

COMMENT LETTER No. 14**Save Westwood Village**

Terry Tegnazian, Co-President
1093 Broxton Avenue, PMB Box 620
Los Angeles, CA 90024
March 5, 2003

Comment No. 14.1

As part of our comments on the above-referenced Draft EIR, we are enclosing a copy of a letter from the Los Angeles Cultural Heritage Commission dated February 25, 2003 confirming the historic status of Glendon Manor and *recommending preservation of this building*.

The enclosed was sent by the City's Cultural Heritage Commission in response to a request *from the developer* of the above-referenced project for comments on the Draft EIR and apparently also for a redetermination of the historic status of Glendon Manor.

As you can see from the enclosed, the City's Cultural Heritage Commission confirms that the building's historic status has been "definitively settled" by the State. Further, in this letter the City's Cultural Heritage Commission also went on the record to encourage preservation of historic Glendon Manor.

Preservation has now been recommended not only by the developer's own expert architectural historian as reported in the Draft EIR, but also by the City's Cultural Heritage Commission.

What steps could the City take to ensure preservation of Glendon Manor in connection with the above-referenced project? Which of these steps is the City taking?

Response No. 14.1

See Topical Response 2 for a discussion of Glendon Manor generally and Response No. 11.54 for a discussion of the referenced City Cultural Heritage Commission letter. The question about the steps the City could take to preserve Glendon Manor is beyond the scope of CEQA and this Revised Draft EIR, but will be forwarded to the Decision-Makers.

COMMENT LETTER No. 15

Save Westwood Village

Richard Tell, Treasurer

1093 Broxton Avenue, PMB Box 620

Los Angeles, CA 90024

April 4, 2003 (2 pages w/Attachment).

Comment No. 15.1

As part of our comments on the above-referenced Draft EIR, we hereby incorporate by this reference as if set forth in full the following letters (copies enclosed) regarding the demolition of existing buildings on the project site which was illegally permitted by the City in July 2002, and our request for an immediate stop work order which was ignored by the City:

- a. July 22, 2002 sent on behalf of several organizations including Save Westwood Village (2 pages, addressed to Andrew Edelman of the Dept. of Building and Safety);
- b. July 25, 2002 (2 pages plus enclosures, addressed to Andrew Edelman of the Dept. of Building and Safety); and
- c. July 26, 2002 (3 pages, addressed to Steve MacDonald of the Dept. of Building and Safety).

The Department of Building and Safety deferred to the City Attorney, who never responded to these letters.

1. Please answer each and every question contained in the enclosed letters as if set forth in full herein.

2A. Did the City rely upon any laws, rules or regulations in permitting the premature demolition of these buildings?

2B. If so, identify with specificity each such law, rule and regulation.

3A. Did the City rely upon an opinion from the City Attorney in permitting the premature demolition of these buildings?

3B. If so, please include a complete copy of such opinion as part of the final EIR.

4A. Did the City rely upon any other advice or duly adopted policies, from the City Attorney, another City department or any other source, in permitting the premature demolition of these buildings?

4B. If so, and if such advice or policies are in writing, please include a complete copy of such advice or policies as part of the final EIR. If not in writing, please set forth such advice or policies in full and complete detail, identifying the source thereof.

Response No. 15.1

With respect to the letters attached to this comment, which were submitted to the City prior to the release of the Revised Draft EIR, see Topical Response 1. See Topical Response 14 for a response to this comment regarding the removal of the buildings on the west side of Glendon Avenue. The legal information and other documentary materials requested by the commenter are outside the scope of the Revised Draft EIR and CEQA.

COMMENT LETTER No. 16**Save Westwood Village**

Richard Tell, Treasurer
1093 Broxton Avenue, PMB Box 620
Los Angeles, CA 90024
April 4, 2003 (2 pages).

Comment No. 16.1

As part of our comments on the above-referenced Draft EIR issued February 6, 2003, we hereby incorporate by this reference as if set forth in full all of the comments, questions, discussion and enclosures concerning the above-referenced project provided to the City by any and all members of the public (including entities as well as individuals), in response to the Notice of Preparation issued October 27, 2000 and November 2, 2000, the Notice of Street Vacation issued April 18, 2001, the previous Draft EIR issued February 21, 2002, and any other notices or actions concerning this project.

In particular, but without in any way limiting the foregoing, we hereby incorporate by this reference as if set forth in full all of the comments, questions, discussion and enclosures concerning the above-referenced project provided to the City on behalf of Save Westwood Village by letters dated:

1. April 8, 2002 (63 pages plus enclosures, addressed to you);
2. April 11, 2002 (3 pages, addressed to you);
3. June 6, 2001 (4 pages plus enclosures, addressed to Gus Dembegiotes of the Bureau of Engineering, with a copy to Jimmy Liao of the Planning Dept. on June 7, 2001);
4. December 4, 2000 (8 pages plus enclosures, addressed to Ed Reyes of the Planning Dept.);
5. November 30, 2000 (2 pages plus enclosures, addressed to Ed Reyes of the Planning Dept.) and

6. May 23, 2002 on behalf of several organizations including Save Westwood Village, which among other things requested a new Notice of Preparation because of the misleading and inadequate project description in the original NOP and notice defects in its issuance (7 pages plus enclosures).

To the best of our knowledge, the above-listed documents are already included in Volume I of the Appendices to the Draft EIR issued February 6, 2003. In the interests of saving paper and bulk, we are incorporating by reference rather than sending you another copy. Any other documents referred to herein would be publicly available in the City's files.

It is our understanding that CEQA Guidelines permit incorporation by reference where the incorporated document is publicly available. However, if the City takes the position that it would not be obligated to respond unless these documents are again submitted in their entirety, then please call me at once so that we may deliver another set of copies to you.

Please respond to each and all of the above in the final EIR that will be prepared by the City.

Response No. 16.1

See Topical Response 1 for a discussion regarding responses to previously submitted comments.

COMMENT LETTER No. 17

Save Westwood Village

1093 Broxton Avenue, PMB #620

LA, CA 90024

Glendon Manor Action Alert

unsigned, not dated (3 pages)

Comment No. 17.1

Glendon Manor, built in 1929, was determined eligible for the California Register of Historical Resources in 1998 after lengthy hearings and extensive evidence. It is the last original Janss residential building in Westwood Village. But AIMCO/Casden want to demolish it for the loading dock for their massive illegal mixed-use project., "Palazzo Westwood."

Councilman Weiss has not committed to saving Glendon Manor. He needs to hear from you now. A sample letter follows. Let him know that you expect him to work to see preservation occur either by:

Casden as part of his project; or

Sale to restoration experts.

Remind Mr. Weiss that when he was interviewed by the LA Conservancy during his 2001 campaign, he stated that: “Historic preservation is a key component of Westwood’s revitalization because we ought to have as our goal making Westwood Village the village it truly used to be.” This is the test case. We need his leadership to save Glendon Manor.

Buyers Are Ready to Restore Glendon Manor

Award-winning historic restoration developers are ready to buy it. They claim it’s in better condition than their other projects. This is not a stall tactic.

Thank you for your commitment to keeping Westwood Village a vibrant, authentic retail and cultural center serving Westwood and the city.

You can cut-and-paste this letter into an email and send to weiss@council.lacity.org

Or use your own letterhead and mail. Remember to cc:SaveWestwoodVillage@Hotmail.com

Response No. 17.1

See discussion in Topical Response 2 and in Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 7.1 and 11.28 regarding Glendon Manor.

Comment Letter No. 18

Urban Concepts

Bill Christopher, C/O Arden Realty Group, Inc.,
838. Wilshire Boulevard, Suite 300
Beverly Hills, CA 90211
April 7, 2003 (13 pages).

Comment No. 18.1

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 are re-submitting the following comments, based on changes (or the lack thereof) to the draft document previously circulated:

A. Executive Summary

1. Page II-4, 1st Paragraph, Project Access and Parking

Our prior comment “The paragraph notes “135 replacement trips”, which we believe should read “135 replacement spaces”, has been addressed and Table II-2 now shows 215 “Replacement” spaces.

Response No. 18.1

This comment has been noted.

Comment No. 18.2*2. Page II-6, 1st Paragraph, Haul Route*

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

Response No. 18.2

The commenter is correct with respect to the statement on Page II-6 that includes Lopez Canyon landfill in the list of possible sites for construction debris. The Planning Department has noted and confirmed that the Lopez Canyon landfill has been closed. This correction is noted in the Additions and Corrections section of this Final EIR. However, as stated in the Revised Draft EIR, the haul site for construction debris will be restricted to a haul route determined by the Department of Building and Safety. (Revised Draft EIR, Page II-6.) Lopez Canyon was listed as one of three *possible* haul sites for construction debris. In addition to Lopez Canyon, the Revised Draft EIR also identified Terminal Island and Playa Vista as possible dump sites. (Revised Draft EIR, Page II-6.) The haul route would remain substantially the same to haul construction debris to Terminal Island and Playa Vista and therefore does not change the analysis of impacts on land use consistency.

It also should be noted that the Revised Draft EIR does not identify Lopez Canyon as one of the five potential landfills capable of receiving solid waste from Project operations. (Revised Draft EIR, Pages V.K4-3-4 and Table V.K4-3.) Accordingly, its closure does not at all affect the analysis of environmental impacts on utilities and service systems with respect to solid waste in the Revised Draft EIR. The Revised Draft EIR states that it would be premature to perform an analysis of specific landfill capacity for the Project's operations. Nonetheless, the potential for receiving solid waste at the five landfill sites identified in Table V.K4-3 was analyzed for potential impacts, and these landfills were found to provide adequate capacity for purposes of this analysis.

Comment No. 18.3*3. Page II-20, 4th Paragraph, Land Use Plan Consistency*

The paragraph states that "...the Project would be consistent with the goals, policies objectives and purposes of the Westwood Community Plan and the Specific Plan in many aspects..." in essence conceding that the project is not consistent with the plan in all respects.

As we stated in our initial commentary, 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.

Again, we note that 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.

Response No. 18.3

The comment will be forwarded to the Decision-Makers. For a general discussion of Project consistency with the WVSP, see Topical Response 3. For a discussion of building height, see Topical Response 6. For discussion related to FAR averaging, see Response No. 5.23.

Comment No. 18.4

4. Page II-21, Noise, Construction Phase Impacts

As owners of the property immediately abutting the subject site to the south, our clients continue to be very 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. While the preparers obviously do not consider the abutting retail and office tenants noise sensitive uses, there is no analysis to determine if the impacts associated with the projects' construction would exceed acceptable levels at our adjoining property.

Response No. 18.4

Section V.G of the Revised Draft EIR discusses noise impacts from the Project. As the commenter indicates, the noise analysis focuses on the nearby residential land uses because these land uses are considered to be sensitive by the City of Los Angeles. As set forth in the Revised Draft EIR on Page V.G-9, the City CEQA Thresholds Guide specifies certain criteria for determining whether the impacts of construction noise are significant. Consistent with these guidelines, the Revised Draft EIR evaluated the potential significance of noise generated by the Project on the nearby residential land uses. The Revised Draft EIR found that “[c]onstruction and demolition activities would generate substantial noise levels at

the residences adjacent to the Project and result in a significant short-term noise impact.” (Revised Draft EIR, Page V.G-11.) However, the focus on residential uses is intended to serve as a proxy for all nearby land uses, not to suggest that those other land uses are of lesser importance or will not suffer any adverse impacts from noise generated by the Project. As shown in Table V.G-1 of the Revised Draft EIR, the acceptable levels of noise for “single family, duplex, mobile homes” and for “multi-family homes” are below that of “office buildings, business and professional commercial.” (Revised Draft EIR, Page V.G-2.) By using the nearby residential uses, which fall within the most sensitive land use category under the City General Plan Noise Element, to determine whether noise generated by the Project during construction and operational phases would create a significant environmental impact, the Revised Draft EIR intended to take a conservative approach. Therefore, based on the determination that the construction noise would create a significant impact to residential uses, the Revised Draft EIR concluded: “Construction and demolition activities would result in a significant noise impact.” (Revised Draft EIR, Page V-G.23.) This determination is not limited to those residential uses, but applies to all nearby land uses.

The precise impact of construction noise on nearby land uses will differ based on the type of land use and the location of that land use compared to the source of noise. Figure V.A1-1 shows the Project site with respect to nearby land uses, indicating that the perimeter of the Project site includes a number of commercial, professional, and residential land uses either adjacent to or directly across the street from the Project site. An analysis of “worst-case” construction noise indicates that the peak noise level will be approximately 70 to 95 dBA at a distance of 50 feet. (Revised Draft EIR, Page V.G-11.) Typically, the noise levels will be less, as the noisiest equipment would not be used continuously. Further, the noise levels for professional office uses of the Westwood Center will be buffered by the windows and insulation of the building. As indicated above, the Revised Draft EIR has found that the construction related noise from the Project will result in a significant environmental impact on nearby land uses.

The Revised Draft EIR has recommended seven mitigation measures to address the impacts of construction and demolition noise. These proposed mitigation measures are described on Page V.G-23 of the Revised Draft EIR and are intended to address impacts from construction and demolition noise not only to nearby residences, but also to other land uses, such as the commercial office uses at the Westwood Center. Notwithstanding that the Revised Draft EIR finds that construction and demolition noise will create an unavoidable, significant impact on the environment, the actual impact on the office uses at Westwood Center with implementation of proposed mitigation measures is expected to be of a lesser magnitude.

Comment No. 18.5

5. Page II-22, 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. As noted in the previous paragraph, the preparers obviously do not

consider the abutting retail and office tenants noise sensitive uses, there is no analysis to determine if the impacts associated with the projects' loading dock operation would exceed acceptable levels at our adjoining property.

Response No. 18.5

The locations of the proposed loading docks and noise measurement locations are illustrated in Figure V.G-1. As the commenter notes, the "Retail Loading Dock" will be located adjacent to the Westwood Center. Noise measurement locations 2 and 3 are both within 150 feet of the Retail Loading Dock and are considered to be illustrative of the existing average noise levels in the vicinity of the proposed Retail Loading Dock. The noise measurements for existing conditions at the Project site are provided in Table V.G-2 on Page V.G-4 of the Revised Draft EIR. As evident from Table V.G-2, the existing conditions at noise measurement locations 2 and 3 are about 60 to 65 dBA on average (the L_{eq} measurement), with maximum noise reaching approximately 68 to 73 dBA.

The Revised Draft EIR acknowledges that the Community Noise Equivalent Level (CNEL) is the predominant rating scale now used in California for land use compatibility assessment purposes. (Revised Draft EIR, Page V.G-1.) Under the criteria for significance, the CNEL for the affected location would have to increase average noise levels by greater than 3 dBA and increase the ambient noise levels to such that they reached the "normally unacceptable" or "clearly unacceptable" levels or increase average noise levels by 5 dBA. The Revised Draft EIR found that "[t]he primary source of noise from deliveries and loading docks is noise generated by trucks as they arrive and depart the loading docks. Noise generated by actual loading and unloading activities are generally minor with occasional short duration impulse noises. These impulses are typically not great enough in level and duration to significantly affect long-term average noise levels such as CNEL." (Revised Draft EIR, Page V.G-19.) Given that the average noise levels near the proposed loading dock are currently between 60 and 65 dBA, that the noise generated by loading dock activities is not expected to result in a change in the CNEL, and that the "conditionally acceptable" range of noise for "office buildings, business and professional commercial" is up to 77 dBA, the Revised Draft EIR did not find that the Project operation noise resulting from loading dock activities would result in a significant environmental impact. (Revised Draft EIR, Page V.G-19.) Please also see Topical Response 10 for additional discussion related to the loading docks.

Comment No. 18.6**6. *Page II-29, Traffic, Project Impacts, Project Construction Impacts***

The document continues to state that "No truck staging or travel would occur on 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.

This paragraph also mentions Lopez Canyon, once again, as a landfill destination. Please see our comment #2 above regarding the haul route.

Response No. 18.6

For discussion related to truck hauling and staging, see Response Nos. 5.10, 5.32, and 11.133. For discussion related to Lopez Canyon, see Response No. 18.2. No staging of trucks will occur on Glendon Avenue.

Comment No. 18.7*7. Page II-29, Project Parking Impacts*

The project proposes to eliminate on-street parking along Glendon, north of Kinross, which is not mentioned in this section. 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 to specific adjacent interests in the Village.

Response No. 18.7

The requested information is contained in Section V.F Land Use, Parking, Page V.F-43. The Revised Draft EIR discloses that the Project proposes to remove 29 on-street parking spaces in order to widen the sidewalks along Glendon Avenue. Additionally, the Project would remove four parking spaces on Lindbrook Drive and two spaces at Weyburn and Westwood due to traffic mitigation, and five on-street spaces from Tiverton due to driveway and loading dock access requirements. (Revised Draft EIR, Page V.F-43.) All on-street and surface parking spaces that are proposed for removal would be relocated to a subterranean parking structure. (Revised Draft EIR, Page V.F-43.)

The Proposed Project would meet all applicable parking ratio requirements, without any reduction for shared parking. (Revised Draft EIR, Page V.F-46.) In addition to the replacement of the 29 parking spaces located on Glendon, the proposed parking structure would provide approximately 759 public parking spaces for commercial users, depending on the final mix of commercial tenants. This would represent a net increase of approximately 165 spaces over the total number of public parking spaces currently provided on and off-site. All commercial spaces would be made available to the Village Validation System.

Comment No. 18.8*8. Page II-30, Mitigation Measures, Operational Phase, #3*

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.

Response No. 18.8

See Response No. 18.7 regarding the replacement of Glendon's on-street metered parking in the Proposed Project's subterranean structure. Project traffic mitigation measures for the Project were developed so as to minimize impacts to on-street parking. The traffic engineers worked with LADOT to identify effective traffic mitigation measures that did not create significant secondary impacts resulting from removal of existing on-street parking. This effort resulted in the recommendation of the ATCS signal enhancement measures to mitigate most of the traffic impacts. The need for additional roadway and/or intersection capacities at a few locations to address existing or future conditions nonetheless resulted in the three "physical" mitigation improvements identified in the Revised Draft EIR. (Page V.J-32.) LADOT is aware of the parking implications of the proposed measures, and considers the removal of four parking spaces to be a less than significant impact. (Revised Draft EIR, Page V.F-46.)

Comment No. 18.9*9. Page II-31, Wastewater, Project Impact*

The document continues to state 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.

Response No. 18.9

The Revised Draft EIR notes that the Proposed Project is consistent with the types of uses allowed in the WVSP. (Revised Draft EIR, Page V.K1-4.) However, the WVSP does not specifically address the ability of local and regional wastewater infrastructure to accommodate new development. Therefore, the Revised Draft EIR looked at local and regional capacity and utilized the LA CEQA Thresholds Guide, which establishes the criteria for determining whether a proposed project would result in a significant impact on wastewater infrastructure.

The ability of the local and regional wastewater infrastructure to serve the Proposed Project is discussed in Section K.1 of the Revised Draft EIR, beginning on Page V.K1-1. This section notes that three wastewater infrastructure lines are located in the area around the Project site and could serve Project land uses. The capacities of these wastewater lines are provided in Table V.K1-2 on Page V.K1-3 of the Revised Draft EIR. The Proposed Project would generate a net increase in 56,820 gallons per day of wastewater. The City of Los Angeles Bureau of Sanitation prepared a Sewer Availability Report (November 2000) that analyzed infrastructure in the area of the Proposed Project to determine wastewater

drainage capacity. The existing wastewater infrastructure that would serve the proposed Project was determined to have excess capacity available. Additionally, based on this information, the Bureau of Sanitation determined that the Project would receive a finding of “Capacity Available” for the land uses proposed. (Revised Draft EIR, Page V.K1-4.) Therefore, the Revised Draft EIR found that the Proposed Project would not have a significant environmental impact on wastewater. (Revised Draft EIR, Page V.K1-4.) Nonetheless, the Revised Draft EIR recommended two mitigation measures to further lessen any potential impacts. These measures are listed on Page V.K1-4 of the Revised Draft EIR.

Comment No. 18.10*10. Areas of Known Controversy, Page II-39**Cultural Resources*

We believe that additional, independent, investigation and evaluation is necessary to determine if the Glendon manner (sic) is a significant cultural resource that should be preserved.

Glendon and Tiverton Avenues

We believe that the 29 parking space referred to in this paragraph do not include the four (4) spaces projected to be lost on Lindbrook as a result of the added left turn lane. We contend that this loss of on-street parking is a significant impact to the retail merchants in the area, including the retail tenants of Westwood Center.

Glendon Avenue Subsurface Street Vacation

We do not believe that it is at all clear, legally, that “Any private easement rights held by such owners do not extend to Glendon Avenue’s subsurface”.

Response No. 18.10

The Revised Draft EIR considered Glendon Manor an historic resource for purposes of the Project’s review under CEQA. The information necessary for making that determination is identified in Section V.C., starting on Page V.C-2. The Revised Draft EIR discloses that a thorough document search and architectural field survey of the building were conducted during April and May 2001 by McKenna et al., the historical consultant retained by the Applicant on behalf of the City. (Revised Draft EIR, Page V.C-1-5.)

Independent confirmation of the adequacy of the Revised Draft EIR historical analysis was provided by Mr. Ken Bernstein, Director of Preservation Issues, Los Angeles Conservancy, 523 West Sixth Street, Suite 826, Los Angeles, CA. (Comment Letter 4, dated April 3, 2003.) In reviewing the Revised Draft EIR on behalf of the Conservancy, Mr. Bernstein states: “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 Decision-Makers that the preservation/rehabilitation alternative represents the environmentally superior alternative." For additional discussion on this issue, see Response No. 4.2.

Mr. Bernstein notes that he personally had the opportunity to investigate the building on behalf of the Conservancy. 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. See Response No. 4.7 for further comments and conclusions reached by the Conservancy staff.

See Response No. 11.28 with respect to the comment that Glendon Manor should be treated as a "significant cultural resource that should be preserved." See also Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 7.1, and 11.28 for discussion of Glendon Manor.

The Revised Draft EIR included evaluation of the proposed removal of four parking spaces from Lindbrook Drive. As stated on Page V.F-43 of the Revised Draft EIR, "The on-street parking that will be lost includes six spaces associated with traffic mitigation (restriping) at intersections." The six spaces referenced in at this portion of the Revised Draft EIR include the four spaces from Lindbrook, as well as two spaces from Weyburn and Westwood. All on-street and surface parking spaces that are proposed for removal would be replaced in the Project's subterranean parking structure. (Revised Draft EIR, Page V.F-43.)

Regarding the third issue raised in this comment, see Topical Responses 9 and 11 for a discussion of private easements related to Glendon Avenue. As discussed therein, the public has the right to drive an automobile and walk along the City streets. The public does not have the right to excavate City streets for its own purpose or benefit.

Comment No. 18.11

B. Project Description

1. Page III-3, Retail Component

Our prior comment regarding a "specialty market" has been addressed.

Response No. 18.11

This comment has been noted.

Comment No. 18.12

2. Page III-32 Haul Route

Lopez Canyon is again mentioned as a haul route destination. See our comments above.

Response No. 18.12

See Response No. 18.2 for discussion regarding Lopez Canyon.

Comment No. 18.13

3. *Page III-32 Staging Area (prior to 7:00 AM)*

The paragraph notes that after 9:00 am the dirt trucks will “proceed directly to Glendon”, apparently with little or no radio control. As owners of the adjacent Westwood Center building with access from Glendon next to the project site, the potential conflicts with dirt hauling trucks is one of our client’s primary concerns. We believe that this will constitute a significant and material impact our on clients’ property.

Response No. 18.13

Please see Response Nos. 5.10 and 5.32 for discussion of truck hauling and staging and mitigation measures related thereto.

Comment No. 18.14

4. *Page III-34, Intended Uses of the EIR*

The items outlined in #2) and #3) constitute the specific regulatory issues that, we believe, form the basis of a finding of significant impact with regard to land use consistency.

Response No. 18.14

The Revised Draft EIR sets forth the thresholds of significance for land use consistency as established in the City of Los Angeles CEQA Thresholds Guide. Under these standards, land use consistency is determined on a case-by-case basis considering the following factors: Whether the proposal is consistent with adopted land use/density designations in the Community Plan, redevelopment or specific plan for the site; and whether the proposal is consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.

As discussed in Response No. 18.2, the Revised Draft EIR identified Lopez Canyon as one of several potential dump sites for construction debris, with the others being Terminal Island and Playa Vista. (Revised Draft EIR, Page II-6.) Response No. 18.2 also confirms that the Lopez Canyon landfill has been closed and will not be used to dispose of construction debris from the Project. The haul route would remain substantially the same to haul construction debris to Terminal Island and Playa Vista and therefore would not change the analysis of impacts on land use consistency.

The Revised Draft EIR addresses potential environmental impacts related to the hauling of dirt and staging of trucks on Glendon. In this regard, the Revised Draft EIR concludes that construction activities

will result in short-term, adverse impacts on traffic, but also finds that these impacts will be less than significant. (Revised Draft EIR, Page V.J-32.) Nonetheless, the Project includes the following mitigation measure to reduce short-term impacts on traffic: “A Project construction traffic control plan will be developed, to the satisfaction of LADOT, including a designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking to mitigate the traffic impact during construction.” (Revised Draft EIR, Page V.J-32.) Development of the “construction phase” traffic mitigation plan will take place following development of detailed construction plans, contractor schedules, phasing timelines, etc. However, certification of a construction traffic mitigation plan is required prior to beginning any on site construction. The implementation of this mitigation measure would reduce construction traffic impacts to less than significant. For this reason, the dirt hauling on Glendon would not result in a significant impact on land use consistency. For additional information on hauling of dirt and the staging of trucks, please see Response Nos. 5.10 and 5.32. For additional discussion regarding Project consistency with the WVSP, see Topical Response 3.

Comment No. 18.15

C. Environmental Setting

1. Page IV-3, Table IV-la, Related Projects

Table IV-la continues to list an 874,000 sf office building at 1950 Avenue of the Stars as “Pending”, under EIR 9I-0148 (CUZ). 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 be 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”. The Environmental Impact Report (ENV-20014027-EIR) for the project at 2000 Avenue of the Stars (also prepared by Envicom) lists the project correctly.

Response No. 18.15

The Constellation Place project is located at 10270 Constellation Boulevard, which is the southeast corner of Constellation Boulevard and Century Park West. It is approved and under construction. Table IV-la from the Revised Draft EIR will be revised for the Final EIR (see Corrections and Additions Section of this Response to Comments document) to list the project as “approved” and will include the correct address. The location of the symbol for the project on Figure IV-4 will also be corrected in the Final EIR. The address or status in the list and the location of the symbol on the graphic do not affect any of the analyses in the Revised Draft EIR.

Comment No. 18.16**D. Environmental Impact Analysis***1. Page VAI-14, Aesthetics, Value of Replacement Structures and Uses*

The second paragraph notes the enhanced (wider) sidewalks along Glendon as enhancing the pedestrian appeal, yet there is still no mention 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.

Response No. 18.16

The loading dock facilities have been carefully located and designed to permit a full-size (60-foot) semi truck and trailer combination to back into and exit from the docks in a single move, thus reducing the time and amount of maneuvering necessary. Therefore, trucks accessing the loading docks on Glendon Avenue will only temporarily disrupt pedestrian movement as they back into the dock area.

Additionally, the hours of access to loading docks will be restricted to off-peak, daytime hours in order to minimize impacts on the neighborhood. Off-peak periods refer to times of the day between peak hour commute periods, and include the daytime period generally from 9:00 am to 4:00 p.m. To minimize noise impacts from truck deliveries, truck deliveries will not be permitted after 8 p.m. or before 9 a.m. Therefore, truck deliveries will only be permitted from 9 a.m. to 4 p.m. and from 6 p.m. to 8 p.m. As trucks will have the ability to access the loading dock with minimal maneuvering and will be restricted in terms of periods of access, the impacts on the pedestrian character of the Village are expected to be minimal.

For additional discussion of the loading docks included as part of the Proposed Project, see Topical Response 10 and Response No. 5.49.

Comment No. 18.17*2. Page V.AI-15, Aesthetics, Value of Replacement Structures and Uses Paragraph 4*

The document continues to note that the Project will be taller than the residential structures to the east. As we have stated previously, this is precisely the concern that the setback requirement above 40' contained in the Plan is meant to address.

Response No. 18.17

The comment is noted and will be forwarded to the Decision-Makers.

Comment No. 18.183. *Page V.A3-1, 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.

Response No. 18.18

The comment correctly notes that the WVSP contains design criteria to address the impact of shade on residential buildings outside of WVSP area; these were used to conduct the environmental analysis in the Revised Draft EIR. (Revised Draft EIR, Page V.A3-3.) The discussion of passive solar energy was intended to provide additional information regarding the potential impacts on a solar energy system for anyone who has, or plans to install, such a system.

Comment No. 18.194. *Page V.A3-2, Aesthetics - Shading, Threshold of Significance*

Our prior comment with regard Paragraph 2, relating to a four hour time period, rather than a “two hour time period”, has been addressed.

Response No. 18.19

This comment has been noted.

Comment No. 18.205. *Page V.A3-6, Aesthetics - Shading, Project Impacts, Winter Solstice, Paragraph 2*

The document refers to the conclusion that shadows which fall on the clubhouse and visitor parking portions of the Westwood Horizons can be discounted because these are “not residential structures”. We are not aware of any guideline that permits exclusion of shadow impacts from any component of a residential complex.

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 remains confusing and potentially misleading,

Response No. 18.20

The Revised Draft EIR used the criteria from the WVSP and the Westwood Village Design Guidelines in order to determine significance. Section 13.B of the WVSP, from which the criteria are taken, applies specifically to “residential buildings,” not to “residential complexes.” While the clubhouse and visitor parking support residential buildings, they are not residential buildings in and of themselves. Therefore, the analysis properly excluded these non-residential structures.

The analysis of the “extent” of shading refers to the height of the portion of the residential building that is affected by the shadow (i.e., shaded) compared to the total height of the building. This analysis considers whether the Project structures would cast shadows on one-third or more of any adjacent residential structure as projected on a plan view for more than two hours between the hours of 9:00 a.m. and 3:00 p.m. on December 21 (the winter solstice). The shade shadow analysis was completed using actual elevations.

The total height of the Westwood Horizons building is 140 feet. Under the above criteria, shadows are only significant if they cover over 1/3 of the height of a residential building. Therefore, for Westwood Horizons, shadows become significant when shadows encompass over 46 feet of the building (i.e., 1/3 of the building height). As stated in the Revised Draft EIR, during the “worst-cast” time of year—the Winter Solstice—the height of the shadow cast by the Proposed Project on the Westwood Horizons building would reach a maximum extent of 20 feet at 2:00 p.m., a maximum height of 25 feet at 3:00 p.m., and a maximum height of 39 feet on December 21-22. (Revised Draft EIR, Page V.A3-6.) Therefore, at the maximum extent over the course of the year, shadows from the Proposed Project would cover less than 1/3 of the residential buildings of Westwood Horizons. For this reason, the Revised Draft EIR found that shadow impacts from the Project would have a less than significant impact on aesthetics. (Revised Draft EIR, Page V.A3-10.)

Comment No. 18.21**6. Page V.C-10, 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.

