare and transit incentives for construction personnel does not translate into reduced trips. What required construction phase mitigation insures fewer trips?

70. (Cultural Resources) What steps have been taken by the developer to save a historical and cultural resource, Glendon Manor?

71. Which planning commission would hear this project; the West LA Area Planning Commission or the Mayor appointed commission in City Hall?

72. (Land Use) Although there will be no signs or access to the commercial on Tiverton, will there be any indication from the street (Tiverton) that this is indeed commercial use?

73. Page 144. Could the developer design a project having an articulated roofline in Spanish Colonial Revival Design without a height variance?

74. Could the developer provide 17 ft. sidewalks on both sides of Glendon without narrowing Glendon? What specific impacts would that have on the proposed project?

75. Page 147. If the WVSP is gutted by virtue of the proposed project requests, how is that the project is not considered inconsistent and a significant impact on the Community Plan?

76. A development of this magnitude that needs to gut the plan (read, "requires a number of amendments") is NOT the type of development envisioned in the Specific Plan. If it were envisioned, these amendments would not have been requested. Your assumption in the EIR is totally subjective! Specifically, how can this project be predominantly consistent? Via its amendments, the project would allow the Village to be far different than ever envisioned and would create inconsistencies affecting development of other sites.

77. What is the number of cars Tiverton might carry if it became a 2-way street between Weyburn and Lindbrook Dr? Would it being a half one way and half two way street account for it carrying fewer cars than other secondary highways?

78. Page 159. Why do you eliminate the need of Tiverton as a secondary highway when the replacement hospital is completed? Are you certain that UCLA will not build on the old hospital site? A campus of 36,000 students and 18,000 employees needs all the secondary highways it can get! Particularly, when there are few N/S streets that flow into the campus.

79. Sufficient capacity does not exist on Hilgard, 1 block east of Tiverton. PM peak rush hour southbound is grid-locked when UCLA is in session. Do your findings suggest otherwise? Please detail.

80. What is the noise level when it is not averaged in tables V.G-2 and V.G-3?

81. If noise levels at project demolition and construction are not averaged, are the noise levels more than significant? Will the noise then be perceptible to local residents?

82. Will the developer take out a permit for garbage collection? What necessitates collecting garbage before 6 am or after 9pm?

83. Page 176. How can the restrictions on loading docks be changed in this application?

84. What is the number of daily semi-trailer trucks that would result in the future noise levels along Tiverton to increase by more than 3 dB if not averaged? How would that apply to the comparison of the level of activity expected on the loading docks?

85. What is low level music generated in outdoor dining areas? What is a "substantial distance" from the Westwood Horizons?

86. What is "retail convenience parking"?

87. If the project is stepped back at an angle, will the direct line of sight change from the proposed residential areas to the loading docks and parking areas?

88. Can Saturday construction be eliminated or reduced to a number of weeks? Can construction be prohibited before 8 am? If it begins at 7, the workers arrive at 6:30, sometimes earlier. The noise generated during the early hours can be very disturbing.

89. Can deliveries be permitted outside the hours of 8 am to 6 pm?

90. Page 181. During the construction phase, are the cumulative impacts averaged? If yes, what are the impacts when not averaged?

91. Page 186. How does the project add needed housing to the Wilshire corridor?

92. Would a project that is a mix of uses be consistent with SCAG's Regional Comprehensive Plan and Guide?

93. Page 189. Isn't it true that the project will not provide any lower income or affordable housing? Therefore, it will have no affect. The sentence that it "will not significantly affect the supply of....." should be corrected.

94. Why do you state that this project will not have a significant impact (after mitigation) except for the demolition of Glendon Manor in any of the areas detailed in the EIR when page 192 states that, "Due to the congestion associated with the intense land uses.....including the Westwood area". ".....emergency response time.....is impacted by congestion on streets....."? If the area is highly impacted now, wouldn't a project that has requested intensified development have a significant impact? Wouldn't a reduced project as presented have less impact and be more compatible in a congested area?

95. Where is the pump station that DWP intends to complete located?

96. If adequate water pressure is not available and DWP does not complete the improvements prior to commencement of the project, will the Casden project be required to hold off construction?

97. On page 194 you describe "Major north-south access in Westwood Village is along Tiverton Ave. and Westwood Blvd....." Is Glendon Ave. considered a major north-south access even though it was closed with the development of the former Macy's?

98. How does contributing to the Fire Hydrant Fund assure adequate water pressure?

99. Page 198. Even if project impacts to area intersections will be mitigated, how could it be "to below a significant level" if on page 192 the emergency response time may not hold true when area is impacted by congestion on streets?

100. Warner Ave. School has excess capacity for 72 students as stated in the DEIR. According to the principal, as of March 22, 2002, Warner has 693 enrolled students and has room for NO MORE. Would you explain the difference and state which number is correct?

101. What table do you use to determine how many children will be generated from your 1 and 2 bedroom apartments and how do you know what level in school each will be? What if they were all in elementary school and Warner continues to be at capacity?

102. (Public Services) If window shopping and dining are considered to be passive recreational "opportunities", is driving also considered the same?

102. Could street meters be removed without accommodating wider sidewalks? Could wider sidewalks be accommodated by building within the project boundaries and allowing street meters to remain?

103. Could pedestrian activity be facilitated by building 17 ft. sidewalks on both sides of Glendon on Casden's property?

104. If the project will result in a severe impact on parks and recreational facilities and the city has not planned any new parks nor is there a site available, how will an in-lieu fee substitute for mitigating impacts? Are they diminishing the impact by giving money and would that somehow make the project insignificant?

105. How does non-compliance with the Specific Plan represent a hardship and would this not be a self-imposed hardship?

106. Demonstrate that a showing in the DEIR that the applicant cannot build within the Specific Plan is not possible.

107. Will there be any lot tie? If yes, please detail? Are there 21 lots?

108. If there are lot ties, what is the implication to the developer in terms of sq. ft. giveaway to all of the otherwise required side yard setbacks? It is interesting to note that in one of the project requests the developer wants to modify the method of measuring height (the Casden Method) on lots to build a higher structure while in another instance he wants to treat the lots as one to in order to negate side yard setbacks and acquire additional square ft. He has discovered many ways to skin a cat!

109. Not all comments made on the NOP were included in the DEIR. Governmental agencies are included while comments from the public are totally ignored. If you choose to include some but not others, then you have created a selective and probably self-serving process. Shouldn't the DEIR include all comments made on the NOP and a response? This is a request to re-circulate the DEIR with everyone's letters/comments, not just a select few. See attached letter.

110. In a mixed-use district, is retail required to be at grade level in order for it to be pedestrian-oriented?

111. Where is the sunken plaza (retail) below grade described in the DEIR?

112. Detail how Palazzo Westwood fails to comply with the Westwood Village Specific Plan?

113. Will there be a Development Agreement? Who will sign off on it?

114. What is the number of parking stalls under that portion of Glendon sought for subsurface vacation? Please confirm that the number is for 3 levels of parking.

115. What is the number of square feet required for each parking stall and which includes attributable ramping?

116. How many parking stalls will be devoted to Electric Vehicle chargers? Will this be in addition to the required parking?

117. I was told by Howard Katz, Casden Properties, that there would be a comparison chart in the DEIR that details what is requested and what is allowed under the WVSP. What page is that comparison?

118. What request or permit is necessary to create a pedestrian mall?

119. What is the parking requirement for new residential on the east side of Tiverton as detailed in the Westwood Community Plan? Is additional parking required for apartments that exceed 4 rooms?

120. Do any existing parking spaces on the Casden parking lots "serve" other buildings? Which buildings? Number of spaces?

121. Is Westwood Village being treated as a Regional Center in the DEIR?

122. Will any of the requested amendments if granted create any inconsistencies within the WVSP?

123. It has come to our attention that there are abutting/adjacent property owners who did not receive NOP notification. What lists are the developers using? What is the date of those lists?

124. Transportation/Traffic pg. 217 Project Impacts. "All retail uses will be constructed at ground level....." Is ground level different than pedestrian level? Will retail be at a different level than that which pedestrians walk on Tiverton?

125. Page 222. Referring to the alley between Westwood and Glendon, the DEIR states that it is currently southbound only. Are there plans to change this?

126. It is stated that ACTS and ATSAC add an estimated 7-10% capacity to intersections that have those systems. How do those systems add to the capacity if you can't get on to the 405 at peak hour because it is bumper to bumper?

127. There are several intersections described on pg. 235 and Table VJ-10 that are residential in nature and will have significant impacts. Mitigation described in DEIR in the Operational Phase describes the removal of parking around retail area

(pg. 240 #2) which is unacceptable in Westwood Village, widening Lindbrook and removing parking (#3), and restriping Hilgard to allow southbound left-turn onto Weyburn. These mitigations are unacceptable!! Please detail your analysis to show why these solutions are "mitigations" and actually help the business and residential community. HWPOA believes they only help the proposed development!

128. What was the traffic analysis at Malcolm/Weyburn, Malcolm/Lindbrook, Weyburn/Selby, Lindbrook/Selby, and Le Conte/Malcolm? Why didn't you study intersections in the residential community east of Hilgard? Also, what was the analysis at Beverly Glen/Wilshire?

129. In congested areas, local serving projects use residential neighborhoods more than in un-congested ones. With 6,200 net new daily car trips, will there not be a greater use of residential neighborhood streets if the project is located in a congested area?

130. Could the developer build a Waste Water Treatment Facility on site? Please explain why it is not an option in the DEIR. Would such a facility allow for additional capacity at Hyperion?

131. You state that reclaimed water shall be used to irrigate landscaped areas where possible? That means it is not required. Why not?

132. Page 252. How did you arrive at 0.72 acres for the subsurface vacation of Glendon Ave? Please detail.

133. Must a Project Alternative include one that would feasibly attain most of the objectives of the project as well as most of the objectives of the Westwood Village Specific Plan? The developer purchased the land knowing what could be built. He chose to build what he wanted irrespective of the plan. Describe an alternative allowed under the WVSP.

134. Page 278. Mixed-use development is NOT permitted under the Specific Plan. Please correct "All Residential Alternative." The Plan allows for a mix of uses. It is stated in the Park Alternative that the site is designated for residential/commercial development.

135. Page 279. #2. "No Specific Plan Amendment/Mixed Use." There is no such thing!! Mixed Use would require an amendment in the Specific Plan. Please correct.

136. A potential alternative location on the east side of Sepulveda, across from the "Bad News Bears Field" was not mentioned. This site (Dept. of Water & Power) was discussed as a possible site for the new Westwood library. Could this site serve as an alternative?

137. At the bottom of page 279, the DEIR refers to "public comments in the NOP." Why haven't those comments been included in the DEIR?

138. In the paragraph referred to in #136 above, what would the increase in allowable FAR (not "overall" allowable) be if there is no transfer of floor area from commercial uses otherwise allowed on the site? This DEIR slides in words that have no relationship to what is allowed, what is being requested, or what the project would consist of. What kind of comparison is this? The WVSP has no mixed-use, no transfer from commercial, and no overall allowable FAR. Is this a "No Specific Plan Amendment" alternative? Please correct.

139. Alternative #3, page 281. Why does a re-use analysis of Glendon Manor not include an apartment alternative?

140. I am attaching an inter-departmental memo dated January 10, 1997 from Allyn Rifkin to Darryl Fisher in which it states that Glendon Avenue serves 8,600 vehicles per day on a weekday and 5,000 – 7,000 vehicles per day on a weekend day. Why is this different than stated in the DEIR? It goes on to discuss the utilization of Glendon for circulation. Why is it advantageous to narrow it?

141. The DEIR gives absolutely no justification for changing the Specific Plan other than the fact presented by the developer that their project need to be accommodated. The Village and surrounding neighborhood haven't changed but the traffic has significantly increased with additional development. What is the justification to amend this plan in 9 areas and to intensify the density?

It is no surprise that the proposed project is the "alternative" that would most greatly satisfy the stated Project objectives from the developer's perspective. For those who worked on the WVSP and who attended multiple meetings and hearings, **this proposed project does not meet our plan's height, density, setbacks, and open space requirements. It does not recognize or preserve our historical resource. It prevents the continuation of current uses of our city street and availability of on-street parking for our retail customers. It ignores the plan's objective of a pedestrian oriented environment both by the totality of the design and by below ground-level retail. The project does not recognize the boundaries set forth in the plan, does not facilitate a mix of uses as set forth in the plan, and proposes commercial uses opposite existing residential buildings. The developer wants to modify the way in which height is measured, he has requested FAR averaging, and added two definitions to the plan. He has requested removal of a required 15 ft. landscape buffer and redesignation of a major N/S artery (of which there are too few) into a major university from a Secondary Highway to a Collector Street. He has requested relief from the Commercial Corner Ordinance, and finally, he wants a "land grab" of almost an acre (multiplied by 3) under Glendon Avenue free of charge.**

These proposed 9 amendments to the WVSP clearly indicate the fact that the *proposed project was not designed with any substantial intent to adhere to the* requirements of the plan as set forth by the individuals and community/business groups who worked on it for many months before its submission to, and approval by, City Council. This single project should not be allowed to gut the WSVP. If the plan doesn't work, it's time to write a new plan. Spot zoning with unjustified intensified land use for a fourth of Westwood Village is just plain poor planning. In essence Palazzo Westwood adheres to none of the basic elements of our Specific Plan.

