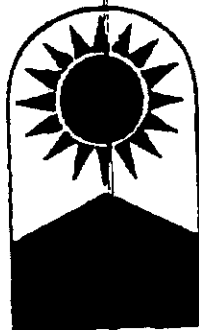


No. 26

December 1, 2000

Mr. Jimmy Liao  
Project Coordinator  
Environmental Review Section  
221 North Figueroa St. Room 1500  
Los Angeles, Ca., 90012

Re: NOP Palazzo Westwood  
Case No EIR No. 2000-3213



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ENVIRONMENTAL  
UNIT

Dear Mr. Liao:

Via FAX: 213 580-5542

The Holmby Westwood Property Owners Association is submitting this letter, along with an unnumbered 3 page letter dated November 26, covering 31 additional points, for discussion, study and analysis in the draft EIR for the above project.

This is yet another controversial project, because of its density and bulk, proposed for this size in recent years. Already some have tagged the project as a residential Beverly Center because of its bulk and scale.

The project as proposed, because of the long list of exceptions and exemptions sought, appears to have been planned, ignoring the specifics of the Westwood Village Specific Plan.

In order to properly evaluate the project impact on the Specific Plan, we request the EIR to require and consider project alternatives: all residential or mixed use, developed under the Specific Plan criteria.

In order to evaluate the exceptions sought from the Westwood Village Specific Plan we request the EIR:

- a. Identify each Specific Plan exception sought, by its corresponding Westwood Village Specific Plan number, along with a detailed explanation why the exception is sought or necessary.

The project proposes residential uses density greater than the residential density permitted under the Westwood Village Specific Plan.

- b. We request the EIR identify the number of residential units permitted for this site under the Westwood Village Specific Plan, using the criteria set forth within the Specific Plan, and excluding any grant to extend parking under the city street. Please identify the FAR permitted under the Specific Plan for this site, observing the criteria set forth in the Specific Plan.

The project requests underground easements under Glendon in order to construct the underground parking structure and to secure approval to tie all lots into a single project.

- c. Please review and comment in the EIR on the legalities of the sought easement, in effect the granting of an economic value by the City to the developer in order to build the project to the scope, scale and density sought.

The developer seeks a density bonus by incorporating a commercial use element in the project design. Ralphs was originally identified as the potential tenant for the proposed 60,000-sq. ft. market. Ralphs just signed a lease to occupy similar space in the former Macy's building across the street from this proposed project. It's unlikely that another food market would locate so close to the Ralphs market.

- d. If a residential density bonus is authorized based on the size of the proposed commercial element of the project, please explain in the EIR, what covenant or other legal requirement will bind the developer to build out to the size of the proposed commercial element size, or if the commercial element is later downsized, how that affects a FAR bonus granted earlier.

The project only requires residential auto entrance/exist at one location into the multi level parking structure and one entrance/exist for auto traffic into the multi level parking structure for the commercial element.

- e. Please require the EIR to identify the numbers of parking spaces required under the Specific Plan and or the City code for the residential element, and for the commercial element.

The project will require removal of existing parking spaces on surface lots within the project site. How many surface parking spots are being eliminated and explain how, are they being accommodated within the 3 level underground garage.

Please require a detailed analysis of how the auto traffic will flow in and out of the Glendon portal, and what mitigation measures are required to prevent a backup of auto traffic into Weyburn from the Glendon portal. Please require the EIR to detail how residential units in the building west of Glendon will be accessed from the single residential portal on Tiverton. Please require a detailed vehicle flow pattern for each level of parking and explain how a backup of vehicles will be prevented during peak use hours. Identify residential and commercial parking areas within each level of parking.

Please identify how the drug store will be serviced by commercial vehicles. Please analyze the adequacy of only two truck wells to service the proposed 60,000-sq. ft. market. Please address the overall adequacy of commercial vehicle access to the commercial element of the project.

The developer is requesting a widening of the sidewalks along Glendon and a narrowing of the street.

- f. Please analyze the impacts of through traffic flow along Glendon as the consequence of this request. Please explain why it is necessary to narrow Glendon and widening the sidewalks.

The project calls for "themed" gardens on the first level of the residential element.