Response No. 18.21

For discussion regarding Section 9.B of the WVSP, see Response Nos. 5.9 and No. 11.28. For additional discussion on Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, and 6.13.

Comment No. 18.22

7. *Page V.C-10, Cultural Resources, Project Impacts, Adjacent Specific Plan Culturally Significant Resources, Paragraph 1*

The paragraph refers to Figure V.AI-10 which contends to show the project in context with the cultural resources to the south, yet the image, which has not been altered since the original DEIR was released, by virtue of the acute angle and the use of an serendipitous existing ficus tree makes it impossible to render any real judgements [sic] with regard to the scale and compatibility of the project. Similarly, in Figure V.AI-11, the landscaping is skillfully deployed within the image frame in a manner to make any judgement [sic] 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.

Response No. 18.22

The Revised Draft EIR discusses the Project's compatible scale with adjacent cultural resources on Pages V.C-10-11. The cited figures are photo-simulations intended to inform the Decision-Makers about the compatibility of the proposed development to existing structures. The Project was designed with the WVSP's requirements for adjacent cultural resources in mind, which is why the Revised Draft EIR concludes the Project does not raise a significant environmental impact in this regard. Landscaping also has been proposed to harmonize the Project with the surrounding area. Nonetheless, the comment's opinion about the value of the Revised Draft EIR's figures and the compatibility of the structures will be forwarded to the Decision-Makers for their consideration. For additional discussion regarding Project compatibility with cultural resources, please see Response Nos. 5.54 and 5.56.

Comment No. 18.23

8. *Page V.F-12, 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 continue to note, we do not believe the proposed project is consistent with the adopted Land Use Plan, which is the Westwood Village Specific Plan.

Response No. 18.23

This comment is a general statement regarding land use impacts that are addressed more specifically in the comment and the responses herein. It also reflects the commenter's opinion regarding the Project's consistency with the WVSP, which does not constitute substantial evidence. The Revised Draft EIR contains a detailed analysis of the consistency with the WVSP, on Pages V.F-52 through 54, and concludes that the Project will not result in significant land use plan consistency impacts. See also Topical Response 3 regarding the Project's consistency with the WVSP.

Comment No. 18.24**9. Page V.F-7, 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. The analysis again fails to recognize the potential conflict between the large loading facility at the southern end of the project along Glendon and the adjacent commercial tenants. The statement on Page V.F-7 that the “Proposed Project’s adjacency to commercial uses to the south will not result in significant compatibility impacts” is not a true statement.

Response No. 18.24

As explained in the Revised Draft EIR and Topical Response 10, the three loading docks have been located within the Project to minimize impacts to the neighborhood. The loading docks have been designed to allow large trucks to enter into the bay area with minimal disruptions to traffic on the adjacent streets of Weyburn (for the two commercial loading docks) and Tiverton (for the one residential loading dock) Avenues. Truck deliveries will be scheduled during off-peak, daytime hours to minimize impacts on traffic and nighttime noise, as discussed in Topical Response 10. Please see also Response No. 18.5 regarding noise impacts related to the commercial loading dock on Glendon Avenue. Topical Response 5 discusses Amendment 5 to the WVSP, which would allow commercial uses on lots that front on Tiverton Avenue as long as there is no pedestrian access to the stores from Tiverton or any display windows or signs along Tiverton.

Comment No. 18.25**10. Page V-F-50, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Objective I-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 I-3.1. We take issue with the statement “under current requirements, the project could be built in a more box-like, less aesthetically pleasing manner...”. That is simply not the case.

Response No. 18.25

As stated on Page V.F-50 of the Revised Draft EIR, Policy 1-3.1 of the Westwood Community Plan provides as follows: “Require architectural height compatibility for new infill development to protect the character and scale of existing residential neighborhoods.” As discussed in the Revised Draft EIR, the Project has been designed to comply with this policy. (Revised Draft EIR, Page V.F-50.) The height of the Project is compatible with the varying heights of adjacent residential uses. For example, while some of the residential buildings near the Project, such as the Courtyard Apartments and UCLA Tiverton House are in the 20 to 40 foot range, the 14-story Westwood Horizons complex is 160 feet, Tiverton Court is 55

feet, the El Greco Apartments are 55 feet, and 972 Hilgard is 50 feet. (Revised Draft EIR, Figure V.F-4.) Please see Topical Response 3 for additional discussion regarding the Project consistency with the WVSP and Topical Response 6 for discussion of building height.

With respect to the issue of whether the Project could have been designed in a manner that was less aesthetically pleasing, the Project has been designed with substantial architectural detail in the Spanish Colonial Revival style to blend with the surrounding architecture in Westwood. It also should be noted that, even with the setback requirement above 40 feet, the WVSP does not require articulated elevations, exaggerated rooflines, and tower elements. These features enhance the architectural merits of the Project and protect the character of the surrounding residential neighborhood.

Comment No. 18.26

11. *Page V.F-52, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Policy 2-2.2*

See item 10 above.

Response No. 18.26

The commenter is referring to the Community Plan Policy that promotes mixed use projects within Westwood Village and ensures consistency with design guidelines. Please see Topical Response 3 for a detailed discussion of the Project's consistency with the Specific Plan provisions and Topical Response 6 regarding the height and setback concerns. Also see Response No. 18.25 for a discussion of the Project's architectural design features.

Comment No. 18.27

12. *Page V.F-52, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Community Plan, Policy 2-3.2*

See item 10 above.

Response No. 18.27

The commenter is referring to the Community Plan Policy that requires new development be designed and developed to achieve a high level of quality, distinctive character and compatibility with adjacent development in terms of community character and scale. Please see Topical Response 6 regarding the height and setback concerns and Response No. 18.25 for a discussion of the Project's architectural design features.

Comment No. 18.28

13. *Page V.F-10, 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 which the Project chooses to modify. It remains, 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.

Response No. 18.28

See Topical Response 3 for discussion of Project consistency with the WVSP. This comment is noted for the record.

Comment No. 18.29

14. *Page V. F- 10, 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.

Response No. 18.29

Purpose E of the WVSP is to permit, encourage and facilitate the provision of basic services and amenities (in particular, short-term daytime parking and pedestrian amenities) that will permit the Village to function as a shopping area. Pages V.F-40 through 44 of the Revised Draft EIR include a discussion of the Project's compliance with the parking requirements, including the provision of replacement parking. The inclusion of 115,000 square feet of ground floor commercial uses in a mix of neighborhood serving and community serving retail along with widened sidewalks along Glendon will encourage pedestrian activities and outdoor dining. See also Topical Response 3 for a detailed discussion of Project consistency with the WVSP. See also Topical Response 10 regarding the loading dock and related traffic impacts along Glendon Avenue.

Comment No. 18.30

15. *Page V.F-13, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Table V.F-1 #6)*

Our prior comment stated that 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.”

The draft now, in Table V.F-4 and on page V.F-24, makes the argument that [sic] is the 800 sf per unit limit were complied with the project program would be altered to increase the commercial component, assuming that the average size of the residential units is unchanged. That argument makes two assumptions which are not analyzed in the report. First, the traffic, noise and air quality impacts from such a development are likely to be significantly different. Secondly, such a project would be physically quite different in form and shape, yet it also require the same range of discretionary approvals. Hence, the discussion of land use and aesthetics would also be different.

Response No. 18.30

Table App. H-6 and the discussion on Page V.F-24 are intended to illustrate a development scenario permitted under the current WVSP which would allow 264,585 square feet of residential and 263,906 square feet of commercial use on the Project site. Under the current WVSP requirement of 800 square feet of lot area per dwelling unit, this scenario would allow 236 residential units. Table V.F-4 shows that there is no net increase in permitted floor area by reducing the minimum lot area per dwelling unit as proposed. By reducing the minimum lot area per dwelling unit to 529, the Project would increase the number of residential units by 114 and transfer floor area from commercial to residential uses.

Alternative 2 in the Revised Draft EIR analyzed the environmental impacts of a mixed-use project with 231 residential uses and 200,455 of commercial space, which is less than the maximum allowed under the WVSP and delineated in Table App. H-6. The alternative analysis demonstrates that Alternative 2 would generate 2,492 more daily vehicle trips than the Proposed Project. (Revised Draft EIR, Page VI-21.) For a further discussion of the proposed transfer of permitted density from commercial to residential uses, please see Topical Response 4 and Response No. 5.36.

Comment No. 18.31

16. *Page V.F-15, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Westwood Village Specific Plan, Table V.F-1 #8)*

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. See also pages V.F-30 and V.F-33 and V.F-39. The analysis does attempt to quantify the change resulting from elimination of the 40’ setback rule. It merely attempts to say that employing articulated roof lines will be used in lieu of the setback. We believe additional analysis of the impact of this significant change is required.

Response No. 18.31

Please see Topical Response 6 for a discussion of the height calculation and the proposed exemption from the 40-foot setback requirement.

Comment No. 18.32

17. Page V. F-54, Land Use, Consistency of the Proposed Development with Land Use Plans and Policy, Mitigation Measures

We continue to 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.

Response No. 18.32

This comment is a general statement regarding land use impacts that are addressed more specifically in the comment and the responses above. See, in particular, Topical Response 3 and Response No. 18.23.

Comment No. 18.33

18. Page V. G-18, 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 continue to believe that these uses, which include medical offices, should be considered noise sensitive uses for the purposes of the analysis.

Response No. 18.33

The analysis of noise impacts utilizes the criteria contained in the City of Los Angeles Noise Guidelines, Table V.G-1, provided on Page V.G-2 of the Revised Draft EIR. The retail uses at the Westwood Center building primarily fall within the category of "Office buildings, business and professional commercial." The criteria for acceptable noise levels for this land use category indicate that noise levels are "normally acceptable" or "conditionally acceptable" if they fall below 75 dBA CNEL. While no specific category is identified in the Noise Guidelines for medical office uses, the category encompassing "Schools, Libraries, Churches, Hospitals, and Nursing Homes" permits noise levels up to 70 dBA as "conditionally acceptable." The existing average ambient noise levels in the area near the Westwood Center building are between 60 and 65 dBA. (Revised Draft EIR, Page V.G-4, Table V.G-2.) Therefore, the noise from the loading docks would have to increase noise levels by 5 dBA to create a significant impact.

The Revised Draft EIR specifically notes that it would take "80 daily semi-trailer trucks (or 275 medium 2-axel trucks) to result in the future CNEL levels along Tiverton to increase by more than 3 dBA." (Revised Draft EIR, Page V.G-19.) However, the Revised Draft EIR also found, more generally, that

“[t]he primary source of noise from deliveries and loading docks is noise generated by trucks as they arrive and depart the loading docks. Noise generated by actual loading and unloading activities are generally minor with occasional short duration impulse noises. These impulses are typically not great enough in level and duration to significantly affect long-term average noise levels such as CNEL.” (Revised Draft EIR, Page V.G-19.) Stated otherwise, the Revised Draft EIR found that it is unlikely that activity at the loading dock would result in an impact on long-term CNEL. For this reason, the Revised Draft EIR found that the Loading Dock Activities would not result in a significant impact on noise for nearby land uses. (Revised Draft EIR, Page V.G-19.) Please see Response No. 18.5 for additional discussion on this issue.

Comment No. 18.34*19. Page V.H-1, 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.

Response No. 18.34

The potential discrepancy between official SCAG projections and actual population growth within the City and Westwood Community Plan Area has been noted. SCAG projections are based on input provided by local jurisdictions and represent the best estimates of population growth given such information. Notwithstanding the potential that population will grow at a slower rate than projected by SCAG, the Project would assist in meeting regional and local housing needs for actual population growth, whether it be closer to 10% or closer to 20% over the relevant 20-year period.

Comment No. 18.35*20. Page V.J-13, Transportation/Traffic, Table V.J-4b*

Our prior comments with regard to traffic have been partially addressed. 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 current analysis, the people housed in the 350 units in the project’s buildings will continue to account for a full 20% of the traffic through the market, but only 5% of the drug store and high-turnover restaurant traffic. That still seems to be an inordinately high percentage of market shoppers based on a comparatively small residential base. Next, the project continues to assume 40% of the trips 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 market traffic disappears before the analysis begins, along with 45% of the other major retail traffic. 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 369 inbound and 346 outbound PM peak hour trips (after reductions for existing uses).

Response No. 18.35

See Response Nos. 2.1, 5.26, and 11.137 for discussion of trip generation rates and adjustments.

Comment No. 18.36

21. Page V.J-14, Transportation/Traffic, Table V.J-5

The net trip generation shows a reduction of 103 inbound and 109 outbound trips related to the long 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.

Response No. 18.36

See Response Nos. 5.26, 5.76, and 5.104 for discussion of traffic credits.

Comment No. 18.37

22. Page V.J-15, Page 221, Transportation/Traffic, Access

Our previous comments related to the driveway volumes shown on Figure V.J-3 are higher than the volumes used on the distribution Figures V.J.-2a & b, have been resolved, Figure V.J-3 now shows a PM outbound count of 529 cars, which matches Table V.J-5 indicating an outbound PM peak driveway volume of 529 trips (after the internal trip reduction, but before pass-by reductions).

Response No. 18.37

This comment has been noted.

Comment No. 18.38

23. Page V.J-32, Transportation/Traffic, Construction Phase

The analysis now indicates (on a passenger car equivalent basis) that the project's hauling operations will be equal to an impact of 192 trips *per hour* on Glendon, which will have "short term adverse effects on the nearby street system", not to mention the nearby businesses. We contend that the conclusion that the "temporary" nature (for two years) of these impacts will render them less than significant.

We still 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 and to the adjoining retail merchants.

Response No. 18.38

The Proposed Project's construction activities are anticipated to result in approximately 64 truck trips per hour, or the passenger car equivalent of 192 trips per hour, conservatively using a 3.0 passenger car equivalence for haul trucks. This amount of traffic is substantially less than the number of Project trips analyzed in the traffic study, corresponding to approximately 80 percent of the net AM peak hour and about 40 percent of the net PM peak hour Project trips. A review of Table V.J-8a and Table V.J-8b reveals that, during the AM peak hour, the Project does not result in significant impacts at any of the haul route (Glendon Avenue) intersections, and as such, no construction impacts are anticipated due to the lower volume of traffic. During the PM peak hour, as noted in the draft EIR, two of the intersections (Glendon Avenue at Lindbrook Drive/Tiverton Avenue, and Glendon Avenue at Wilshire Boulevard) are expected to be significantly affected by Project traffic. The reduced volume of construction traffic compared to operational phase Project traffic substantially lowers the construction-related traffic impacts, although the intersection of Glendon Avenue at Lindbrook Drive/Tiverton Avenue could still be adversely impacted during the peak of construction activity. However, as identified in the draft EIR, this impact is considered temporary, and not significant. The Project construction traffic mitigation plan will also address this and other potential impacts. See also Response Nos. 5.10, 5.32, and 11.133 for additional discussion regarding truck hauling and staging.

Comment No. 18.39

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 or 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.

Response No. 18.39

The comment is noted and will be forwarded to the Decision-Makers for review. For a discussion of residential density, see Topical Response 4. For discussion regarding FAR averaging, see Response No. 5.23

Comment No. 18.40

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.

Response No. 18.40

The setback requirements of the WVSP are discussed in detail in the land use analysis of the Revised Draft EIR. (Revised Draft EIR, Pages V.F-28-33.) The reader is also referred to Figure V.F-5 of the Revised Draft EIR, which depicts the 45-degree angle setback requirement pursuant to Section 8.C.1 of the WVSP. The Revised Draft EIR correctly discloses the existing plan requirements and analyzes the Project Applicant's request for an amendment to the WVSP's building frontage setback requirements (identified in the Revised Draft EIR as "Amendment 8"). Additionally, the Revised Draft EIR acknowledges that the Proposed Project incorporates a number of pedestrian friendly features, including: streetscape and sidewalk improvements, widened sidewalks along Glendon Avenue (Revised Draft EIR, Page V.F-46), ground floor neighborhood commercial retail uses (Revised Draft EIR, Page V.F-48), and outdoor dining areas which will promote the pedestrian-oriented scale of Westwood Village and is thus consistent with the pedestrian-oriented policies of the WVSP.

Comment No. 18.41

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 remain 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.

Response No. 18.41

See Response No. 11.28 for discussion regarding Section 9.B of the WVSP. See Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 7.1 for additional discussion regarding Glendon Manor.

Comment No. 18.42**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, although raised in our prior correspondence, are not covered to any degree in the EIR, and we still feel need to be included in the analysis.

Response No. 18.42

The Revised Draft EIR has addressed potential environmental impacts related to the hauling of dirt and staging of trucks on Glendon. In this regard, the Revised Draft EIR concludes that construction activities will result in short-term, adverse impacts on traffic, but also finds that these impacts will be less than significant. (Revised Draft EIR, Page V.J-32.) Nonetheless, the Project includes the following mitigation measure to reduce short-term impacts on traffic: “A Project construction traffic control plan will be developed, to the satisfaction of LADOT, including a designated haul route and staging area, traffic control procedures, emergency access provisions, and construction crew parking to mitigate the traffic impact during construction.” (Revised Draft EIR, Page V.J-32.)

With respect to this mitigation measure, development of the “construction phase” traffic mitigation plan will take place following development of detailed construction plans, contractor schedules, phasing timelines, etc. However, certification of a construction traffic mitigation plan is required prior to beginning any on-site construction. For additional information on hauling of dirt and the staging of trucks on Glendon, see Topical Response No. 10 and Response Nos. 5.10, 5.32, and 11.133.

Please note that the Revised Draft EIR concludes that construction will result in short-term significant environmental impacts to air quality (Revised Draft EIR, Page V.B-17) and noise (Revised Draft EIR, Page V.G-11). Mitigation measures to reduce construction related air quality impacts are contained at Revised Draft EIR, Pages V.B-17-18. Mitigation measures to reduce construction related noise impacts are contained at Revised Draft EIR, Page V.G-23.

The Revised Draft EIR also discusses the loss of street parking along Glendon. As referenced in your comment, the proposed sidewalk expansion will result in the removal of on-street metered parking. This on-street metered parking is available for public use and is not expressly available to visitors of the adjacent buildings. The Project is required to provide replacement parking and will do so within the Project's parking structure. (Revised Draft EIR, Page III-24, Page V.J-19.) This replacement parking is determined in accordance with the methodology set forth by the Planning Department, which provides that the Applicant will replace 100 percent of on-street parking that will be removed as a result of the Proposed Project and 100 percent of the existing covenanted parking. (Revised Draft EIR, Page V.F-43, Appendix H.) The total replacement parking will be 215 spaces. In total, the Project will include 1,452 automobile parking spaces and 73 bicycle parking spaces. (Revised Draft EIR, Page V.F-41.) The Revised Draft EIR did not find that the Project would result in any significant impacts due to loss of parking. (Revised Draft EIR, Page V.F-46.) See Topical Response 9 and Response Nos. 18.7 and 18.10 for additional information regarding replacement parking.

With respect to the issue of potential noise and aesthetics arising from the placement of the main loading dock on Glendon, abutting the Westwood Center Building, the Revised Draft EIR did not find that this commercial loading dock would result in any significant operational impacts related to noise and aesthetics. For additional information and analysis on these issues, please see Topical Response No. 10 and Response Nos. 18.4 and 18.5.

Comment No. 18.43

E. Sub-surface Vacation

A good deal of information has been added to the document relating to the issue of the sub-surface vacation under Glendon. Unfortunately, since this issue hasn't been fully vetted in CEQA or municipal case law, the impacts and legal implications remain open to debate.

We remain 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 available for future water, sewer, telecommunication, cable TV, fiber optic or other necessary connections will be severely limited.

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

Response No. 18.43

See Topical Response 11 regarding these issues and for general discussion on the proposed subsurface vacation of Glendon Manor.

COMMENT LETTER No. 19**Westwood Hills Property Owners Assoc.**

Carole Magnuson, President

Post Office Box 24515

Los Angeles, CA 90024

April 5, 2003 (4 pages)

Comment No. 19.1

The Draft EIR on the referenced project fails to examine key issues and is inadequate in its examination of other issues. In addition, it contains misleading statements, factual errors, unsupported conclusions, and poorly conceived impact 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 substantially in 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. It could only become compliant if the City Council were to vote to change the plan. Rather than submit a plan that is compliant with the WVSP, the developer is asking the City to change the WSVP to make it compliant with the project.* If a project is not in compliance with the existing land use plan in effect at the time that it undergoes review, why is the reviewing agency not required to find that such non-compliance constitutes a significant environment impact in the land use area? Please explain what is meant by “substantially in compliance”. In what areas is the project not in compliance? Under CEQA, can an agency rely on speculative future changes to zoning and planning requirement to reach a finding of insignificant impacts?

The Revised DEIR contends that most of the Specific Plan changes are needed because the Specific Plan was written to accommodate a hotel on the project site. Was a hotel contemplated for the entire site proposed for the Palazzo Westwood project? What does the Specific Plan say is to be required if the area east of Glendon is not developed with a hotel? Does the proposed plan exceed the height and density provided by the Plan in the event that the site were not to be developed by a hotel?

Response No. 19.1

As discussed in Topical Response 3, the Project is consistent with all of the WVSP’s purposes except purpose B, which relates to the preservation of historic buildings. Topical Response 2 explains the Revised Draft EIR’s consideration of the removal of Glendon Manor as a significant impact and the

reasons why the Project does not contemplate its preservation. Otherwise, the Project is consistent with the WVSP. Most of the amendments sought by the Applicant are specific to the subarea on which the Project site is located and are intended to facilitate a mixed-use development, consistent with the goals of the WVSP, in place of the hotel project previously approved for the site. (Revised Draft EIR, Pages I-1-2.) The developers of the hotel project contemplated development of the same site proposed for the Palazzo Westwood project, except the portion of the site containing Glendon Manor, which the previous developers did not own.

If the site is not developed as a hotel, the existing WVSP provisions state that “commercial development shall be permitted on lots fronting Glendon Avenue provided the uses are permitted in this section, and the lots fronting Tiverton shall be limited to residential uses only.” The Applicant has sought an amendment to the WVSP to permit commercial uses along Tiverton to the extent that retail operations would run the depth of the building structures. However, no access to the retail operations, nor signage, would be permitted. See discussion in Topical Response 5 regarding the proposed uses along Tiverton.

The Project does seek certain adjustments to the WVSP’s height and density restrictions for the site. The amendment sought with respect to density is not to increase the total square footage permitted for the site, but to reallocate permitted development from commercial to residential. See discussion in Topical Response 4 and Response No. 5.63 regarding the requested change to the density allocation.

As to the permitted height, the Applicant seeks approval to build the Project up to 65 feet in height, including roofs and roof structures, as measured from the highest point on the roof structure or parapet wall to the elevation of the ground surface which is vertically below that point of measurement. (Revised Draft EIR, Table V.F-1 for Proposed Specific Plan Amendment 7.) Currently, the WVSP permits development in the shaded area of Figure 3 in the WVSP, in which the Project site is located, up to 55 feet, excluding roofs and roof structures, while allowing for an additional 10 feet for roofs and roof structures. This change is requested, in part, because it will not exceed the total allowable height of 65 feet, and there are surrounding uses that are much higher than the Proposed Project, including the 200-foot high Arden Office Building and the 95-foot high Westwood Horizon apartment tower. It would also be compatible with other buildings on Westwood Boulevard ranging from 35 to 70 feet in height.

Finally, an amendment to the height restrictions are sought because the property for which the Project is proposed is quite large and has a substantial grade differential of 19 feet over the site, which presents challenges to creating a unified development. See Response No. 5.4 and Topical Response 6 for additional discussion regarding the proposed height of the Project.

The commenter’s opinions regarding the Project are noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 19.2

As presented, the project is non-compliant with two of the three statements of general intent set forth in the Specific Plan Ordinance (sic) (Ord. 164,305 Summary of Provisions I-1). These relate 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. Please explain why the DEIR indicate that the project does not comply with existing requirements in these areas. The project does not comply with existing zoning and planning requirements in these areas as well:

Building height: The DEIR describes the buildings as 55 feet high measured from grade to the ceiling of the uppermost dwelling unit. Please explain how this measurement relates to the building height as measured according to the requirements of the WVSP and the City of Los Angeles. Both the City and the WVSP require that that building height be measured to the uppermost point of the roof or parapet wall. The DEIR errs in speculating that the method of determining building height on the site will be changed at some future time thereby rendering the project compliant with applicable laws. Why does the DEIR not disclose the actual height of the buildings as determined by the law that is in effect at the time of the environmental review? What is the actual height of the buildings as determined by currently applicable city law? Is this height compliant with the Westwood Village Specific Plan? Would the proposed changes in the measurement of building height apply to all projects in the City or the Village or only to the Palazzo Westwood project?

Response No. 19.2

As described in the Revised Draft EIR on Page V.F-28, permissible building height is the maximum permitted vertical distance above “grade” measured to the highest point of the building. The City’s Municipal Code defines “grade” as “the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line.” (Revised Draft EIR, Page V.F-28.) The WVSP identifies a different method of measurement for sites that have a slope greater than five feet, which are allowed to exceed the height limit by the difference between the highest adjoining sidewalk and grade, provided no such height shall cause the building to exceed 45 feet as measured from the highest point of the roof structure to the grade vertically below that point of measurement. (Revised Draft EIR, Page V.F-28.) This is known as the “plumb line” method of measurement. Proposed Amendment 7 seeks to confirm that the plumb line method of measurement may be used for buildings in “”WVSP Subarea 2 that are located on one or more acres.

The Revised Draft EIR discloses the height of the building if the plumb line method of measurement were not used. The text on Page V.F-33 refers to Figure V.F-6, which shows the height as measured from the highest point of the roof (including roof structures) to the ground surface below that point of measurement (i.e., the plumb line method). The text further explains that if the height is measured from the highest point of the roof (including roof structures) to grade (defined as the lowest point on the site), that maximum height would be 82 feet along the Weyburn frontage. This number results from the 19-foot difference between the ground surface and grade at that point, plus the building height above the ground surface, which is 63 feet at that point. (Revised Draft EIR, Page V.F-33.) See Response No. 5.4 and Topical Response 6 for additional discussion on this issue.

Comment No. 19.3

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 DEIR 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 under the WVSP? How is the increased density east of Glendon consistent with WVSP requirements that limit development of Tiverton Avenue lots to residential uses only? How is increased density and massing compatible with WVSP intent to provide for transition from more dense Westwood uses to less dense residential uses to the east? Why is development at twice the height and double the density on the West side of Tiverton not a significant impact on the less dense residential units opposite on the East side of Tiverton?

Response No. 19.3

The commenter is correct that the WVSP requires a lower density for the area west of Glendon Avenue. This fact is acknowledged in the Land Use analysis in the Revised Draft EIR (Page V.F-26). The Revised Draft EIR states that the "Project will exceed the maximum floor area ratio west of Glendon Avenue, but this will be offset by averaging the total floor area ratio over the entire proposed site." One of the express purposes of the WVSP is to "encourage the provision of neighborhood-serving uses, residential uses above the ground floor, and additional public parking through the floor area bonus program of the Specific Plan." The proposed amendments to the WVSP would transfer permitted density from commercial to residential uses and would not result in any additional permitted floor area on the overall site. If the proposed amendments were granted, there would be no net increase in total floor area on the site as a whole beyond that permitted in the WVSP.

The development on the west side of Tiverton would not be double the height and density as currently permitted. Currently, the allowable FAR for the parcel on the west side of Tiverton (identified in the Revised Draft EIR as the east side of Glendon) is permitted a 3.0:1 FAR. The proposed amendment to allow floor area ratio averaging would reduce the FAR to 2:85.1. (Revised Draft EIR, Pages V.F-21-22.)

Alternative 4 of the Draft EIR analyzes an alternative which could be built under the current WVSP. This alternative, which would feature a 70-foot hotel tower, would have greater aesthetic, view, lighting and shading impacts than the Proposed Project. (Revised Draft EIR, Page VI-30 and 31.) For a discussion of the Project's building density, see Topical Response 4. For a discussion regarding Project consistency with the WVSP, see Topical Response 3.

Comment No. 19.4

Pedestrian environment: The proposed project violates Specific Plan provisions aimed at encouraging a pedestrian environment and strengthening the retail center, therefore cannot be found to be in substantial compliance with the WVSP. The project fails to comply with plan provisions that require all development above 40 feet be stepped back at a 45-degree angle in order to maintain human scale and provide a pleasant environment for pedestrians.

The project also violates the Specific Plan development standard (Sec. 10-B) requiring that the primary entrance to ground floor businesses be located at ground level. This provision is also intended to strengthen the pedestrian environment. Widening of a public sidewalk in absence of compliance with these key WVSP provisions does not support a finding of compliance with the intent of the WVSP. What is the impact of the developer's failure to step-back development as required by the WVSP on the pedestrian environment on Glendon and Weyburn avenues? Is the proposed design compatible with Specific Plan development standards? Is the intent of the WVSP that the pedestrian environment should be strengthened by as an integral part of the building design?

Response No. 19.4

The Project's compliance with the pedestrian-oriented objectives of the WVSP (Objective 2-2) is on Page V.F-52 of the Land Use analysis in the Revised Draft EIR. Widening sidewalks to provide additional space between the curb and the proposed structures promotes a pedestrian-oriented atmosphere (i.e. for sidewalk cafes, etc.). See Topical Response 3 for additional discussion regarding Project consistency with the WVSP.

The WVSP Development Standard (10-B) states: "The primary entrance to any business located on the ground floor along the building frontage shall be located on that frontage and substantially at ground level." The Proposed Project is consistent with this standard. With respect to the topographical gradient of the site and defining the "ground floor," see Topical Response 15. For information on building height and setbacks, see Topical Response 6.

Comment No. 19.5

Mix of Uses vs. Mixed Use: The DEIR finds that the project is compatible with a Specific Plan goal that encourages a mix of uses. However the DEIR fails to consider how the term "mix of uses" as used in the WVSP differs from the term "Mixed Use" which is applied to a set of provisions within the L.A.M.C. When DEIR finds that no significant impact would result from changing the Specific Plan to make it conform to the Mixed-Use provisions of the L.A.M.C. it does not account for the number of elements in the Mixed-Use that contradict provisions of the WVSP. It is ingenuous and misleading to say that the WVSP does not provide guidelines for a Mixed-Use Project. The purpose and intent of the WVSP was to provide guidelines and development standards for development of a mix of uses in Westwood Village. See, for example, the many provisions that require pedestrian scale step-backs, differentiated facades, street level entrances, and the like. It was not intended to facilitate development of a "mixed-use" project

as that term is defined in the Mixed-Use provisions of the L.A.M.C. Amendments to the WVSP that would change existing provisions of the WVSP are not compatible with the intent of the Plan and are therefore must be found to be significant impacts according to CEQA. Will inserting the definitions of “Mixed use” and “unified” development into the Specific Plan, radically change the scale and density of permitted development and upset the intended balance between new density and potential and existing infrastructure? What are the implications of the proposed change on the Specific Plan and the potential impact on the Village environment? What additional height and height and density could occur throughout Westwood Village as a result of the insertion in the WVSP of the proposed definitions of mixed-use use project and unified development? Does the “unified development” describe a shopping mall? If so, is a “unified development” consistent with the intentions of the WVSP?