Sincerely,

Sandy Brown

SANDY BROWN
President

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Glendon Ave south of Weyburn Ave
DOT Case No. WLA 95-012

Date: January 10, 1997

To: Darryl Fisher, Deputy Advisory Agency
Department of City Planning

From: Allyn D. Rifkin, Principal Transportation Engineer
Department of Transportation

Subject: INITIAL TRAFFIC ASSESSMENT FOR THE VILLAGE CENTER WESTWOOD

The Department of Transportation (DOT) has completed a review of the projected traffic impacts for the proposed Village Center Westwood project. The proposed project in Westwood Village is a 387,711 square-foot mixed-use commercial development along Glendon Avenue between Weyburn and Kinross Avenues and a 242-unit seniors-only residential complex along Tiverton Avenue, also between Weyburn and Tiverton Avenues. The project requires the vacation of the segment of Glendon Avenue between Weyburn and Kinross Avenues.

SUMMARY

The Department's initial traffic assessment was based on the traffic study dated July 1996 prepared by Crain and Associates and further updated in October 1996. After a preliminary review of the pertinent data, DOT has determined that the traffic study, as further revised, adequately describes the project-related traffic impacts.

While DOT is charged with the responsibility for reviewing mitigation measures based upon congestion relief and safety, urban design objectives are also important. Because of the historical nature of the Westwood Village and in consideration of the Westwood Village Specific Plan, the Councilman for Council District 5 appointed a Citizen Review Panel to further comment on the desirability of the initial proposed mitigation measures. The Citizen Review Panel tempered the list of physical mitigation measures and reduced the number of intersections which initially were thought to have been mitigatable. To respond to other concerns expressed by the Citizen Review Panel of this project, the traffic consultant has been requested to perform a supplemental traffic analysis of the project impacts assuming more conservative estimates of project trip generation with lower discounts for pass-by/internal linkage. That supplemental analysis has not been reviewed in detail.

DOT has determined that of 33 studied intersections, the proposed project will have significant traffic impacts at fifteen (15) intersections. After a review of proposed mitigation measures by DOT for technical feasibility and a secondary review by a Citizen Review Panel for urban design impacts, it is reported that ten (10) of these fifteen impacts can be

service (LOS) at the study intersections, the project-related traffic impacts at ten (10) of the impacted intersections can be reduced to a level of insignificance. Five of the impacted intersections remain unmitigated.

GLENDON AVENUE CLOSURE

The proposed project, as presented, requires the closure and vacation of Glendon Avenue between Weyburn Avenue and Kinross Avenue. Currently, Glendon Avenue serves 8,600 vehicles per day on a weekday and 5,000 to 7,000 vehicles per day on a weekend day. Glendon Avenue, along with Gayley Avenue and Westwood Boulevard, provides one of three access points from Wilshire Boulevard to Westwood Village. In addition, much of the east-west traffic utilizes Glendon Avenue for circulation because the surrounding residential areas, the San Diego Freeway, UCLA, and the Veteran's Cemetery severely limit the east-west traffic to Sunset Boulevard or Wilshire Boulevard.

Glendon Avenue becomes an even more important alternate north-south access to the east Village area when Westwood Boulevard becomes congested. And because of the existing one-way northbound operation on Tiverton Avenue between Lindbrook Drive and Weyburn Avenue, the southbound traffic exiting the UCLA Medical Center must utilize either Glendon Avenue or Hilgard Avenue. Tiverton Avenue is also an emergency access to the UCLA Medical Center.

Much of the existing Glendon Avenue traffic is seeking parking which currently exists in the area (both on and off the street). The vacation of Glendon Avenue would cause secondary impacts in the loss of approximately 34 on-street and 555 off-street parking spaces. The applicant proposes to mitigate the parking impact by adding to its own off-street parking facilities. The traffic study also references a recent survey of off-street parking with a note of underutilized parking lots west of Westwood Boulevard.

Attachment C is a summary of future year (Year 2000) impacts of the street closure without the proposed project. Notwithstanding the project-generated trips and related impacts, DOT has determined that the Glendon Avenue closure alone would cause significant traffic impacts at the following six (6) intersections:

1. Weyburn Avenue and Westwood Boulevard
2. Weyburn Avenue and Tiverton Avenue
3. Kinross Avenue and Westwood Boulevard and Broxton Avenue
4. Lindbrook Avenue and Westwood Boulevard
5. Lindbrook Avenue and Hilgard Avenue
6. Wilshire Boulevard and Westwood Boulevard

The project mitigations discussed mitigate each of these intersections except Wilshire and Westwood Boulevard.

'HE HOLMBY-WESTWOOD PROPERTY OWNERS ASSN INC. 1081-99 Westwood Blvd., Suite 225 | Los Angeles, Ca. 90024 | Phone 824-0303

March 28, 2002

Mr. Con Howe
Director of Planning
City of Los Angeles
200 N. Spring Street, Room 525
Los Angeles, CA 90012

RE: AIMCO/Casden Project - Palazzo Westwood
EIR No. 2000-3213; VAC-E1400741
Fundamental deficiency in Draft EIR Requiring Recirculation

Dear Mr. Howe:

The Draft EIR ("DEIR") for the above-referenced project was issued February 21, 2002. Comments are due by April 8, 2002.

In reviewing the DEIR, it has come to our attention that none of the public's comments to the Notice of Preparation ("NOP") happen to be included.

Appendix A includes a copy of the NOP and purports to include the comments received in response to the NOP. However, only comments from governmental agencies are included. Comments received from the public are totally ignored.

Comments were filed, and some comments from the public are not included.

Further, not only are the public's comments themselves omitted, but substantial issues raised in those comments do not appear to have been addressed in the DEIR.

It may or may not be the case that CEQA does not require that comments to the NOP be included in the DEIR.

However, at a minimum, if the City chooses to include any comments, then it must include all such comments.

THE HOLMBY-WESTWOOD PROPERTY OWNERS ASSN INC. 1081-99 Westwood Blvd., Suite 225 | Los Angeles, Ca. 90024 | Phone 824-0303

The City cannot pick and choose -- disclosing only those comments which it likes and ignoring the others. Fundamental fairness and the principal of full and fair disclosure require that if <u>any</u> comments are disclosed, <u>all</u> comments must be disclosed. Only with full knowledge of all the issues that have been raised can meaningful review be made of the DEIR.

It is important to note that the DEIR for the predecessor project to this (the "Smedra movie mall") did include the public's comments to the NOP.

Also missing from this DEIR are pertinent staff reports or analyses (e.g., from the Department of Transportation or the Bureau of Engineering), and information on the proposed street vacation (along with the public comments filed on that issue). It is essential that all relevant approvals and the impacts related thereto be fully and fairly disclosed in the DEIR, in order to avoid piecemeal approvals.

Please correct this fatal deficiency immediately by amending and recirculating the DEIR.

Thank you for your prompt attention to this matter. Please feel free to call me at my direct telephone number 310-475-5931.

Sincerely,

Sandy Brown

Sandy Brown
President

cc: Maya Zaitzevsky
Jimmy Liao
Emily Gabel-Luddy
Councilman Jack Weiss
Renee Schillaci
Rocky Delgadillo, City Attorney
Mayor James Hahn

BOSTON
BRUSSELS
CHICAGO
FRANKFURT
HAMBURG
HONG KONG
LONDON
LOS ANGELES
MOSCOW
NEW JERSEY

Latham & Watkins
ATTORNEYS AT LAW
WWW.LW.COM

NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
PARIS
SAN DIEGO
SAN FRANCISCO
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

April 8, 2002

BY HAND DELIVERY

Ms. Maya E. Zaitzevsky
Los Angeles City Planning Department
Environmental Review Section
200 North Spring Street, Room 763
Los Angeles, California 90012

Re: Comments on the Palazzo Westwood Project Draft Environmental Impact Report

Dear Ms. Zaitzevsky:

On behalf of Madison Marquette, we have reviewed the Draft Environmental Impact Report ("Draft EIR") for the Palazzo Westwood Project (the "Project"), dated February 21, 2002. As an immediate neighbor to the Project site, Madison Marquette appreciates this opportunity to provide comments since it has direct and specific concerns regarding the impacts of the Project on its existing tenants and on property Madison Marquette owns or manages. As an initial matter, Madison Marquette is generally supportive of development at the Project site; provided that the concerns set forth in this letter are resolved. Our comments are therefore presented in the following areas: (a) Transportation/Circulation; (b) Geology; (c) Land Use; and (d) Noise.

A. Transportation/Circulation

1. Truck Trips

First, the Draft EIR states that during peak construction there will be 320 truck trips per day leaving the Project site. Madison Marquette has serious concerns about the effect of the 320 truck trips on traffic in the immediate area, particularly along Weyburn Avenue and Westwood Boulevard. As we understand it, no truck travel or staging would occur on Weyburn Avenue. Nevertheless, even without truck travel on Weyburn Avenue, the number of trucks traveling into and out of the Project site for 10 hours each day, six days a week will impact the rate and flow of traffic near the Project site. Simple arithmetic indicates that there will be 64 truck trips per hour, 10 hours per day. That is more than one truck trip per minute. Yet the Draft EIR fails to disclose the haul route. This is a very significant defect given the fact that the projected volume of truck trips has the potential for clogging the streets along the haul route and creating spillover effects on other streets with motorists. At a minimum, all truck staging,

633 WEST FIFTH STREET, SUITE 4000 • LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE: (213) 485-1234 • FAX: (213) 891-8763

loading and travel must be identified in the EIR. Further, staging, loading and haul routes should be directed to the southern end of the Project site. Please specify that truck staging, loading and travel will occur only on the southern end of the Project site.

2. Closure of Glendon Avenue

In addition, the Project proposes the closure of Glendon Avenue during construction and its reopening upon Project completion. Currently, Glendon Avenue operates as a through street to the Madison Marquette development and the surrounding Westwood area. Even a temporary closure of Glendon Avenue will negatively impact traffic and contribute to substantial congestion on the surrounding surface streets. The Draft EIR fails to specify the length of time for the proposed Glendon Avenue closure. Absent this information, it is difficult to conduct a thorough environmental review of the transportation and circulation issues related to the Project. Please provide specific time frames for Project construction until Project completion. Please specify mitigation measures that will reduce the impact of closing Glendon Avenue.

3. Narrowing of Glendon Avenue

The Draft EIR also proposes narrowing Glendon Avenue from its current 46 feet to only 36 feet. The analysis in the Draft EIR states that Glendon Avenue will remain open to through traffic, but would be used extensively as an internal pedestrian-oriented street within the completed Project. Glendon Avenue currently serves as a direct access route to existing tenants in the Madison Marquette development and other nearby businesses along Weyburn Avenue. The narrowing of Glendon Avenue with the idea that it should essentially become a street internally oriented for the Project is incompatible with existing operational conditions. Glendon Avenue serves as an important through street to a number of businesses that operate along Weyburn Avenue and narrowing its width would severely impede the public's use of this street to access other areas outside of the Project.

B. <u>Geology</u>

1. Slope Stability

The Project proposes the excavation and removal of 336,000 cubic yards of earth material. This level of excavation raises a serious concern regarding the use of proper shoring to protect and stabilize adjacent structures, especially for those businesses who operate from structures located along the alley on the western edge of the Project site. The Draft EIR states that the Project shall comply with all Los Angeles Building Code requirements for excavation, including shoring requirements, with performance review procedures. Without proper mitigation, impacts would be significant. The use of proper shoring, combined with proper planning and precautions, is critical to the stability of the surrounding structures. The EIR must provide engineering data as to how surrounding properties may be affected and what steps can be taken to limit any impacts. Please identify all mitigation measures related to shoring

requirements that will be implemented to avoid significant impacts. Further, the City should require the Project applicant to indemnify surrounding property owners.

2. Dust Mitigation

The Project proposes the construction of a subterranean parking garage, which will involve an extensive amount of excavation and grading. Due to its close proximity to the Madison Marquette development, dust migration is a serious concern. Please provide dust mitigation which includes, among other things, a tall dust screen to prevent dust migration on to adjacent property owners.

C. Land Use

1. Height Limitation

The Draft EIR states that if the proposed Project were built as 20 individual buildings on each of the separate lots, each building would be able to achieve the 55-foot height limit in the Westwood Village Specific Plan. However, the Draft EIR states that because the proposed Project is a fully-integrated development and the grade deferential is 19 feet, the Project will not be able to achieve this objective. The Project proposes modifying the method of measuring height for projects on one or more acres. If permitted, the proposed Project would not be compatible in height with existing development in the area. In fact, the Project would tower above many of the neighboring businesses.

2. Setbacks

The proposed Project would likewise not comply with the Westwood Village Specific Plan regarding setbacks, which requires a 40-foot setback for a 55-foot building. The applicant proposes a Specific Plan Amendment to permit construction without the requisite 40-foot setback. If granted, the proposed Project would not be compatible in scale with existing development in the area. As we understand it, the construction of the outside buildings would consist mostly of sheer walls with varied facade elements, rather than a tiered structure. Together, the combined effect of having a 55-foot building without the required 40-foot setback, would compromise visibility in the area.

D. Noise

1. Project Construction Noise Levels

The Draft EIR indicates that there will be a high volume of grading and truck traffic at the Project site. As an immediately adjacent neighbor to the Project site, we have serious concerns regarding the noise levels associated with Project construction. Specifically, the noise levels on the alley that are associated with the west end of Project development will impact nearby businesses, particularly a restaurant planned for this area. Without appropriate

mitigation, there would be significant impacts. Please provide adequate mitigation measures to ensure that Project construction noise will be mitigated to reduce impacts to a less-than-significant level.

We are pleased to have had this opportunity to express our concerns about this proposed Project. If you would like to discuss any of these matters, please feel free to call me at (213) 891-7913.

Truly yours,

William F. Delvac
of LATHAM & WATKINS

cc: Mary Lynne Boorn

April 5, 2002

ATTENTION: Maya E. Zaitzevsky,
Project Coordinator

City of Los Angeles
Department of City Planning
Environmental Review Section
200 North Spring Street, Room 763
Los Angeles, CA 90012

RECEIVED
CITY OF ANGELES
APR 08 2002
CITY PLANNING
DIVISION OF LAND

EIR Case No: ENV-2000-3213

Project Name: Palazzo Westwood

Reference Nos: SCH # 2000101123

Location: 1001-1029 Tiverton Avenue, 1020-1070 Glendon Avenue, 1015-1065 Glendon Avenue

Comments on draft EIR for the above properties:

The following questions I have posed indicate serious and real concerns I have with the proposed Palazzo Westwood Project, its feasibility and include significant problems which have NOT been addressed by the DEIR.

1. How will building this development improve existing traffic congestion in Westwood Village and not add to it?

In its current configuration, as shown in the DEIR, how will Palazzo Westwood NOT impact north/south commuters to and from UCLA and nearby Wilshire Boulevard and won't it add more shoppers and apartment dwellers cars to the single lane streets of Glendon and Tiverton? The traffic mitigations proposed by the developer would not solve these substantial traffic problems. Instead, the developer proposes to decrease the width of Glendon – a public street – to increase pedestrian sidewalks – at the taxpayers' expense instead of using their own property to do so. He also plans to eliminate ALL parking spaces on Glendon Avenue while adding new curbside valet parking spaces. He is asking the

city to "gift" him this additional space on Broxton in order to widen the sidewalks instead of using his own property to do so. These streets are public streets and used by the people in the Westwood community.

2. How exactly does this development encourage homeowners from adjacent neighborhoods to use the retail stores within the Palazzo Westwood? When crunching the numbers of parking spaces the developer has allotted in their proposal for public use, why do they NOT meet the required number of spaces? Why can't he adhere to the Westwood Specific Plan?

3. Why are so few bicycle spaces indicated in the public area of this development? The Westwood Specific Plan requires for a project of this size 250 – 300 bicycle spaces? They must meet that requirement. They are not proposing anywhere near that number. In addition, why is the developer clearly NOT taking into account that UCLA, a university of over 30,000 students, staff and faculty is located one block away and would require a substantial number for bicycle spaces as outlined in UCLA's long range plan to house all undergraduates on campus (for students who live on campus or nearby in apartments)?

4. On page 189, the plan should "provide an adequate supply of housing affordable for persons of all income levels." The 308 units proposed by the developer DO NOT meet that standard. These luxury apartments are clearly not affordable to students attending nearby UCLA or the workers in adjacent businesses. How does the developer expect to maintain a sense of community by conserving and improving existing stock?" (page 90) Those thousands of people attending the university or working in Westwood Village could not rent those apartments.

5. Why is the developer not contributing additional funds to the new branch of the Los Angeles Library to be built at Wellworth and Glendon Avenue? According to a letter of 10/31/00 from its Director, Ms. Fontayne Holmes, there will be a need for additional staff, library books, furniture and equipment to accommodate the increase in residential population. The developer has no plans to offer the community any such amenities.

6. Will there be sufficient road space and clearance to permit large fire trucks physical access to the development in an emergency? According to a letter from the Fire Department dated November 30, 2000, there must be sufficient road space to "accommodate major fire apparatus and provide major evacuation during emergency situations." Taking into consideration the number of stories above and below ground of this development along with adjacent buildings, in a time of crisis such as an earthquake or fire, can all vehicles necessary gain access to Broxton Avenue to perform a successful rescue? The width of the road should not only be considered but also the density of the surrounding buildings and the T shape intersection of Broxton and Weyburn streets. There would also be a problem with Tiverton which, for a block, is a one way street. And during the necessary demolition over a two-year period, will the Fire Department continue to have clear and unobstructed access to all other areas of Westwood Village and clear, easy access to UCLA Medical Center? What additional problems will subterranean parking present to emergency workers undertaking a rescue effort, especially if there is a fire in the parking garage underneath Glendon Avenue?

7. Why has the developer of Palazzo Westwood not included any amenities regarding parklands in the Westwood area? Why, if Westwood has an inadequate ratio of parkland to people (4 acres per 1000 people), doesn't the developer include in his plan land for public use such as a small park? Why does he not offer amenities (fees) or provide open green space in Westwood?

   Beginning on page 203, The DEIR details existing conditions as they relate to parks and recreation facilities. The report incorrectly states that, for example, the Felicia Mahood Multi-purpose Center is within walking distance of one half a mile. Stoner Park, the reports states are "two miles southwest of the site." These facilities are not within the required radius of the development to qualify them for adjacent recreational facilities. UCLA cannot be considered a viable recreational alternative either to residents of the Palazzo Westwood because it is for the use of students, faculty, staff and alumni not open to the public. The only recreational facility that could conceivably be used is the Westwood Recreation Center adjacent to the 405 freeway. It is used by thousands of residents, particularly those in the apartments and condominiums in the surrounding areas.

The developer points to Westwood Village itself as its own recreational facility stating: "Westwood Village is considered an important pedestrian district, providing PASSIVE recreational opportunities in the form of strolling, window-shopping and outdoor dining." At what point did eating become a healthy form of recreation?! That is clearly not an acceptable definition of recreation by anyone's standards.

According to the DEIR, Palazzo Westwood does make a significant impact on the surrounding community and the developer should be contributing parkland/green space or another significant alternative.

8. Regarding fire department emergencies, can the existing fire departments (3) handle all emergencies in the Westwood area including new developments along the Wilshire corridor, on Wilshire from Veteran to Santa Monica and other recent buildings, which have greatly impacted the Westside?

When, as stated on page 192 of the DEIR, does the sum total of all new development in West Los Angeles finally reach a "threshold of significance" when at such time of emergency the current LAFD cannot maintain their past service?

Where is a comprehensive study of such changes – properly assessed for the growing needs of our community? And with serious traffic congestion on virtually all major Westside thoroughfares (especially north and south routes used in rush hour) including Wilshire, Westwood, Santa Monica and Olympic boulevards, how does the LAFD plan to assess in a timely manner such log-jammed areas as the proposed site for Palazzo Westwood?

9. Won't the "temporary" closure of Glendon Avenue for 2+ years for the construction of this development and the time-consuming work of digging underground for the subterranean parking lot, clearly (and financially) impact all businesses in the Westwood area. Won't it tie up all surrounding streets affecting thousands of residents, business commuters and staff, faculty and students of UCLA every day for years?

10. Won't police protection be adversely affected by the new development especially its scope and density? Won't their current 8 + minute response time – which is slower than anywhere else in Los Angeles be further adversely affected?

11. UCLA PD is currently understaffed and patrols a campus already grid locked from over-development and current massive construction, including but not limited to the new state-of-the-art hospital. Why are they included in the response to the DEIR from the LAPD as capable of backing up our police force who already are over-worked and over-extended?

As demonstrated in current studies, crime increases in areas with more development such as in the areas of Santa Monica's Third Street and Pasadena's Old Pasadena. Have you compared crime figures today with those of the mid-1980s in Westwood Village when it was considered an entertainment mecca? As head of security of the Holmby-Westwood Homeowners' Association, I get weekly reports from the security companies on local crime. The LAPD complains continually of being understaffed and over-worked. The fact remains today that even LAPD Chief Parks admits to having trouble acquiring police officers in Los Angeles. Why should Los Angeles encourage more over-development in geographic areas that are consistently UNDERSERVED by the LAPD today???

12. Regarding traffic congestion, it is well known that the intersection of Wilshire Boulevard and Westwood Boulevard is one of the most congested intersections in the United States. Why should we be building further high-density developments which merely add to the existing traffic gridlock on the surrounding streets?

As a final comment, I would like to point out to the Department of City Planning and Mr. Con Howe (* who is a Westwood resident too) that this DEIR which was submitted to the city and called for any comments from the public is a very complicated document that no lay person could readily understand. Even for an educated citizen, it is completely unwieldy, very difficult to comprehend and cleverly written in such a way as to obscure the truth behind much of its proposed "evidence."

Why are the residents and concerned people of Los Angeles handed such a document. Why are we not given a fighting chance to understand what this

developer is actually trying to accomplish? Why can the Los Angeles Department of City Planning modify this EIR review so everyone can basically understand the document and make valuable comments to your department?

In addition, one notices the dates on many of the letters given as evidence in this documents. They are a year or two old! Why is the public not given ample opportunity to respond to this enormous and weighty report.

I certainly needed much more time to fully read and digest this huge two-part report. I covered only a minimal part of the report in this commentary owing to lack of time. In future I am requesting that the Department of City Planning study the EIR procedure and recommend substantial changes so that everyone can participate in this process on an equal basis.

Sincerely,

Prudence Macgowan Faxon

Prudence Macgowan Faxon

10737 Le Conte Avenue
Los Angeles, CA 90024
(310) 474-1072
(310) 4741989 (fax)
PFAXON@aol.com (email)

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Date: April 4, 2002

To: Mr. Con Howe, Director
Department of City Planning
Environmental Review Section
City Hall, Suite 763
Attention: Maya E. Zaitzevsky

RECEIVED
CITY OF LOS ANGELES
APR 09 2002
ENVIRONMENTAL UNIT

From: Edmond Yew, Manager
Land Development Group
201 N. Figueroa Street, Suite 200
Bureau of Engineering

Subject: Comments on Draft Environmental Impact Report (DEIR) for the Palazzo Westwood, ENV-2000-3213

The staff of the Bureau of Engineering has reviewed your referral dated February 21, 2002. Please discuss the following concerns and comments in the Final Environmental Impact Report (FEIR):

TRANSPORTATON/TRAFFIC

The City Engineer has no objection to reconstructing Glendon Avenue into a pedestrian-oriented street with a 36-foot wide roadway and 17-foot wide sidewalks. However, the FEIR should include this street improvement to extend all the way to Kinross Avenue. In addition, the existing concrete alley along the property westerly of Glendon Avenue and up to Kinross Avenue should be reconstructed with asphalt concrete pavement and a 2-foot longitudinal concrete gutter, including reconstruction of the alley intersection at Weyburn and Kinross Avenues. Furthermore, all broken and offgrade curbs, gutters, pavements, and driveways adjacent to the development should be replaced and all unused driveways along the property should be closed.

Street trees and tree wells with root barriers should be installed along the project satisfactory to the Street Tree Division of the Bureau of Street Services.

All the above-mentioned street improvements should be in accordance with Westwood Village Specific Plan and to the satisfaction of the City Engineer.

Street Closure of Glendon Avenue: Glendon Avenue will be closed during the construction phase of the project development. The FEIR should address the length of this closure and the permit/approval necessary for this closure. The FEIR should also address the need of any temporary turnaround area to serve the remaining portion of Glendon Avenue, northerly of Kinross Avenue during construction. In addition, the FEIR should address the impact of this street closure to maintaining vehicular access to any specific site in this area.

Street Vacation of Glendon Avenue: The FEIR should include a separate section to consolidate and address all issues in conjunction with the proposed vacation of Glendon Avenue. The FEIR should also address the impact of the vacation on current and future public utilities such as gas line, water line, sewer line, etc. in the street area.

A vacation request titled "Glendon Avenue (portion) Between Weyburn Avenue and Kinross Avenue Subsurface" has been submitted under Council File No. 01-0714 for the processing of the subsurfacing street vacation. The vacation application requests to vacate the street area four feet below the street surface, The FEIR should address alternatives to this proposed depth, in the event additional street depth is needed to be retained.

The City Council, under Council File 01-1459, states that of vacation application in conjunction with a major development should be processed as a tract map application. The developer should file for a tentative tract map to merge the subsurface street area and to facilitate the development.

The FEIR should address claims regarding property owners within a tract area having a private easement over the street areas shown on the tract map to see if such an argument would be applicable to this site.

SANITARY SEWERS

The FEIR should include at a minimum the following items:

1. The location of all existing and proposed sanitary sewers and points of connections to the existing and proposed sanitary sewers.
2. A comprehensive analysis of the wastewater generation potential which would serve the project, including its current capacity and flows. Include plans for additional sewers or expansion of the existing system.
3. The size and capacities of the local and interceptor sewers maintained by the City of Los Angeles which will carry wastewater generated by the proposed project, and verification that sufficient hydraulic capacity exists within proposed project.
4. A table showing the times and locations of the flow measurements of the existing sewer system and identify the correct agency responsible for the sewage flow measurements.

Additionally, if offsite sanitary sewer construction is required in conjunction with this development, then the FEIR must discuss the associated construction activities as if it were part of the proposed project and include an analysis of the environmental impacts which likely to be associated with this construction, as well as the mitigation measures that will be adopted.

DRAINAGE

The FEIR should include hydrology and hydraulic calculations and to address the drainage discharge from the site in more details together with any necessary drainage facilities to mitigate the additional storm runoff in conjunction with the development.