Response No. 19.5

The reason for the WVSP amendment to add the mixed-use definition (but not to designate the site a Mixed Use District) is to provide guidelines to encourage the mix of uses envisioned by the WVSP. The ordinance providing this definition was adopted in 1998, subsequent to the last amendment of the WVSP. The Applicant seeks the amendment to incorporate this more recent City-wide change into the WVSP. For the same reason, the Applicant seeks to incorporate the definition of a “unified development” into the WVSP to facilitate the provision of neighborhood-serving uses and additional needed housing in the Village.

In answer to the comment’s specific questions, the following responses are provided. The inclusion of the two definitions will not radically change the scale and density of permitted development. There are no implications on the environment of the Village by virtue of adding these definitions to the WVSP. The amendments are sought to facilitate the existing provisions of the Specific Plan intended to encourage the development of a mix of uses on the Project site. (Revised Draft EIR, Pages V.F-25 and 53.) The inclusion of these definitions does not change the height and density limitations for the Village as a whole. The term “unified development” does not describe a shopping mall. See discussion in Topical Response 3 for additional discussion regarding Project consistency with the WVSP.

Comment No. 19.6

Floor area ratio averaging: The DEIR states that “the Specific Plan is currently silent on the issue of FAR averaging”. The WVSP does not provide for FAR averaging because FAR averaging conflicts with the intent of the Specific Plan to provide for a transition from less dense to more dense areas. The DEIR cannot find that the project is substantially in compliance with the Specific Plan so long as it requires FAR averaging, therefore the DEIR needs to acknowledge another significant impact in the Land Use area. What is the impact of permitting FAR averaging on adjacent development? Will property adjacent to the Palazzo Westwood site be impacted by taller structures as a result of the proposed change in the Plan to permit FAR averaging? Will this result in loss of property value or other amenity to owners of property outside of the project area? Will all Westwood Village property be entitled to use FAR averaging? If not, why not?

Response No. 19.6

Section 7.B.6 of the WVSP authorizes the transfer of density bonus from any site in a shaded area on Specific Plan Figure 3 (e.g., the property east of Glendon Avenue) to any other site in a shaded area on Figure 3 (e.g., the property west of Glendon). Proposed Amendment 6 would allow floor area averaging/reallocation between individual sites where the project is a unified development in Subarea 2 as long as the maximum floor area does not exceed the total amount permitted on the subject properties. (Revised Draft EIR Pages V.F-24-25.) This method of averaging density is currently allowed by the Los Angeles Municipal Code, but the existing WVSP is silent on the issue.

Proposed Amendment 6 would only allow this FAR averaging within Subarea 2. Figure 1 of the WVSP shows the specific plan area boundaries along with the designated subareas. Currently, Subarea 2 only includes the eastern portion of the Project site between Tiverton and Glendon Avenues, which was intended for a hotel development when the existing Specific Plan was last amended. (Revised Draft EIR, Page V.F-25). Proposed Amendment 3 would amend Figure 1 to include the western portion of the Project site so that the entire Subarea 2 would be coterminous with the Project site boundaries. Therefore, just like under the current Specific Plan designations, no portions of Westwood Village outside of Subarea 2 or the Project site would be subject to the FAR averaging.

Under the current WVSP, the property east of Glendon Avenue (adjacent to the residential uses) is allowed a higher maximum density (3.0:1) than the property west of Glendon (2.5:1). As detailed in Section 6 of Table App. H-1 of the Revised Draft EIR, the Proposed Project meets the total permissible floor area under the existing WVSP at 528,490 square feet, with an average FAR of 2.85:1. However, the Project proposes a lower density ratio on the east side of Glendon (2.66:1) than the west side of Glendon (3.32:1). Thus, the averaging would result in less square footage than the maximum density allowed on the property adjacent to the residences along Tiverton Avenue. Proposed Amendments 3 and 6 would therefore help to preserve the residential character of the properties on the eastside of Tiverton Avenue by allowing an easier transition to greater density as the Project moves toward the commercial center of Westwood Village.

Comment No. 19.7

Street Vacation: The DEIR should examine the loss of property rights of property owners in Westwood Village that will ensue as a result of the proposed subsurface vacation of Glendon Avenue. How will other property owners be compensated for loss of development rights? What is the legal basis for the DEIR's finding that shared easements within Westwood Village extend to surface easements only? Is there legal precedent for finding that owners of property in a tract share subsurface easements? Will the City of Los Angeles be compensated for loss of subsurface property?

Response No. 19.7

Should the City approve the proposed subsurface vacation, it is not anticipated that the City would be compensated for the subsurface property. Additionally, there is no legal precedent for finding that owners

of property in a tract share subsurface easements. The private easements held by those landowners pertain only to the surface of roadways. A subsurface vacation does not implicate these private easements nor do they result in a loss of development rights for landowners in the subdivision. See Topical Response 11 for additional discussion of these issues.

Comment No. 19.8

Parking: In finding that the project provides adequate parking, the DEIR fails to take into account the already high levels of congestion in the neighborhoods surrounding the proposed project. Why is less parking needed for upscale apartments proposed by the project on the West side of Tiverton than the city requires for buildings located on the east wide of Tiverton? Why is the project not required to provide parking at the rate stipulated by the At [sic] 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?

Response No. 19.8

One of the intended uses of the Revised Draft EIR is to analyze parking impacts as a result of the Proposed Project. The Revised Draft EIR states that the Proposed Project will comply with applicable parking ratios. (Revised Draft EIR, Page V.F-39.)

The comment suggests an additional mitigation measure should be adopted to increase parking ratios due to congestion in the Village. The comment refers to the parking requirements of the Westwood Multiple Family Residential Specific Plan, which govern the properties located east of Tiverton Avenue. The parking requirements of the Westwood Multiple Family Residential Specific Plan are not considered to be appropriate for the Project for a number of reasons. The Proposed Project is located in a commercial zone where it transitions to residential uses across Tiverton Avenue. As a result, retail patrons and commercial employees of the Village often find parking opportunities in residential neighborhoods – creating congestion. The mixed-use plan for the Proposed Project would be expected to avoid the intrusion of commercial parking in residential areas by providing commercial parking and public replacement parking according to current Citywide standards and the Westwood Village Specific Plan.

The Proposed Project would provide parking without any reductions for shared parking efficiencies. Separating retail customer parking areas from residents would be expected to increase efficiency of the parking structure because of the different use patterns associated with each user. Although no study data exists, many residents would be assumed to leave for work during the day. Customers of the Project would be expected to shop during the daytime and early evening retail hours of operation. Parking spaces would potentially be available for evening entertainment uses within the Village, when the retail operations are closed. Creating separate residential levels would ensure that evening commercial automobile spaces are not used by residents, because residents would have a secured parking facility with designated parking.

The Community Plan supports the City's continuing effort to develop off-street parking facilities so that an adequate supply of parking can be provided to meet the demand, see Westwood Community Plan Goal

12. In order to support the needs of the Community, off-street parking facilities should be located in, or convenient to, commercial areas, see Westwood Community Plan Objective 12-1. The Proposed Project would support this Goal by providing the equivalent of approximately 13 acres of parking on three subterranean parking levels, including proposed residential development meeting all applicable parking ratio standards.

Empirical evidence also suggests that the Village is one of the most intensely used pedestrian areas in the City. The Village relies to a greater extent on public transportation and on-foot traffic from UCLA and the Wilshire corridor office buildings. Therefore, the intent of the Westwood Community Plan is to rely on public transportation, increase the potential for foot traffic from the surrounding community, and thereby minimize the increase in traffic congestion, see discussion Page V.F-39.

Comment No. 19.9

Traffic: The project needs to provide better mitigations for traffic impacts, including provision of a of a (sic) traffic signal at Glendon and Kinross, and development of Tiverton Avenue as a two-way street. Would traffic flow in Westwood Village improve as a result of adding a signal at Glendon and Kinross and conversion of Tiverton to two way traffic? Why does the DEIR not proposed these improvements? In addition, the DEIR should reexamine the mitigation proposed at Veteran and Gayley/Montana, which provides a shared westbound through-left lane. If the right hand lane is blocked by westbound through motorist and a left turning motorist blocks the shared through-left lane, what will be the impact on peak hour westbound traffic?

Response No. 19.9

The Revised Draft EIR identifies feasible mitigation measures (that have been approved by the Department of Transportation) to reduce the Project's traffic impacts to acceptable levels. The intersection of Glendon Avenue and Kinross Avenue would not be significantly affected by the Proposed Project as it would operate at LOS A during future traffic conditions with the Project (prior to any mitigation improvements at other intersections). Thus, a signal at this location is not necessary.

Regarding the comment about mitigation for the Veteran/Gayley/Montana intersection, this comment is referring to the February 2002 Draft EIR. The Revised Draft EIR does not propose any mitigation measure improvements for this intersection. The Revised Draft EIR proposes mitigation in the form of contributing to the installation of the City's Adaptive Traffic Control System (ATCS) in the Study area.

Comment Letter No. 20**Kenneth R. Ayeroff, President**

NSB Associates, Inc.,
433 North Camden Drive, Suite 820
Beverly Hills, CA 90210
April 1, 2003 (2 pages).

Comment No. 20.1

I am writing both personally and on behalf of NSB Associates, Inc. to express support for the Palazzo Westwood project, which Casden Properties proposes to develop on property in Westwood Village. NSB is the owner and manager of an existing retail/educational (UCLA Extension) project located at 10904-20 Lindbrook Drive in Westwood Village. Also, I have lived in Westwood for more than 40 years within one mile of the proposed project and am extremely familiar with the evolution of the Village and its relationship with the surrounding residential, commercial and university communities.

We have reviewed significant portions of the draft environmental impact report (DEIR) for Palazzo Westwood. The project as proposed (with the implementation of the mitigation measures set forth in the draft report) presents an important opportunity to positively affect the Village and substantially benefit the surrounding communities for the following reasons:

- The more than decade long economic difficulties being experienced by the Village will be alleviated, in part, by the attraction of new neighborhood-serving businesses and restoring activity to this long-quiet and underserved portion of the Village.
- The providing of 350 quality, market-rate rental housing units at a time when Los Angeles is experiencing its most severe housing shortage since the end of WWII
- The providing of much-needed parking (exceeding the requirements of both the Specific Plan and of the Los Angeles Municipal Code) will serve not only the project but existing Village merchants as well.
- New neighborhood-serving retail and restaurants will directly benefit the additional residential population in the northeast Village. The inclusion of outdoor dining, wider and attractively-paved sidewalks and an overall design reflecting the architectural character of Westwood Village will encourage pedestrian activity and result in an exciting streetscape.

In summary, we strongly support the proposal and respectfully urge the Planning Department to adopt the DEIR. If you have any questions, please contact me by telephone at 310.550.1570 ext. 16 or by e-mail at kayeroff@nsbinc.com

Response No. 20.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

COMMENT LETTER No. 21

Jim Bursch,

e-mail to Jack Weiss (weiss@council.lacity.org)

February 21, 2003 (1 page)

Comment No. 21.1

We live in Westwood and want to see its authentic history and architecture preserved. Please honor your 2001 campaign promise that historic preservation would be a key component of Westwood's revitalization. Glendon Manor is the test case. I urge you to take the following steps:

1. Commit to having Casden restore and incorporate Glendon Manor as part of his project, or
2. Make sale to qualified restoration developers a condition of approval if Casden refuses to incorporate Glendon Manor into his project.

We ask that you become a champion for historic preservation and do not permit AIMCO/Casden to destroy our history.

Response No. 21.1

See Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 7.1, and 11.28 for discussion of Glendon Manor.

COMMENT LETTER No. 22

Pat Campbell,

e-mail to Jack Weiss, (weiss@council.lacity.org)

February 6, 2003, (1 page)

Comment No. 22.1

I urge you to act to preserve Glendon Manor in Westwood village. It is a lovely old building and since it has qualified for protection by the California register, I believe it is worth saving for posterity. I hope you agree.

Thank you for your help in preserving the historic buildings of Westwood.

Response No. 22.1

See Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 7.1, and 11.28 for discussion of Glendon Manor.

COMMENT LETTER No. 23**Ezequiel Guttierrez, Jr.,**

11523 East 215th Street, Lakewood, CA 90715

April 7, 2003, (1 page)

Comment No. 23.1

I am writing as a citizen of this state and a graduate from UCLA with a concern for the future of Westwood Village, specifically, the preservation of Glendon Manor.

As a graduate of the architecture school, I appreciate the historic value of Glendon Manor in the formation of a true urban village in Westwood. It is the last remaining residential structure in the village and must be preserved to maintain the integrity of Westwood as an urban village.

As a graduate of the law school, I expect determination of the state commission regarding Glendon Manor's historic status to be upheld and enforced by your office. The value of Glendon Manor is not only local but is state wide for all who appreciate historic architecture and California's history.

Please preserve the continuation of Glendon Manor in the historic urban fabric of Westwood.

Response No. 23.1

See Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 7.1, and 11.28 for discussion of Glendon Manor.

COMMENT LETTER No. 24**G. Olerich**

[Address requested to be suppressed]

April 7, 2003 (38 pages).

Comment No. 24.1

I have not received Notice of the availability of the DEIR. I own property immediately adjacent to the proposed project and I have supplied my address several times. I have previously requested in any case to

be informed at least as an interested party of all Development [sic] related issues in the area of this Project (refer to correspondence dated April 7th 2003 sent via Fax, personal delivery and FedEx). Lack of Notice has made it difficult to review materials and prepare the most cogent comments. Further [sic], tables for section II of the DEIR are not available at the web site and information requested previously about the Project has not been received. I would request to be informed that I could submit additional or revised comments and materials at a somewhat later time, and that such submissions would be assured full consideration.

Included herein are comments on DEIR ENV 2000-3213 Palazzo Westwood 2003. Additionally there are illustrations included. All of these are to be considered as comments on the currently circulating DEIR for Westwood Palazzo and should be carefully reviewed and considered.

Response No. 24.1

This comment letter (dated April 7, 2002) was received on April 7, 2003 via facsimile and other means. Presumably the date was a typographical error and has been logged in with a date of April 7, 2003. The address on the April 7, 2003 letter is a slightly different address than the one included on earlier correspondence from the commenter (e.g., 12/5/2000). The City has treated this as an updated or corrected address and has included the new address on all mailing lists for future correspondence to this commenter. A copy of this letter is included in Appendix C of this Final EIR.

Nevertheless, the commenter should have received notice at the record address of the property owned by the commenter that is adjacent to the Project site. The commenter's address is on file with the Los Angeles County Tax Assessor's Role and therefore is a matter of public record making it available for the purpose of notifying owners within 500 feet of the subject property of information concerning the Proposed Project. Notice of availability for the Revised Draft EIR was sent to this record address.

The Department of City Planning provided notice to all owners and occupants within 500 feet of the subject property in compliance with the public notice requirements under CEQA. The City provided written notice by direct mailing to owners and occupants of property within 500 feet contiguous to the project site as recorded in the official records of the Los Angeles County Tax Assessor, and published the Notice of Availability in a newspaper of general circulation. Copies of notice materials are on file and may be inspected at the Planning Department, Environmental Review Section, 200 N. Spring Street, Room 763.

Regardless of the notice, the April 7, 2003 letter submitting comments on the Revised Draft EIR was received within the comment period and is receiving full consideration. Additional comments that are received after the formal comment period will be forwarded to the Decision-Maker for full consideration during proceedings, however, written responses will not be prepared. (See CEQA Guidelines 15088.)

Comment No. 24.2

The DEIR is defective as it has not identified many areas of controversy. Comments were sent regarding the 2002 version of the DEIR which identified land use issues and the intrusion of commercial into an area set aside for residential usage, and the DEIR does not address sufficiently address these issues.

Response No. 24.2

The list of areas of known controversy in the Revised Draft EIR contains those issues that were most consistently raised by members of the public in response to the Notice of Preparation. An EIR is not defective on the basis that some subjects are not included in the Areas of Known Controversy section. However, the Revised Draft EIR does present a comprehensive land use analysis which addresses the commenter's concerns, including the potential impacts of commercial uses at the Project site. The land use analysis in the Revised Draft EIR is separated into two subsections: (1) Land Use Compatibility and (2) Consistency with Land Use Plans and Policy. With regard to the compatibility of commercial and residential uses, please see Section F. Land Use, beginning on Page V.F-1 of the Revised Draft EIR.

The Revised Draft EIR concludes that the Proposed Project is generally consistent with the existing land use patterns and compatible with existing adjacent uses. (Revised Draft EIR, Page V.F-6-7.) The mixed-use aspect of the Proposed Project would create a transition from commercial to residential uses between Glendon and Tiverton Avenues. Commercial uses fronting Glendon Avenue would be consistent with existing commercial uses within the Village, and residential uses fronting Tiverton Avenue would be consistent with existing residential uses along Tiverton Avenue and to the west. The Revised Draft EIR further explains that commercial uses extending onto the rear of the lots fronting Tiverton Avenue would not be permitted to have commercial frontage or access along Tiverton Avenue. (Revised Draft EIR, Page V.F-6; see also Topical Response 5 regarding commercial uses on Tiverton.) Thus, the Proposed Project would preserve the appearance of residential uses along Tiverton Avenue as required by the Westwood Village Specific Plan.

Comment No. 24.3

Included herin [sic] is a chart called Table V.F-1 Corrected. If [sic] does not contain most of the incorrect or misleading information [sic] of the Table V.F.-1 supplied with the DEIR. Please review Table V.F-1 Corrected. ., If there is anything mistaken or incorrect in it please explain in specific detail each mistaken or incorrect item, and how it is mistaken and what that conclusion is based on. It appears to be much more correct than the Table V.F.-1 supplied with the DEIR, and unless proven otherwise should be the preferred replacement for the Table V.F.-1 supplied with the DEIR

Response No. 24.3

Revised Draft EIR Table V.F-1 provides an accurate summary of the Specific Plan amendment requests. The following explains why the revisions suggested in the commenter's "Table V.F-1 corrected" have not

been made in the Final EIR. See Appendix C of this Final EIR for a copy of the commenter's "Table F-1 –corrected".

Amendment 1 – California law has long provided that the most site-specific planning document applies and controls over more general planning documents encompassing the same area. According to this case law, the height regulations of the Westwood Village Specific Plan would govern the Project site. Section 8.A.2 of the WVSP states that projects on sites that are located in the shaded or stippled areas of Specific Plan Figure 3 may be built to a maximum height of 55 feet with approval by the Director of Planning. (Revised Draft EIR, Page V.F-28; See also Topical Response 6 regarding building height.) In fact, the City has recently amended the Commercial Corner Ordinance to expressly provide that where the Commercial Corner Ordinance conflicts with the provisions of a Specific Plan then the provisions of the Specific Plan shall prevail, as determined by the Director of Planning. (Ord. No. 175223, effective June 30, 2003.) The Applicant has applied for Amendment 1 to resolve any confusion by also clarifying in the WVSP that the provisions of the Commercial Corner Ordinance do not apply. (Revised Draft EIR, Table App. H-1.) Moreover, the Revised Draft EIR has analyzed the physical environmental impacts of Proposed Project, including Amendment 7 modifying the height limit under the Specific Plan, up to 65 feet measured from the highest point of the roof to the elevation of the adjacent ground surface. (Revised Draft EIR, Sections III, V.A and V.F.) Thus, contrary to the comment, the Commercial Corner Ordinance would not effect the building height of the Project or the analysis of the Project in the Revised Draft EIR.

Amendment 2 – Defined terms in the Westwood Village Specific Plan do not create or modify entitlements for density or the maximum number of dwelling units permitted. The purpose of adding definitions to the Westwood Village Specific Plan is discussed in Table App.H-1 and Page V.F-26 of the Revised Draft EIR.

Amendment 3 – Currently the Specific Plan, which was customized in 1989 to permit the development of a proposed hotel project on the east side of Glendon Avenue, does not include the west side of Glendon Avenue in Subarea 2. In conjunction with Proposed Amendment 5, expanding Subarea 2 to include the west side of Glendon Avenue would allow an integrated Mixed Use Project on both sides of the street. Because the Specific Plan limits the uses in Subarea 2, expanding Subarea 2 would actually limit the uses on the west side of Glendon Avenue that would otherwise be allowed. The maximum floor area permitted for the Project is not based on Subareas (WVSP, Figure 1) but rather on the areas designated on Figure 3 of the Specific Plan, including both sides of Glendon Avenue at differing rates. Therefore, Amendment 3 would not increase the overall building intensity currently permitted under the Westwood Village Specific Plan. (See Topical Response 4 regarding the number of residential units permitted; See Response to Comment No. 5.36 for a discussion of allowable floor area and additional (density) bonus.)

Amendment 4 – The Revised Draft EIR discloses that the Proposed Project would exceed the permitted number of residential dwelling units by 114, from 236 to 350. (Revised Draft EIR, Page V.F-17; See also Topical Response 4 for a detailed discussion of permitted residential density.) The Revised Draft EIR concludes that Amendment 4 to the Specific Plan does not result in a significant environmental impact because it transfers permitted floor area from commercial to residential uses, thereby reducing potential traffic impacts that would otherwise occur under the current Specific Plan.

Amendment 5 – See Table App.H-1 in the Appendix to the Revised Draft EIR for the complete text of the proposed Amendment. The proposed amendment would allow commercial uses that front onto Glendon Avenue to encroach onto the rear areas of lots that front onto Tiverton Avenue, provided that no signs or retail display windows are permitted along Tiverton and that no commercial access to or from Tiverton Avenue will be allowed. See Topical Response 5 for a detailed discussion of commercial uses on lots fronting Tiverton Avenue. Encroachment of commercial uses onto the lots fronting Tiverton Avenue does not increase additional (bonus) density permitted under Figure 2 of the Westwood Village Specific Plan. (See Response to Comment No. 5.36 for a discussion of additional (bonus) density.)

Amendment 6 – The Revised Draft EIR discloses that under the Proposed Project, the floor area ratio west of Glendon Avenue would exceed the floor area ratio permitted under Figure 3 of the WVSP, with a corresponding reduction of floor area east of Glendon Avenue. (Revised Draft EIR, Pages V.F-21-24, and Table App.H-1; See also Response to Comment No. 5.23 for a discussion of floor area averaging.) The total permitted floor area would not exceed the permitted floor area under the Specific Plan.

Amendment 7 – The Revised Draft EIR discloses the maximum permissible building height, the proposed methodology for measuring permitted height, and the height of the Proposed Project in detail on Pages V.F-28 through V.F-30. See also Topical Response 6 for further discussion of building height.

Comment No. 24.4

There is also included “illustration 1 “Palazzo DEIR ENV-2000-3213” and another graphics called Heights of Surrounding Buildings Corrected.” These are alternatives to the misleading or incorrect exhibits in the DEIR. Replacement of the incorrect or misleading graphics and table with these alternatives in the DEIR would correct those problems with the DEIR. More polished originals can be supplied in the format of choice for inclusion in the DEIR, and most likely sufficient copies can be supplied in the quantity necessary for the number of copies of this document that will be produced. In any case the existing graphics and table need to be replaced or at least fully corrected.

Response No. 24.4

The commenter’s suggested revisions to the heights of the surrounding buildings is made to a graphic that was presented in the February 2002 version of the DEIR. Please see Figure V.F-4 in the Revised Draft EIR, which provides a slightly different summary of the building heights surrounding the Proposed Project. The commenter suggests adding reference to additional buildings of similar height and locations to those already included in Figure V.F-4 which provides an adequate representative sampling. A detailed discussion of the Project’s compatibility with adjacent uses is provided on Pages V.F-6 and V.F-7 of the Revised Draft EIR. Additionally, a discussion of the Proposed Project’s impacts on view, lighting, and shading of surrounding uses is included in Section V.A of the Revised Draft EIR. The commenter’s additional illustrations and graphics are included in Appendix C of this Final EIR and will be forwarded to the Decision-Maker for consideration.

Comment No. 24.5

Additionally illustration 2 DEIR Alternative Two is included that should be used to illustrate visually the comparative scales of DEIR Alternative Two. Illustration 3 is included as the corresponding illustration Figure III-15 Project Elevations, Tiverton Avenue Looking West and Weyburn Avenue Looking South still shows the roof structure on the GTE/Verizon building as part of the building image. This roof structure is setback, screened and not visible from street level. Figure III 15 conveys an inaccurate sense of scale because the rooftop structure [sic] is not visible from the street, and also because it appears any similar structures that the Project might have (mechanicals, airconditioning [sic]) are not illustrated. Therefore either illustration iii submitted herein [sic] should replace Figure III-15, or the extra 10 feet shown at upper right hand corner of the GTE building should be removed, as shown in illustration 3 submitted herein.

Response No. 24.5

Figure III-15 of the Revised DEIR provides graphic summaries of the Proposed Project in relation to the adjacent land uses at the north and south ends of the Project site (Tiverton looking west) which the commenter suggests be amended to show Alternative 2. Figure III-15 also demonstrates the Proposed Project looking south on Weyburn Avenue in relationship to the Gap Building at the west end of the Project site and the apartment buildings across Tiverton Avenue at the east end of the Project site. Figures III-16, III-17 and II-18 also show the Project in relation to the apartment buildings across Tiverton Avenue. The approximate height of the building mass is based on the ALTA Survey map provided in Figure III-3A. The presence of rooftop equipment on the Verizon switching station, located south of the Proposed Project along Tiverton Avenue, is an accurate description of the environmental setting surrounding the Proposed Project site.

Alternative 2 analyzes the Project if built under the existing Specific Plan without any amendments. Presumably, the commenter's graphic is designed to show the severe slope of the ground surface adjacent to the Project site and the effect of such a slope on the calculation of the maximum project height without the clarification proposed in Amendment 7. However, the commenter's graphic is somewhat misleading because the illustration only shows one angle of the Alternative and does not show the relative scale of the Alternative adjacent to the Westwood Horizons building at the north end of the Project site. Moreover, the commenter has assumed that the design and roof line under the Alternative would remain the same as the Proposed Project. Nevertheless, the commenter's illustration will be forwarded to the Decision-Makers for consideration.

Comment No. 24.6

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 it is suggested that they can still be referred to, and will be sent a third time if for any reason you don't have them immediately accessible.

Response No. 24.6

See Topical Response 1 for discussion regarding responses to comments previously submitted. Also, the NOP is provided to inform public agencies and the general public that an EIR is being prepared for a specific project. Pursuant to Sections 15082 (a) (Notice of Preparation) and 15083 (Early Public Consultation) of the CEQA Guidelines, there is no formal requirement to respond to public comments made during the early consultation process. Comments submitted in response to the NOP were, however, considered during the preparation of the DEIR and Revised Draft EIR.

Comment No. 24.7

Again, 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 used, and that there is no hesitation to contact me by phone for clarification, discussion or requests for more information.

Thank you

Response No. 24.7

Please see Response to Comment No. 24.1.

Comment No. 24.8

Many of the following comments will necessitate review and corrections to multiple areas of the DEIR. Subsequent recirculation would be wise.

The comments have some organization, but their order should not influence use of these comments.

Wherever [sic] the DEIR is defective, deficient, incorrect, misleading, makes incorrect conclusions or contains falshoods [sic] it should be fully corrected. The magnatitute [sic] of the DEIR deficiencies make it seem reasonable to solict [sic] public comments thereafter [sic] to verify the deficiencies were corrected properly, and that new defects in the revision are addressed.

Response No. 24.8

No specific comments on the adequacy of the Revised Draft EIR are provided in this statement, although responses are offered below to the commenter's specific concerns.

Comment No. 24.9

Summary of Comments re; DEIR No. 2000-3213

The DEIR is deficient and should be revised

- a. It contains many factual errors and misrepresentations and misrepresentational [sic] exhibits noted herein [sic]
- 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 erroneously [sic] categorized as not significant [sic].
- e. The disregard of these significant adverse impacts results [sic] in a gross failure of the DEIR as it fails to suggest or discuss mitigation measures for the overlooked significant impacts. Its [sic] inadequacies preclude intelligent review and public input.
- f. The alternatives projects have not been properly considered and the resulting conclusions are incorrect.

Major incorrect conclusions [sic] 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.

Response No. 24.9

This comment provides many statements generally challenging the adequacy and validity of the Revised Draft EIR, but does not provide any specific substantiating evidence with which to evaluate the comments and respond. No response is required per Section 15204 of the CEQA Guidelines. However, to the extent the commenter elaborates with specific concerns below, individual responses are provided.

For a detailed review of the alternatives evaluated in the Revised Draft EIR and why the five alternatives were not recommended over the Project, see Topical Response 12.

Regarding the land use analysis, a summary of the significant environmental effects of the Proposed Project is provided in Section VII of the Revised Draft EIR. The Revised Draft EIR concludes that no significant adverse land use impacts would be expected primarily because the Proposed Project is generally consistent with the mixed-use goals and objectives of the Westwood Village Specific Plan and is compatible with existing land uses in the East Village area. (Revised Draft EIR, Pages II-20-21 and Section V.F for a more detailed discussion of potential land use impacts.)

The Revised Draft EIR analyzes adjacent and surrounding land uses near the Proposed Project site and concludes that, in terms of existing development in the surrounding area, the Proposed Project would not represent a new commitment to urban development. (Revised Draft EIR, Pages V.F-1-7.) The Revised Draft EIR further concludes that the long-term commitment to urbanization of the site and surrounding environment has long since occurred. (See discussion at Revised Draft EIR, Page VII-1.) The site was converted from natural/rural farmland to urban development during the 1920s, when UCLA relocated to Westwood. Development of West Los Angeles and Westwood continued to occur until a built-out condition around the 1950s. Portions of the site were previously developed and the buildings have since been removed. High-rise commercial development along the Wilshire corridor and further intensification of existing residential uses continues throughout the area.

Comment No. 24.10

Major deficiencies of the DEIR are:

The failure to correctly state all areas that can reasonably be contended to be significant [sic] adverse impacts.

Response No. 24.10

The significant environmental effects of the proposed project are identified in each respective Section of the Revised Draft EIR. In addition, as required by CEQA, the Revised Draft EIR includes a clear statement of the significant environmental effects. See Section VII, Significant Environmental Effects and Irreversible Environmental Changes. (Revised Draft EIR, Pages VII-1-2.)

Comment No. 24.11

The failure to suggest and discuss a full range of possible mitigation [sic] measures for all areas that can reasonably be contended to be significant [sic] adverse impacts.

Response No. 24.11

The Revised Draft EIR discusses mitigation measures for every one of the Project's potentially significant environmental impacts identified therein and, in several instances, recommends mitigation for the Project's impacts that are deemed less than significant. The recommended mitigation for impacts on lighting is provided on Page V.A.2-3. Mitigation for air quality impacts from the Project's construction and operation are set forth on Pages V.B-17 through 21. Mitigation for cultural resources impacts is identified on Page V.C-12. Geology recommended mitigation measures are found on Pages V.D-14 and 15, and mitigation for Hazardous Materials is discussed on Pages V.E-4 and 5. Mitigation measures for noise impacts are set forth on Pages V.G-23 and 24. Mitigation measures for various different types of impacts on public services can be found in their respective sections: fire protection (Page V.I.1-4), police protection (Page V.I.2-3), schools (Page V.I.3-4), parks (Page V.I.4-3) and libraries (Page V.I.5-2). Transportation and traffic mitigation measures are discussed on Pages V.J-32 through 34, and measures to

address impacts on utilities and service systems are suggested on Pages V.K1-4, V.K2-4 and 5, V.K3-6, V.K4-4, and V.K5-3 and 4. The Revised Draft EIR also proposes mitigation measures for the Project's subsurface vacation of Glendon Avenue, on Page V.L-19.