Should you have any questions regarding the aforementioned comments, please call G. Ray Saidi of the Land Development Group of the Bureau of Engineering at (213) 977-7097.

grs

LOS ANGELES CONSERVANCY

523 W. Sixth Street • Suite 1216 • Los Angeles, California 90014 • 213/623-2489

April 5, 2002

RECEIVED
CITY OF LOS ANGELES
APR 09 2002
ENVIRONMENTAL UNIT

Ms. Maya Zaitevsky, Project Coordinator
Department of City Planning
200 N. Spring St., Suite 763
Los Angeles, CA 90012

Re: EIR Case No. ENV-2000-3213

Dear Ms. Zaitevsky:

I am writing on behalf of the Los Angeles Conservancy to provide comments concerning the Palazzo Westwood Project Draft EIR.

Because the Los Angeles Conservancy is the citywide historic preservation organization for Los Angeles, with over 7,000 member households, our primary concern about the project is in the proposed demolition of the Glendon Manor apartments. The demolition of Glendon Manor would represent an entirely avoidable loss of an important building that has been a key part of Westwood Village's history and visual character for over seven decades.

Although the Conservancy strongly disagrees with the proposed project description – i.e., that Glendon Manor should be demolished – we generally concur with much of the basic analysis contained in the DEIR. The document commendably recognizes Glendon Manor as an important historic resource, and recommends to the City's decisionmakers that the preservation/rehabilitation alternative represents the environmental superior alternative.

The Conservancy would also echo the recommendations of Casden Properties' own cultural resources consultant, Jeanette McKenna, "that the Project Applicant consider a redesign of the current Project to avoid removal of Glendon Manor and the restoration of the structure for full occupancy" (p. 113).

As the debate over the future of Glendon Manor unfolds, there should no longer be any question that Glendon Manor is a significant historic resource. The State Historical Resources Commission found Glendon Manor to be eligible for listing in the California Register in 1999. It made this decision only after considerable deliberation and after hearing testimony from representatives of the then-property owner, who strenuously opposed the nomination by disputing its significance. Nonetheless, this statewide Commission, hundreds of miles removed from local politics and consisting of top historic

preservation experts from around the state, found Glendon Manor to be a historic building worthy of recognition and preservation.

Glendon Manor helps tell the story of Westwood's evolution, history, and built form. Its Mediterranean Revival architecture makes it a beautiful example of early Los Angeles multi-family architecture in and of itself, but it also relates closely to the commercial development of Westwood Village by the Janss Company. Early photos of the area show how this building's signature five-story tower actually dominated the skyline of Westwood and became a key part of Westwood Village's built fabric.

The only reason given in the DEIR for not preserving Glendon Manor is that "The Project is designed as a unified development in a design and style that is promoted by the Specific Plan...Preserving Glendon Manor would not result in a unified design over the entire Project site, allowing the Applicant to meet all of the Project objectives." Of course, by its very nature, preservation of a historic apartment building as part of any larger project would not permit a "unified" design.

Contrary to this contention, however, promotion of a "unified design" is not one of the 23 separate project objectives actually identified. When one reviews these project objectives carefully, it becomes clear that every one of them can still be achieved if Glendon Manor were preserved. These objectives include the creation of a mixed-use community, allowing a broad mix of land uses, preserving high-quality architectural character, improving an under-utilized parcel, providing additional parking, and providing additional housing opportunity, all of which can be met through a large, new mixed-use project that leaves Glendon Manor intact at its edge.

Fortunately, Glendon Manor does sit at the very southern-most edge of the overall property. It can easily be rehabilitated by the existing property owner, or sold off and rehabilitated separately with only negligible and wholly surmountable adjustments to the overall project design.

Before deciding whether to speak up in opposition to Glendon Manor's demolition, the Conservancy had an opportunity, just prior to the release of the DEIR, to tour the building, thanks to representatives of Casden Properties. Despite some minor alterations, Conservancy staff observed that the building overall retains its architectural integrity. The building has clearly suffered from neglect in recent years and would, like most historic buildings, require upgrades of basic building systems. However, it remains in much better overall condition than many Los Angeles buildings that have been recently rehabilitated for multi-family housing.

Accompanying Conservancy staff on the tour was structural engineer Adam Greco of Degenkolb Engineers, who has broad experience in rehabilitating historic Los Angeles buildings for housing. Mr. Greco observed that the building is essentially sound structurally. While he agreed with the specific observation of Group M Engineers (cited in the DEIR) that the building's lateral resistance system would need additional strengthening, he found the building also has many structural assets. It is a well-

constructed building with evidence of concrete bond beams and (based on available City records) evidence of structural steel framing in the tower. The building already has undergone seismic retrofit to meet Division 88 Standards. Mr. Greco also observed that the building's "unreinforced roof parapets" in fact already had bracing, and that additional connections "between vertical and horizontal elements" may not be required because the floor framing appears connected to the exterior walls.

Perhaps most importantly, the structural and code analyses attached to the DEIR failed to consider the provisions of the State Historical Building Code (SHBC), which provides an alternative, more flexible means of achieving full code compliance. Because Glendon Manor has been determined eligible for the California Register, it can take advantage of these code provisions, which are performance-based rather than prescriptive in nature.

Next month, the Conservancy is presenting a 2002 Preservation Award to a project just down the street from Glendon Manor: Madison Marquette's Bullock's Westwood project, which has converted a significant mid-century Modern commercial building into a creative multi-tenant retail complex for the 21st century. We look forward to working with Casden Properties and City staff to achieve a similar result on this site: a project that contributes to Westwood's ongoing revitalization while also preserving an important piece of Westwood history.

Thank you for your consideration.

Sincerely,

Ken Bernstein
Director of Preservation Issues

G. OLERICH
13130 Highway 9 # 119
Boulder Creek, Ca 95006
310-271-3235
April 7, 2002
2 page Cover letter, plus 22 pages (19 pages text and 3 pages illustrations)
"Comments on DEIR ENV 2000-3213 Palazzo Westwood."

Environmental Review Unit,
City of Los Angeles Planning Department,
200 N. Spring, 7th Floor,
Los Angeles, California, 90012
attention Maya Zaitzevsky
213-978-1355
FAX 213-978-1343

re:Palazzo Westwood

Case No.
1001-1029 Tiverton Avenue, 1020-1070 Glendon Avenue, 1015-1065 Glendon Avenue

Cover letter

This correspondence is being sent via FAX and via messenger. Several Copies of The color illustration (illustration 1) are being provided and can be used. More copies will be made available on requrest without hesitation. The comments in this FAX include reference to illustration by numeral not included in the version sent via messenger, so all other things being equal this FAX may be preferable to use, in conjuction with the Color Copies of illustration 1 provided by messenger. A three page initial comments based solely on the Notice of DEIR was sent via FAX last week, and it may contain some points not in these more elaborate comments.

I would like to request additional time to provide comments to the Draft EIR as the DEIR has not been made public sufficiently that that meaningful public review and comment were not precluded. It was represented that hard copies were not available to interested parties, but rather the DEIR should reviewed online via the internet. In attempting to review it it has now become evident that the diagrams containing essential information neccessary to determine areas of possible inadequacy regarding the DEIR were scanned at a resolution that makes neccessary detail impossible to review. For example, the street level diagram of a previous drawing for the location revealed that access to the commercial portion of the project was available through the motor court on Tiverton - which is restricted to residential usage. In that case the preparers of the Notice of Preparation of the EIR for that project had not noted such access and the Notice was deficient and misleading in that it stated that there was no

commercial access from Tiverton (restricted to residential access). In the diagrams available the resolution is too poor to determine if such access is still included in the currently proposed version of this project. Whether or not the access to commercial issue referred to ago has been discussed in the DEIR, the point that it is impossible to review materials sufficiently to determine if other inadequacies exists still remains. Most of the text on the street level diagram is indecipherable as made available on the internet.

Further, when the pdf document described as "Click here to download the complete text of the EIR in one file (1.1mb)" is downloaded, the tables are not available i.e. Table VI-1 - Alternatives Land Use Summary] and Table VI-2 Alternatives Impact Comparison Summary. An interested party downloads the available information and doesn't know how it's incomplete.

I request to be provide with legible copies of all graphics, charts,diagrams,illustrations, elevations etc. of the DEIR because those available on the internet are of too low of resolution to be view in any detail and significant aspects of the project might be discussed, and discussed more intelligently if decipherable documents are available.

In addition to the comments in response to the DEIR there were 16 pages regarding Project issues sent by me in December 2000 in response to the notice of preparation of EIR. As these appear to have been disregarded or ignored in the preparation of the DEIR they will be included in a backup package sent by mail.

Please make sure that I am kept informed in all ways regarding this (and all other East Westwood Projects) as an interested party, that my correct address as appears on this letterhead is use, and that there is no hesitation to contact me by phone for clarification, discussion or requests for more information.

"Comments on DEIR ENV 2000-3213 Palazzo Westwood."
by G. Olerich

Summary of Comments RE; DEIR

1. The DEIR is deficient and should be revised

a It contains many factual errors and misrepresentations and misrepresentational exhibits noted herin

b. Incorrect conclusions were drawn from the factual errors

c. Incorrect conclusions were drawn by flawed and skewed means of evaluating whether impacts are "significant" or not.

d. Many significant adverse impacts have been overlooked or erronesously categorized as not signficant.

e. The disregard of these significant adverse impacts reults in a gross failure of the DEIR as it fails to suggest or discuss mitigation measures for the overlooked significant impacts. It's inadequacies preclude intelligent review and public input.

f. The alternatives projects have not been properly considered and the resulting conclusions are incorrect.

Major incorrect conslusions made in the DEIR are:

That Alternative two is not superior to the Project as proposed.

That the Project does not impose significant adverse land use impacts.

That the project does not represent a new commitment to urban development.

Major deficiencies of the DEIR are:

The failure to correctly state all areas that can reasonably be contended to be signficant adverse impacts.

The failure to suggest and discuss a full range of possilbe mitagation measures for all areas that can reasonably be contended to be signficant adverse impacts.

Failure to recognize the superiority of Alternative two over the Proposed Project because of alternative two's large reduction of significant adverse impacts regarding land use, aesthetic character and alteration of views, and the lack of substantiation that the allowable build out (if all existing restrictions are considered- not just FAR) would result in significant additional car trips.

The DEIR should be revised and recirculated with:

1. corrections made to incorrect, inaccurate or misleading information and statements and illustrations,
2. Inclusion and full discussion of information neglected in the DEIR regarding the placement of commercial and access to commercial in an area restricted to residential usage
3. proper means of evaluation of the signficance of adverse impacts being applied,
4. conclusions corrected to acknowledge the presence of signficant adverse land use impacts
5. the inclusion and full discussion of a range of alternative possible mitigation measures, including: A scaling back the height and density of 1. the whole project, 2. portions of the project at sensitive locations; B.incorporating greater streetfront and

upper level setbacks than those proposed; C. increasing the degree and quantity of variegations in the project perimeter;D. placing a significant portion of the open space on the perimeter where it would achieve the benefit of decreasing apparant urban density that open space requirements have been implemented to achieve; and E. other mitigation measures that could reasonably be expected from professionals preparing an EIR who are sincerely attempting to give a full picture of the environmental issues and alternatives.

6.Revision of graphic III-6 "Palazzo Westwood - Project Elevations" A. in the West facing view to either eliminate the uppermost portion of the right side of the representation of the GTE building or to clearly and legibly note that this upper protrubence represents roof top mechanicals which are set back from the building front and not visibile from street level B. In the South facing view eliminate the box with undeciperable text that sits on top of the representation of the two story apartment buildings on the left of the south facing elevation. Further the representation of the two story residential buildings need to be clearly labeled as "existing residential buildings" because they are so dwarfed by the adjacent project elevations that it would not otherwise be immediately evident that this represents existing structures adjacent to a dwarfed by the Project. A illustration #3 is provided with these comments which contains said revisions (Palazzo Westwood Project Elevations (Corrected).

7. Inclusions of additional illustrations which give another perspective to the discussions of impact of the project and merits of alternative projects (included with these comments - "Proportion of taller commercial structures at project perimeter" and "DEIR ALTERNATIVE TWO to Palazzo Westwood"

The following is are summaries of area of comments regarding the deficiencies of the DEIR. The issues are explained and substantiated in detail later in these comments.

statement of existing conditions

Current conditions described as undesirable cannot be reasonably expected to continue if the project is not approved as they result from willful neglect by the project proponent. Valued open space is disregarded and thus conclusions are skewed in favor of the Project.

Project Objectives

The projects own stated objectives are not met in the important fields of Project compatibility, streetscape and non automobile access.

A/1. Aesthetics

The project is excessive in scale, height and density, deficient in setbacks and open space and is not compatible with the immediately surrounding area. The amount of buildings less tall than the proposed Project is predominant.

The DEIR uses erroneous and incomplete facts. The elevations and drawings showing scale are skewed in favor of the Project. A revised version of the Project elevations is supplied with these comments. It reaches conslusions that omit adverse impacts, and which dismiss adverse impacts which actually are significant as being not signficant. In addition to the signficant impacts noted by the DEIR there are significant adverse impacts of aesthetic character, and the adverse impacts noted by the DEIR as significant regarding

alteration of views are larger inscope than noted by the DEIR. A sufficient range of reasonably conceivable mitigation measures are not produced or discussed.

F/6. Land Use

The DEIR attempts to distract from the undeniable non-consistancy with existing land use regulations by spending several pages talking about the "consistancy with" selected objectives and puposes of pertninant land use plans. Even so the DEIR does not show correctly where a number of plan objectives are actually not consistant with the Project. This is largely because the DEIR fails to acknoweldge that the Project is a larger scale and height than the predominant character (as illustrated by the supplied illustration 1 "Proportions of commercial structures at project perimeter.)

It is audacious of the DEIR to contend that the Project Developer knows better how to achieve those objectives than did the drafters of the specific restrictions in the Westwood Specific plan, especially considering the degree of public input and scrutiny the Plan was subjected to.

The DEIR fails to list the signficant adverse impacts by the intrusion of commercial into, and the access to commercial from a residential usage only area.

The projects requested changes in land use regulations and restrictions result in significant adverse impacts not noted in the DEIR.

Lighting, G.Noise and Glendon Issues are discussed in the detailed comments sections.

Alternatives

The DEIR draws incorrect conclusions regarding the superiority of the Project over certain of the alternatives because of specious reasoning, diregarding important factors and the deficiencies of the DEIR in assesment of adverse impacts of the Project noted elsewhere in these comments and including adverse impacts regarding land use, aesthetics, light, shadow. Conclusions of inferiority of the alternatives by the DEIR are unsubstantiated and should be disregarded when they are based on the fallacious presumption that the alternative could be built to the maxium allowed FAR disregarding other signicant restrictions on the placement of commercial usage, density, height, setbacks, parking and open space requirements.

The DEIR's conslusions should be disregarded in terms of comparative adverse aesthetic impacts of alternative two based on a false presumption that the alternative would have a single roof line (or even that a single roof line is inherently undesirable). (See the illustration2 provided with these comments labeled "DEIR ALTERNATIVE TWO To Westwood Palazzo) The DEIR's conclusions regarding alternative two disregard it's own finding's of significant adverse aesthetic impacts of the Project, in addition to disregarding other signficant impacts omitted from the DEIR.

The conslusion that the Project is superior to alternative two is unfounded, it the DEIR should note that alternative two is a possibly superior alternative.

Significant Environmental Effects and Irreversable changes.

Growth inducing impacts.

Development of the site is a new, or significant new, commitment to urban development. It increases the urban density of a site whose current predominant feature is open space signficantly beyond existing land use restrictions.

Lack of Mitigation proposals

The DEIR is deficient in failing to provide and discuss a range of reasonably conceivable mitigation measures for the significant impacts it has noted regarding aesthetics; and in failing to provide and discuss a range of reasonably conceivable mitiation measures for other adverse impacts, including those adverse impacts the DEIR has omitted, disregarded, and incorrectly dismissed as insignificant.

Overall misrepresentational quality of DEIR regarding attractiveness, suitability, and of project

DETAILED DISCUSSION AND SUBSTANTIATION

EXISTING CONDITIONS

The parking lot has resulted in no vagrancy, Any perceived blight exists only because of the developers willful neglect. Overly dense projects (as the proposed project is) increase crime more than the parking use of this property does. If the objective is to reduce crime and vagrancy, have the residential on the lots fronting Tiverton meet the restrictions the East side of Tiverton is limited by. I own property on the East side of Tiverton, and contrary to contentions in the DEIR it is reasonable for me to antipate economic loss, not economic "revitalization" from the proposed project.

It should be noted in the DEIR each time there is a reference to the site being blighted and or having vacant buildings that the project developer is the owner of the property and that if stores are vacant, and the property blighted, such is a result of the developers management of the property, and this is not a condition that could reasonably be expected to remain if the project as proposed is not approved.

OBJECTIVES

All of the beneficial objectives outlined in the DEIR can be achieved without the adverse impacts that result from the changes, exceptions and "re- definitions" the developer is requesting.

The Project does not meet it's own objectives further explained below.

The project is not compatible with the character of the area as it is too dense and exceeding density height and setback restrictions.

The project is not encouraging streetscape development as it is requesting the 15 feet street landscape setback on Tiverton be eliminated.

The Project is not encouraging non automobile access when it seeks to lessen bicycle parking.

VISUAL IMPACTS SUMMARY

The DEIR is insufficient and misleading in stating that there are no adverse visual impacts from the project. The lack of setbacks of above 40 feet height, the excessive height and density of the structures, and the elimination of landscape setbacks all result in significant unmitigatable impacts to Tiverton Avenue resident usage.

The DEIR should make the point that the project as proposed will result in considerable massing exceeding what is allowed by existing ordinance and specific plan, not just over the existing usage.

Regarding the DEIR's discussion of existing conditions in the Aesthetics section:
The statements regarding the height of the existing adjacent properties appear to exagerate. It is clear the the project as proposed will be predominantly 55'tall measured from adjacent grade, with mechanicals reaching up to 70'feet, exceeding the scale of the predominant area buildings (see illustration1 Proportion of taller commercial) by approximately 50% (5 story versus three story). It is clear the Project will present a substantial increase in the height envelope.

It has in the past been found in the public interest to prevent the exceptions to the otherwise lowrise nature of Westwood Village that the DEIR notes, and therefore exceptional taller buildings in the immediate vicinity should not be used as a justification for the height of the project as proposed exceeding the height allowed by an unmodified Westwood Specific Plan under current ordinace. Buildings not in the immediate vicinty should not be used as justification or to obscure the impact on the immediate area.

Further the description of Existing Conditions is deficent and incorrect because it does not note that the predominant visual feature of the existing site is open space, blue horizon and distant buildings. All the "eyesores" noted all the result of the project proponents management and neglect. Existing conditions of neglect and vacant buildings cannot be expected to remain as described if the project is not approved, and this reasonable expectation must be noted clearly in the DEIR each time reference is made to such conditions.

Regarding the DEIR's discusion on P 63 P2 AESTHETICS/ VISUAL CHARACTER/COMPATIBILITY

A look at the elevations reveals, despite artistic attempts to glorify the project, -that the height, lack of setbacks at street level and at 40 feet height, will result in a over masive box like character acknowledged in the DEIR as undesirable(page 65 paragraph1). This boxyness is little mitigated by a few trees and minor architectural details, and would be very much more tempered by keeping the height within the maximum allowed under currently existing regulations and observing such setbacks.

The illustrators paintbrush is the most effective (but ultimately unsatisfying) mitigation as the portrayl of the Tiverton project view is from such and angle that one doesn't really even see the project, wheras in reality the Tiverton face of the project will be substantially similar to the Glendon face, where even the artist cannot fully hide monolithic box like corridor that is not cured by the additiona of a few balconeys. Futher the Tiverton face street level will apparantly not have the relief from uninterupted monolithic face that the doors and windows at street level on Glendon provide. Indeed without a change in floor plan street level doors and windows should not be provided as they would exacerbate existing impacts by providing views of a residential parking lot. A possible mitigation measure would be to relocate the row of parking spaces fronting Tiverton to another location, and have a ground floor glassed in garden atrium lobby for the residential portion, with tinted glass and low level illumination. In fact the street level residential parking could be moved Westerly 30 to fifty feet into the area described as commercial (on the street level plan) such a measure would provide some mitigation both of the visual impacts of the Project and of significant land use impacts resulting from the placement of commercial in an area restricted to residential use.

AESTHETICS

P65 Paragraphs 2 and 3 evidently contain the attempt at substantiation of the contention by the DEIR that the project does not have significant adverse Aesthetic impacts. This substantiation fails and the conlusion should therefore be revised to conclude that significant adverse impacts would result from the project regarding aesthetics.

The underlying suppositions are fallacious and disingenuous.

The DEIR is incorrect in it's evaluation of the Project's scale in relation to the surrounding area. Reference to the taller buildings by the DEIR is misrepresentational when **80% of the perimeter of the project has no commercial buildings as tall as the Project as proposed would be on residential Tiverton** (see illustration 1 "Proportion of Taller Commercial Structures..." which is supplied with these comments). The existing commercial development the proposed project backs up to on Westwood Boulevard is little more than half as tall as the project as proposed would be on residential Tiverton. ("structures that front the western side of Westwood Boulevard and back onto the alley average 30
feet in height". DEIR page 69 p1) **The Project is not a transition, but an imposition, and has significant adverse landuse impacts accordingly.**

The best means to achieve the transistion from commercial to residential (with the least adverse impacts) is best acheived by development of the lots fronting Tiverton that conforms to the height and density limitations that are on the reasidential East side of Tiverton (as it was zoned prior to the specific plan). Second to that means of transition is the more recent Westwood Specific Plan provision for residential use with the Specific Plan's setbacks,limitations of density, usage, and height. The Project as proposed is far inferior as a transition from residential to commercial to either of the above described, and has significant adverse impacts accordingly, including impacts in the categories of land use, aesthetics, view, light/glare, noise and shade.

AESTHETIC IMPACTS

Pg 64 to 65 -- The DEIR is incorrect in it's contention that the Project is Consistent with the valued Mediterranean architectural style common throughout Westwood Village, I know of nowhere else in the village that there is a block long 55 foot tall mediteranean structure. The character of the area includes height and scale, and the mediteranean buildings are more commonly 20 to 30 feet tall. The conclusion that "The architectural design of the Project is consistent with the existing valued aesthetic image and character of Westwood Village, and therefore, would not represent a negative aesthetic effect." (page 65) is incorrect for the reasons pointed out above. The DEIR should be revised to include the conslusion the height, scale and density of the Project result in a significant negative impact on aesthetic character, and a range of mitigation measures for this negative impact (in addition to mitigation measures discussed for other negative impacts) should be fully discussed.

This again unavoidably points to the obvious mitigation measure of making the project lesser in height. A mitigation measure which consists of changing the Project to conform with the existing Westwood Specific Plan height and setback restrictions (and the existing means of measuring height), would result in a development much more in keeping with the character of the Village. This just bears testimony to how the Westwood Specific Plans' individual provisions reflect the objectives of the Specific Plan.

The DEIR is abdicating it's purpose by dimissing it's role to suggest viable mitigation measures by stating "Mitigation measures have not been

proposed as they have already been incorporated into the design of the Project." (Page 69). The DEIR should be revised and amended to include a full range of mitigation measures and full discussion of them.

The DEIR consistantly evades discusion of the obvious mitigation alternative of reduction of height and or density. The DEIR is inadequate because of this.

It should be noted that signficant adverse impacts regarding alteration of view occur from views from the West in addition to significant adverse impacts viewed from the East, Northeast and Southeast. These impacts would occur because the Project will eliminate the existing view of the low rise character buildings whose aesthetic value has been established by a previous proposal of Los Angeles City to make them part of a HPOZ.

Threshold of Significance

The DEIR is incorrect and deficient in it's dismissal of the impact regarding aesthetic character as insignificant. The impact on views is significant because it will "substantially degrade the existing visual character by eliminating valued open space and by introducing a visual element incompatible, out of scale, in great contrast, or out of character with the surrounding area and its valued aesthetic image or character." (If the the height of the project would conform to the predominant roof lines heights (30-40 feet as determined by being the character of more than 70% of the street frontage adjacent to the project (see Illustration1 "Proportion of taller commercial structure..." provided with these comments). The Project being twice the height of adjacent existing structures for more than half of it's perimeter is clearly out of character with the surrounding area, and is out of character with the valued aesthetic image and character of this part of Westwood Village. ???? In this to the loss of valued open space and being out of scale wi the surrounding area and it's valued aesthetic image and character the DEIR needs to be revised to note that extensive Aesthetic impacts and Land use adverse impacts are significant.

OPEN SPACE

In analyzing the existing state of the project site it's value as open space is totally disregarded and the DEIR should be revised to take this into account. To disregard such value is much like saying a Santa Monica Mountains meadow in October is just a bunch of dead weeds so it is just ugly and has no value.

The existing structures are within the scale and density characteristic of Westwood Village. Replacing them with structures taller and more dense will result in a loss of visual character. It is a mistaken presumption to contend that character is a result of architectural detail alone, and that scale and proportion are secondary. So the same principal that change in character results from change in scale and loss of open space applies for the parking, though reasonable maintenance of them would be more desirable than the neglect that has been the case while the property owners have an interest in the existing conditions being unattractive

AESTHETICS OPEN SPACE

The DEIR should be corrected (page64) to note that:

The removal of existing valued open space would constitute a loss of significant

visual resources.

LIGHTING SUMMARY

p8 The DEIR in insufficient and misleading in concluding that there is no significant impacts of Lighting on Tiverton. It states that the residential lighting wold be " similar to and compatible with lighting in other buildings
of near the same height across the street". The proposed projects residential height of 55feet (plus any lit towers above that height) above grade towers 35 feet higher than the strutures on Tiverton near Weyburn and by it's block long massing will result in significant adverse impacts to the East side of Tiverton in the area of lighting.

LIGHTING

regarding impacts of lighting, the increase in lighting will be on Glendon, where the DEIR has concluded that an increase in lighting would be desirable (DEIR page _____), and alternative two would result in a decrease of lighting on Tiverton as less units fronting Tiverton at a lower height, setback fifteen feet further, screened by additional landscaping and additional setbacks above 40 feet would decrease the impact of lighting on the sensitive low density mutlifamily residential neighborhood on Tiverton. Lights and glare would also be lessened as the number of residential units would be less that the project as proposed, decreasing automobile entry and exits from Tiverton. The project as proposed would have 50% more units than alternative two and could be expected to produce that much more adverse impact regarding lighting and glare.