Comment No. 24.12

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.

Response No. 24.12

The Revised Draft EIR does not recommend Alternative 2 over the Proposed Project because that alternative does not substantially lessen or avoid environmental impacts as compared to the Project. This alternative is less aesthetically desirable because it would involve a building design that would "step down" from the north to south – due to the 19 foot grade differential – which creates more of a choppy, discordant roofline. (Revised Draft EIR, Page VI-18.) The alternation of views would be the same as, or worse (due to the irregular building design) than the Project. The Project's other significant impacts would be the same or worse under this alternative: air quality would be worse due to the increased trips (Revised Draft EIR, Page VI-19), and impact on cultural resources from the removal of Glendon Manor would be the same (since no plan amendment is required to remove Glendon Manor, this alternative would include its removal). (Revised Draft EIR, Page VI-19.) Construction noise impacts are expected to be comparable to the Proposed Project because it has the same floor area of development. (Revised Draft EIR, Page VI-20.)

Accordingly, while feasible and consistent with several (but not all) of the Project objectives, this alternative does not lessen or avoid any of the Project's significant impacts on the environment. Under CEQA, therefore, it is not considered preferable over the Project from an environmental standpoint and was rejected for this reason. See further discussion in Topical Response 12 regarding the legal standards applicable to the discussion of project alternatives under CEQA.

The comment's general statement regarding the adequacy of the Revised Draft EIR's analysis of existing land use restrictions also is raised in more specific comments, to which responses are provided below.

Comment No. 24.13

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 significance [sic] of adverse impacts being applied,
4. conclusions corrected to acknowledge the presence of significant 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 apparent 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.

Response No. 24.13

With respect to Item 1 in Comment No. 24.13, recirculation of the Revised Draft EIR is not warranted. Minor corrections or additions to the Revised Draft EIR are provided in Section III, Additions and Corrections to the Revised Draft EIR. However none of these corrections warrant recirculation of the Revised Draft EIR pursuant to the requirements outlined in Section 15088.5 of the State CEQA Guidelines.

With respect to Item 2 of Comment No. 24.13, the Revised Draft EIR includes a full discussion regarding commercial uses extending from Glendon Avenue to the rear of the lots that front Tiverton Avenue on Page V.F-19. No commercial access to or from Tiverton Avenue would be allowed, nor would signage, storefronts or retail windows be permitted along Tiverton. See also Topical Response 5 for additional discussion on this issue.

With respect to Item 3 of Comment No. 24.13, the project's impacts were evaluated in accordance with the guidelines outlined in Section 15064 of the State CEQA Guidelines. The Revised Draft EIR includes a specific discussion of the thresholds of significance under each area of impact as set forth in the Los Angeles CEQA Thresholds Guide or other applicable rule.

With respect to Item 4 of Comment No. 24.13, the Revised Draft EIR concludes that no significant adverse land use impacts would be expected primarily because the Proposed Project is generally consistent with the mixed-use goals and objectives of the Westwood Village Specific Plan and is compatible with existing land uses in the East Village area. (Revised Draft EIR, Pages II-20-21 and Section V.F for a more detailed discussion of potential land use impacts.)

With respect to item 5 of Comment No. 24.13, see Topical Response 12 for additional discussion regarding analysis of the Project alternatives and an explanation of why the Revised Draft EIR does not recommend the five considered alternatives over the Project.

Comment No. 24.14

6.Revision of Figure III-15 Project Elevations, Tiverton Avenue Looking West and Weyburn Avenue Looking South as follows: 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 [sic] represents roof top mechanicals which are set back from the building front and not visible [sic] from street level B. In the South facing view eliminate the box with undecipherable [sic] 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)).

Response No. 24.14

See Response No. 24.5. The text shown on Figure III-15 describes the existing apartment buildings as: “APARTMENT BUILDINGS, APPROX. ROOFTOP HEIGHT 20’-32’.” The Revised Draft EIR provides a description of the environmental setting concerning the prevailing heights of existing buildings, and an analysis of the Project’s compatibility with adjacent uses (Revised Draft EIR, Pages V.F-1-7 and V.F-28). Figure V.F-4 of the Revised Draft EIR provides the requested information in the aerial photograph showing the existing buildings surrounding the Proposed Project site and the attached table titled “HEIGHT OF SURROUNDING BUILDINGS.” The commenter’s proposed “corrected” elevations are included in Appendix C of this Final EIR and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.15

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”

Even though the DEIR has had token revisions and been recirculated, major significant deficiencies, as well as new deficiencies render the currently circulated DEIR unusable. Necessary [sic] revisions are of such a scope that when they are made public comment should be invited before it’s submission as a final EIR, particularly seeing as how the currently circulated DEIR has failed to address a substantial amount of valid public comments, and where it has been changed it has also inserted a new set of false premises and disinformation.

Response No. 24.15

Regarding the commenter's submitted illustrations, please see Response Nos. 24.4 and 24.5. Section 15088.5 of the State CEQA Guidelines requires recirculation only when significant new information is added to the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. Significant new information has not been presented in this Final EIR in response to the comments received on the Revised Draft EIR. The commenter's submitted illustrations will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.16

The following are summaries of areas of comments regarding the deficiencies of the DEIR. The issues are explained and substantiated in detail later in these comments (page 4).

statement of existing conditions

Current site 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. Existing valued open space is disregarded and thus conclusions are skewed, preventing objective review and accurate evaluation of the significance of impacts and thereby preventing discussion of possible mitigation measures.

Response No. 24.16

The Revised Draft EIR includes a description of the environmental setting in Section IV and describes existing site appearance as "under-utilized" and "blighted" compared to the surrounding area. (Revised Draft EIR, Page V.A1-3.) The commenter suggestions that future site conditions may change or improve are speculative and inconsistent with anticipated build-out under the Westwood Village Specific Plan.

CEQA Guidelines require that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and regional perspective. This environmental setting normally constitutes the baseline physical conditions by which the City determines whether an impact is significant. (See CEQA Guidelines 15125(a).) The description of the environmental setting contained within the Revised Draft EIR is necessary to understand the baseline by which the Proposed Project is measured.

In addition, where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, as well as the potential future conditions discussed in the plan. (See CEQA Guidelines 15125(e).)

On page III-11 of the Westwood Community Plan, "Open Space" is defined broadly as "land which is essentially free of structures or buildings or is natural in character and which functions in one or more of

the following ways: (1) recreational and educational opportunities; (2) scenic, cultural, and historic values; (3) public health and safety; (4) preservation and creation of community identity; (5) rights-of-way for utilities and transportation facilities; (6) preservation of physical resources or ecologically important areas; and (7) preservation of physical resources including ridge protection.” Lands designated for Open Space in the Westwood Community Plan total 310 acres and include the Westwood Memorial Park Cemetery and the Los Angeles Country Club. The Project site is zoned for commercial/residential development and is not designated as Open Space in the Westwood Community Plan. Although the site has been cleared for development, and such development has been anticipated and planned for a number of years, the delay does not create an expectation that the site would be deemed valuable open space to the community. The Westwood Village Specific Plan does not anticipate the development of the site as open space and/or surface parking, and therefore, discussion of the loss of open space is limited in the Revised Draft EIR.

Comment No. 24.17**Project Objectives**

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

Response No. 24.17

The Revised Draft EIR includes an analysis of the project’s land use compatibility and consistency with land use plans and policies on Pages V.F-1-8 and V.F-9-55, respectively. The WVSP objective regarding non-automobile access which requires the Project to promote pedestrian accessibility is met by the Proposed Project. The Project facilitates pedestrian access from UCLA, Wilshire Boulevard offices and surrounding residential areas including the residential units within the Project itself. (WVSP, Section 2.F.) Additionally, the Project site is readily accessible via public transit. The Project’s consistency with the pedestrian-oriented design objectives of the Westwood Community Plan are discussed on Page V.F-52. For issues regarding the proposed improvements to Glendon Avenue, see Section L of the Revised Draft EIR, specifically Pages V.L-7-8.

Comment No. 24.18**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 adjacent 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. The DEIR reaches conclusions that omit adverse impacts, and which dismiss adverse impacts which actually

are significant as being not significant. In addition to the significant 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 [sic] than noted by the DEIR. A sufficient range of reasonably conceivable mitigation measures are not produced or discussed.

Response No. 24.18

The Revised Draft EIR analyzes the aesthetic impact of the Proposed Project in Section V.A1 Aesthetics – Visual Qualities. (Revised Draft EIR, Pages V.A1-13-16.) Aesthetic impacts were evaluated in terms of the Proposed Project’s visual compatibility with the surrounding environment, given scale, and image or character of the area. (Revised Draft EIR, Page V.A1-1.) The Revised Draft EIR concludes that the Proposed Project would result in a less than significant impact to the Village’s aesthetic character.

The Proposed Project’s scale is evaluated in relation to the existing surrounding buildings. (Revised Draft EIR, Pages V.A1-1 and 15.) The prevailing building heights in the east Village vary from 2 to 22-stories, and from 20 to 255 feet. (Revised Draft EIR, Figure V.A1-1, Site and Area Photo Locations; See also Figure V.F-4, Heights of Surrounding Buildings.) The Revised Draft EIR discloses that the proposed height is taller than the immediately adjacent 2-story residential buildings east, but significantly less than the immediately adjacent high-rise office and residential buildings to the north and south. (See Page V.A1-15.) Relative to the 2-story residential buildings across Tiverton Avenue, the Revised Draft EIR discusses the transition between the commercial zones of the Village and Proposed Project site, and the multi-housing residential zones across Tiverton Avenue. Additionally, the commenter’s illustrations concerning project elevations will be forwarded to the Decision-Makers for their consideration.

The Revised Draft EIR analyzes alteration of views and concludes that the Proposed Project would have a significant alteration of view impact as seen from the east across Tiverton Avenue. (Revised Draft EIR, Pages V.A1-16-21.) Suggested mitigation measures include design features, such as articulated elevations, architectural detailing, and landscaping were noted as already being incorporated into the Project. The commenter suggests a broader range of mitigation measures should be discussed, but offers no specific suggestions. The Proposed Project includes mitigation measures consistent with the objectives of the Westwood Village Specific Plan, which includes design standards, design review board evaluation, and additional landscape buffers.

Comment No. 24.19**F/6. Land Use**

The DEIR attempts to distract from the undeniable non-consistency [sic] with existing land use regulations by spending several pages talking about the “consistency [sic] with” selected objectives and purposes [sic] of pertinent [sic] land use plans Even so the DEIR does not show correctly where a number of plan objectives are actually not consistent [sic] with the Project. This is in significant part because the DEIR fails to acknowledge [sic] 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 WVSP 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 significant [sic] 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.

Response No. 24.19

The reader is referred to Section V.F, Land Use of the Revised Draft EIR for a complete discussion of land use and plan consistency.

With respect to the scale of the Project in relation to surrounding buildings, please see Response No. 24.14. The Revised Draft EIR does acknowledge the Project’s failure to comply with certain objectives of the WVSP, such as “Specific Plan Purpose B,” for example, which is to “*permit, encourage and facilitate the preservation renovation and ongoing maintenance of historically and architecturally significant buildings.*” (Revised Draft EIR, Page V.F-54). Moreover, the Project is designed to mitigate other inconsistencies, such as the incompatibility potential of ground floor commercial uses along Tiverton Avenue, which will be mitigated by not allowing retail stores that front onto Tiverton. See Topical Response 3 for discussion regarding Project consistency with the WVSP.

The commenter’s “Illustration 1” will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.20

Lighting, G.Noise [sic] and Glendon Issues are discussed in the detailed [sic] comments sections later In this set of comments.

Alternatives

The DEIR draws incorrect conclusions regarding the superiority of the Project over certain of the alternatives because of specious reasoning, disregarding [sic] important factors and the deficiencies of the DEIR in assesment [sic] 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 [sic] allowed FAR disregarding

other significant [sic] restrictions on the placement of commercial usage, density, height, setbacks, parking and open space requirements.

The DEIR's conclusions 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 [sic] provided with these comments labeled "DEIR ALTERNATIVE TWO To Westwood Palazzo) The DEIR's conclusions regarding alternative two disregard its own findings [sic] of significant adverse aesthetic impacts of the Project, in addition to disregarding other significant [sic] impacts omitted from the DEIR.

The conclusion [sic] that the Project is superior to alternative two is unfounded, if the DEIR should note that alternative two is a possibly superior alternative.

Response No. 24.20

The commenter's general statements regarding the conclusions reached in the Revised Draft EIR's analysis of alternatives and adverse impacts from the Project are stated more specifically in other comments to which responses are provided herein. These statements also reflect the commenter's opinions, which are noted and will be forwarded to the Decision-Makers for their consideration.

With respect to the discussion of Alternative 2's impacts on aesthetics as compared to the Proposed Project, the Revised Draft EIR does not assume this alternative would have a "single roof line." Rather, on Page VI-18, the document states "Alternative Two would have a stepped roofline to fit with the prescribed wedge shaped building envelope." The Revised Draft EIR concludes that the aesthetic impact of this alternative would be "no less than" the Proposed Project. All other impacts evaluated for this alternative were found to be comparable to or greater than (as in the case of traffic) the Proposed Project, such that it was not considered environmentally superior. Specifically, the Revised Draft EIR concluded that, while feasible and consistent with several (but not all) of the Project objective's, Alternative 2 would not lessen or avoid any of the Project's significant environmental impacts. Accordingly, there is no basis under CEQA to compel approval of this alternative over the Proposed Project.

Comment No. 24.21

Significant Environmental Effects and Irreversible [sic] 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 significantly [sic] beyond existing land use restrictions.

Response No. 24.21

Concerning new commitments to urban development, see Response No. 24.9. Regarding the permitted density for the Project site, see a discussion of floor area in Response to Comment No. 5.23 and additional (bonus) density in Response to Comment No. 5.36. The Revised Draft EIR concludes that the Proposed Project would be consistent with overall planned density for the Project site. (Revised Draft EIR, Page V.F-22.)

On page III-11 of the Westwood Community Plan, “Open Space” is defined broadly as “land which is essentially free of structures or buildings or is natural in character and which functions in one or more of the following ways: (1) recreational and educational opportunities; (2) scenic, cultural, and historic values; (3) public health and safety; (4) preservation and creation of community identity; (5) rights-of-way for utilities and transportation facilities; (6) preservation of physical resources or ecologically important areas; and (7) preservation of physical resources including ridge protection.” Lands designated for Open Space in the Westwood Community Plan total 310 acres and include the Westwood Memorial Park Cemetery and the Los Angeles Country Club. The Project site is not designated as Open Space in the Westwood Community Plan.

Comment No. 24.22**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 the DEIR is deficient by Jailing [sic] to provide and discuss a range of reasonably conceivable mitigation measures for other adverse impacts, including for those adverse impacts the DEIR has omitted, disregarded, and incorrectly dismissed as insignificant. **There is an overall misrepresentational quality of DEIR regarding attractiveness, suitability [sic], and of the project**

Response No. 24.22

The Revised Draft EIR provides a detailed discussion of the Project’s impacts on aesthetic character on Pages V.A1-13 through 21. Of those impacts discussed, it concludes that the Project will result in a significant adverse impact with regard to alteration of views from the east. (Revised Draft EIR, Page V.A1-21.) It observes that mitigation planned through Project design features—including articulated building facades, architectural detailing, and landscaping—will reduce but not avoid this impact. As such a Statement of Overriding Considerations will be required in order to approve the Project with this impact. The commenter’s opinions regarding the aesthetic value and suitability of the Project are noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.23DETAILED 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 [sic] 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.

Response No. 24.23

See Response to Comment No. 24.16. The commenter’s concerns are noted for the record and will be forwarded to the Decision-Makers for consideration.

Comment No. 24.24

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.

Response No. 24.24

The Proposed Project is subject to design review to ensure conformance with the Specific Plan and maintenance of its goals for aesthetic quality. (Revised Draft EIR, Page V.F -12.). Also, the Revised Draft EIR explains that the 15-foot landscaped buffer along Tiverton Avenue will be provided and maintained, subject to an interim exemption in conjunction with a proposed General Plan amendment to redesignate Tiverton Avenue. (Revised Draft EIR, Page V.F-48; See also Topical Response 7 regarding the landscaped setback along Tiverton Avenue.)

The Proposed Project includes a request to reduce the number of bicycle parking spaces required, and the Revised Draft EIR concludes that the proposed bicycle parking ratios impacts would not have significant land use impacts or impact pedestrian access. (Revised Draft EIR, Pages V.F-45-46.) The proposed bicycle parking ratios are consistent with the Citywide Bicycle Plan, part of the Transportation Element of the General Plan. The Project is consistent with the Specific Plan's "non-automobile access" objective even with the request to reduce the number of required bicycle parking spaces because the Project encourages pedestrian access in a number of ways as delineated in Response to Comment No. 24.17.

Comment No. 24.25**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 exaggerate [sic] It is clear the the [sic] project as proposed will be predominantly 65'tall measured from adjacent grade, with mechanicals reaching up to 105'feet if located in towers, exceeding the scale of the predominant area buildings (see illustration 1 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 ordinance [sic]. Buildings not in the immediate vicinity [sic] should not be used as justification or to obscure the impact on the immediate area.

Response No. 24.25

The 15-foot landscaped setback along Tiverton Avenue is discussed on Pages V.F-46 through V.F-48 of the Revised Draft EIR and reviewed in Topical Response 7. Regarding building density, see Response Nos. 5.23 and 5.36.

Height and setback requirements of the Project are disclosed and analyzed on pages V.F-30-39 of the Revised Draft EIR. For a detailed review of the proposed height and setback changes, see also Topical Response 6. The Revised Draft EIR includes several detailed illustrations showing the Project's scale in relation to surrounding buildings, including the 160-foot Westwood Horizons building located immediately adjacent to the Project's northern boundary, the 54-foot GTE/Verizon building immediately adjacent to the Project's southern boundary, and the 225-foot Westwood Center near the southern boundary along Glendon Avenue. (See Project elevations in Figures III-14-18 and Heights of Surrounding Buildings in Figure V.F-4 of the Revised Draft EIR.)

The commenter's "Illustration 1" will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.26

Further the description of Existing Conditions is deficient [sic] 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 are 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.

Response No. 24.26

See Response to Comment No. 24.16.

Comment No. 24.27

Regarding the DEIR's discussion [sic] on VAI-13 (and elsewhere) 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 an overly massive [sic] box-like character acknowledged in the DEIR as undesirable (see the negative reference [sic] on Page V.A1 - 15 paragraph 2 to an "overly massive boxy look"). This boxiness 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 portrayal [sic] of the Tiverton project view is from such an angle that one doesn't really even see the project, whereas [sic] 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 additions of a few balconies [sic]. Further [sic] the Tiverton face street level will apparently [sic] not have the relief from uninterrupted [sic] 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.

Response No. 24.27

The Revised Draft EIR evaluates the Proposed Project against the aesthetic policy objectives set forth in the Westwood Community Plan and the purposes of the Westwood Village Specific Plan. (Revised Draft EIR, Pages V.F-48 and V.F-52, respectively.) Figure V.F-6a in the Revised Draft EIR shows a detailed elevation of the Tiverton Avenue side of the Project (facing west). This elevation demonstrates varied architectural relief, even at the ground floor, while still enclosing the residential parking. The commenter's concerns and suggested design revisions will be forwarded to the Decision-Makers for consideration.

Comment No. 24.28

AESTHETICS

Page v.AI-15 Paragraphs 3 and 4 evidently contain an attempt at substantiation of the contention by the DEIR that the project does not have significant adverse Aesthetic impacts. This substantiation fails and the conclusion [sic] should therefore be revised to conclude that significant adverse impacts would result from the project regarding aesthetics.

The underlying suppositions in the DEIR are fallacious and disingenuous.

The DEIR is incorrect in its 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

V.A I-18 paragraph 2) **The Project is not a transition, but an imposition, and has significant adverse landuse impacts accordingly.**

The best means to achieve the translation from commercial to residential (with the least adverse impacts) is best achieved [sic] by development of the lots fronting Tiverton that conforms to the height and density and usage limitations that are on the residential [sic] East side of Tiverton (as these lots were zoned the same on the West side of Tiverton as the East Side historically). Second to that means of transition is the more recent Westwood Village 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.

Response No. 24.28

See Response No. 24.18. Figure V.A1-12 of the Revised Draft EIR includes a computer generated representation of the Proposed Project along the Tiverton Avenue frontage looking north. The view shows how the existing high-rise buildings dominate the Tiverton Avenue streetscape, and how the required landscape setback is expected to mitigate the transition between the commercial and residential zones. Views of the proposed site along the Weyburn frontage show a similar compatibility of scale along the street frontage. (Revised Draft EIR, Figure V.A1-1.)

The Revised Draft EIR concludes that the Proposed Project will result in a significant alteration of view impact as seen from the east. This alteration of views would occur due to the change in scale from the existing vacant lot, even under the mitigation proposed by the commenter. The Revised Draft EIR concludes that this aesthetic impact is unavoidable and no feasible mitigation measures were identified other than those already incorporated in the Project design. (See Page V.A1-21.) Such mitigation includes articulated roof lines, varied elevations and design features consistent with the Specific Plan and the prevailing Spanish Colonial Revival architecture. Otherwise, the Revised Draft EIR concludes the project would result in less than significant aesthetic impact to visual qualities. The commenter's concerns, suggestions, and "Illustration 1" are noted for the record and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.29

AESTHETIC IMPACTS

Page V.AI-14 and 15 -- The DEIR is incorrect in its 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 [sic] structure. The character of the area includes height and scale, and the mediteranean [sic] 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 V.A1 - 15 paragraph 2) is incorrect for the reasons pointed out above. The DEIR should be

revised to include the conclusion [sic] 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.

Response No. 24.29

The Revised Draft EIR provides a description of the environmental setting concerning the prevailing heights of existing buildings, and an analysis of the Project's compatibility with adjacent uses. (Revised Draft EIR, Pages V.F-1-7 and V.F-28; See also Figure V.F-4 for an aerial photograph showing the existing buildings surrounding the Proposed Project site.) The Revised Draft EIR concludes that the Proposed Project will be compatible with adjacent and surrounding land uses. (Revised Draft EIR, Pages V.F-1-7.) The commenter's suggestions regarding the proposed design will be forwarded to the Decision-Makers for consideration.

Comment No. 24.30

The DEIR is abdicating it's [sic] purpose by dismissing [sic] 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 V.AI-21). The DEIR should be revised and amended to include a full range of mitigation measures and full discussion of them.

The DEIR consistantly [sic] evades discussion [sic] of the obvious mitigation alternative of reduction of height and or density. The DEIR is inadequate because of this.

Response No. 24.30

See Response No. 24.11 regarding the Revised Draft EIR's discussion of mitigation measures for the Proposed Project's impacts, including, but not limited to, significant impacts, on the environment. In response to the comment that the Revised Draft EIR did not consider reductions to the Project's height or density, the commenter is referred to Section V.F, which considers the Project's impacts land use. The discussion on Pages V.F-12 through 39 evaluates the Project's requested amendments to the Westwood Village Specific Plan, including those related to height and density allowances. In so doing, as summarized in Table V.F-1, the Revised Draft EIR considers the impacts from the Project's requested amendments in light of existing requirements.

It should be noted that the intensity of development permitted on the Project site, and the relationship of the site to Westwood Village as a whole, was analyzed in the Westwood Village Specific Plan Draft EIR,

dated May 1987. One of the stated objectives of that Specific Plan DEIR was to permit a limited amount of new development at intensities and heights that are compatible with the predominant character and pedestrian scale of the Village. At the same time, the plan wanted to encourage the provision of neighborhood-serving uses, residential uses above the ground floor, and additional public parking through the Plan's floor area bonus program. (See Westwood Village Specific Plan Draft EIR ("WVSP DEIR"), Page 9.) In addition to the Specific Plan's objective to facilitate locating new development strategically to attract new uses and users to the Village, the Plan included mitigation measures to reduce the impacts of Village development on nearby residents. (WVSP DEIR, Page 12.)

The 1989 amendments to the Westwood Village Specific Plan down-zoned the development potential within the Village. (WVSP DEIR, Page 27.) As a result of these amendments, overall development was reduced from a maximum achievable floor area ratio (FAR) of 4:1 to a base FAR of 2:1, with certain sites qualifying for higher intensity of development up to 3:1 FAR. (WVSP DEIR, Page 26.) The amended plan reduced the maximum amount of development allowed within the Specific Plan area by approximately 46%, from 5.81 million square feet to 3.11 million square feet. (WVSP DEIR, Page 27.) This reduced development level allowed for approximately 1.22 million square feet over the existing development within the Specific Plan area. Much of the development potential was concentrated along Tiverton Avenue shown as the shaded and stippled areas of Fig. 3 of the Specific Plan, which includes the Project site. In addition, height and setback requirements were correlated to permitted density, allowing additional building height for sites that qualified for additional (bonus) floor area. (WVSP DEIR, Page 19.)

Comment No. 24.31

It should be noted that significant [sic] 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

Response No. 24.31

The Revised Draft EIR concludes that no significant view impacts from the west (looking east) would result from the Proposed Project. (Revised Draft EIR, Page V.A1-21.) The commenter suggests that alteration of westerly views would impact the historic character of Tiverton Avenue. However, the east side of Tiverton Avenue is not part of an Historic Property Overlay Zone that would include a visual connection to residential properties west of the proposed site.

Comment No. 24.32**Threshold of Significance**

The DEIR is incorrect and deficient in its 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 [sic] 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 its 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 [sic] the surrounding area and its 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 its 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 sunparched 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.

Response No. 24.32

Regarding the Project’s visual compatibility with the surrounding environment, see Response No. 24.18. For a discussion of prevailing building heights in the immediate vicinity of the Project site, see Responses Nos. 24.4, 24.5 and 24.14. For a discussion regarding the value of the existing property as open space,

see Response No. 24.16. Additionally, the commenter's "Illustration 1" will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.33**LIGHTING SUMMARY**

The DEIR in [sic] insufficient and misleading in concluding that there is no significant impacts of Lighting on Tiverton. This conclusion is based on the erroneous statement that the residential lighting would be "similar to and compatible with lighting in other buildings of near the same height across the street". There is only one building on Tiverton that could remotely be considered to be "of near the same height". The proposed projects [sic] residential height of 65 feet (plus any illuminated towers located above that height) above grade towers 35 feet higher than the 3 2 story residential structures [sic] on Tiverton near Weyburn. Upper story, roof and tower lighting will originate not just from directly across but from more than 45degrees above additional. The project's block long 5+ story massing without interruption [sic] by sideyard setbacks will result in generation of considerably greater glare and ambient [sic] light than the existing structures on Tiverton. For both these reasons it will have significant adverse impacts to the East side of Tiverton in the area of lighting.

Because the DEIR has used an incorrect statement to draw an insupportable conclusion that there are no significant impacts regarding lighting no discussion of mitigation measures was discussed, and thus the DEIR is insufficient. Because of this and other areas where mitigation measures were not discussed the DEIR should be recirculated [sic] so that discussion of mitigation measures will not just be included, but will have the benefit of public input and discussion and suggestions.

Response No. 24.33

The Revised Draft EIR analyzes impacts due to lighting in Section V.A.2 Aesthetics - Lighting. The impact of nighttime lighting depends upon the type of use affected, the proximity to the use effected, the intensity of specific lighting, and the ambient level of existing lighting. (Revised Draft EIR, Page V.A2-1-3.) The Revised Draft EIR concludes that the Proposed Project's nighttime lighting would be comparable to existing residential uses along Tiverton Avenue, and therefore, would not result in a significant impact. The commenter suggests that lighting conditions would have an impact on sensitive residential uses across Tiverton Avenue, however the Project would result in a net improvement over the existing lighting conditions. (Revised Draft EIR, Pages V.A2-2-3.)

The strongest and most glaring on-site sources of night lighting are the elevated older fluorescent lighting standards found throughout the surface parking lots along the east side of Glendon Avenue. (Revised Draft EIR, Page V.A2-1.) The fluorescent lighting is poorly hooded and improperly aimed (neither shielded nor directed downward). Light from these standards creates unwanted glare that spills off-site in all directions. In addition, high intensity quartz floodlights focus projected light at lot entry/exit points and traffic points within the lots, further contributing to nighttime glare. Vehicle lights sweep around the parking lot and easily spill out onto adjacent sidewalks and streets. Landscaping and low block walls help

to shield the intersection at Weyburn and Tiverton Avenues from direct headlight glare. However, the low perimeter block wall is discontinuous along Tiverton Avenue allowing the glare of headlights and taillights to sweep across the street to the residential buildings. There are no headlight blocking walls along the parking lot frontages along most of Weyburn Avenue and all of Glendon Avenue.

The Proposed Project would be expected to improve the lighting condition along Tiverton Avenue over the existing condition by removing the existing parking lot use and light standards. No commercial signage, lighting, or storefronts would be permitted along Tiverton Avenue. The Proposed Project would also shield headlights from commercial activities on the site. (Revised Draft EIR, Page V.A2-2.)

Comment No. 24.34**NOISE AND MECHANICAL VENTILATION**

The DEIR should note and consider that the placement of mechanical ventilation [sic] 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 [sic] the low rise atmosphere across the street on Tiverton. Futher [sic], 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.

Response No. 24.34

The Revised Draft EIR explains that mechanical equipment noise levels will be required to comply with the performance standards set forth in LAMC Sec. 112.02 Noise Regulations. (Revised Draft EIR, Pages V.G-22-23.)

Comment No. 24.35**PROJECT SECTION ERROR**

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

Response No. 24.35

It is not clear from the comment which figure from the Revised Draft EIR is mislabeled. The elevations of surrounding buildings are provided in Figure V.F-4 of the Revised Draft EIR. Additionally, please note that the following building heights: Westwood Brewing Company, 22 feet in height; Moustache Cafe, 19 feet in height; Charthouse Restaurant, 22 feet in height; Brite/Hunter’s Books, 40 feet in height; Tower Records, 35 feet in height; the Limited/Jay’s Jewelers, 13 feet in height; Yesterday’s, 35 feet in height. Also, accurate elevations of existing buildings surrounding the project site are provided in the ALTA Survey Map provided as Figure III-A of the Revised Draft EIR.

Comment No. 24.36

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.

Response No. 24.36

The Revised Draft EIR analyzes impacts resulting from proposed right-of-way improvements to Glendon Avenue in Section V.L and parking impacts of the Project in Section V.F. The Proposed Project will meet all applicable parking ratio requirements, including "replacement parking." In accordance with the methodology set forth by the Planning Department, the Project will replace 50 percent of the public parking spaces that existed at the time the Specific plan was adopted and 100 percent of the on-street parking that will be removed as a result of the Proposed Project. (Revised Draft EIR, Page V.F-43.) Because the widening of sidewalks along Glendon Avenue would eliminate two lanes used for full-time on-street parking, this will not result in a negative impact to traffic circulation. (Revised Draft EIR, Pages V.L-5 and V.L-13-16.) As a result, the Revised Draft EIR concludes that widening sidewalks along Glendon Avenue would not result in a significant impact to parking or traffic.

Comment No. 24.37**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 indefinitely [sic] due to unforeseen [sic] circumstances [sic] (ie. 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.

Response No. 24.37

Potential impacts regarding the subsurface vacation of Glendon Avenue are analyzed in Section V.L of the Revised Draft EIR, including ownership, easement and entitlement issues; structural integrity, utilities, and traffic circulation. The Revised Draft EIR concludes that the vacation of the subsurface area beneath Glendon Avenue would not result in a significant impact. (Revised Draft EIR, Page V.L-19.) There currently is no utility work planned for the Glendon Avenue right-of-way. With respect to underground transportation, the Los Angeles MTA has no foreseeable plans to construct subway facilities in the area that may be impacted by the Proposed Project. Performance bonds are required when work is performed in the public right-of-way per the conditions of the B-Permit. (Revised Draft EIR, Page V.L-2.) For further discussion regarding subsurface vacation, see Topical Response 11.

Comment No. 24.38

MITIGATION

“it is the policy [sic] 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.

Response No. 24.38

See the discussion regarding the Revised Draft EIR’s analysis of alternatives in Topical Response 12 and the adequacy of its proposed mitigation measures in Response No. 24.11. This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.39

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 significant [sic] impacts such mitigation would reduce impacts on noise, aesthetics, shade, and view, it would reduce those impacts to half of what they otherwise would be. Such a restriction should not cause economic hardship as the Applicant purchased the property knowing the existing [sic] restrictions and limitations of the sight [sic] and it would have been his own responsibility to only purchase the property if it was priced accordingly.

Response No. 24.39

See the discussion regarding the Revised Draft EIR's analysis of alternatives in Topical Response 12, and the adequacy of its proposed mitigation measures in Response No. 24.11. The commenter's opinion regarding mitigation measures for the Proposed Project are noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.40

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 [sic] to adverse impacts of Aesthetics, views, light/glare, noise, shadow etc.)

Response No. 24.40

See the discussion regarding the Revised Draft EIR's analysis of alternatives in Topical Response 12 and the adequacy of its proposed mitigation measures in Response No. 24.11. See also Response No. 24.30 regarding the commenter's suggestion that the Project's height be reduced, Response No. 24.22 on the Project's proposed mitigation for aesthetic impacts, and Topical Response 7 regarding the landscaped setback on Tiverton Avenue.

Comment No. 24.41

FITNESS CENTER/CLUB

Is the "fitness center" or club or whatever is located at the corner of Tiverton and Weyburn 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.). Its use should be restricted to residents only, should not be a commercial service

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 significant [sic].

Response No. 24.42

The City adopted the Westwood Village Specific Plan in 1989, including the maximum permitted floor area shown on Figure 3 of the WVSP, the provisions for additional (bonus) density enumerated in Section 7 of the WVSP, and the current maximum height of 55 feet (excluding roofs and roof structures) if approved by the Director of Planning (Section 8 of the WVSP). In fact, the WVSP was largely customized to permit a hotel tower on the Project site between Glendon Avenue and Tiverton Avenue up to 70 feet in height under the existing provisions of the WVSP (Section 8.A.3).

The public policies that support the WVSP are reflected in its objectives, policies and requirements. The Revised Draft EIR evaluates the Project's consistency with the WVSP and clearly identifies the amendments that are being sought by the applicant with respect to the WVSP. The Decision-Maker has the discretion to amend the WVSP. For a discussion of the amendments being sought by the applicant, please see Revised Draft EIR, Pages V.F-12 through 39. For a discussion of the consistency of the Project with the WVSP, please see Revised Draft EIR, Pages V.F-48 through 54 and Topical Response 3.

Regarding density, the WVSP has always allowed a higher floor area ratio (FAR) on the east side of Glendon Avenue (at a total FAR of 3.0:1) than on the west side of Glendon Avenue (at a total FAR of 2.66:1). (See WVSP, Figure 3; Revised Draft EIR, Figure V.F-3.) Proposed Amendment 6 would allow floor area averaging that would essentially shift 44,156 square feet of permitted floor area from the east side of Glendon Avenue to the west side so that both sides of the Project will have an FAR of 2.88:1. Therefore, Amendment 6 would result in less floor area between Tiverton Avenue and Glendon Avenue than the maximum allowed under the Specific Plan. The Proposed project would not exceed the total floor area currently allowed under the Specific Plan for the combined Project site. For further discussion of the additional (bonus) density calculations, see Response to Comment No. 5.36. For a discussion of the prevailing building heights in the immediate vicinity of the Project site, see Responses to Comment Nos. 24.4, 24.5 and 24.14.

Comment No. 24.43-A

PROJECT OBJECTIVES AND LAND USE IMPACTS- Non compliance with WVSP purpose G

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 inconvenient [sic] 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 [sic] regulations is not in compliance with local landuse [sic] 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 at building front than would be allowed under existing landuse [sic] regulations, and thus has undeniably significant [sic] adverse Landuse [sic] 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 mitigation [sic] 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 [sic] massive and tall scale: 3. it's elimination of setbacks both at streetlevel [sic] 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 all the significant [sic] adverse land use impacts.

Response No. 24.43-A

The commenter’s statements regarding the Applicant’s intent are beyond the scope of this Revised Draft EIR and CEQA. However, the commenter’s opinion regarding the Applicant’s intent and actions will be forwarded to the Decision-Makers for their consideration.

Regarding the commenter’s suggestion that the Revised Draft EIR selectively evaluates the stated purposes of the WVSP in order to assist the project approvals, Page V.F-54 of the Revised Draft EIR discloses that the Project will not be consistent with Specific Plan Purpose B regarding the preservation of architecturally significant buildings. Topical Response 3 explains that the Project is consistent with all of the other stated purposes of the WVSP, including Purpose G. However, Purpose G is effectively inapplicable to the Project because the Revised Draft EIR concludes that the Proposed Project is consistent and compatible with surrounding uses and will not have a significant impact on nearby residential areas. Therefore, mitigation of impacts on nearby residential areas is not necessary. See, for example, Page V.A2-3 of the Revised Draft EIR, which states that the Proposed Project will not result in a significant impact on lighting (no mitigation measures required because Project design includes shielded lighting); Page V.A3-10 concluding that the Proposed Project will not result in a significant impact on Shading (no mitigation measures required); Page V.F-8 concluding that the Proposed Project will not result in significant land use compatibility impacts (no mitigation measures required); and Page V.F-55 concluding that the Proposed Project will not result in significant land use plan consistency impacts (no

mitigation measures required). See also Page V.J-30 for the analysis that concludes that no significant neighborhood impacts will occur as a result of traffic generated by the Project.

Comment No. 24.43-B

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 significant [sic] adverse land use impacts on that one basis alone should make it not necessary [sic] 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 significantly [sic] impair [sic] 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 pressure [sic] for increased development on the less densely [sic] developed parcels in the vicinity.

Response No. 24.43-B

Regarding the threshold in the LA CEQA Guidelines regarding land use/density designations, the Project site is currently zoned C4-2D-0, which will not change under the proposed Project. (Revised Draft EIR, Page V.F-9.) Regarding the density designation, the Proposed Project will not alter Figure 3 of the WVSP, which assigns the maximum permitted floor area to the shaded and stippled area of the map. See Response No. 19.6 for additional discussion regarding density and floor area calculations for the Project.

Comment No. 24.43-C

It is a manipulation of the DEIR to go to pains to try to convince that the project is “consistent [sic] with” a number of hand selected land use plan objectives and purposes, and therefore not contrary to existing landuse [sic] regulation, It can much more reasonably be relied upon that the actual nuts and bolts specifics of each landuse [sic] plan spell out what the landuse [sic] policy is more accurately than the drafters of the DEIR's interpretation of stated objectives do. An argument [sic] of Project consistency [sic] 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.

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 .*

The DEIR section on land use should be corrected to present the ways the project is not in compliance with existing land use regulations as noted specifically elsewhere in these comments. The subterfuge regarding “consistency [sic] 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 [sic] regulation.

Response No. 24.43-C

In response to the commenter’s concern that the Revised Draft EIR should include a discussion of the ways the Project relates to existing land use regulations, Table V.F-1 on Pages V.F-13 through 15 in the Revised Draft EIR lists each proposed WVSP amendment, the result of the Proposed Project with the amendment, the current WVSP language, and the result of the Proposed Project based on the current WVSP provisions. The pages that follow elaborate on each of those impacts and provide a comprehensive review of the Project’s impacts based upon the current WVSP text. See also Table App. H-1 in the Appendices to the Revised Draft EIR. Please also see Topical Response 3 for further discussion of the Project’s consistency with the WVSP. The commenter’s opinions regarding the adequacy of the land use impacts analysis is noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.43-D

Further the project is actually not in compliance with many of the purposes and objectives of the pertinent [sic] 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 the stated mitigation, ranging from the no project alternative, through many other alternative projects allowed by the WVSP

Response No. 24.43-D

See Response No. 24.43-A regarding the Project’s compliance with Purpose G of the WVSP. See Topical Response 12 for a complete discussion of the Revised Draft EIR’s analysis of alternatives to the Proposed Project, which explains why other alternatives have not been recommended over the Project.

Comment No. 24.43-E

The means of evaluation used in the DEIR of finding “consistency [sic]” between the project and a number of landuse [sic] goals is totally inappropriate and one can conclude but that the approach was used as an attempt to obscure notice of the real impacts. One would hope there are few Projects ever proposed that aren’t consistent [sic] with most landuse [sic] 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 whereas [sic] they were driving one hundred miles perhour

[sic] (50% greater than a sixty five mile an hour speed limit), their lights were working, they made a turn signal for a lane change and they were driving on the correct side of the road; so they were driving “consistant [sic]” with most of the objectives of the vehicle code and therefore should not be restricted.

Response No. 24.43-E

This comment is noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.44**USE OF OPEN SPACE**

The DEIR is defiecicient [sic] 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 [sic] 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 [sic] with the purposes and objectives of open space requirements.

Response No. 24.44

On page III-11 of the Westwood Community Plan, “Open Space” is defined broadly as “land which is essentially free of structures or buildings or is natural in character and which functions in one or more of the following ways: (1) recreational and educational opportunities; (2) scenic, cultural, and historic values; (3) public health and safety; (4) preservation and creation of community identity; (5) rights-of-way for utilities and transportation facilities; (6) preservation of physical resources or ecologically important areas; and (7) preservation of physical resources including ridge protection.” Lands designated for Open Space in the Westwood Community Plan total 310 acres and include the Westwood Memorial Park Cemetery and the Los Angeles Country Club. The Project site is not designated as Open Space in the Westwood Community Plan.

The Revised Draft EIR discusses open space as it pertains to the Project in Section V.F, Land Use, and Section VI4-1, Public Services: Parks. Please see these sections of the Revised Draft EIR for discussion on this subject. See also Topical Response 7 for discussion regarding open space as it pertains to setback requirements on Tiverton Avenue.

The Project has been designed with substantial architectural detail in the Spanish Colonial Revival style to blend with the surrounding architecture in Westwood and includes articulated elevations, exaggerated rooflines, and tower elements. These features enhance the architectural merits of the Project, such that it will not have a “fortress like” appearance. Access to the Project will be provided in a number of locations, as depicted in Figure III-5 of the Revised Draft EIR.

Comment No. 24.45**THE DEIR DOESN'T DISCUSS IMPACTS OF PROPOSED CHANGES AND AMENDMENTS TO LAND USE POLICY**

Since the DEIR only analyzes the Project and by stating incorrect information regarding existing land use restrictions does not correctly 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 the impacts individually of 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.

Response No. 24.45

As stated in Response No. 24.42, Table V.F-1 on Pages V.F-13 through 15 in the Revised Draft EIR lists each proposed WVSP amendment, the Result of the Proposed Project with the amendment, the current WVSP language, and the result of the Proposed Project based on the current WVSP provisions. The pages that follow elaborate on those impacts and provide a comprehensive review of the Project's impacts based upon the current WVSP text. See also Table App. H-1 in the Appendices to the Revised Draft EIR. As discussed in Topical Response 3, the Project is consistent with all but one of the WVSP's purposes. Recirculation of the Revised Draft EIR is not necessary. The commenter's statements nonetheless are noted for the record and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.46**THE PROJECT SUBSTANTIALLY IMPAIRS ADJACENT EXISTING RESIDENTIAL USES AND ENCOURAGES DEVIANCE FROM EXISTING LAND USE POLICY**

The Project's physical characteristics [sic] and activities substantially impair the functioning of the low rise residential uses on Tiverton. The Project as proposed will make the neighborhood that is currently Tenanted by those who want to live in a low rise predominantly low density neighborhood. I own an apartment building across from the Project and if it was not going to impair the functioning of the residential uses I would not object. An residential development on the West side of Tiverton which met the same restrictions which exist on the East side would be reasonable. This would allow commercial on Glendon. If a residential development on the West side of Tiverton at least did not exceed the restrictions specified in the WVSP, then there would be little point in objecting. The ways in which the WVSP allowed greater height and density than on the East side of Tiverton already represents a significant concession to the owner's of the property and was a compromise. Renters who find the area desirable currently will not find facing a huge oversized, loud busy box attractive. If the Project proceeds as proposed, the current attractiveness of the residential area will be so impaired as to drive property owners

of Properties on the East side of Tiverton to seek comparable exceptions for their properties, as their attractiveness as part of a predominantly lowrise neighborhood will be substantially [sic] impaired. If some properties on the East side of Tiverton achieve this, by citing the density and height of Palazzo Westwood, Unless [sic] the cycle of impairment of the Village atmosphere of this location by citing aberrations [sic] is prevent by a rescaling of the Project, it can be expected that others will continue the cycle by citing then the height and density of Palazzo Westwood. This very possible scenario will result in further impairment of the function of the current low rise/density uses.

Response No. 24.46

Please see Response No. 11.101 which responds to similar concerns regarding the multi-family residential units on the east side of Tiverton. Also, as explained in Topical Response 5, the WVSP currently allows residential, hotel and retail uses on the Project site, fronting on the west side of Tiverton. (Revised Draft EIR, Page VI-28.) In other words, the WVSP currently provides for development on the west side of Tiverton that is not low rise. Please see also Topical Response 6 for an in-depth discussion of the Project's height and Topical Response 4 for a discussion about the permitted residential density.

Comment No. 24.47**FUNDAMENTAL ERRORS IN DEIR DESCRIPTION OF EXISTING CONDITIONS**

The DEIR makes a flagrant and pivotal false statement. On Page V.F-1 and "Existing Conditions" the DEIR states "The Proposed Project site is comprised of two main parcels along the east and west side of Glendon Avenue as shown in Figure V. F-1, Local Land Use." This is not true. The existing condition is that the Proposed Project site is comprised of approximately 15 lots. This is shown in Figure III-3b Preliminary Parcel Map., which it appears the drafters of the DEIR hope a reviewer of the DEIR won't notice or recognize as being the existing condition. Nowhere in the Landuse section is there a reference to this hidden (figure III-3"B") illustration of the actual existing condition. Correcting this falsity here, and wherever else it is used or implied, is fundamental to understanding the Land Use impacts of the Project, as 5 of the lots are restricted to residential uses. Basing conclusions on this false statement obscures impacts that need to be considered. If these impacts were not significant, why would I spend so much time writing these comments.

Response No. 24.47

The Project site currently consists of 20 individual lots that are encompassed with the proposed parcels as depicted in Figure III-3B of the Revised Draft EIR. As explained in Footnote 4 of Page III-7 of the Revised Draft EIR: "For ease of description in the EIR analysis, these three portions are described as Parcels A, B, and C. The project site actually consists of 20 individual lots and will be subject to a Parcel Map for the merger and resubdivision of 19 of the 20 lots, as shown above, in Figure III-3b. Further information on the Parcel Map is provided in Section V.F, Land Use. The total site acreage is 4.249, which is rounded to 4.25 acres."

The permissible land uses on the Project site are set forth in the WVSP. As indicated in the Table V.F-1, the applicant is requesting Amendment 5 to the WVSP to permit mixed use projects in Subarea 2 to have commercial uses on lots fronting on Tiverton Avenue, subject to specified limitations. See Topical Response 5 for a discussion of this issue. The environmental impacts of this and other amendments to the WVSP have been evaluated in Section V.F of the Revised Draft EIR.

Comment No. 24.48

DEIR MISLEADING IN DESCRIPTION OF SCALE OF EXISTING DEVELOPMENT

The statement in the DEIR on Page V.F-3 that “The east Village is characterized by several large scale projects proximate to the Proposed Project..” is false and misleading. The chart included with these comments shows that **80% of the perimeter of the project has no commercial buildings as tall as the Project.**(See Illustration 1 “Proportions of Taller Commercial Structures at Project Perimeter included with these comments.) The DEIR is also false and misleading by omitting mention of the numerous 2 and 3 story residential buildings surrounding the Project, even though there are at least 12 of these low rise buildings which are immediately adjacent as opposed to the four buildings included for mentioning by the DEIR, and low rise buildings occupy the majority of the perimeter frontage.

The DEIR needs to be corrected to have a correct and accurate portrayl [sic] of the existing conditions before any consideration of impacts and their significance can be seen. Because of this falsity no mitigative [sic] measures have been discussed.

Response No. 24.48

Regarding the scale of the Project in relation to surrounding buildings, please see Response Nos. 24.4, 24.5, and 24.14.

The quoted statement refers to the “east Village” as being “characterized by several large scale projects proximate to the Proposed Project.” The statement does not indicate that these buildings are all adjacent to the perimeter of the Project site. The heights of buildings in the vicinity of the Project site are depicted in Figure V.F-4, which provides information on the location, height, and number of stories of buildings in the vicinity of the Project site. In particular, this figure describes 13 buildings of between 1 and 3 stories in the vicinity of the Project site. The Revised Draft EIR discusses the height of the proposed Project with respect to surrounding buildings in Section V.A1, Aesthetics: Visual Qualities.

The commenter’s “Illustration 1” will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.49

The chart V.F-2 - Surrounding Area Land Use Is distorted and skewed by the angle of the photograph to include a disproptrionate [sic] degree of High rise development. Also, all area high rise buildings are noted in the chart individually, and some high rises in a seperate [sic] area (Wilshire Boulevard Corridor)

are included, whereas [sic] the DEIR does not individually [sic] note each of the buildings considerably taller in height than the proposed Project. A busy decision maker cannot be expected to, nor should they have to, wade through distorted and missing information. This chart is false and misleading to the extent that the significance of impacts cannot be considered when it is relied upon. A corrected chart showing either each individual building, or frontage feet at street front for each height of structure [sic] (i.e. 400 frontage feet 20 to 30 feet height, 200 frontage feet 80 feet and above). A corrected chart could show both. A photograph should be from a vantage point that doesn't distort-straight above. An alternative diagram labeled Surrounding Area Land Use CorrectED [sic] is included for reference with these comments. It is more accurate than the DEIR's V.F.-2 figure and should be used instead if a chart isn't prepared new that doesn't distort the degree or scope of existing development. A higher resolution version would be supplied upon request

Response No. 24.49

The requested information is contained in Figure V.F-4 of the Revised Draft EIR. Additionally, discussion of the height of buildings in the vicinity of the Project site is contained in Section V.A.1, Aesthetics-Visual Qualities, of the Revised Draft EIR. As noted in this section, "Land uses surrounding the site contain a mix of low-rise commercial and residential properties as well as high-rise residential and commercial office buildings." (Revised Draft EIR, Page V.A1-3.) See also, Figure V.A1-1 and Response Nos. 24.14, 24.18, and 24.35 in this regard. The commenter's submitted diagram is included in Appendix C of this Final EIR and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.50**DEIR MAKES INCORRECT EVALUATION OF TRANSITION TO EXISTING RESIDENTIAL AND IMPACT**

The statement on page V 6 that the parking lots provide no continuity [sic] between the residential uses along Tiverton Avenue and the retail commercial uses in the Village is misleading. The parking lots serve as a buffer between the commercial and the residential sonically, visually and for traffic. This is the best form of transition [sic]. Who can argue that placing a, for example, a maintained one block lake between commercial and residential wouldn't provide a preferable buffer compared to a 5 story massive complex. I believe that most of the tenants of the residential area are on record as opposing this project, and they prefer the parking lot to the Project as proposed. They also do not want this Project to "revitalize" the area. The area doesn't need vitalization. At most it could use customary maintenance [sic] from the owner who as Applicant for this project has a vested interest in not maintaining this property to help curry favor for his project. I think all the tenants opposed indicate that residents of the area prefer even the current state of low maintenance to the Project as Proposed.

The statement in the EIR "*The Proposed Project will eliminate the existing physical separation between the area's retail and residential communities, create a structural and functional pedestrian transition between these areas, and provide a mix of uses appropriate to the area.*" is correct only in that any

existing physical separation [sic] between retail and residential will be eliminated. This statement is incorrect to state "...create a structural and functional pedestrian transition" because a structural [sic] and functional pedestrian transition already exists, the Project does not "create" a pedestrian transition as existing walkways already provide a [sic] structural and functional pedestrian transition between the areas, and the Project does not enhance but impedes this. The statement is further incorrect to state the Project will "provide a mix of uses appropriate to the area" because the WVSP represents a determination of uses appropriate to the area and the Project is contrary to the WVSP.

Response No. 24.50

The commenter's opinion regarding pedestrian transition between retail and residential uses in Westwood Village is noted for the record and will be forwarded to the Decision-Makers for their consideration. Topical Response 3 includes a detailed discussion of Project's consistency with the WVSP.

Comment No. 24.51

The WVSP plan states a goal of providing a buffer to the residential uses on Tiverton. Physical separation [sic] is the most effective buffer. Therefore the change from the existing state of physical separation [sic] has a negative environmental impact. Further, the Project will "extend the pattern of retail use from the Village Center, Weyburn and Glendon Avenues" as acknowledged in this same paragraph. The DEIR fails to address the issue that by extending the pattern of retail use the Project is contrary to local land use plans which specify that subarea [sic] 2 is for residential or hotel uses only. That is the means to provide a buffer or transition. The DEIR should be corrected so as to not lure any Decision-Makers into thinking that this Project does not have adverse impacts in this regards. Mitigation measures should be proposed and discussed as well.

The mix of uses has been determined to NOT be appropriate for the area as noted by the WVSP's restriction to residential of the area East of Glendon, which the project does not comply with. Potentially Available pedestrian access to the commercial establishments contributes to this noncompliance.

Thus the conclusion that "*the Project will not result in significant adverse impacts with regard to [sic] land use patterns.*" is predicated on unjustifiable, let alone unsupportable contentions, and can not be regarded as correct and should be revised to note the result is significant [sic] adverse impacts.

Response No. 24.51

The Revised Draft EIR evaluates the Project as proposed by the Applicant, which would involve certain WVSP amendments including Amendment V which seeks to allow commercial uses, subject to limitations, on lots fronting Tiverton in Subarea 2. (Revised Draft EIR, Pages V.F-19-20.) However, the only commercial-related access that will be allowed on Tiverton will be for emergency life safety egress and fire department access. (Revised Draft EIR, Page V.F.-7.) The Revised Draft EIR also discloses the potential and foreseeable significant environmental impacts associated with the Proposed Project. Thus, the Revised Draft EIR provides the Decision-Makers with the necessary information to make informed

decisions with respect to the Project as proposed. See discussion in Topical Response 8 in connection with the appropriateness of amendments for the Project site. Topical Response 3 also includes a detailed discussion of Project's consistency with the WVSP. Please see also Topical Response 5 for a discussion about commercial uses on Tiverton Avenue.

Comment No. 24.52

Noise and aesthetics of the Project impair the uses of adjacent land substantively as it appears many residents are considering relocation if the Project goes ahead, and most of the current residents would have not considered residence in this location if the Project as Proposed was in existence, There will be substantial pressure on local multifamily owners to redevelop more dense housing as the prospective tenants for more dense housing will not be as deterred as those seeking residence [sic] in an area conforming to the restrictions currently placed on the East side of Tiverton. If tenants looking for an R4 neighborhood will not find it with the proposed project, and people only willing to pay rent that would be expected in an R5 area, then it is clear that there has been a substantive impairment of the existing adjacent land uses. As the impact of the Project impairs the function of adjacent uses, a significant impact is identified and should be noted in the DEIR in all appropriate places accordingly. The DEIR does not include consideration of the information above, and is defective and has drawn incorrect conclusions.

Response No. 24.52

This comment raises socioeconomic issues with respect to the personal determinations of residents on the east side of Tiverton. Economic aspects of a project are not treated as significant effects on the environment under CEQA. (CEQA Guidelines § 15131.) Therefore, this comment is beyond the scope of the Revised Draft EIR and CEQA.

Comment No. 24.53**SUBSTANTIAL LAND USE POLICY NONCOMPLIANCE IGNORED AND OBSCURED BY DEIR**

Despite it's lengthy exercise in rhetoric, the Project in substantially out of compliance with local land use policy. Each of the mockeries of substantiation is based on false premises, and disregard for pertinent [sic] information and principles.. One can read The WVSP makes does not indicate any desirability of mixed use,

For Example the DEIR contends that regarding "*Policy I-1.2: Protect the quality of [the] residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.*

Consistent. As described in Section V.A 1., Visual Qualities, the Proposed Project will not result in significant visual impacts on the surrounding residential environment." [sic]

NOT CONSISTANT [sic]

The DEIR acknowledges adverse visual impacts from the East and Northeast in these comments it has been shown that adverse impacts are greater and more widespread than acknowledged by the DEIR and that such impacts are significant.

What could be less protective? The World Trade center?

The DEIR should not cite the 15 foot landscaped buffer on Tiverton, as the Project has applied to not be required to provide that.

It appears the DEIR hopes to exhaust anyone who points out the falsehoods by voluminously repeating the same falsehoods and demonstrating how many different variations can be used to conceal them. Every one of the contentions of compliance with local land use policy is false and the underlying false presumptions should be examined and eliminated.

Response No. 24.53

See Topical Response 7 for a complete discussion of the 15-foot landscaped setback on Tiverton. See also Topical Response 3 for a discussion of Project consistency with the WVSP.

Comment No. 24.54

COMMERCIAL ACCESS ON TIVERTON

The DEIR should not state that “The Applicant agrees that no access to these uses, or the use of display windows signs or storefronts, will be allowed along Tiverton Avenue, except emergency life safety egress and fire department access.” Unless the Applicant agrees that any approvals would be conditional upon the Applicants execution of a covenant [sic] guaranteeing [sic] in perpetuity that ingress and egress to the commercial area shall be prevented by barrier that would set off an interior alarm if breeched. Otherwise it is too easy for employees and customers to make regular use of such passageway. Lacking such agreement by the Applicant the DEIR should not make such assertions that cannot be relied upon to be maintained.

What measures are guaranteed that will prevent people (who use the commercial facilities frequently or who are employed [sic] at the commercial facilities, or make deliveries) from making significant use of the access, causing significant adverse impacts in the areas of land use, traffic, parking and noise. The use of Tiverton pedestrian ingress and egress to the commercial areas will impact parking by it's proximity to the residential neighborhoods to the East, encouraging parking for the commercial [sic] facilities [sic] 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. The DEIR should be corrected to address these significant [sic] impacts to the quiet residential usage of Tiverton.

Why is emergency life safety egress and fire department access, even required? If the lots on Tiverton were owned by one party and developed residentially, and the lots fronting on the East side of Glendon

were owned by another party the fire department would not require access through the neighboring residential Development on Tiverton for the development on Glendon.

Service vehicles

It also appears that there might be the possibility that service vehicles for the commercial uses might be allowed ingress or egress on Tiverton. The DEIR is deficient in not analyze the nature extent and impacts of such use, which could have significant [sic] adverse impacts in multiple categories. The WVSP only allows this in connection with a hotel so it appears it would not be allowed for the Project.

Response No. 24.54

The commenter's suggestions with respect to conditions of approval for the Project are beyond the scope of the Revised Draft EIR. The comment will be forwarded to the Decision-Makers for their consideration. The Revised Draft EIR is not deficient. This comment is predicated on the commenter's suggestion that the Project includes the construction of a "passageway" for access to the Project's commercial uses on Tiverton. Such a passageway is not part of the Proposed Project. In other words, pedestrians or employees will not access the commercial uses of the Project from Tiverton. Furthermore, pursuant to the WVSP, the Proposed Project does not include any commercial loading dock access along Tiverton. (Revised Draft EIR, Page V.F-19.) The WVSP currently allows service vehicle ingress along Tiverton if the hours of access are limited and are restricted by covenant. (WVSP, Section 5(B)(14)(c).) With respect to the commenter's question about emergency life-safety access to the Project, such access would be required for any project on Tiverton. Please see Topical Response 5 for an in-depth discussion of commercial uses on Tiverton.

Comment No. 24.55

Loading dock

Additionally from what it is possible to see, it appears a loading dock backing directly to commercial usage and that is capable of accommodating [sic] two large tractor trailer rigs is proposed for Tiverton. Unless there is a recorded covenant to prevent it, 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 in addition to adverse landuse [sic] impacts 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 whereas [sic] 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 multiplied [sic] 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 enforceable [sic] 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.

Response No. 24.55

The Proposed Project includes a residential loading dock to be accessed from Tiverton Avenue. This residential loading dock will be restricted to residential purposes, as reflected in proposed Amendment 5 to the WVSP. Proposed Amendment 5 would prohibit access to commercial establishments from Tiverton Avenue and would limit the hours in which service vehicles (e.g., plumbers) could access the residential loading dock. See Appendix H of the Revised Draft EIR for the specific language of the proposed Amendment 5. To the extent that commercial tenants were to seek access from Tiverton at some point in the future, it would require an amendment to the WVSP and would be subject to additional environmental analysis. For additional discussion on loading docks, see Topical Response 10.

Comment No. 24.56

The Facade imitating above ground parking is inconsistent [sic] with neighborhood landuse [sic] policy and causes adverse impacts.

There is another [sic] adverse negative impact not recognized in the DEIR. The DEIR states that “the Project's facade on Tiverton Avenue will be detailed to resemble the parking level of a residential development.” whereas [sic] area land use policy restricts parking to be underground because of the unattractiveness [sic] of ground level parking structures. This could be mitigated by eliminating the first floor commercial on Tiverton, which would lower the whole structure by 1 story.

EXISTING ZONING IS RESTRICTED TO RESIDENTIAL USES

With the approval of the Westwood Village Specific plan the lots fronting on Tiverton which had historically residential, with special use for parking, were under the umbrella of a C4-2d-O that was specified for this block in order to encourage development of a hotel, deemed worthwhile of encouragement [sic] at that time. This is not a “commercial uses” zone, because C4-2D means the usage is limited to restrictions. Those restrictions are in the Westwood Village Specific Plan and make it clear that all the lots in subarea 1 and 2 are allowed only residential and hotel uses, with two exceptions, 1. if a hotel is built limited commercial “as part of that hotel” would be allowed, 2. and the lots fronting on Glendon would be allowed limited commercial development only if “the lots fronting on Tiverton Avenue shall be limited to residential uses only. “, If for any reason the one provision wasn't enough, the inclusion of a second provision which makes commercial uses the exception, not the rule, shows clearly that with these provisions applied with (and at the same time as) the zoning designation that subareas 1 and 2 are not zoned for commercial usage. Change to commercial usage not provided for by these exceptions is a change of zoning. The DEIR needs to acknowledge this.. The specific plan provisions were part of the package, part of the zoning designation, and the zoning designation applied at that time did not allow for other usage than residential on the lots fronting on Tiverton, except in the case of a hotel. Such a change should be noticed as a zone change, subject to the procedures for a zone change, and subject to CEQA EIR requirements required of a zone change, which subject is not covered by the DEIR ENV 2000 3203.