NOISE AND MECHANICAL VENTILATION

The DEIR should note and consider that the placement of mechanical ventialation in units will most likely be little mitigation of Noise impacts because it is unlikely to be used- in seasons when such ventilation is desired residents will most likely open their windows to look down on andenjoy the low rise atmosphere across the street on Tiverton. Futher, it should be stipulated that any such ventilation should be accomplished by mechanicals placed far enough from the residential usage on Tiverton that such mechanicals will not add noise.

PROJECT SECTION ERROR

Even the project section misleads by lableing an illustrated adjacent structure as "2 story apartment", but the illustration depicts the scale of a 3 story residential structure.

GLENDON

If the developer wants larger sidewalks on Glendon the solution is not to narrow Glendon which has adverse impacts on parking, but to set his project farther back from the street, which would have no adverse impact. Setting back the project further from Glendon would be the obvious mitigation to parking and traffic impacts that could result from narrowing Glendon.

Subsurface vacation of Glendon

Subsurface vacation of Glendon could have foreseeable significant adverse impacts as a result of resulting restrictions on future implementation of expanded or alternate underground utilities routes, possible future underground transportation and road

maintenance. A mitigation measure for the project would be to reduce Project density and height, obviating the need for parking area under Glendon, and therefore the need for subsurface vacation.
If subsurface work occurs which results in a closure or traffic restriction bonding for completion of the subsurface work on Glendon should be required to insure that the impacts on traffic from the temporary closure of Glendon Ave. would not have a risk of continuing indefinately due to unforseen circustances (i.e. methane gas, subterranean water, financial failure etc.)

I do not at this time agree to any waiver of my rights as a owner of property in the tract regarding Glendon.

MITIGATION

"it is thepolicy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.... [I]n the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

MITIGATION

Mitigation of the project impacts by limiting it to currently (April 2002) existing height and setback limitations is a feasible measure and the project should not be approved without such mitigation measures.

There are feasible superior alternatives and mitigation measures (keeping the project within the height, setback and density requirements existing as of now (4/2002)). The DEIR is unacceptable if it is not revised to show the availability of such measures and alternatives.

MITIGATION

The Mitigation of bringing the project in conformance with all restrictions in effect April 2002 limiting height, density and requiring setbacks and open space,- would reduce land use impacts from significant to insignificant, and though it would not entirely eliminate signficant impacts regarding would reduce impacts on noise, aesthetics, shade, and view, it would reduce those impacts to half of what they otherwise would be.

LACK OF PRESENTATION OF REASONABLY CONSIDERED MITIGATION MEASURES.

The DEIR is deficient and inadequate in not proposing mitigation measures such scaling back the project height on Tiverton, maintaining the required 15' setback on Tiverton (each of which would be mitigative to adverse impacts of Aesthetics,views, light/glare, noise, shadow etc.)

LAND USE

Further, unless the significant impacts of traffic, parking and noise upon the existing residential usage on Tiverton have been included with the findings of significant impacts in the DEIR, such impacts need to be included in a final EIR and the draft DEIR is deficient

without their inclusion- presuming that access from the motor court through the hallway to the commercial entrance is still part of the proposal. Allowing such access will impact parking by it's proximity to the residential neighborhoods to the East, encouraging parking for the commerical faciilities in the residential neighborhood to the East. Adverse impact to the residential neighborhood to the East would also result from use of Tiverton access for 24 hour commercial facilities proposed.

LAND USE, NOISE, TRAFFIC

From what it is possible to see, it appears a loading dock backing directly to commercial usage and that is capable of accomodating two large tractor trailer rigs is proposed for Tiverton. The ease with which this could be put to commercial use requires consideration of the adverse environmental impacts of using that loading dock for commercial use - which would include noise to adjacent residences as well as traffic problems. Even without commercial usage, backing rigs into the long narrow loading dock will create traffic problems on Tiverton. But wheras the residential usage might be expected to result in one rig a day on average to service 350 units, if there is commercial usage this usage could be mutliplied several fold. In order to mitigate this there should be implementation of a deed restriction running with ownership of the land that restricts the Tiverton loading dock from commercial usage and imposing sufficient penalties for violation to actually deter such use. Without legally binding and enforcable provisions there is little to stop project users from utilization which has not been sufficiently addressed in consideration of whether to allow the project or not.

LAND USE

Is the "fitness center" available to the public or residents only. If it will service other than project residents its commercial usage would present significant adverse impacts to the residential usage on the East side of Tiverton, including noise (from pedestrians etc.). It's use should be restricted to residents only, and it should have no regular entrance from Tiverton or within 100 feet of Tiverton.

LAND USE

Even if there are other buildings as tall or taller in the area, evidently the City of Los Angeles found when the East side of Tiverton was downzoned in the middle 1980's that it was in the public interest to preserve the low height and density that is in the area, and is of sufficiently large proportion of the structures in the area to be a significant part of the area character, and that building taller buildings was against the public interest. For the city to allow an increase in building height now would clearly reverse the finding that resulted in the downzoning of the East side of Tiverton and would likely result in a challenge of either (or both) 1.the finding that it is in the public interest to allow increased height in the area 2. the finding that it was in the public interest to downzone in 1986.

LAND USE AND GROWTH INDUCING FACTORS

If the presence of tall buildings allowed in the past (but no longer allowed under current restrictions) is justification for the height of the project, then this justification can be used for all potential area development. This would trigger a landslide of development and the impacts cumulatively would be signficant.

LAND USE-COMMERCIAL

Furthermore allowing "commerical uses" along Tiverton constitutes a signficant land use impact, and it essentially constitutes a zone change (as commercial usage is only allowed on the lots on Tiverton in the case of a hotel). The DEIR does not address this issue whatsoever and should be revised to indicate a significant adverse impact regarding land use as the intrusion of commercial into a quiet residential neighborhood obviously constitutes.

COMMERCIAL ACCESS ON TIVERTON

The DEIR is also deficient in not addressing the impact of access to comercial that appears to be provided from residential Tiverton via the motor court entrance. People who use the commercial facilities frequently or who are empolyed at the commercial facilities, or make deliveries can be reasonably expected to make significant use of the access, causing significant adverse impacts in the areas of land use, traffic, parking and noise. The DEIR should be corrected to address these signficant impacts to the quiet residential usage of Tiverton.

LAND USE

DEFACTO ZONE CHANGE

Intrusion of commercial into residential use areas has significant adverse land use impacts as it represents a defacto zone change without the proper procedures for a zone change. This significant adverse impact should be noted and given full attention in the DEIR.

/ / / / / /

LAND USE ISSUES

The applicant and the preparers of the DEIR have used a very clever approach of paraphrasing the stated purposes of the Westwood Specific plan as the project stated objectives. Note that Westwood Specific plan purpose G is not included among the Project objectives, because it is inconvient because the Projects' transgression of the Westwood Specific plan purpose to *"To mitigate the impacts of Village development on nearby residential areas."* is so flagrant that proponents of the Project evidently felt it best to not call attention to the Projects' shortcomings in that respect.

This double speak is an attempt to obscure the obvious: A Project that requests amendments to and exceptions from existing landuse regulations is not in compliance with local landuse and has adverse impacts. If the amendments and exceptions result in major changes in the project allowed, correspondingly the adverse impacts are significant. The Project as proposed has 50% more residential units and is 50% taller than would be allowed under existing landuse regulations, and thus has undeniably signficant adverse Landuse impacts. Failure of the DEIR to acknowledge these results in a deficient and inadequate DEIR, if for no other reason than that discussion of an consideration of possible mitagation measures is effectively precluded by this failure.

The Project has significant adverse land use impacts, including: 1. the siting of commercial in an area restricted to residential; 2. it's dispropotionately massive and tall scale: 3. it's elimination of setbacks both at streetlevel and above 40's height; 4. it's lack of

compliance with unmodified open space requirements; 5. it being taller and more massive than the vast majority of the adjacent commercial the Project is supposed to serve to buffer the residential on Tiverton from. (Westwood Specific Plan Purposes "G. To mitigate the impacts of Village development on nearby residential areas."

The DEIR should be revised to note, and give full attention to the signficant adverse land use impacts.

The Project as proposed undeniably crosses the threshold in the draft LA-CEQA guidelines of *"Whether the proposal is consistent with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site;"* Therefore the clear establishment of signficiant adverse land use impacts on that one basis alone should make it not neccessary even to point out that it crosses other suggested considerations for determining significance as well.

The Project would "substantively impair the existing uses of adjacent land uses." by signifcantly impair the attractiveness to tenants of the lowrise neighborhood that would be lost on Tiverton unless the project is reduced to be proportionate in height, density and setbacks to the East side of Tiverton.

Cumulative and growth inducing impacts could reasonably be expected in the wake of approval of the Project which would result in preassure for increased development on the less densly developed parcels in the vicinity.

It is a manipulation of the DEIR to go to pains to try to convince that the project is "consistant with" a number of hand selected land use plan objectives and purposes, and therefore not contrary to existing landuse regulation. It can much more reasonably be relied upon that the actual nuts and bolts specifics of each landuse plan spells out what the landuse policy is better than the drafters of the DEIR's interpretation of stated objectives. An arugment of Project consistancy with certain stated objectives and purposes of a land use plan is of little meaning if the Project is clearly contrary to the specifics of that plan developed by the planners and overseeing bodies to embody those objectives.

The DEIR section on land use should be rewritten to present the ways the project is not in compliance with existing land use regulations. The subterfuge regarding "consistancy with" various purposes and objectives should be removed or placed in an appendix, because otherwise it obscures the real issue of whether the Project is in compliance with landuse regulation.

Further the project is actually not in compliance with many of the purposes and objectives of the pertinant land use regulations, including Westwood Specific Plan Purposes "G. *To mitigate the impacts of Village development on nearby residential areas."*

Despite specious contentions otherwise in the DEIR, there are many easy feasible ways to achieve this, ranging from the no project alternative, through many other alternative projects allowed by the

The means of evaluation used in the DEIR is totally inappropriate and one can conclude but that the approach was used as an attempt to obscure. One would hope there are few Projects ever proposed that aren't consistant with most landuse objectives, so it is a meaningless attempt to veil the truth that this approach is used for. If operators of

motor vehicles would be subject to the same means of evaluation they could contend that wheras they were driving one hundred miles perhour (50% over a sixty fie mile an hour speed limit), they were driving "consistant" with most of the objectives of the vehicle code and therefore should not be restricted.

LAND USE
The DEIR is defiecicient in that it does not discuss the way in which the Project does not meet the purposes of Open space requirements. Instead of decreasing the apparant density of the urban environment to the public as is a purpose of open space requirements, the open space is obscured to public view by the fortress like perimeter of the Project which has no significant openings which could give the public the benefit of open space. The open space that is provided is on the second story of the project and thus impairs the effect of open space, inconsistant with the purposes and objectives of open space requirements.

LAND USE
It is audacious of the DEIR to contend that the Project Developer knows better how to achieve those objectives than did the drafters of the specific restrictions in the Westwood Specific plan, especially considering the degree of public input and scrutiny the Plan was subjected to. *Such thinly veiled contention should be eliminated from the DEIR and the DEIR should discuss*

THE DEIR DOESN'T DISCUSS IMPACTS OF PROPOSED CHANGES AND AMENDMENTS TO LAND USE POLICY
SInce the DEIR only analyzes the Project and does not discuss which impacts are attributable to which amendments or land use policy changes it is clear that the Project DEIR cannot be used as an EIR for the applicants proposed land use policy changes, definitions and amendments to the Westwood Specific plan. Therefore prior to consideration of land use policy changes or amendments an additional EIR will have to be prepared and circulated that discusses individually each change to the Specific plan (and any other land use policy change, which might arguably require an EIR); what the impacts of each change to the Westwood Specific plan or other land use policy would be; and the additional EIR should propose and discuss a range of possible mitigation measures for each impact.

ALTERNATIVES
The DEIR has no substantiation that an all residential alternative is not economically feasible. If the preparers of the DEIR rely solely on assertion by the Developer or the Developers agents one can only but expect that no project will be represented as being economically feasible. except the most highly profitable the developer thinks he can weasel through the political process (or alternatives that will .

It appears that in considering the no change to the specific plan alternative the DEIR preparers are mispresenting the alternative considered as they are not taking into account the reduction of adverse impacts in regards to aesthetics, and noise that would come from all setback and height limits being observed. *Thus an EIR is deficient and does*

not meet the CEQA requirements.
/
The DEIR is deficient and misleading in contending that a perspective on impacts can be derived by comparing the hotel project (page ____), as the height allowed for the project was only because of the perceived desirability of a hotel in the area, which is currently fulfilled and does not require providing the incentive of allowing additional height.

alternative analysis D- does this include conformance with all other applicable city ordinance and building restrictions, such as open space requirements?

1. Aesthetics - Visual Qualities - it seems actually disingenous that the drafters of the DEIR suggested that variegating the monolithic monstrosity proposed by varying roof heights would be a deterent. Do people look at old mediteranean towns and find them unappealing because of varying roof heights? Do they long for the aesthetic superiority of a big box retailer? No. Obviously varying roof heights can be designed with great aesthetic success on sloping properties, as they exist in many of the most attrative areas of Los Angeles. As a practical matter varying roof heights would not likely approach a wedge, but rather a stairstep. The buildings on the East side of Tiverton are arranged more or less along these lines, with two story buildings at the top of the grade, and a five story building at a lower part of the grade.