Response No. 24.56

The Revised Draft EIR states that “the Project’s facade on Tiverton Avenue will be detailed to resemble the parking level of a residential development.” (Revised Draft EIR, Page V.F-7.) Such detailing is consistent with land use policies for this location. Specifically, Section 5.B.14.c of the Specific Plan provides that lots fronting Tiverton Avenue “shall be limited to residential uses only” if Subarea 2 is not developed with a hotel. The Project’s proposed residential parking at street level is consistent with this restriction. The comment does not identify any specific adverse impacts caused by the Project’s facade on Tiverton that would contradict the Revised Draft EIR’s observation that the Project “will not result in significant land use compatibility impacts with respect to the existing residential uses to the east of the site.” (Page V.F-7.) Also, the comment’s statement that “area land use policy restricts parking to be underground” is not correct. There is no such requirement in the Specific Plan. The comment’s suggestion that the first-floor commercial use be eliminated from the Project is noted and will be forwarded to the Decision-Makers for their consideration.

With respect to the zoning of the Project site, the comment is correct that it is zoned C4-2D-O. (Revised Draft EIR, Page V.F-9.) However, it is not accurate to state that the Project should seek a zone change rather than or in addition to the Specific Plan amendments. Under California law, zoning ordinances must be consistent with any applicable specific plan. (Cal. Govt. Code § 65455.) Therefore, the amendments to the Specific Plan that may be granted in connection with approving the Project will supersede any inconsistent provisions in the Zoning Code or a particular zoning ordinance.

See further discussion in Topical Response 5 regarding Amendment 5 to the Specific Plan, which would permit commercial uses (but not access or store frontage) on lots facing Tiverton Avenue.

Comment No. 24.57

TABLE V.F-1 IS INCORRECT, FALSE AND MISLEADING, Table V.F-1 corrected is included with these comments and either it or a correct chart should replace Table V.F-1.

Table V.F-1 item 7 is false and misleading in its description of “Current Specific Plan Language” by its omission[sic] of the fact that the exception for projects on sites with slopes in excess of five feet is only applicable where the adjusted height will not exceed 45 feet to the TOP of the roof. This exception is not applicable where the resulting total height will exceed 45 feet to the top of the roof, and this exception does not allow for an additional 10 feet for roofing above that. The conclusory [sic] remarks called “Permitted Project Without Requested Amendments” are blatantly incorrect in stating that “buildings would be permitted to exceed the 55 foot height” as it clearly states in the WVSP Section 8 Height and Setback B 1 “*However, no such additional height shall cause any portion of the building or structure to exceed a height of 45 feet, as measured from the highest point of the roof structure or parapet wall to the elevation of the ground surface which is vertically below that point of measurement.*”

Further, again in the conclusory [sic] remarks called “Permitted Project Without Requested Amendments” the DEIR states that “Ten additional feet may be added to that for roof structures for a total of 65 feet

(plus slope) and an additional 20 to 40 feet for unoccupied towers for a total of between 75 and 95 feet (plus slope).

This is also incorrect as the total height where this exception is applied cannot exceed 45 feet “as measured from the highest point of the roof structure or parapet wall”. Where this exception is applied roof towers could not be additional above that 45 feet height limit as this exception cannot be applied to where it would “cause any portion of the building or structure to exceed a height of 45 feet”.

The DEIR should be corrected, and the correction recirculated [sic] to allow verification by public comment. The DEIR appears to be crafted to mislead decisions makers [sic] into thinking that the change requested to Amend Section 8B1 is a minor deviation from the Specific plan because of this exception. The fact is that this exception is not available to apply to the Project as proposed and the change in land use policy is dramatic if the amendment to Section 8B1 is approved as it would allow 19 feet additional height (35 to 50% additional, depending on determination of the planning director), which is 75 feet, with the Applicant contending that they be allowed to place towers 20 to 40 feet above that, to a possible 105 feet. There is a major deference [sic] between what the DEIR claims is allowed under the WVSP and what is actually allowed, any conclusions based on that, either in the DEIR or by Decision-Makers would be based on incorrect information and therefore likely to be incorrect.

Response No. 24.57

As explained on Page V.F-31, the Revised Draft EIR utilizes a prior interpretation of the WVSP height regulations by the City Planning Department. The height interpretation was for a previously proposed hotel project for the Project site and was approved by the Director of Planning in accordance with plan interpretations by the City Attorney. (See Director of Planning Specific Plan Interpretation, October 25, 1991, in Appendix H.) The above referenced portions of the Revised Draft EIR reflect this prior interpretation of height regulations by the Director of Planning. Please see Pages V.F-30 through 33 of the Revised Draft EIR and Topical Response 6 for additional discussion on this issue. The commenter’s corrected Table V.F-1 is included in Appendix C of this Final EIR.

Comment No. 24.58

MANY PAGES OF DEIR REQUIRE CORRECTION

On Page V.F-1 7 the DEIR states:

“The Specific Plan currently permits the development of 236 dwelling units on the site. Although the Specific Plan encourages mixed-use development by granting the density bonus, it does not provide a corresponding increase in the permitted number of dwelling units. This proposed amendment would rectify this anomalous result and permit the bonus floor area to be used to increase the number of residential units. The proposed amendment would not create additional permitted floor area on the overall site or permit new uses on the site.”

The DEIR is incorrect in presuming that the lack of increase in the permitted number of dwelling units is an “anomalous” result. The WVSP simply put limits on how much development can take place at this location, and this is one of those limits.

The proposed amendment does create additional permitted [sic] floor area because not as many residential units would be allowed without the proposed amendment. The site allows no location to place additional commercial [sic] space without nullifying the bonus, which would not apply for residential over 2nd story commercial.

Response No. 24.58

See Topical Response 4 for a discussion of the Project’s residential density.

Comment No. 24.59

On Page V.F-18 the DEIR states that: “...the site has a C4 zoning designation.” The site has a C4-2D zoning designation. The following statements should be removed as they infer that for consideration of landuse impacts that the existing condition is R4 -a zone change. It is important that the Specific plan not be changed in ways that affect matters regulated by zoning designation (such as height, density and usage), as the Specific Plan implemented at the time of the application of the zoning designation to the area is part of the zoning designation.

Response No. 24.59

See Response No. 11.89, which explains that the Revised Draft EIR states that “R4 zone density would permit 420 dwelling units,” not that the Project is entitled to R4 zone density provisions. (Revised Draft EIR, Page V.F-18.)

Comment No. 24.60

The following statement appears in the DEIR on page V.F-19 and should be removed because it is incorrect: “*if commercial uses are appropriate as accessory to a hotel, they should likewise be appropriate when accessory to a mixed-use project.*”

The WVSP allows retail uses appropriate for a hotel as an incentive for a project that was deemed at the time uniquely beneficial to the area. The currently Proposed Project has not been deemed uniquely beneficial, and doesn't appear to meet any unique and distinctive identified unmet need in the area. The commercial use allowed by the WVSP for this one case was reasonably assumed to be appropriate [sic] to a hotel (as shown by the WVSP stipulation that retail uses shall be permitted “...as part of that hotel”), rather than the vague and uncertain commercial usage of the Project. It is specified that such retail usage is allowed as “as part of that hotel” which means any retail premises would be owned by the hotel and thereby could be trusted to be suitable to and managed [sic] according to the needs of hotel guests. Such an inherent insurance of the type and quality of retail is not provided by the Proposed Project. For

example, a large hotel might insist that it be allowed guest serving retail such as a concessionary, beauty salon, and newstand [sic]. This likely retail use would also minimize impacts of the hotel by eliminating many necessary [sic] automobile trips by Hotel Guests.

This possible allowance of retail uses as part of a hotel also represented an accommodation [sic] serving as an inducement for development of a hotel. The WVSP does not recognize the currently proposed Project as meriting such inducement, and therefore such accommodation [sic] should not be made.

The Projects potential provision of drugstores and supermarkets and restaurants only address needs which are already well met in this area. In fact the Project would potentially provide a surfeit of such establishments.

Also the FAR allowable for retail uses as part of a hotel has a limiting factor of the size of the hotel. If there are ground floor uses other than for the hotel, the allowable Floor area would be reduced accordingly. The stipulation that retail uses shall be “permitted up to a maximum floor area ratio on the site of 0.75:1 as part of that hotel.” limits the amount of retail FAR because unless the hotel occupied the entire ground level, with no other ground level uses, less than the entirety of subarea 2 would be used for the FAR, as the retail uses would only be allowed contained within that hotel. The Project seeks commercial [sic] usage, not necessarily [sic] limited to retail usage which was allowable as part of that hotel. The existing exception for retail usage also would not allow residential over commercial because if residential was over a hotel it would not be part of that hotel.

Response No. 24.60

The specific quoted language in the comment relates to proposed Amendment 5 to the WVSP, which “would permit commercial uses fronting on Glendon Avenue to encroach upon the rear of lots fronting Tiverton Avenue, provided that no commercial frontage is located on Tiverton Avenue and commercial ingress, egress, and pedestrian access and retail windows and signs are not permitted.” (Revised Draft EIR, Page V.5-19.) The environmental impacts of this proposed amendment are discussed on Pages V.F-15 through 20 of the Revised Draft EIR.

The final decision on the appropriateness of allowing commercial uses as accessory to the Project rests with the Decision-Makers. The commenter’s views stated above will be forwarded to the Decision-Makers.

Comment No. 24.61

On Page V.F-19 How was the lot frontage arrived at? On a tract map it appears the lot frontage on Glendon would be about 350 feet on each side, and along Weyburn perhaps as much as 700 feet?

Response No. 24.61

The commenter's estimate of lot frontage appears to be based on Figure III-3B and refer to the lot frontage for the proposed Project. However, the length of lot frontage on Glendon and Weyburn Avenues referred to on Page V.F-19 of the Revised Draft EIR pertains to the entire length of these Avenues within the WVSP area. The discussion of lot frontage on Page V.F-19 relates to the total number of restaurants permitted on particular streets within the WVSP area. This information is also contained in Exhibit A of the WVSP, which confirms that the total number of restaurants permitted based on lot frontage is 9 for Glendon Avenue and 13 for Weyburn Avenue.

Comment No. 24.62

The DEIR makes a statment [sic] on P VFI 9:

"The Proposed Project does not introduce new or incompatible uses on the site within the Specific Plan area, as described in Section V.F.7, above. Mixed-use is currently a permitted land use within Westwood Village; it consists of a residential component above commercial. Therefore, the proposed amendments would not create a significant impact on permitted uses." which is INCORRECT (and should be removed from the DEIR) as the Project introudces [sic] commercial uses which are new and non permitted per Section 5B14c of the WVSP. Being not permitted it is incompatible. The DEIR is incorrect therefore in it's conclusion that *".. The proposed amendments would not create a significant impact..."* on page VF19. The DEIR should be corrected.

Response No. 24.62

Please see Response No. 5.11. The current WVSP restriction on retail uses along Tiverton is not consistent with the Specific Plan's encouragement of mixed-use development that locates residential uses over ground-floor retail. (WVSP, Section 2.C.3.) As noted in the Revised Draft EIR, that is why "[p]roposed Amendment 5 recognizes that, if commercial uses are appropriate as accessory to a hotel, they should likewise be appropriate when accessory to a mixed-use project." (Revised Draft EIR, Page V.F-19.) Please see Topical Response 5 for a discussion about commercial uses on Tiverton Avenue. Please see also Topical Response 3 for a discussion of Project consistency with the WVSP.

Comment No. 24.63

DEIR Page VF19 is misleading in it's [sic] statement that: "The proposed residential unit density will be consistent with the Community Plan land use capacity of the adjacent multi-family residential area." because the adjacent multifamily residential area is subject to a very restricitive [sic] verion [sic] of an R3 zone whose restrictions are exceeded by the Project.

Further, the DEIR needs to mention that the Project does not meet set back and open space (defined for the purposes of the Community plan as "open from the ground to the sky, which is free of buildings,") [sic] requirements which limit the allowed density of the area.

Maximum density would be limited by the Community plan's stipulation to "*Require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods*", (Westwood Community Plan Objective I-3). The proposed density cannot be achieved without violating that provision, therefore the density of the Project is out of conformance with the Westwood Community Plan (in addition to the WVSP) and there are significant adverse landuse [sic] impacts accordingly. The DEIR should be revised to note this.

Response No. 24.63

This comment provides a general concern that the Revised Draft EIR is inadequate based on alleged inconsistency with the Westwood Community Plan. The Revised Draft EIR contains discussion of the Project's consistency with the Westwood Community Plan (Revised Draft EIR, Pages V.F-48-52) and the WVSP (Revised Draft EIR, Pages V.F-52-54), as discussed in Topical Response 3.

For a discussion about Project compliance with the WVSP with regard to density, please see Topical Responses 3 and 4 and Response No. 5.23.

On page III-11 of the Westwood Community Plan, "Open Space" is defined broadly as "land which is essentially free of structures or buildings or is natural in character and which functions in one or more of the following ways: (1) recreational and educational opportunities; (2) scenic, cultural, and historic values; (3) public health and safety; (4) preservation and creation of community identity; (5) rights-of-way for utilities and transportation facilities; (6) preservation of physical resources or ecologically important areas; and (7) preservation of physical resources including ridge protection." Lands designated for Open Space in the Westwood Community Plan total 310 acres and include the Westwood Memorial Park Cemetery and the Los Angeles Country Club. The Project site is not designated as Open Space such that there is no requirement for the Project itself to "meet ... the open space ... requirements" of the plan. It should be noted that the open space requirements are met; however they are averaged over the two lots.

Please also see Response No. 11.141 for a discussion of setback requirements for the Project which are also discussed on page V.F-23 of the Revised Draft EIR. For a more detailed discussion of the Tiverton Avenue setback, please see Topical Response 7. See also Topical Response 3 for a more detailed discussion of Project consistency with the WVSP.

Comment No. 24.64

The DEIR states on Page VF20 that "*The Proposed Project will provide 350 dwelling units located on a total of 4.25 acres, or an average density of 82 units per acre, which is consistent with the planned density for the adjacent multi-family residential area under the Community Plan.*"

82 units per acre is not consistent [sic] with the adjacent multifamily [sic] residential area as the restrictions on this area prevent new development there from having that great of a density.

Response No. 24.64

The commenter is incorrect. The residential density of 82 units per acre is consistent with adjacent multi-family residential used under the Westwood Village Community Plan. The Revised Draft EIR explains that adjacent residential density as delineated in the Westwood Village Community Plan is in the range of 55 – 109 dwelling units per acre, with an average density of 82 units per acre. (Revised Draft EIR, Page V.F-19.) Please see Topical Response 4 for additional discussion of the permitted residential density.

Comment No. 24.65

The DEIR further states on that page: *“Additionally, the proposed amendment effectively transfers otherwise permitted floor area from commercial uses to residential uses. Thus, the proposed amendment to permit an increase in the number of apartment units does not create a significant impact on residential density.”* This is obviously an incorrect conclusion, the transfer of commercial uses to residential uses can only but create an impact on residential density.

Response No. 24.65

The Revised Draft EIR’s analysis of Alternative 4, which would involve the development of a hotel and associated retail currently permitted under the WVSP, concludes that the hotel project would generate greater environmental effects than the Proposed Project. (Revised Draft EIR, Pages VI-28 to VI-34.) For this reason, the Revised Draft EIR concludes the environmental impacts on land use from WVSP Amendment V (which would effectively transfer otherwise permitted floor area from commercial to residential uses) are less than significant and do not create a significant impact on residential density. (Revised Draft EIR, Page V.F-20.)

Comment No. 24.66

FAR BONUSES NOT FOR RESIDENTIAL OVER COMMERCIAL WHERE COMMERCIAL NOT ALLOWED

The DEIR fails in not discussing that it is not clear that the Project should be allowed the requested FAR bonuses for residential over commercial as the WVSP's provision for this bonus did not allow for this did not allow for it to take place on the area of the lots fronting on Tiverton. Thus the WVSP prohibition against use of this area for commercial prevents the application of any potential bonuses for residential over commercial for this area. The amount of FAR bonuses to be granted should not include the area of the lots fronting on Tiverton as part of the area that qualifies for such bonuses.. [sic]

Response No. 24.66

Section 7.A.4 of the WVSP allows additional (bonus) density for the provision of dwelling units above the ground floor of a commercial building. (Revised Draft EIR, Page V.F-24). The Proposed Project is a unified mixed-use development comprised of a single building on the east side of Glendon Avenue with

commercial uses fronting on Glendon and Weyburn Avenues. Proposed Amendment 5 would allow commercial uses to extend from the lots fronting on Glendon Avenue to the rear of lots fronting on Tiverton Avenue, although no commercial access to or from Tiverton will be allowed, nor will storefronts, retail windows or signage be permitted along Tiverton. (See Topical Response 5 for a discussion of commercial uses on Tiverton.) Thus, whether or not commercial access is allowed to or from Tiverton, the building includes commercial uses on the ground floor. See also Response No. 5.36 for a detailed discussion of additional (bonus) density.

Comment No. 24.67

On Page VF26 [sic] the DEIR states *“Because of the relative size of the proposed site and integrated design of the project, incorporating the entire site into a single Subarea would facilitate the creation of a single set of standards that apply uniformly to the entire property, avoiding conflicts between provisions of the same Specific Plan. Therefore, amending the Plan to include the entire project in Subarea 2 would not result in significant land use impacts.”*

Incorporating the entire site into a single Subarea would undermine the location specific requirements of the WVSP, and therefore would result in significant land use impacts. Among other impacts, there are those from the location of commercial uses in an area restricted to residential uses. The DEIR should be corrected accordingly.

Response No. 24.67

The commenter’s opinion that the Project site should not be incorporated into a single subarea is noted for record and will be forward to the Decision-Makers for their consideration. See also discussion in Topical Response 8 in connection with the appropriateness of amendments for the Project site and Topical Response 5 for a discussion about commercial uses on Tiverton Avenue. Topical Response 3 also includes a detailed discussion of Project’s consistency with the WVSP.

Comment No. 24.68

On Page VF30 [sic] the DEIR states that *“Elevator equipment and other building operating equipment and machinery is permitted in the unoccupied portion of the tower.”* and refers to a letter from the Directory of Planning. It appears that this letter is “in reference to calculations for Floor Area Ratio, not necessarily [sic] to the allowance of towers containing equipment being allowed height reserved for “unoccupied towers”. This should be clarified and more fully substantiated (by the complete series of Planning director [sic] letters regarding the subject of towers) in the DEIR.

Response No. 24.68

Appendix H of the Revised Draft EIR contains two letters from the Director of Planning to William Waterhouse of Manatt, Phelps & Phillips dated February 15, 1991 and November 1, 1991. These two letters address the issue of whether mechanical equipment is permitted in the unoccupied portion of a

tower and do not directly address the issue of calculation of FAR. The November 1, 1991 letter contains the following statement with regard to permissible uses of unoccupied towers: “In answer to your question, elevator equipment and other building operating equipment and machinery is permitted in the unoccupied portion of the tower.” For further discussion on this issue, see the above-referenced letters contained in Appendix H of the Revised Draft EIR.

Comment No. 24.69

Where the DEIR states on page VF33 [sic]: “Although this exception allows a maximum height of only 45 feet, it has been interpreted to apply equally to projects with a 55 foot permitted height, thereby permitting buildings to exceed 55 feet accounting for the grade differential.” It should be clarified who specifically made the interpretation, and whether it is binding and unreversible [sic]. Substantiation of the interpretation should be provided, as it appears to have no basis and to be unreasonable. Unless it is clear that mere responses to comments in an EIR are binding as ordinance, the DEIR should refrain from basing [sic] conclusions on such a basis.

Response No. 24.69

This interpretation has been made by the City of Los Angeles Planning Director with respect to the Westwood Village Hotel and Mixed-Use Development, which was previously proposed for the Project site. Please see the excerpts from Response to Comments on the EIR for that project that are provided in Appendix H of this Revised Draft EIR. The Applicant has requested Amendment 7 to permit projects which total one acre or more and are within Subarea 2 of the WVSP to be up to 65 feet in height, excluding unoccupied towers, as measured from the highest point of the roof or parapet wall to the elevation of the ground surface which is vertically below that point of measurement. Should Amendment 7 be granted by the Decision-Maker, it would apply to future projects within Subarea 2 that comply with the applicable requirements. See Topical Response 6 for additional discussion on this issue.

Comment No. 24.70

On Page VF33 [sic] and elsewhere the DEIR fails to note the adverse impacts of the removal of the setback requirement as it applies to the Project. Such height setbacks are an important means of preventing excessive urban density and “corridorization [sic]”. It has been effective where applied, i.e. Ashton ave [sic]., and the loss of this setback at the Project location will have significant [sic] adverse affects.

Response No. 24.70

See the discussion in Topical Response 6 regarding the Project’s proposed Amendment 8 that would remove the existing setback requirement of set forth in WVSP Section 8C.1. The Revised Draft EIR explains that the reasoning behind setback requirements in mixed-use projects is generally to preserve the existing physical character of streets with established retail development while adding or increasing residential density above the ground floor. (Revised Draft EIR, Page V.F-39.) Here, Glendon Avenue is

largely vacant, so there is no prevailing roofline to preserve. The Proposed Project will employ articulated rooflines and building massing consistent with the Spanish Colonial Revisal style in place of setbacks at 40 feet. The commenter's opinion regarding setbacks is noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.71

On Page VF33 The DEIR provides no substantiation to its contention that "The Ordinance was intended to regulate areas of the City where no specific plans are in place," and such a contention seems unsupported as it would have been easy enough for the Decision-Makers who approved the ordinance to have included a provision that the [sic] Commercial Corner Development [sic] regulations do not apply where specific plans are in place. The city council can change the Ordinance if the application to areas with specific plans is not desired, and this is the means that should be used to address any inappropriate application of the Ordinance. The application of generalized standards does not really create conflicts because the most restrictive of two alternative [sic] limitations is to be used. Redundancies and duplicative entitlement requests should not be a big problem, and the way to address these matters is NOT by interpreting that the least restrictive limitation should apply, as the DEIR suggests.

The DEIR has substituted this specious rhetorical discussion of general plans versus specific plans for what is required-discussion of the impacts of this amendment. It appears a separate [sic] DEIR would need to be prepared and circulated to address potential impacts of this amendment on other areas covered by the WVSP. Approval of such an amendment would have potential [sic] adverse impacts in the areas of Land Use, Aesthetics, Noise etc.

Response No. 24.71

California law has long provided that the most site-specific planning document applies to, and controls the general. According to this case law, the regulations of the Westwood Village Specific Plan would govern the Project site as compared to those in the Commercial Corner Ordinance. In fact, the City has recently amended the Commercial Corner Ordinance to expressly provide that where the Commercial Corner Ordinance conflicts with the provisions of a Specific Plan as determined by the Director of Planning, then the provisions of the Specific Plan shall prevail. (Ord. No. 175223, effective June 30, 2003.) The Applicant has applied for Amendment 1 to resolve any confusion by also clarifying in the WVSP that the provisions of the Commercial Corner Ordinance do not apply. (Revised Draft EIR, Table App. H-1.)

The commenter's opinion that the Project site should not be incorporated into a single subarea is noted for record and will be forward to the Decision-Makers for their consideration. See also discussion in Topical Response 8 in connection with the appropriateness of amendments for the Project site and Topical Response 5 for a discussion about commercial uses on Tiverton Avenue. See Topical Response 3 for further discussion of Project's consistency with the WVSP.

Comment No. 24.72

The DEIR's statement on Page VF39 [sic] that "...commercial corner ordinance is not required because the Specific Plan includes detailed, locally specific design standards implemented to buffer the commercial zones from the multi-family zones across Tiverton Avenue to the east and elsewhere within the Specific Plan area." is not tenable because the Project seeks to dismantle those protections extensively. Contention that "...the Commercial Corner Ordinance is unnecessary in the Specific Plan area." should be removed from the DEIR.

Response No. 24.72

Please see Response No. 24.71 regarding the applicability of the Commercial Corner Ordinance in the Westwood Village Specific Plan area. See also Topical Responses 5 and 7 for a complete discussion on the Project's proposed use of Tiverton Avenue. Additionally, the façade along Tiverton Avenue which will resemble a residential use with screened parking garage façade on the ground floor will act to buffer the commercial zones from the multi-family zones across Tiverton Avenue.

Comment No. 24.73

When the DEIR on page VF39 [sic] states that "Amendment 7 would clarify that this procedure applies equally to the discretionary additional height otherwise permitted under the Specific Plan." the DEIR by this statement makes it clear that the previous letters and comments it's referred to are not reliable as to what existing allowable building heights are. Therefore [sic], all statements located previously and elsewhere in the DEIR should be removed which assert that "The Specific Plan permits additional height for sloping sires" [sic] which exceed 45 feet in height. Such statements don't contribute to an accurate or reliable comparison between existing and proposed land use restrictions.

Response No. 24.73

Please see Response No. 24.57 which discusses Amendment VII.

Comment No. 24.74

Consistency of the Proposed Project with the Westwood Community Plan

It seems contradictory for the DEIR to at one point bemoan the "conflict" and "redundancy [sic]" of generalized plans with specific plans, yet in this section exploit any consistancies [sic] the Proposed Project has with the Westwood Community plan, which is a generalized plan (no area specific requirements) for a ZSO0 [sic] acre area. This looks like a ruse to help obscure the multitudinous and severge [sic] conflicts and inconsistancies [sic] the Project has with the similarly named Westwood Village Specific Plan.

This section should not be included in the DEIR because it obscures [sic] objective evaluation of the impacts of the changes proposed to specific landuse [sic] policy (which actually defines what is meant by general goals), and because the DEIR does not objectively evaluate even the PollyAnna isms [sic] of the generalized Westwood Community Plan. You'd think this Project would be inconsistent [sic] with at least one of the 'goals'. [sic]

The following are examples of where the DEIR does not even try to actually consider the possibility of Project inconsistency [sic] with the "goals":

Response No. 24.74

This comment is an introduction to specific comments on the Project's consistency with the WVSP and the Westwood Village Community Plan, which are addressed individually below. See also Topical Response 3 for a broader discussion on the Project's consistency with the WVSP.

Comment No. 24.75

EXAMPLE 1

Policy I-1.2: Protect the quality of [the] residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

Consistent. As described in Section V.A 1., Visual Qualities, the Proposed Project will not result in significant visual impacts on the surrounding residential environment. The Project is designed to be consistent with the architectural style and character of Westwood Village. Various elements of the Project provide visual interest. These elements include articulation of the building facade and roofline; architectural detailing such as arched entries, balconies, and tiled roof elements; and the 15-foot landscaped buffer on Tiverton Avenue. Additionally, the Project provides a softer transition and interface with the residential neighborhood to the east.

ACTUALLY INCONSISTENT

The above conclusion of consistency [sic] is incorrect, in addition to impacts I have noted, the DEIR itself on Page V AI-18 that the view impact of the Project from the east/northeast could be considered significant,"

Response No. 24.75

The Revised Draft EIR concludes that the Project would result in a less than significant aesthetic character impact and a less than significant alteration of views impact as seen from the north, south, and west. The commenter is correct that the Revised Draft EIR identifies a significant alteration of views impact as seen from the east. (Revised Draft EIR, Page V.A1-21.)

Comment No. 24.76

EXAMPLE 2

Policy I-1.4: Promote neighborhood preservation, particularly in multi-family neighborhoods.

Consistent. The Proposed Project will increase the supply of multi-family units in Westwood Village. It will replace vacant and under-utilized property with retail uses to serve the surrounding residential neighborhoods. As described above, the Proposed Project will not [sic] result in incompatibilities with the residential neighborhood to the east.

ACTUALLY INCONSISTENT

Increasing the supply of multi-family units in Westwood Village does not preserve neighborhoods. In fact it is very easy for a dramatic increase to dilute and diminish any sense of neighborhood, especially [sic] when the Project is designed like a fortress to keep the outerworld [sic] at bay, with views and entries oriented away from the existing neighborhood and towards the interior of the fortress, presenting a monstrous disproportionately tall monolithic block long structure with no setback variegation [sic] at upper levels and which hides its required open space from the adjacent neighborhood and reserving it for only the new interloping residents of the fortress. A token bit of architectural filagree [sic] will not change these fundamentals. The incursion of retail uses can easily damage a neighborhood. The Project proposes no significant retail uses which are not already met in the immediate area.

Each time an incorrect statement of falsehood is repeated in the DEIR it should be removed. It has been shown in these comments that there are “incompatibilities with the residential neighborhood to the east,” and all statements that do not acknowledge this should be removed from the DEIR.

Response No. 24.76

The commenter’s opinion regarding the preservation of neighborhoods will be forwarded to the Decision-Makers for their consideration. The Revised Draft EIR does not contain falsehoods.

Comment No. 24.77

EXAMPLE 3

Objective I-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Consistent. The Proposed Project includes design measures, such as the use of Spanish Colonial Revival architecture and architectural detail, to complement the Mediterranean architectural character of the Village. Additionally, the development of residential housing coupled with the removal of the surface parking lots (as well as the non-contributing buildings previously located on the site), will enhance the

residential character of the area. The Project will also enhance the character and integrity of the adjacent residential neighborhood with the provision of street trees, landscaping, a 15-foot landscape buffer along Tiverton Avenue, and sidewalk and streetscape improvements. The Project serves is a mixed use development with a large residential component and thus serves as a transition between the commercial center of Westwood Village and the residential uses to the east of the Project site.

ACTUALLY INCONSISTENT

The portion of the Project which faces residential neighborhoods will not look like any of the buildings in the adjacent residential neighborhood, if for no other reason because of it's height density and scale.

The Project fails to meet the restriction to residential uses only in the area occupied by the lots fronting on Tiverton, by which the WVSP specifies the means to provide a transition between the commercial center of Westwood Village the residential uses to the east of tthe [sic] Project site.

Response No. 24.77

The commenter is referring to the Westwood Village Community Plan which requires new development be designed and developed to achieve a high level of quality, distinctive character and compatibility with adjacent development in terms of community character and scale. Please see Topical Response 6 regarding the height and setback concerns and Response No. 18.25 for a discussion of the Project's architectural design features.

Comment No. 24.78

EXAMPLE 4

Policy I-3. 1: Require architectural and height compatibility for new infill development to protect the character and scale of existing residential neighborhoods.

Consistent. The Proposed Project has been designed with Spanish Colonial Revival architecture and has substantial architectural detail to ensure its compatibility with the existing architectural character of Westwood and the surrounding areas. The Project character and scale is in keeping with the surrounding area, as evaluated in Section V.I., Visual Qualities. Although the Project proposes an amendment to the Specific Plan for increased height, this request would allow for a more articulated roofline, enhanced architectural detail and a project that resembles a series of buildings. Under current requirements, the Project could be built in a more box-like, less aesthetically pleasing manner, which would not have the current articulated roofline would be visually uninteresting, and would not be representative of Spanish Colonial Revival design. The 5-story Project height is compatible with buildings surrounding the Project. There are two adjacent mid/high rises (including the 22-story Westwood Center building and the 14-story Westwood Horizons apartment building, and a ten-story apartment building on Weybum Avenue at Hilgard Avenue, and the existing Glendon Manor apartment building is five stories high.

ACTUALLY INCONSISTENT

Response No. 24.78

The commenter is referring to the Westwood Village Community Plan which requires new development be designed and developed to achieve a high level of quality, distinctive character and compatibility with adjacent development in terms of community character and scale. Additionally, the Proposed Project is subject to design review to ensure conformance with the Specific Plan and maintenance of its goals for aesthetic quality. (Revised Draft EIR, Page V.F -12.) With regard to the commenter's concerns relative to height and setback please see Topical Response 6. Please also see Response No. 18.25 for a discussion of the Project's architectural design features. This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.79

EXAMPLE 5

Policy 2-1.1: New commercial development should be located in existing established commercial areas or shopping centers.

Consistent. The Proposed Project will be located within the well-established commercial area of Westwood Village.

ACTUALLY INCONSISTENT

A significant portion of the project site has never been used as a commercial area, Approximately 1/3 of the area that the Project will occupy with New commercial development has been reserved for residential usage and has not been available for commercial development.

Response No. 24.79

The commenter is correct that in general the WVSP permits only residential uses on the property fronting Tiverton in Subarea 2. However, Section 5.B.14 of the WVSP currently allows commercial uses in Subarea 2 as part of a hotel use. Now that the development of hotel is no longer occurring on the site, the applicant is seeking adjustments to the WVSP that are needed to make the development opportunities in the subarea consistent with the rest of the plan area in terms of permitting greater housing opportunities as well as commercial and retail uses.

See also Topical Response 3 for a discussion regarding the Proposed Project's consistency with the WVSP.

Comment No. 24.80

EXAMPLE 6

2-1.3: Ensure the viability of existing stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Consistent. The Proposed Project will provide new neighborhood-serving stores, restaurants and other businesses. These uses will support the needs of local residents by providing a safe and comfortable shopping and/or dining experience in a pedestrian-friendly area. As discussed above in Section V.F-1, Land Use Compatibility, the Proposed Project is expected to be compatible with the surrounding neighborhood.

POSSIBLY INCONSISTANT [sic]

Because the local areas need for a supermarket and drugstore (and possibly for restaurants) are already served sufficiently, if the Project seeks to locate a supermarket or drugstore on its premises, the supermarkets and drug store will threaten the viability of the existing supermarket and drug stores. The Project has not suggested other likely commercial uses for its commercial areas, so it is likely that the Project will threaten the “viability of existing stores and businesses” rather than ensure their viability.

In its discussion regarding [sic] consistency [sic] of the Project with Westwood Village Specific Plan Purposes the DEIR fails to note that the Project is inconsistent [sic] with Westwood Village Specific Plan Purposes F and G.

Response No. 24.80

The Project will not threaten the viability of existing adjacent businesses. Rather, it intends to increase the economic viability of the area as a whole by introducing new retail uses *and* additional residents (i.e., business patrons) associated with the Project’s proposed 350 housing units. Although the specific tenants or tenant types for the Project’s retail uses have not yet been determined (nor is there any requirement that they be determined in advance of the completion of the Project), they are intended to supplement and complement—not damage—existing retail uses. The Project therefore is consistent with purposes A, C, D, E, F and G of the WVSP as analyzed in the Revised Draft EIR. Please see Topical Response 3 for a detailed discussion of the Project’s consistency with WVSP.

Comment No. 24.81

TABLE VF 1 FALSE AND MISLEADING

Table VF1 is false and misleading. The statements in the column labeled “Current Specific Plan Language” for row 1 and Z regarding Amendment Plans state that the “Specific Plan is silent.” This is not correct, the WVSP plan states in Section 3 A “The regulations of this Specific Plan are in addition to

those set forth in the planning and zoning regulations of Chapter I of the Los Angeles Municipal Code and any other relevant ordinance and do not convey any rights not otherwise granted under the regulations and procedures contained therein, except as provided “herein, “. References that state 'that the “Specific Plan is silent.” [sic] should all be removed from the DEIR, both from this table and all other such references. “The most restrictive provision shall apply” appears to be an appropriate substitute.

Response No. 24.81

Where the Los Angeles Municipal Code contains a provision that is in conflict with the WVSP, the provisions of the WVSP prevail, as they are more specific with respect to a proposed project.

In regard to proposed Amendments 1 and 2, it is unclear as to whether the respective provisions of the Los Angeles Municipal Code are supplemental to or would be inconsistent with the provisions of the WVSP. The WVSP is silent *in this regard*. Therefore, the applicant is seeking the proposed Amendments for clarification purposes.

Comment No. 24.82**ALTERNATIVES**

The DEIR has no substantiation that an all residential alternative [sic] 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. [sic]

It appears that in considering the no change to the specific plan alternative the DEIR preparers are misrepresenting [sic] 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. /?/////

Response No. 24.82

See Topical Response 12 regarding the adequacy of the Revised Draft EIR’s consideration of alternatives. As discussed on Page VI-4 of the Revised Draft EIR, an all-residential alternative was rejected as economically infeasible because fewer residential developments can be built without the bonus density afforded by the Project’s proposed ground-floor retail uses. This alternative would not meet several of the Specific Plan’s goals, including the encouragement of mixed uses, the provision of neighborhood-serving retail, and increasing the economic productivity and viability of the Project site.

Comment No. 24.83

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 [sic] 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 disingenuous that the drafters of the DEIR suggested that variegating the monolithic monstrosity proposed by varying roof heights would be a deterrent [sic]. Do people look at old mediteranean [sic] 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 attractive [sic] areas of Los Angeles. As a practical matter varying roof heights would not likely approach a wedge, but rather a staircase [sic], 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.

Response No. 24.83

The environmental impacts of the Proposed Project has been evaluated with respect to the existing conditions and have not been based on comparison to the hotel previously proposed for the site.

Each of the alternatives analyzed in the Revised Draft EIR has been evaluated with respect to open space in the discussion related to land use and parks. See Section VI of the Revised Draft EIR for discussion of the consistency of each alternative these requirements. The commenter's views on the aesthetic values of Alternative 2 compared with the Proposed Project will be forwarded to Decision-Makers.

The discussion of visual qualities in Section VI of the Revised Draft EIR indicates that the building under Alternative 2 would have a wedge shape as it would appear from Tiverton Avenue or Glendon Avenue. This description reflects the fact that, under Alternative 2, a person located at street level at the southern end of the Project site would find relatively taller buildings compared with the buildings at the northern end of the Project site.

For additional discussion regarding alternatives analysis, see Topical Response 12.

Comment No. 24.84

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, whereas [sic] 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 [sic] 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 rooflines [sic] 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.

Response No. 24.84

The discussion of visual qualities in Section VI of the Revised Draft EIR indicates that the building under Alternative 2 would have a wedge shape as it would appear from Tiverton or Glendon. This description reflects the fact that, under Alternative 2, a person located at street level at the southern end of the Project site would find relatively taller buildings compared with the buildings at the northern end of the Project site. The commenter is correct in stating that, under Alternative 2, the buildings at the northern end of Glendon and Tiverton would not be as high as under the proposed Project. See Section V.A.1, Aesthetics—Visual Qualities, of the Revised Draft EIR for discussion of the environmental impacts of the Project related to building height and design.

The commenter's views on the aesthetic values of Alternative 2 compared with the proposed Project will be forwarded to Decision-Makers.

Comment No. 24.85

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 accommodate [sic] the amount of stories from ground level that the maximum height will allow at various points on the grade. In other words [sic] where the grade is at its 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 accommodation [sic] 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 inconsistent [sic] 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 committee [sic], 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 sustainability [sic] of the property as a viable attractive rental housing.) ////////////// [sic]

Response No. 24.85

The commenter's views on the aesthetic impacts of the proposed Project are noted and will be forwarded to Decision-Makers for their review.

For discussion of building height, see Topical Response 6 and Response Nos. 24.83 and 24.85.

Comment No. 24.86

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 alternative [sic] B is clearly superior, ANYTHING can be argued and this does not support their spetious [sic] 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 [sic] 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 oboective [sic] 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 fabricate [sic] some issue that altertnative [sic] 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".

Response No. 24.86

The discussion of visual qualities in Section VI of the Revised Draft EIR indicates that the building under Alternative 2 would have a wedge shape as it would appear from Tiverton Avenue or Glendon Avenue.

This description reflects the fact that, under Alternative 2, a person located at street level at the southern end of the Project site would find relatively taller buildings compared with the buildings at the northern end of the Project site. For discussion of building height, see Topical Response 6. For discussion of landscaped setback along Tiverton, see Topical Response 7. The comment is noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.87

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 [sic] 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.

Response No. 24.87

The Revised Draft EIR's discussion of Alternative 2 analyzes a mixed-use project developed under the existing WVSP and delineates environmental impacts that would result without the transfer of floor area from commercial to residential as is proposed by the Project. Alternative 2 would be subject to design review. Alternative 2 does include the construction of residential over commercial and incorporates the bonus density available as a result. However, because no transfer of floor area would occur, 119 fewer residential units would be constructed and commercial uses would increase. The Revised Draft EIR does not state that Alternative 2 would be aesthetically inferior to the Proposed Project because of the appearance of commercial. It does state that the aesthetic character of the project would change as a result of the more commercial nature and appearance of the alternative. (Revised Draft EIR, Page VI-18.) The Revised Draft EIR concludes that the aesthetic character of this alternative would be reduced as a result of the height and roofline of Alternative 2, which would adhere to the parameters of the existing WVSP. Additionally, the Revised Draft EIR explains that because of the increase in commercial this alternative would generate 2,492 more daily trips than the Proposed Project and that the other significant impacts would be the same or worse under this alternative (Revised Draft EIR, Pages VI-18-21.)

Please see Topical Responses 4 and 12 for further discussion of the impacts and ramifications of Alternative 2.

Comment No. 24.88

The following must be asked. If the developer cannot fit the 528,000 square [sic] foot project as proposed within the height and setback requirements pertinent [sic] 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 theoretically [sic] allow 317,000 feet of residential in a mixed use project doesn't mean that it also allows the maximum [sic] build out of commercial, or that it allows other limiting factors to be disregarded.

Response No. 24.88

Alternative 2 is based on the permitted uses, height, and development criteria and building intensity provisions of the Specific Plan. CEQA requires that the alternatives analysis "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines section 15126.6(d).) The Revised Draft EIR includes sufficient information regarding Alternative 2 to permit such analysis. Discussion of specific design alternatives to address potential limits on development is beyond the scope of detail required in alternatives analysis in an EIR.

Comment No. 24.89

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 financially [sic] feasible project.

Alternative two is a superior project that is financially feasible.

Response No. 24.89

See Response Nos. 24.11 and 24.12, which respond to the same comment made about the Project's impacts on aesthetics and the Revised Draft EIR's analysis of Alternative 2. See also Topical Response 12 for a complete discussion regarding the alternative analysis.

Comment No. 24.90

ALTERNATIVES/LIGHTING

regarding impacts of lighting in alternative 2, 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 [sic] low density multifamily [sic] residential neighborhood on Tiverton. Lights and glare would also be lessened as the number of residential units would be less than 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.

Response No. 24.90

As stated on Page VI-19 of the Revised Draft EIR, the lighting impacts of Alternative 2 would be less than significant. The Proposed Project would also result in less than significant lighting impacts. (Revised Draft EIR, Page V.A2-3.) Tiverton Avenue contains the only nearby land use that may be considered to be sensitive to night lighting. (Revised Draft EIR, Page V.A2-3.) The Proposed Project would not include any commercial lighting or displays on Tiverton and the ambient lighting from residential floors would be similar to those of existing residential structures along Tiverton. As it would be of a residential nature, this lighting would not create a significant impact. The comment suggests that lighting impacts on Tiverton Avenue would be reduced under Alternative 2 because of the lower height, setback, and screening. It is not evident that these differences would result in a material change in the lighting impacts to residences along Tiverton. However, the commenter's view that Alternative 2 would further reduce lighting related impacts compared with the proposed Project will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.91

ALTERNATIVES / SHADOW

Shadow- alternative two will mitigate the impact of shadows. 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 an arbitrary "threshold" of significance, but rather whether alternative two is superior in terms of adverse impacts.

Response No. 24.91

The Revised Draft EIR finds that both the proposed Project and Alternative 2 would result in less than significant shade-related aesthetic impacts, but also notes that the impacts of Alternative 2 would be less than for the proposed Project. (Revised Draft EIR, Page VI-19.) The commenter's view that Alternative 2 would reduce shade-related impacts compared with the proposed Project will be forwarded to the Decision-Makers.

Comment No. 24.92

ALTERNATIVES

Regarding Air Quality, DEIR 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.

Response No. 24.92

Alternative 2 is based on the permitted uses, height, and development criteria and building intensity provisions of the Specific Plan. Air quality impacts were modeled based on the number of trips Alternative 2 would be expected to generate based on ITE and LADOT criteria. CEQA requires that the alternatives analysis "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines section 15126.6(d).) The Revised Draft EIR includes sufficient information regarding Alternative 2 to permit such analysis. Discussion of specific design alternatives to address potential limits on development is beyond the scope of detail required in alternatives analysis in an EIR.

Comment No. 24.93

The land use impacts of the proposed project are significant, (changing ordinances regarding measuring from grade, changing open space requirements have ramifications [sic] 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.

Response No. 24.93

The Revised Draft EIR analyzes the land use impacts of the Proposed Project and concludes that it would not result in significant land use compatibility or land use plan consistency impacts. (Revised Draft EIR, Page II-21.). Please see Response No. 24.87 regarding the impacts of Alternative 2.

Comment No. 24.94

Alternatives impact #7. Noise- alternative two is the superior alternative [sic] 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 is incorrect in its assertion that noise would be greater with alternative two and should be revised accordingly.

Response No. 24.94

The Revised Draft EIR finds that both the proposed Project and Alternative 2 would result in less than significant operational noise impacts, but also notes that the exact level of noise impacts for Alternative 2 are not possible without detailed studies. (Revised Draft EIR, Page VI-20.) The commenter's opinion that Alternative 2 would reduce operational noise impacts compared with the proposed Project will be forwarded to the Decision-Makers.

Comment No. 24.95

10. Transportation/traffic- the DEIR contains no substantiation [sic] 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 necessary [sic] 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.

Response No. 24.95

The Revised Draft EIR finds that traffic related impacts will be significant and require mitigation for both the proposed Project and Alternative 2; however, the Revised Draft EIR also finds that these impacts can be reduced to less than significant through mitigation measures. As a general matter, trip rates for retail and commercial uses, such as are proposed for Alternative 2, are higher than for residential uses. (Revised Draft EIR, Pages V.J-11 through 13.)

Alternative 2 is based on the permitted uses, height, and development criteria and building intensity provisions of the Specific Plan. CEQA requires that the alternatives analysis “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” (CEQA Guidelines section 15126.6(d).) The Revised Draft EIR includes sufficient information regarding Alternative 2 to permit such analysis. Discussion of specific design alternatives to address potential limits on development is beyond the scope of detail required in alternatives analysis in an EIR.

Comment No. 24.96

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 structures [sic] 74 feet high when measured from the lowest point,- 4 feet taller than alternative four.

Response No. 24.96

As stated on Page VI-28 of the Revised Draft EIR, the Hotel Tower Alternative relies in part on the information contained in prior approvals for the proposed site, referred to as the Westwood Village Hotel project. The Westwood Village Hotel project measured height from the ground level, as opposed to grade, in the same manner as is requested by the Proposed Project. (See Director of Planning Specific Plan Interpretation, October 25, 1991, in Appendix H.) Therefore, the height levels specified in the analysis of Alternative 4 provide an accurate comparison for purposes of visual and shadow impacts.

Comment No. 24.97

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 consistent [sic] 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 attractiveness [sic] of the neighborhood by meeting open space and setback requirements and maintaining neighborhood character which would become more undesirable [sic] with the disproportionate scale of the proposed fortress.

Alternative two is superior in achieving “the provision of streetscape improvements”(stated objective [sic] 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 specified [sic] 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.”“ [sic]

Response No. 24.97

See Response Nos. 24.11, 24.12 and 24.89, which respond to the same comments made above about the Project’s impacts on aesthetics and the Revised Draft EIR’s analysis of Alternative 2. See also Topical Response 12 for a complete discussion regarding the alternative analysis.

Comment No. 24.98

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.

Response No. 24.98

See Response No. 24.82, which responds to the same comment made above regarding the all-residential alternative. See also discussion of alternatives in Topical Response 12.

Comment No. 24.99

IRREVERSABLE IMPACTS

VII - irreversible[sic] -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 existing [sic] land use guidelines and restrictions is major and significant. (See illustration 2)

Response No. 24.99

The Project site is zoned for commercial/residential development and is not designated as Open Space in the Westwood Community Plan. As stated on Page VII-1 of the Revised Draft EIR, “the site has been committed to urban development for many years.” Thus, development has been anticipated and planned for a number of years. Additionally, the Westwood Village Specific Plan does not anticipate the development of the site as open space and/or surface parking. Accordingly, the Revised Draft EIR concludes that “development of the site is not considered a new, or significant new, commitment to urban development and does not represent the conversion of undeveloped land.” (Revised Draft EIR, Page VII-1.)

The requested amendments to the WVSP do not impact the ability of the Applicant to develop the Project site for residential and commercial uses. For discussion of the requested amendments to the WVSP, please see Pages V.F-10 through 39 of the Revised Draft EIR and Topical Response 3. For additional discussion related to residential density, please see Topical Response 4 and Response No. 5.23. For a discussion of the Tiverton Avenue setback, please see Topical Response 7.

Comment No. 24.100

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 disproportionate [sic] scale of the project resulting from proposed revisions to existing landuse [sic] 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 inconsistent [sic] land use policy that would be shown by approval of the project as proposed it can be expected that there will be considerable pressure [sic] both legislatively [sic] and possibly litigatively [sic] 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 [sic] obvious attempt to portray the proposed project in a favorable light by contradicting itself. Whereas [sic] 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.

Response No. 24.100

The Revised Draft EIR finds that the proposed Project would be consistent with the WVSP. (Revised Draft EIR, Pages V.F-48 through 55.) Therefore, it will not deter from the character and purpose of the WVSP and is not expected to contribute to pressures for redevelopment or alternative types of development. The Revised Draft EIR does indicate that the proposed Project may spur “revitalization or redevelopment of *underutilized sites*.” However, such revitalization or redevelopment is not be expected for properties with functioning, utilized sites, such as the apartments referenced in the comment.

Comment No. 24.101

ADDITIONAL MISCELLENEOUS COMMENTS

Why would an all residential alternative not be economically viable here, when cleveloper6 [sic] are economically successful with such Project's [sic] all over the City? The site is not unsuited for such use, the only reason could be because the property owner has speculated and paid a price for the land based upon a usage end density of development greater than that allowed under existing land use policy. This is the developers [sic] problem and should not be made a public problem.

Response No. 24.101

See Response No. 24.82, which responds to the same comment made above regarding the alternative of an all-residential development. The commenter's opinion regarding the Project Applicant is noted and forwarded to the Decision-Maker for their consideration.

Comment No. 24.102

RE: Noise evaluations should also include consideration of the residential motor court adjacent to the front windows of apartments on the East side of Tiverton. The valet parking area for the Hotel on Hilgard appears to have serve [sic] a similar number of residents and it is quite noisy [sic] until quite late at night end clearly a significant impact on it's residential neighbors.

Response No. 24.102

The volume of traffic associated with the residential motor court located on Tiverton Avenue, which will not provide valet parking, is included in the analysis of Project noise impacts. (See Table V.G-4.) The noise associated with loading and unloading at within the residential motor court is expected to be periodic and is not expected to result in result in a significant impact on noise levels. The Revised Draft EIR finds that the Project would not result in significant long-term operational noise impacts. (Revised Draft EIR, Page V.G-24.)

Comment No. 24.103

Won't Narrowing [sic] of Glendon result in substandard Fire department access for Glendon, in addition to difficulties resulting from units being oriented around a central courtyard removed from fire department [sic] access. Don't these facets result in a negative environmental impact because an increased risk of uncontrollable [sic] fire on the subject property might increase risk to nearby properties, it doesn't appear as if the proposed narrowing of Glendon will allow compliance with Department of Public Works Standard Plan D-22549. The elimination of road width and portions of setbacks will have a deleterious [sic] affect on fire department access as well.

Response No. 24.103

As explained in Topical Response 9, the proposed narrowing of Glendon Avenue will not result in a substandard roadway. The design of the residential motor court is planned to comply with regulations concerning fire equipment access. The Revised Draft EIR analyzes the potential environmental impacts of the Project in Section VII, Public Services—Fire Protection, and finds that the Project would not result in significant impacts on fire protection. However, as stated on Page VII-4 of the Revised Draft EIR, Mitigation Measure 1 requires that the Project comply with Fire Department plot plan approval requirements relative to fire safe design features prior to building permit approval. See Section V.II of the Revised Draft EIR for additional discussion related to fire protection.

Comment No. 24.104

The DEIR is incorrect in drawing a conclusion that there is no street frontage height on Glendon “because the buildings are vacant” The buildings had been there historically, they present a street frontage, they have not always been vacant, and the demolition [sic] of some or them was the beginning stage of development of the Project, Further, the DEIR is deficient and should be corrected in not addressing the issue of street frontage on Tiverton. The Proposed amendment appears to affect the entire project, and the lower heights of buildings across the street from the project necessitates [sic] setbacks above 40 feet. [sic]

Response No. 24.104

With respect to analysis of aesthetics, the Revised Draft EIR appropriately evaluated potential impacts of the proposed Project as they relate to existing conditions. At present, no buildings are located at the applicable section of Glendon Avenue. For discussion regarding the demolition of buildings on the west side of Glendon Avenue, see Topical Response 14. With respect to the relationship of the height of the Project in relationship to buildings across Tiverton, potential impacts are discussed in Section A.1 of the Revised Draft EIR on “Aesthetics – Visual Qualities.” See Revised Draft EIR, Pages V.A1-13 through 21 and Figure V.A1-12.

Comment No. 24.105

THE NO PROJECT ALTERNATIVE- Aesthetics

The [sic] DEIR is false and misleading, as the project developer has owned and controlled the structures and it is under the Developer's obvious neglect and demolition [sic] that any blight has occurred[sic]. A DEIR must project a reasonable future, and is more than reasonable to presume that a no project alternative would see existing structures maintained to a level of attractiveness [sic] suitable to the commercial potential their upscale location has. With the no project alternative the open space that the uncovered parking provides with the village scaling in line with the surrounding area would be far superior Aesthetically [sic] to the project as proposed.

Response No. 24.105

See Topical Response 2 regarding the analysis of alternatives, including the no-project alternative. Your comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.106

Alteration of views

The no project alternative would retain the Western views of Sky, Sunsets and low rise Westwood Village from the residential area on the East of the proposed project. The [sic] proposed project would block these views with an unnecessarily massive 6 story building which will require residents and visitors to the area alike to have to look up severely to see sky, and Xray vision to see the Village character. This is a large and significant negative impact of the proposed project when compared with the no project alternative [sic]. The DEIR again is false [sic] and misleading in its [sic] evaluation of this alternative in this way, and should be rewritten before submission because of this and its [sic] other shortcomings, and in no way should be considered for adoption.

Response No. 24.106

See Topical Response 2 regarding the analysis of alternatives, including the no-project alternative. Your comments regarding the aesthetic superiority of Alternative 2 are noted and will be forwarded to the Decision-Makers for their consideration.

Comment No. 24.107

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.

Response No. 24.107

This comment is a general statement regarding the more specific comments made therein and responded to above. See Response No. 24.1 regarding the commenter's request that he be kept informed.

COMMENT LETTER No. 25

Susan Martin

e-mail to Jack Weiss

(weiss@council.lacity.org)

10848 Wellworth Avenue

February 11, 2003 (1 page)

Comment No. 25.1

Please do not allow Glendon Manor in Westwood Village to be demolished. This is an historic building that is important to our community and is listed in the California Register. Please support the Westwood community by preserving this building.

Response No. 25.1

For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 7.1 and 11.28.

COMMENT LETTER No. 26

Jennifer Nosratian

e-mail to Jack Weiss

(weiss@council.lacity.org)

February 6, 2003 (1 page).

Comment No. 26.1

Please do not allow Glendon Manor in Westwood Village to be demolished. This is an historic building that is important to our community and is listed in the California Register. Please support the Westwood community by preserving this building.

Thank you for all your help and effort.

Response No. 26.1

For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 7.1 and 11.28.

COMMENT LETTER No. 27

Fernand Page,
Moustache Café
1071 Glendon Avenue
Los Angeles, CA 90024
April 2, 2003 (1 page)

Comment No. 27.1

I want to reiterate my support for Casden Properties' proposed Palazzo Westwood project, which is located at Glendon Avenue directly across from my restaurant, Moustache Café. As a longtime business owner in Westwood Village, I support new investment in the Village and in particular this development. Development of this long-vacant and underused property, which desperately needs revitalization, will provide an opportunity to bring new business and customers into the area.

Also, I am perfectly comfortable with the demolition of Glendon Manor, which I personally consider an eyesore, and the removal of street parking on Glendon Avenue, which will be replaced in the new development. If you have any questions about my position, please call me at 310.502.4216.

For the future of Westwood, I strongly encourage you to support this project and bring new vitality to this corner of the Village.

Response No. 27.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

COMMENT LETTER No. 28

Lila Rieth
e-mail to Jack Weiss
(weiss@council.lacity.org); rschilla@council.lacity.org
10870 Wellworth Avenue
February 6, 2003 (1 page).

Comment No. No. 28.1

Please do not allow Glendon Manor in Westwood Village to be demolished. This is an historic building that is important to our community and is listed in the California Register. Please support the Westwood community by preserving this building.

Response No. 28.1

Please note that Glendon Manor is not listed on the California Register of Historic Resources, but has been deemed eligible for listing on the register. That eligibility caused the Revised Draft EIR to treat its removal as a significant environmental impact. (Revised Draft EIR, Pages V.C-10 and 13.) For additional discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 7.1 and 11.28.

COMMENT LETTER No. 29**Glenn Rosten**

10701 Wilshire Boulevard, Suite 1701
Los Angeles CA 90024
March 28, 2003 (1 page)

Comment No. 29.1

I am writing to express support for Casden Properties' Palazzo Westwood, the project studied in the referenced document. As I wrote last year, I support the project and would like to restate my position.

Casden Properties' mixed-use proposal is a sound concept for reinvigorating a long-vacant and now blighted section of Westwood Village. The property has been the focus of previous development ideas including the Nansay and Smedra projects, but neither of those appealed to the "naysayers" of the community. After nearly 20 years of discussion, the site is still underused, and the state of Westwood is still an embarrassment. Finally, here is a development project that complements the character of the Village and represents a significant investment in the vitality of Westwood.

As a longtime resident of Westwood, president of several homeowners groups, and a commissioner on the Building Rehabilitation Appeals Board for the County Department of Public Works, I believe Palazzo Westwood's mix of residential apartments and ground-floor retail is an appropriate use of the site and importantly, the kind of development that will give Westwood the economic boost it has so long needed. While I personally favor a higher density commercial plan, this project is a thoughtful and appropriate use of the site - one in harmony with the original vision of Westwood Village as a pedestrian-oriented community of people and shops.

I believe this may be the last chance for this property and for Westwood to reach it's potential, previous developers have become frustrated, with the negativity of the vocal minority and it seems unlikely that anyone else will step up and risk the millions necessary to even get to first base on this type of project.

I urge the city to support this proposal. Thank you for your consideration in this matter.

Response No. 29.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

COMMENT LETTER No. 30

Jonathan Rouse

e-mail to Jack Weiss

(weiss@council.lacity.org)

February 21, 2003 (1 page)

Comment No. 30.1

We live in Westwood and want to see its authentic history and architecture preserved. We call upon you honor your 2001 campaign promise that historic preservation would be a key component of Westwood's revitalization. Glendon Manor is the test case. Please take the necessary steps:

1. Commit to having Casden restore and incorporate Glendon Manor as part of his project, or
2. Make sale to qualified restoration developers a condition of approval if Casden refuses to incorporate Glendon Manor into his project.

We ask that you become a champion for historic preservation and do not permit AIMCO/Casden to destroy our history.

Response No. 30.1

For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 11.28. The City cannot compel a private property owner to sell its property to a third party as a condition of approval. See Response No. 7.1 on the commenter's suggestion regarding the sale of Glendon Manor.

Comment Letter No. 31

Steven D. Sann

e-mail to Jack Weiss

(weiss@council.lacity.org)

February 7, 2003, (2 pages)

Comment No. 31.1

I am writing to express my strong concern over the reported plan by AIMCO/Casden Properties to apply for a demolition permit for the historic 1929 Glendon Manor in Westwood Village. I urge you to oppose this.

Response No. 31.1

For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 11.28.

Comment No. 31.2

Issuance of any demolition permit for this historic property would be illegal. Under the California Environmental Quality Act, any cultural/historic resource must be completely reviewed through the EIR process. CEQA law requires that no demolition permit may be issued for Glendon Manor until a Final EIR for the proposed AIMCO/Casden project is certified by the City Council. PLEASE DO NOT PERMIT ANY DEMO PERMIT FOR GLENDON MANOR.

Response No. 31.2

The legality of demolishing an historic structure pursuant to CEQA is explained in the regulatory setting discussion of the Cultural Resources Section of the Revised Draft EIR. (Revised Draft EIR, Section V.C, Cultural Resources.) The Revised Draft EIR concludes that the demolition of Glendon Manor would result in a significant environmental impact, even after implementation of mitigation measures. The Revised Draft EIR further recognizes that the Decision-Makers will need to determine whether to allow the demolition notwithstanding these impacts. Should the Decision-Makers decide to allow the demolition, a Statement of Overriding Considerations will be necessary to permit the demolition of Glendon Manor following certification of the Final EIR. For additional discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 11.28. No demolition permit will be issued for Glendon Manor unless the Project has been approved and a Statement of Overriding Considerations has been made by the Decision-Makers.

Comment No. 31.3

It would be reckless for you to permit the law to be violated in this manner by AIMCO/Casden Properties. I do not believe that the community would allow this to occur. The overwhelming majority of your constituents in the Westwood community including the Holmby-Westwood Property Owners Association, the Westwood Hills Property Owners Association, the Westwood Homeowners Association, the North Village Improvement Committee, the North Village Residents Association, Friends of Westwood, Save Westwood Village, as well as the larger preservation community including the highly respected Los Angeles Conservancy, Ken Bernstein, and the California State Historical Resources Commission among others, all feel very strongly that historic 1929 Glendon Manor clearly is worthy of preservation.

Response No. 31.3

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration. For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 11.28 and 31.2.