If a single roof line actually is inherently aesthetically undesirable the alternative project could reasonably be expected to be designed with varying roof line at the street, as the proposed project has been, in order to meet design review board approval. Therefore it is unreasonable for the DEIR to claim the alternative is not superior in regards to adverse aesthetic impacts.

Am I missing something, or isn't the DEIR not only deficient and misleading but indeed fully backwards in it's consideration of Alternative 2 (no changes in specific plan) regarding Aesthetics - Visual Qualities. As seen from any one point the existing project provides the appearance of different roof heights, wheras the no changes to specific plan amendment would result in an evenness of roof heights (as illustrated by The buildings on the East side of Tiverton- arranged more or less along these lines, with two story buildings at the top of the grade, and a five story building at a lower part of the grade.) The no changes to specific plan alternative would result in the Northerly portions of the project being less massive in height. This is undisputably the superior alternative as the scaling would be in keeping with the structures on the east side of Tiverton, thus mitigating significant aesthetic impacts that would result from the project as proposed. The DEIR is incorrect in regards to the roofllines and should be corrected fully before presentation as a final EIR. The method of height measurement in the specific plan works quite well for the sloping site.

The reality is, that unless the developer has some reason to have a wedge shaped interior ceiling or attic space, there are going to be varying roof lines to accomodate the amount of stories from ground level that the maximum height will allow at various points on the grade. In otherwords where the grade is at it's lowest level 5 stories (with setbacks above 40 feet) could be possible with a little for roof line and mechanicals. The grade sounds like it could be about 1 foot of rise for each 15 horizontal feet. So after about 60 feet (a typical lot width for a single family lot) there is no longer accomodation for 5 stories within the specific plan height limits, so the next section, or building would logically be 4 stories,

with a roof height of 45 feet above the grade at that point.
Unless the developer finds having inconsitant height ceilings desirable, he will either vary the roof line

The project as proposed evidences that the designer has implemented changes in roof height even where they are not otherwise required, at least to pass the Westwood Design review commitee, if not for the actual value the attractiveness of the project might have for him (though developers tend to be bean counters and think in terms of how many units they can sell or rent rather than the long term sustainablility of the property as a viable attractive rental housing.)
/ / / / / /

If a "uniform appearance" is superior, wouldn't the superior alternative be to have no variegation of the exterior? Clearly this is a disingenuous line of reasoning.
The preparers are resorting to rhetorical manipulation to make a case out of smoke and mirrors. While alterntive B is clearly superior, ANYTHING can be argued and this does not support their spetious contention that they are being "conservative" by saying that alternative b is "equal" in impact. The lessening of a significant portion of the project's height (as would be required in alternative b) by as much as 19 feet, which in this case will bring it much closer in propotion to the residential structures on the East side of Tiverton, cannot be seen as merely equal, but clearly superior in terms of minimized adverse Aesthetic impact - even if it is not going to provide windfall profits as great to the developer as the project as proposed.

The preparers disregard the superiority of alternative B regarding the 15′ landscape requirement - which will be superior in achieving the stated project obective of providing a more pedestrian friendly environment, as well as mitigating the significant impact regarding aesthetics that comes from the large massing of structure in an otherwise height limited neighborhood- by providing a wider corridor the shadow and imposingness of the structure is mitigated. Also 15′ of landscaping will screen and softening the effect of this imposition.

Also the superiority of having setbacks for structures above forty feet is disregarded.

The preparer's of the DEIR are talking out of both sides of their mouth. To make a ludicrous contention that alternative two is not superior regarding Aesthetic impacts they try to fabicate some issue that altertnative two would not break roof lines and would therefore be inferior. Then they contend the opposite when they try to make a case that alternative four would be inferior to the proposed project in terms of aesthetics because it would " appear less unified".

The DEIR preparers have not substantiated how the appearance of additional commercial above the already proposed commercial ground level usage would be inferior to the visual effect of the residential exterior on the upper floors. There appears to be no inherent superiority. Would not an objectionable appearance to commercial upper stories on Glendon be subject to the scrutiny of the Design Review board, and would not the commercial structure have to be in keeping with the design elements of the quainter area commercial buildings. Further, it appears the build out used to draw conclusions regarding the impacts of alternative two is based on a large square footage derived from bonuses available with residential over commercial uses, which means either alterntative two would have less square footage than described (and less impacts)

or there will be residential above commercial, negating the DEIR preparer's contention that there is a possibility that alternative two could possibly in this regards be inferior aesthetically because of the appearance of commercial. Just because according to certain constraints (FAR and allowable commercial and residential square footage) doesn't mean a developer will use all of that. The developer contends that he could build more density in his mixed use proposal than he is proposing- so evidently other constraints are limiting factors as well.

The following must be asked. If the developer cannot fit the 528,000 sqaure foot project as proposed within the height and setback requirements pertinant to the site, how can the developer fit 500,000 feet for alternative two in the same space? Something has got to go. The FAR and number of allowable residential units are not the only limiting factors. Provision of open space per City requirements is an example of another factor. Just because the specific plan might theoritically allow 317,000 feet of residential in a mixed use project doesn't mean that it also allows the maxium build out of commercial, or that it allows other limiting factors to be disregarded.

ALTERNATIVES

The DEIR incorrectly assesses the adverse aesthetic impacts as not significant. These are significant.

The DEIR incorrectly evaluates alternative two.

It appears that alternative two is the superior project, with less significant adverse impacts.

There has been no indication and there is no reason to believe that alternative two is other than a fiancially feasible project.

Alternative two is a superior project that is financially feasible.

ALTERNATIVES/LIGHTING

regarding impacts of lighting, the increase in lighting will be on Glendon, where the DEIR has concluded that an increase in lighting would be desirable (DEIR page _____), and alternative two would result in a decrease of lighting on Tiverton as less units fronting Tiverton at a lower height, setback fifteen feet further, screened by additional landscaping and additional setbacks above 40 feet would decrease the impact of lighting on the sensitive low density mutlifamily residential neighborhood on Tiverton. Lights and glare would also be lessened as the number of residential units would be less that the project as proposed, decreasing automobile entry and exits from Tiverton. The project as proposed would have 50% more units than alternative two and could be expected to produce that much more adverse impact regarding lighting and glare.

ALTERNATIVES/SHADOW

Shadow- alternative two will mitigate impact of shadow. There is much of the year when Westwood Center does not throw a shadow on the same area the proposed project will, and the conformance with the height and setback restrictions of alternative two will result in a notable lessening of the impact of shadow thrown by the project. together all of these factors make an uncontested significant lessening of the impact, and it is not at issue whether the difference crosses and arbitrary "threshold" of significance, but rather whether alternative two is superior in terms of adverse impacts.

ALTERNATIVES

Regarding Air Quality, conclusions that alternative two will result in more automobile trips cannot be made without determining for certain what the actual scale of an allowable project would be, based on all limiting factors, not just FAR.

The land use impacts of the proposed project are significant, (changing ordinances regarding measuring from grade, changing open space requirements have reamifications citywide, refutation of the findings that it is in the public interest that the area needs restrictive height limits, in addition to the impacts of the project itself)
and the land use impacts of the alternative two would be significantly less.
Alternatives impact #7. Noise- alternative two is the superior alterntaive as the potential increase in noise from increased traffic 1. May not occur because it has not been established that an actual allowable project under the specific plan would produce an increase in traffic; 2. Would decrease the traffic at the most noise sensitive area (the residential area on Tiverton) by decreasing the amount of residential car trips 3. Any increase in traffic noise would be on Glendon where the noise impact would be masked and thereby unnoticed.

There has been no notable noise from the existing Mann theatre, so there is no reason to infer the theatre in alternative two would produce noise. Further, the noise from the street front commercial and retail for either the proposed project or alternative two will mask any possible increase in noise from a theatre. In fact most likely the theatre entrance would be in enclosed space, with the prime street front space reserved for storefront retail.

The DEIR in incorrect in it's assertion that noise would be greater with alternative two and should be revised accordingly.
10. Transportation/traffic- the DEIR contains no substantion for the contention that alternative two will result in additional car trips. The DEIR's contention is based on a presumption that FAR is the only limiting factor in the buildout. Other limiting factors prevent maximum FAR allowed build out significantly. With less build out less car trips will occur. Without neccessary substantiation the DEIR must be revised to eliminate the unsupported conclusion that alternative two project which meets the requirements of the specific plan would result in more traffic trips.

REGARDING ALTERNATIVE 4, The hotel - it is not clear that the visual and shadow impacts of the 70' hotel would be greater than the project as proposed. The 70' hotel would need to conform to measurement from the lowest point of the project grade. The project as proposed will be measured from grade where the structure is located. The rise is 19 feet and the proposed project is proposed to be 55 feet high from adjacent grade which could result in stuctures 74 feet high when measured from the lowest point,- 4 feet taller than alternative four.

Regarding item H. The DEIR is incorrect in asserting that the proposed project most meets the project objectives.

The other alternatives meet the project objectives.

The DEIR fails to note that alternative two is also a superior project with reduction in impacts regarding land use, noise, aesthetics, views, shading, and lighting . Alternative two exceeds meeting the project objectives in that 1. it is more consistant with the specific

plan (stated objective 1), 2. it better achieves the project objective regarding "use of appropriately scaled buildings, architectural detailing, landscaping and pedestrian streetscape improvements."(stated objective 3) in that conformance with the Westwood specific plan will provide 15 feet of landscaped pedestrian area not included in the project as proposed; will better achieve the objective (#4) of reducing "vagrancy and crime" by maintaining the attrativeness of the neighborhood by meeting open space and setback requirements and maintaining neighborhood character which would become more undiserable with the disproportionate scale of the proposed fortress.

Alternative two is superior in achieving "the provision of streetscape improvements"(stated obejctive 9 subparagraph 4) by providing the 15' landscaped area on Tiverton.

Alternative two is superior in achieving stated objective 9 sub paragraph 7 "To encourage and facilitate non-automobile access to the Village..." by providing the amount of bicycle parking specificied in the specific plan.

For the reasons above alternative two is also superior in meeting objective 10 subparagraphs 2 and 3 - "Objective 2-2 - "To promote distinctive commercial districts and pedestrian-oriented areas." Policy 2-2.1 - "Encourage pedestrian-oriented design in designated areas and in new development.""

ALTERNATIVES:-ALL RESIDENTIAL

The all residential alternative should be considered. There is no reason it should not be financially viable for the developer any more than the restriction to all residential development should be not financially viable for property on the East side of Tiverton.

IRREVERSABLE IMPACTS

VII - irreversable impacts - Contrary to the DEIR The proposed infill development use is not consistent with City planned land uses for the site, This is evidenced by the numerous amendments, exceptions, redefinitions, changes required to be made to the Westwood Village Specific Plan, in addition to nonconformance with existing open space and setback requirements. Thus, development of the site is considered a new, commitment to urban development and does represent the conversion of undeveloped land. The DEIR should be corrected accordingly. The scale of the project that is only possible through all the changes to exisiting land use guidelines and restrictions is major and significant. (See illustration 2)

VIII Growth Inducing Impacts - The DEIR is incorrect in asserting that *"The proposed use of the site is consistent with uses in the surrounding area and will not introduce new land uses that could induce significant changes to the surrounding area." " Because the Project is similar to/compatible with surrounding structures, both in terms of use, size and architectural character, it would not encourage or contribute to pressures for redevelopment or alternative types of development in the area."*

The disprortionate scale of the project resulting from proposed revisions to existing landuse guidelines can be expected to impair the economic feasibility of the existing low rise apartments by impair the character of the neighborhood that attracts tenants to the older quaint buildings. Because of inconsistant land use policy that would be shown by approval of the project as proposed it can be expected that there will be

considerable preassure both legistlatively and possibly litigatively to have redevelopment of existing area low rise apartments with multifamily structures proportionate to that of the project as proposed. The DEIR should be revised and correct to reflect this.

Further the DEIR evidences it's obvious attempt to portray the proposed project in a favorable light by contradicting itself. Wheras at one point the DEIR states *"...it would not encourage or contribute to pressures for redevelopment or alternative types of development in the area."* One paragraph later it states *"It may also spur revitalization or re-use of other underutilized sites in the Westwood area..."* This indicates a complete redrafting of the DEIR by a completely independent unbiased third party would be in order.

CONCLUSIONS

If some of the points in my comments are not deemed valid for any reason, please do not dismiss consideration of all the other points.
Please make sure that I am kept informed in all ways regarding this (and all other East Westwood Projects) as an interested party, that my correct address as appears on this letterhead is use, and that there is no hesitation to contact me by phone for clarification, discussion or requests for more information. Please do not publish my phone number or address.