Comment No. 31.4

AIMCO/Casden proposes to tear down a historic Westwood apartment building to build a non-historic faux Mediterranean apartment. This is a reckless and callous developer attitude that has tragically destroyed so much of the historic fabric of the built environment in the city of Los Angeles.

It is this same reckless attitude that you fought when you championed the effort to preserve Chateau Colline. I sincerely hope that your commitment to preservation that you demonstrated with Chateau Colline also will prevail for Glendon Manor.

Response No. 31.4

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration. See also Topical Response 2.

Comment No. 31.5

Indeed, Glendon Manor is far more significant in Westwood's history than Chateau Colline. Glendon Manor is one of only 12 remaining original 1929 Village buildings still existing (out of 34 originally constructed in the Village) dating back to the founding year of both Westwood Village and the new UCLA campus in Westwood.

Glendon Manor was the first apartment built in the Village under the Janss Corporation's master "town center" plan for Westwood. It is the last remaining original 1929 apartment in the Westwood Village Specific Plan area. Through the early 1960s, Glendon Manor (with its signature five-story tower) was the tallest building in Westwood Village.

Using Chateau Colline as a benchmark, Glendon Manor is far more significant in Westwood's history than Chateau Colline. Given its role in the Village's history, Glendon Manor is even more worthy of preservation and adaptive reuse.

I also note that it was illegal for the city to permit demolition of the various buildings on the southwest corner of Weyburn and Glendon, on the AIMCO/Casden site. No response was ever received to several written inquiries from various community leaders regarding this illegal demolition. This appears to confirm the community's worst fears that we were right, and that the demolition was done illegally.

Response No. 31.5

In July, 2001, the Los Angeles City Council included Chateau Colline in the City's list of cultural-historic monuments. (Council File No. 01-1430.) Glendon Manor is not on that list. The commenter's opinion regarding the relative value of these two structures is noted. See Topical Response 2 in further answer to the comments regarding Glendon Manor. With respect to the demolition of the buildings on the west side of Glendon, see Topical Response 14.

Comment No. 31.6

The Westwood community has produced legitimate buyers for Glendon Manor. Unfortunately, representatives of AIMCO/Casden have told them the building is not for sale. This indicates that AIMCO/Casden does not plan to deal in good faith with the community to reach an amicable resolution to the Glendon Manor situation.

One of these potential buyers is the highly respected husband-and-wife team of Arax Hartunian and Allan Grossman. These are the noted preservationists who were responsible for the acclaimed restoration of the historic Los Altos Apartments in the Wilshire District. The Westwood community can produce other potential buyers. Having produced legitimate buyers, clearly this is clearly not a stalling tactic.

One final point, under sworn oath, Mr. Casden has stated that he could make a profit without any city approvals by building just a one story supermarket on this site. CEQA requires that the ENVIRONMENTALLY PREFERRED ALTERNATIVE be pursued if it is economically feasible. Mr. Casden has made the case that it is economically feasible. We therefore believe that at the end of the day, at the time of certification, the city cannot legally issue a "Statement of Overriding Consideration"! as required by CEQA.

Response No. 31.6

The Applicant has not advised the City that it is unwilling to sell Glendon Manor, but rather that no reasonable, market-based offers for it have been made. See also Response No. 7.1 regarding a potential purchase of Glendon Manor. With regard to developing a single-story grocery store as an alternative, such a development is not allowed "without any city approvals." See further discussion in Topical Response 12.

Comment No. 31.7

I urge you to not go down the path of fighting the entire Westwood community - and the larger historic preservation community - and their legitimate position regarding the preservation of historic 1929 Glendon Manor. Even Mr. Casden's own EIR consultant concurs with the community's conclusion that Glendon Manor is indeed worthy of preservation.

I sincerely hope you will put a quick end to this festering controversy, by coming out with a clear position from the Fifth District Council Office that Glendon Manor must be preserved under any development scheme on the AIMCO/Casden site.

Response No. 31.7

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration. For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13 and 11.28.

COMMENT LETTER No. 32**Ronald Vroon**

Professor UCLA

e-mail to Jack Weiss

weiss@council.lacity.org)

440 Veteran Avenue Apt. 301

February 21, 2003 (1 page)

Comment No. 32.1

I have been informed by the Westwood's North Village Association that Glendon Manor is being scheduled for demolition, to be replaced by a mixed-use project entitled "Palazzo Westwood." I would appreciate it if you would use your considerable influence to see to it that Glendon Manor is preserved. I have been told that it was determined to be eligible for inclusion on the California REGISTER [sic] of Historical Resources, and it really is one of the finer landmarks in our village. Its preservation can only help to improve quality of life and business in our community. I know that you are a strong supporter of historic preservation, and have committed yourself to "preserve and protect" as part of an overall strategy to enhance the status of Westwood Village. We trust in your leadership to insure that this building is preserved.

Response No. 32.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration. For discussion regarding Glendon Manor, see Topical Response 2 and Response Nos. 4.2, 4.3, 4.4, 4.5, 6.13, 7.1 and 11.28.

COMMENT LETTER No. 33**Casden Properties LLC**

Gregory D. Smith, Senior Project Manager
9090 Wilshire Boulevard
Beverly Hills, CA 90233
February 19, 2003 (2pages)

Comment No. 33.1

Casden Glendon LLC is the owner of the 4I-unit apartment building located at 1070 Glendon Avenue. The property is part of the proposed Palazzo Westwood development, a 528,490 square foot mixed-use project located on 4.25 acres of property south of Wayburn at Glendon Avenue in Westwood Village. The proposed project includes a discretionary request to remove the vacant apartment building.

The purpose of this letter is to notify the Commission of the property owner's pending demolition permit application, and to fulfill the notice requirements of Los Angeles Administrative Code, Article 4, Sec. 22.125.1. While the City does not recognize the building as a historic or cultural monument, we respect the role of the Commission to investigate any building in the City which it has reason to believe is or will in the future be a historical or cultural monument.

The building is not listed in the Westwood Village Specific Plan as a "Locally Significant Cultural Resource." The City excluded the building from the Specific Plan based on a comprehensive historic survey of Westwood, which did not identify the building as meeting the criteria for individual listing, or as a contributing building to any Historic Preservation Overlay Zone.

- The Commission previously considered an application to list the building as a Historic-Cultural Monument. Save Westwood Village, a local community group, nominated the building in response to a proposal by the former property owner to demolish the building as a part a proposed entertainment/retail development on the site. The Commission held an initial public hearing on September 17, 1997, but declined to take the property under consideration.
- For unknown reasons, rather than bringing the nomination back before the Commission, Save Westwood Village nominated the building to the California Register of Historic Resources. The California Office of Historic Preservation determined that the building is eligible for listing on the California Register, but could not list the building over the objections of the former property owner. The State Historic Resources Commission adopted written findings, overriding the Specific Plan and the objections of the Council Office having jurisdiction over the resource.
- Eligibility to the California Register triggered further environmental review by the Planning Department under CEQA. The proposed project Draft EIR is currently in a 60-day public comment period, which began on February 6th. The Commission's comments may provide

decision makers with relevant information concerning the historical significance of the building, if any, prior to making a final decision concerning the request to remove it.

We agree with the Commission's prior determination that this building does not merit consideration. Nonetheless, we recognize that the Commission left open the opportunity for the proponent to resubmit the application with further evidence to support the claim of significance. We respectfully submit that no such evidence has been presented or exists, that the building should not be designated as a cultural or historic monument, and that no further listing be undertaken.

Enclosed is our Analysis of Significance of 1070 Glendon Avenue. When properly evaluated within the historical context of the 1930s development of Westwood Village by the Janss Investment Company, the building does not meet the criteria for individual listing. We respectfully request that the Commission conclude this process by restating that the building does not meet the criteria for designation as a City historic or cultural monument.

Response No. 33.1

The comment is noted and will be forwarded to the Decision-Makers for their review. See Topical Response 2 for a discussion about Glendon Manor.

Comment Letter No. 34

Casden Properties LLC

Gregory D. Smith, Senior Project Manager
9090 Wilshire Boulevard
Beverly Hills, CA 90233
April 7, 2003 (1 page).

Comment No. 34.1

Casden Properties LLC, on behalf of the property owner Casden Glendon LLC, submit the following comments concerning LADOT's Revised Letter of Determination dated January 9, 2003, contained in Appendix G Traffic.

LADOT recommends that the proposed project fund the design and implementation of a 5I-intersection Adaptive Traffic Control System (ATCS) upgrade to the existing Westwood Automated Traffic Surveillance and Control (ATSAC) system as a part of its traffic mitigation program.

We respectfully request further consideration of the extent of the system upgrades and cost of each intersection improvement. As indicated in the traffic study prepared by Crain & Associates, the Proposed Project would be expected to significantly impact a maximum of only 13 study intersection in and around the Westwood area. Given these conditions, it appears that a 5I-intersection ATCS system would be a regional transportation improvement beyond the scope of the Proposed Project's traffic impacts.

Response No. 34.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their review.

COMMENT LETTER No. 35**Casden Properties LLC**

Gregory D. Smith, Senior Project Manager
9090 Wilshire Boulevard
Beverly Hills, CA 90233
April 7, 2003 (12 pages).

Comment No. 35.1

On May 23, 2002, Friends of Westwood, on behalf of Save Westwood Village, Holmby-Westwood Property Owners Association, and Westwood Hills Property Owners Association, requested that the Planning Department amend and recirculate the Notice of Preparation (NOP) for the proposed Palazzo Westwood project based on alleged defects.

Following the Response to Comments and distribution of the Final EIR, the City Council will be required to certify that the EIR was completed in compliance with CEQA, and the State and City Guidelines. On behalf of the property owner, Casden Glendon LLC, we respectfully submit the following comments to be included in the administrative record.

Our comments are based on the notice requirements under the relevant environmental statutes and guidelines, including the California Environmental Quality Act (CEQA), Cal. Pub. Resources Code, Sec. 21000 et. seq.; State CEQA Guidelines, Cal. Code of Regs., Sec. 15000 et. seq. (CEQA Guidelines); and City of Los Angeles CEQA Guidelines (City CEQA Guidelines), adopted by the City Council 1/27/81, Council File 80-4141. The procedure for completing the Notice of Preparation is set forth in CEQA Section 21080.4, CEQA Guidelines Section 15082, and in City CEQA Guidelines Article VI, respectively.

The Planning Department previously complied with requests from community groups and concerned citizens to amend and recirculate the Notice of Preparation.

On July 27, 2000, the Applicant, Casden Properties LLC, filed an Environmental Assessment Form for the proposed Palazzo Westwood development project on behalf of the property owner, Casden Glendon LLC. The Application included a project description, location of the project, probable environmental effects, and proposed discretionary actions.

The City prepared an Initial Study and Checklist dated August 10, 2000, finding that the proposed project may have a potentially significant impact on the environment. On September 13, 2000, ESAC notified the Applicant that an EIR would be required for the proposed project.

The “Pre-draft Request for Comments” (Notice of Preparation) prepared by the City dated October 27, 2000 welcomed “*all comments on the possible environmental impacts of the proposed project in order that we can take into consideration your concerns and/or those of the organization you represent, in the preparation of the EIR.*” The NOP provided a project description, location, and disclosed 29 areas of possible environmental impact.

At the request of concerned persons and community groups, the City amended the NOP on November 2, 2000, in order to provide “clarity and detail” for the proposed project. The amended NOP included an expanded project description, a summary of proposed discretionary land use actions, and recognition of the potential impacts to cultural resources due to the proposed removal of the 1070 Glendon Avenue apartment building. The City amended the time for responses to December 4, 2000.

The City completed the Draft Environmental Impact Report and circulated the document for the 45-day public comment period beginning February 21, 2002. Friends of Westwood filed their most recent objections to the NOP on May 23, 2002 -- 535 days after the close of the first amended NOP response period.

The City substantially complied with Notice of Preparation procedures under CEQA.

CEQA adopts the doctrine of substantial compliance to measure whether a reasonable attempt is made to comply with the law in good faith and no intent to mislead or conceal appears. In cases where there was compliance with all of the requirements enumerated by the statute, but the manner of complying with one of them was defective, the defect in the form of compliance is not fatal so long as there is substantial compliance with the essentials of the requirement.

The application of the doctrine of substantial compliance is set forth in CEQA Section 21092.2 and 21092(2), respectively:

*The notices required pursuant to Sections 21080.4 [the Notice of Preparation] ... shall be mailed to any person who has filed a written request for notices with either the clerk of the governing body or, if there is no governing body, the director of the agency.... **This section shall not be construed in any manner which results in the invalidation of an action because of the failure of a person to receive a requested notice, provided that there has been substantial compliance with the requirements of this section.** Cal. Pub. Resources Code, Sec. 21092.2.*

*Any lead agency which is preparing an environmental impact report...shall provide public notice of that fact within a reasonable period of time prior to certification of the environmental impact report.... **This section shall not be construed in any manner which results in the invalidation of an action because of alleged inadequacy of the notice content, provided that there has been substantial compliance with the notice content requirements of this section.** Cal. Pub. Resources Code, Sec. 21092(2).*

The City made a reasonable effort to comply with the notice requirements in good faith. No intent to mislead the public or conceal information about the proposed project appears, including the City's effort to amend the NOP at the specific request of interested persons to provide "clarity and detail." There is no indication that the City attempted to conceal the proposed project from public review, refused to provide requested information to permit meaningful responses to the NOP, or prevented the public from submitting comments on the scope of the EIR.

The manner of compliance with the statute for forwarding the NOP by first class mail rather than certified mail had no prejudicial effect on the opportunity for Responsible Agencies to provide a meaningful response. Thirteen Responsible Agencies responded to the NOP, providing the Planning Department with meaningful comments on the scope of the Draft EIR. Subsequent distribution of the Draft EIR has not revealed any Responsible Agency that was unaware that the City was preparing an EIR, or that the scope of the document was inadequate.

The Planning Department provided sufficient information to permit meaningful comment on the potential environmental effects of the proposed project.

The content requirements for the NOP are set forth in CEQA Guidelines Sec. 15082. The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the potential environmental effects to enable the Responsible Agencies to make a meaningful response. *Cal. Code of Regs., Sec. 95082 (a)(1)*. The City met the content requirements by providing the prescribed project information in the amended NOP:

(A) Description of the project,

The City amended the NOP to include an expanded project description and additional information specifically requested by community groups and concerned citizens.

(B) Location of the project indicated either on an attached map (preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name, or by a street address in an urbanized area), and

The Applicant caused to be prepared a vicinity map, radius map, address, and legal description of the proposed project, which the City included in the NOP.

(C) Probable environmental affects of the project.

The amended NOP provided a list of 29 areas of possible environmental impact. The list was based on the Initial Study and Checklist prepared by Councilman Reyes in his former capacity as Director of Planning.

The City received comments and attachments from 34 Responsible Agencies, community organizations, and interested persons in response to the NOP. There is no indication that the amended project

description was inadequate to permit these Agencies and concerned persons from making meaningful comments regarding the scope of the Draft EIR.

Notwithstanding the 149 pages of comments and attachments received by the City regarding the scope of the EIR, Friends of Westwood maintains that “*the project description is misleading and inadequate. The remedy is to recirculate an accurate NOP that addresses at a minimum, the following points:*”

1. *The below grade retail (7 feet below grade) along Glendon Avenue;*

The Applicant provided a proposed Plot Plan dated September 15, 2000, which the City included in the NOP. The Plot Plan discloses the elevations of the retail floor levels and the sidewalk elevations at the corners of the proposed project. The requested information is also provided within the scope of the Revised Draft EIR.

2. *The true height (84-91 feet, not the 55 feet cited in the NOP);*

The Applicant provided a description of the height of the proposed project, together with a list of requested discretionary actions, which the City included in the NOP. The requested discretionary actions include a request to measure the height of the building relative to the adjacent ground surface. The precise Zoning Code methodology and Westwood Village Specific Plan calculations for measuring building height on a sloping site are unnecessarily technical and lengthy for the purposes of the NOP brief project description. The requested information is provided within the scope of the Revised Draft EIR.

3. *The General Plan Amendment to redesignate Tiverton Avenue;*

The request to redesignate Tiverton Avenue maintains the physical street as it currently exists. Operational issues related to the future uses of Tiverton Avenue are contained within the scope of the Revised Draft EIR.

4. *The Pedestrian Mall Act to narrow Glendon Avenue (required approval for this project that was not included in the NOP or the DEIR).*

The Pedestrian Mall Law of 1960, *Streets and Highways Code, Sec. 11000 et. seq.*, is an alternative eminent domain procedure that allows the City to close public streets for pedestrian use. *Streets and Highways Code, Sec. 11103, 11200.* The assessment district created under the procedure compensates private property owners for the loss of public easement rights for vehicular access over the surface streets. *Streets and Highways Code, Sec. 11101 (c), 11202.* The NOP correctly discloses that the current 70-foot public right-of-way within Glendon Avenue would be maintained and would allow for vehicular access.

5. *The commercial tenant mix has to be identified in order to properly analyze traffic impacts and parking requirements. For example, given the fact that full-service markets and drug stores have*

already opened in the area, the grocery store and drug store options for this project are clearly problematic. Further, we understand that the only type of tenant other than a grocery store specifically identified by the Applicant to its consultant/leasing agent, Arba Group, was a national motion picture exhibitor. Obviously, the parking and traffic are radically different for movie theaters than for general retail.”

Future commercial uses of the project are proposed until the project is approved by the decision maker. The Applicant disclosed the total commercial floor area and potential future retail uses, which the City included in the NOP. To the extent possible, the requested information is provided within the scope of the Revised Draft EIR.

CEQA requires that an analysis of future uses of the project be considered if it is a reasonably foreseeable consequence of the initial project. In *Laurel Height Improvement Assn. V. Regents of University of California* (1988) 47 Cal. 3d 376, the Supreme Court of California set forth the standard for environmental analysis of anticipated future uses of a project. “We do not require prophecy,” said the Court. “The [Applicants] are not required to commit themselves to a particular use or to predict precisely what the environmental effects, if any, of future activity will be. Nor do we require discussion in the EIR of specific future action that is merely contemplated or a gleam in a planner’s eye.” According to the Court, “detailed environmental analysis of every precise use that may conceivably occur is not necessary at this stage [of the Draft EIR].”

Reasonably foreseeable uses of the commercial component of the proposed mixed-use project would be those uses permitted within the Los Angeles C4 Commercial zone.

The City substantially complied with all notice procedures.

Immediately following notification from ESAC that an EIR would be required, the Applicant delivered 40 copies of maps and a 500-foot radius mailing list to the City for a pre-draft circulation to concerned persons and organizations. The City forwarded the NOP to community groups and concerned persons by first class U.S. Mail.

The procedure for satisfying the consultation requirement is set forth in City CEQA Guidelines Art. VI, which provides that the consultation requirement shall be satisfied either by forwarding a copy of the Notice of Preparation or the Initial Study to the person or organization. *City CEQA Guidelines Art. VI. 1.5(b)(2)*. Persons or organizations that will be considered concerned is set forth in City CEQA Guidelines Art. VI, which generally includes three groups:

(a) HOAs located in the area where the major impacts of the project are likely to occur.

The City notified all owners and occupants within a 500-foot radius of the proposed project site. The City also provided information to and received comment letters from the two HOAs located in the area where the major impact of the project are likely to occur, including the Holmby-Westwood Property Owners Association and the Westwood Homeowners’ Association.

(b) Persons or organizations that have substantially commented on an EIR previously circulated for a similar project in the same area.

Concerned persons and organizations that substantially commented on the record regarding a prior project proposed for the same site included:

- Laura Lake is President of Friends of Westwood, a community group that received information and commented on the NOP.
- Terry Tagnazian is President of Save Westwood Village, a community group that received information and commented on the NOP.
- Prudence Faxon is associated with the Friends of Westwood organization, which received information and commented on the NOP.
- Holmby-Westwood Property Owners Association received information and commented on the NOP.
- Michael Metcalfe is listed as co-President of Save Westwood Village, which received information and commented on the NOP. Mr. Metcalfe is also listed as a Director of the Westwood Homeowner's Association, Inc., which received information and commented on the EIR.
- G. Olerich is a property owner who received information and commented on the NOP.
- K. Hekmat represents the owners of Center West, and was included within the group of property owners within a 500' radius of the site that were notified by the City. Friends of Westwood submitted NOP comments on behalf of Center West, Limited.
- Irvin Grant owns a condominium at 969 Hilgard Avenue, and was included in the group of property owners within a 500' radius of the site that were notified by the City. Mr. Grant submitted comments on the NOP.
- Park Westwood Condominium Association, whose members were included in the group of property owners within a 500' radius of the site that were notified by the City.
- Michael Woodward, Esq. of Paul, Hasting, Janofsky & Walker LLP on behalf of Cinamerica Theaters L.P., which was concurrently processing the Mann Theater project -- a competitor to the prior project. The project as currently proposed does not include a motion picture theater component.
- Nat Handel did not provide an address.

(c) Volunteer citizen organizations which are known to the Lead City Agency as having an interest in the environmental effects of the type of project involved or in the area where the project will be located.

- Friends of Westwood received information and submitted comments on the NOP.
- Save Westwood Village received information and submitted comments on the NOP.

Receipt of the NOP is evidenced by comment letters submitted in direct response to the information provided in the NOP. The City received comment letters from a number of organizations representing a significant portion of the surrounding community; including Friends of Westwood, Save Westwood Village, Holmby-Westwood Property Owners' Association, and Westwood Homeowners' Association.

Notwithstanding the 117 pages of written comments received from 21 community organizations and concerned persons, Friends of Westwood states, “[t]o our knowledge, no community leaders or other concerned persons were notified as required by the City’s own Guidelines.”

- The NOP comments filed by Friends of Westwood dated December 4, 2000 opens by saying: “Thank you for the opportunity to respond on the Notice of Preparation for Palazzo Westwood.”
- The NOP comments filed by Save Westwood Village, on whose behalf the present objections are being made, is titled “Re: Response to NOP.”
- The Holmby-Westwood Property Owners Association distributed project information it received from the City by means of its January 2000 newsletter. The article explained to homeowners that, “[t]he purpose of the NOP is to allow affected parties to comment on the issues they want addressed in the subsequent environmental impact report that must be prepared for the project.” The article “reproduced some of the project architectural drawings submitted in connection with an NOP (Notice of Preparation) filed by the developer with the City of Los Angeles in late November.” According to the article, “[i]n addition to H-WPOA, at least two other community organizations have also submitted substantial comments regarding the NOP, and related legal and public policy issues. H-WPOA submitted a list of 41 concerns and issues we want addressed in the project environmental impact report.”

According to Friends of Westwood, “[t]here are significant errors regarding notice [that] can only be corrected through properly recirculating a new NOP.” The organization cites the following three errors:

1. Directly consult with community leaders and other concerned persons for this highly controversial project within 25 calendar days of determining that an EIR is required. City CEQA Guidelines, Art VI.1.5 (b)(1).

Friends of Westwood suggests that, “[i]n addition to the surrounding homeowner associations, per the City CEQA guidelines, other concerned persons would obviously include all persons who contacted the

City or were otherwise identified during the City's consideration of the Smedra Project (a mixed use project on this same site)."

Friends of Westwood proposes an expansive list of concerned persons or organizations that should have been contacted directly by the City, including all persons who “(a) Testified at hearings; (b) Signed petitions presented to the City; (c) Wrote letters or sent postcards to the City; (d) Commented on the EIR; (e) Wrote the Planning Department, CD5, Bureau of Engineering or Department of Transportation or any other City department; and (f) All property owners and businesses within Tract No. 10600 and Tract No. 9768 (Westwood Village) who have rights in connection with Glendon Avenue.”

Such a proposal that the City document and locate all persons and organizations that participated in prior environmental reviews would place an unreasonable and costly burden on the City. Rather, CEQA places the responsibility on concerned persons and organizations to file a notice with the City that they wish to be notified about the proposed project. The procedure for filing public notice requests is set forth in CEQA Section 21092.2, which provides in relevant part that:

The notices required pursuant to Sections 21080.4 [the Notice of Preparation]...shall be mailed to any person who has filed a written request for notices with either the clerk of the governing body or, if there is no governing body, the director of the agency. The request may also be filed with any other person designated by the governing body or director to receive these requests. The agency may require requests for notices to be annually renewed. The public agency may charge a fee, except to other public agencies, which is reasonable related to the costs of providing this service. Cal. Pub. Resources Code, Sec. 21080.4(a)

According to the City's records, the only public notice request on file is from Mr. Richard Agay, President of Westwood Homeowners' Association, Inc., properly filed in response to the NOP.

2. Mail notice by certified mail, City CEQA Guidelines Art. VI 1.5g(5).

The NOP mailing procedure is set forth in CEQA Section 21080.4, which provides that the lead agency shall send notice by certified mail or an equivalent procedure to each Responsible Agency. *Cal. Pub. Resources Code, Sec. 21080.4(a)*. City CEQA Guidelines Article VI, also provides that the Lead Agency shall use either certified mail or any other method of transmittal that provides it with a record that the notice was received by Responsible Agencies. *City CEQA Guidelines Art. VI.1.5(a)(5)*.

The City substantially complied with this requirement by directly notifying Responsible Agencies regarding the NOP, and providing an opportunity for meaningful response. The City also provided a copy of the NOP to the State Clearinghouse, Governors Office of Planning and Research (OPR). The State Clearinghouse monitors compliance by state agencies and assists Lead Agencies in obtaining timely responses. On October 31, 2000, the Clearinghouse issued a courtesy notice to all Reviewing Agencies advising them of the availability of the Notice of Preparation. The OPR attached a “Document Details

Report, State Clearinghouse Data E”, providing a brief description of the project, the Lead Agency contact, project location, project issues, and a list of Reviewing Agencies.

Friends of Westwood states that “[n]o one we can identify received the NOP by certified mail.” Unlike the procedures set forth in the City’s CEQA Guidelines for forwarding the NOP to Responsible Agencies, there is no specific requirement for the method in which the City forwards the NOP to a person or organization (i.e. certified mail).

The City completed the Draft EIR and filed a Notice of Completion and Availability (NOA) on February 21, 2002. The City distributed the NOA and Draft EIR to over 45 Responsible Agencies, the State Clearinghouse, the City’s Internet site, and local libraries. To date, no Responsible Agency has notified the State Clearinghouse or the Planning Department that the scope of the Draft EIR is inadequate because they were not contacted during the scoping process.

3. Post the site and the area. CEQA Guidelines Sec. 21092 (3)(B)

The procedure for posting notice is set forth in CEQA Section 21092, which provides that notice shall be given by at least one of the three enumerated procedures. *Cal. Code of Regs., Sec. 21092*. Thus, CEQA requires that notice be given by at least one of the procedures, but not necessarily all three.

The City complied with notice procedures by publication in a newspaper of general circulation in the area affected by the proposed project, and by direct mailing to owners and occupants of contiguous property shown on the latest equalized assessment roll. *Cal. Pub. Resources Code, Sec. 21092 (3)(A) and (C)*.

Friends of Westwood states that, “[t]here was no posting on or near the project site for the NOP or DEIR.” The City used two out of the three alternative procedures of posting allowed under CEQA to fulfill this requirement. There is otherwise no specific requirement that the City post the site.

Amending and recirculating the Notice of Preparation would serve no purpose and would be wasteful of City resources.

In the 26 months since the close of the amended NOP comment period, there is no evidence that the City failed to notify any Responsible Agency, community group, or concerned person regarding the preparation of the EIR. Subsequent distribution of the Draft EIR has not revealed any persons or organizations that were unaware of the preparation of the environmental review document for the proposed project.

Upon completion of the Draft EIR Casden Properties LLC distributed over 21,000 mailers to residents and businesses within Westwood Village and the surrounding communities announcing the proposed project. The mailing included large portions of the surrounding neighborhoods from Sunset on the north to Ohio on the south, and Beverly Glen on the east to Veteran on the west. The mailer announced the release of the Draft EIR and provided the Internet address where interested parties could view the document.

The Planning Department fulfilled the requirements under the City's CEQA Guidelines by forwarding a copy of the NOP to Responsible Agencies, community organizations, and concerned persons. The notice resulted in the receipt of 149 pages of meaningful responses concerning the scope of the EIR. The City substantially complied with procedures for forwarding the NOP and minor defects had no prejudicial effect on Responsible Agencies or concerned persons to comment on the NOP.

Response No. 35.1

This letter is from a representative of the Project Applicant and states the Applicant's opinion about the adequacy of the NOP. It is noted for the record and will be forwarded to the Decision-Makers for their consideration.

COMMENT LETTER No. 36**Casden Properties LLC**

Gregory D. Smith, Senior Project Manager
9090 Wilshire Boulevard
Beverly Hills, CA 90233
April 7, 2003 (4 pages).

Comment No. 36.1

Casden Properties LLC, on behalf of the property owner Casden Glendon LLC, submit the following comments on the Cultural Resources section of the above referenced Revised 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.

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- 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 West wood 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 excluded 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 relative economic decline 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.

The attached documentation is enclosed herein and incorporated into the administrative record by reference:

- Letter form Mr. Michael A. Cornwell, President, City of Los Angeles Cultural Affairs Department, Cultural Heritage Commission, February 25, 2003
- Letter from Gregory D. Smith, Senior Project Manager, Casden Properties LLC, February 19, 2003.
- Analysis of Glendon Manor Apartments, Robert H. Timme FAIA, November 17, 2002.

- Analysis of Significance – 1070 Glendon Avenue, Casden Properties, February 2003.
- Glendon Manor Nomination Application (with attachments), Los Angeles Conservancy, no date.
- Los Angeles Cultural Heritage Commission, Tape Transcript of Proceedings, September 17, 1997.
- Westwood Village Specific Plan, Draft Environmental Impact Report, May 1987.
- Background Analysis, Alternatives, and Evaluation – Westwood Village Specific Plan, Gruen Associates, April 1986.
- Cultural Resources Documentation Report – Westwood Village, Johnson Huemann Research Associates, November 1985.
- Cultural Resources Documentation Report – Westwood: North and East Villages, Johnson Heumann Research Associates, May 1987.
- How to Apply the National Register Criteria for Evaluation, U.S. Department of Interior, National Park Service, printed February 2003.

Response 36.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.

COMMENT LETTER No. 37

Manatt, Phelps, Phillips, LLP

Ellen Berkowitz, Partner
11355 West Olympic Boulevard
Los Angeles, California 90064-1614
April 7, 2003 (1 page w/ Attachment).

Comment No. 37.1

As you know, this law firm represents Casden Properties, the developer of the Palazzo Westwood Project. The purpose of this letter is to transmit, as an official comment letter to the Palazzo Westwood DEIR, the enclosed analysis by Professor Robert Timme, Dean of the USC School of Architecture, with respect to the proposed demolition of Glendon Manor. For your information, Professor Timme prepared this analysis at our request and received no remuneration for his work.

Dean Timme's analysis concludes that "Glendon Manor does not meet the criteria to be designated for inclusion to...the City of Los Angeles List of Historical or Cultural Monuments [and that]...given the necessary changes to the building needed to meet life safety codes, it is questionable if renovation and adaptive reuse of the building is possible or economically desirable."

Response 37.1

This comment is noted for the record and will be forwarded to the Decision-Makers for their consideration.