G. Olerich 310-271-3235

Illustration 1
Palazzo
DEIR
EIV-2000
-3213

PROPORTION OF TALLER COMMERCIAL STRUCTURES AT PROJECT PERIMETER

Areas shaded in Yellow

are the only commercial structures taller than the Project

Green equals residential

Blue equals commercial less tall than project

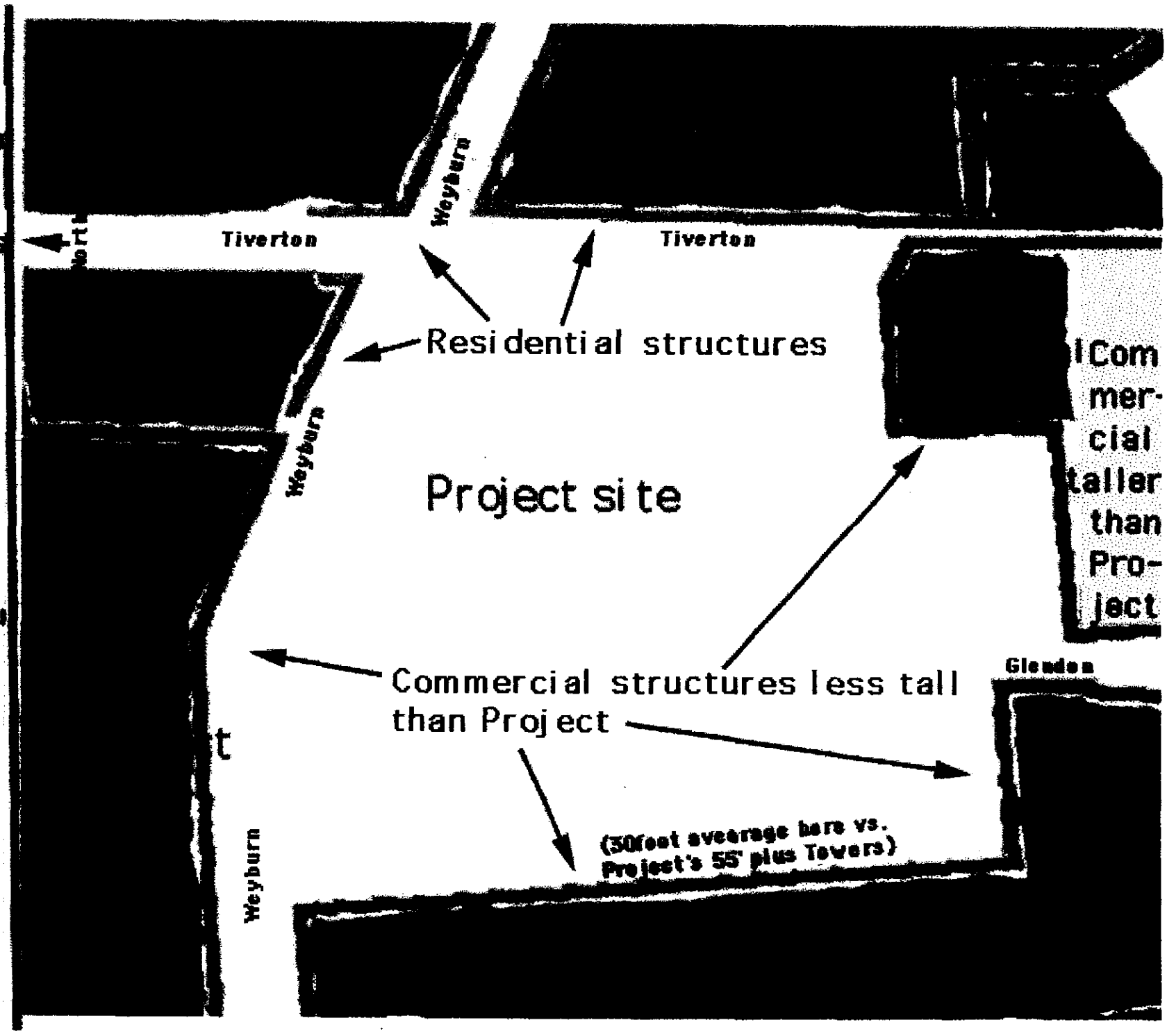
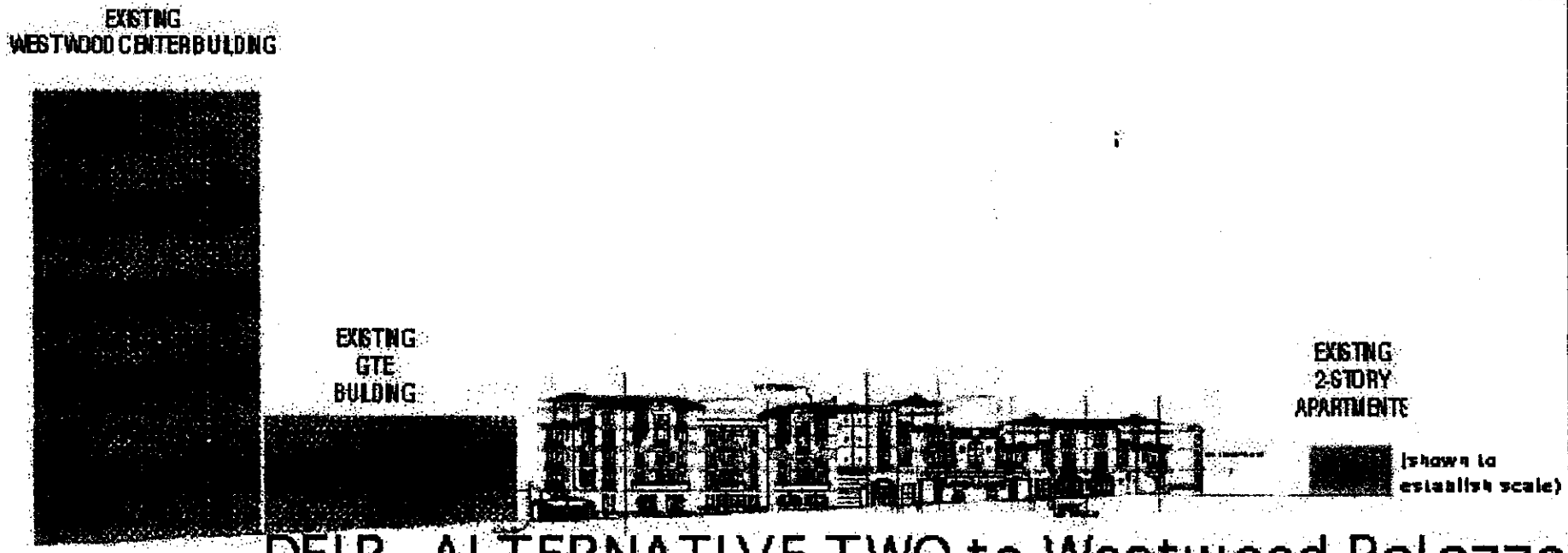
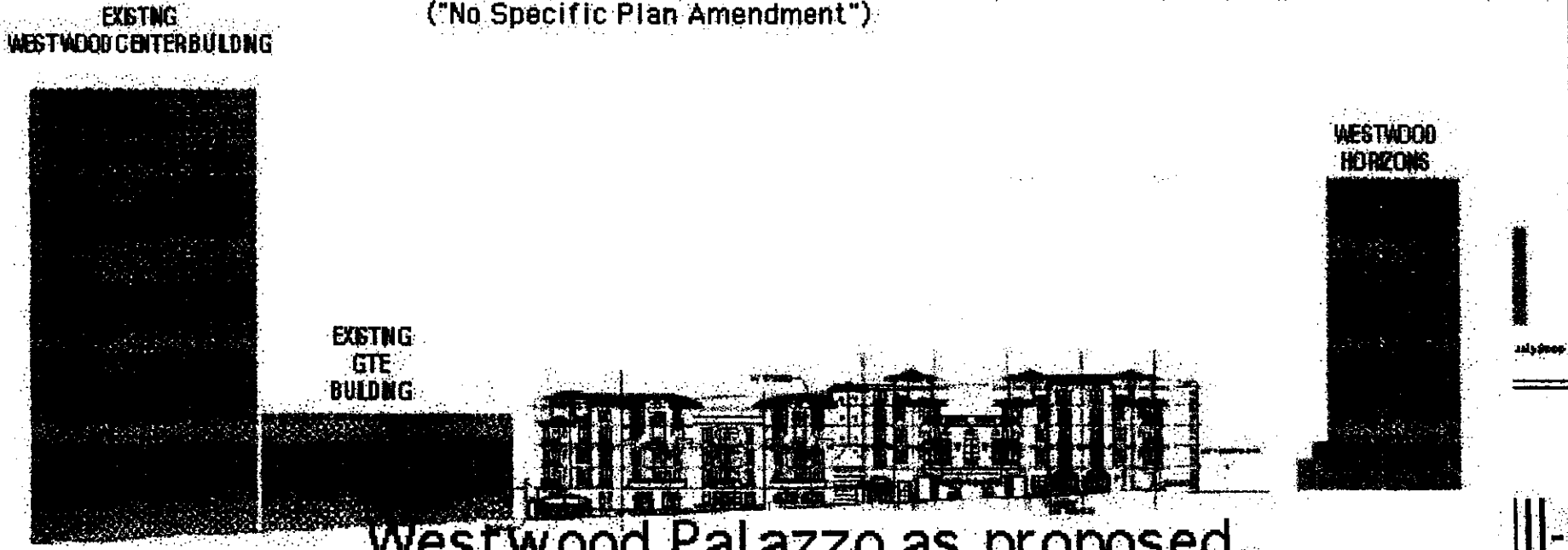


Illustration 2

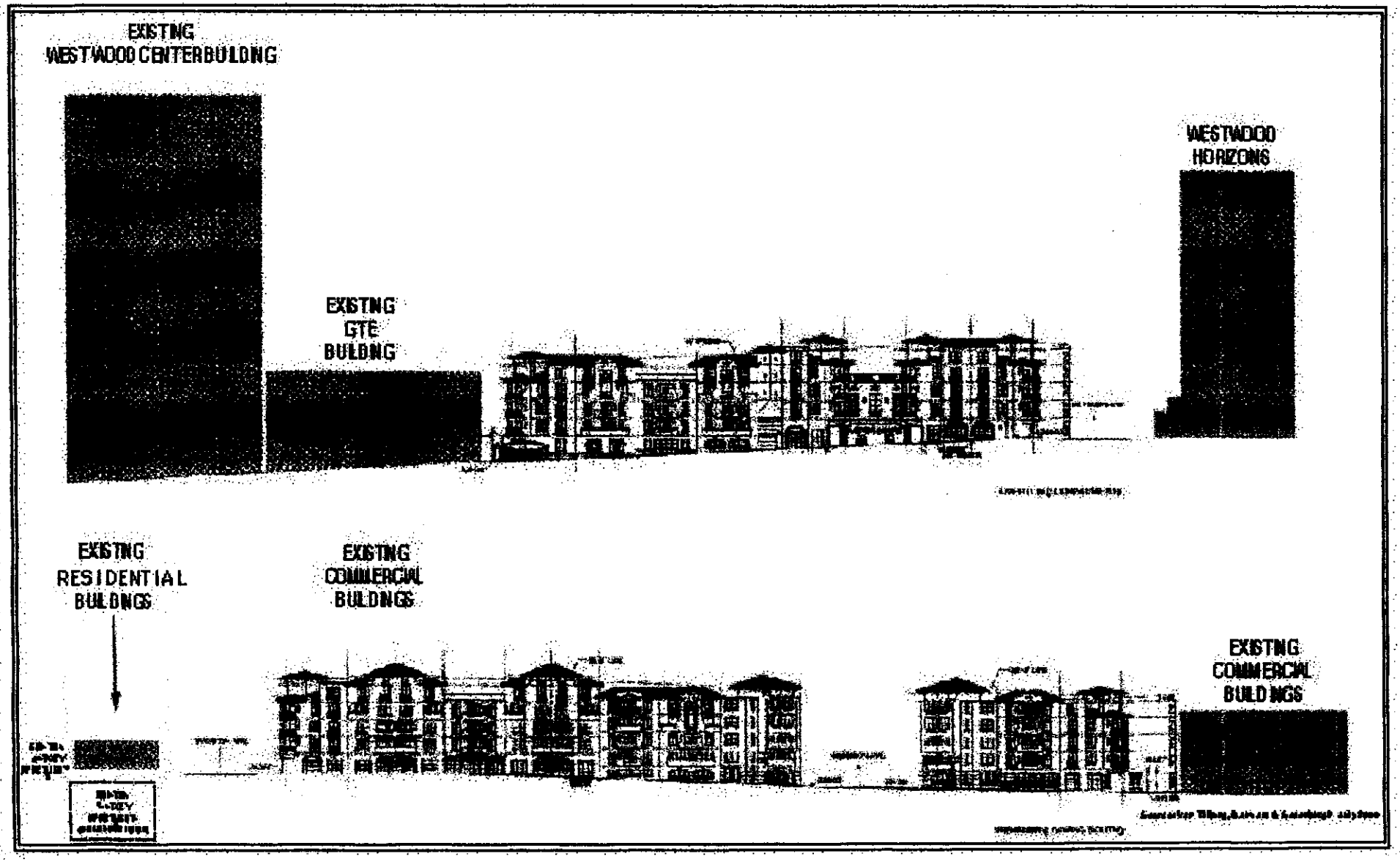


DEIR ALTERNATIVE TWO to Westwood Palazzo
("No Specific Plan Amendment")



Westwood Palazzo as proposed

Illustration 3



Project Elevations (Corrected)

BAYCOR CORPORATION

FEET 0 40 80

FIGURE III-6