- g. Please require a detailed landscaping plan for Glendon, and the "themed" gardens. The gardens will be sited on what in effect is the roof level of the commercial element. It is not clear what will or can grow and how it will be planted. Please identify what other "streetscape" is planned for this first level residential open space and where. Please require a detailed site plan.

The project proposes 24-hour commercial operations within a dense residential development.

- h. Please assess the environmental impacts on residential units adjacent to these proposed uses and identify what mitigation is required, such as double pane windows, exterior wall insulation, etc.

Please also address the environmental impacts of residential uses being sited at the project lot line adjacent to an alley that provides commercial delivery access to the west building of the project and the commercial buildings on the east side of the alley.

The developer is seeking modification of setback requirements and height.

- i. Please explain why setback requirements were made part of the Westwood Village Specific Plan, and what circumstances justify a waiver.

The developer is seeking various specific plan amendments and discretionary actions in order to build the project beyond the scope and scale permitted under the Westwood Village Specific Plan.

- j. Please require the EIR to include a detailed analysis of each of the applicants requested plan amendment actions and all other discretionary actions requested in their project application.

Yours truly,



Tom Paterson  
Office Manager  
Holmby-Westwood Property Owners Association  
1081 Westwood Blvd.  
Los Angeles Ca., 90024

December 1, 2000

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CITY OF LOS ANGELES

DEC 04 2000

ENVIRONMENTAL  
UNIT**VIA OVERNIGHT MAIL**

Mr. Jimmy Liao  
Project Coordinator  
City of Los Angeles  
221 N. Figueroa Street, Room 1599  
Los Angeles, California 90012

Re: Palazzo Westwood Case No: EIR No. 2000-3213

Dear Mr. Liao:

We are writing in reply to the notice of preparation for the Palazzo Westwood project. Madison Marquette is the owner and/or manager of the former Bullock's Westwood building at the intersection of Weyburn and Glendon and a number of other buildings on or near Westwood Boulevard, adjacent to or in the vicinity of the project site.

As we are now underway with our project to revitalize the former Bullock's building and other properties nearby, we welcome other new development in Westwood. As you will see below, we mainly have questions so that we can understand the impacts that might occur from the construction and use of the Palazzo project and to ask that you consider all appropriate mitigation measures.

**PROJECT DESCRIPTION**

- Where will the "nonhabitable" architectural elements be located in the project and what are the heights?
- What is the current width of the sidewalks and street?
- How many lanes of traffic will be accommodated on the street after it is narrowed?
- Exactly how close to the adjoining properties will be the excavation?
- How many feet deep will the excavation be?
- Where will loading operations occur within the project?

**CONSTRUCTION ISSUES**

- What is the construction schedule both in terms of start and duration and hours of construction?
- How will the construction interfere with pedestrian and vehicular access to adjoining and nearby properties?
- What are the haul routes?
- Will the alley and Weyburn be open at all times? If not, why not and what will be the access pattern?
- What measures can be required to ensure normal access to adjoining properties?
- What type of impacts might occur from excavation?

DEC. 3, 2000 3:38PM  
Jimmy Liao  
City of Los Angeles  
December 1, 2000  
Page 2

- How will the adjoining properties be protected?
- Will tie-backs be required for underground shoring and where? If so, what provisions are going to be made to obtain access rights from adjoining properties?
- How will the historic buildings in the area be protected?

#### EARTH (DEMOLITION / GRADING)

- Where may subsidence occur? Also see our questions above regarding excavation.
- What possible damage to adjoining properties could be caused by the possible subsidence?
- What specific steps will be taken to mitigate any potential impacts?

#### AIR QUALITY

- What are the air quality impacts on adjoining properties during construction?
- How much dust will there be from excavation?
- How will adjoining properties be protected during grading and excavation?

#### WATER

- What changes in drainage and runoff are anticipated?
- How will these affect adjoining properties?
- Will there be mitigation for on-site detention?

#### LAND USE

- Exactly what language is proposed for the amendments to the Westwood Village Specific Plan?
- How will the amendments ensure that other impacts may not result from others using the new provisions?
- What are the cultural resource impacts from the proposed amendments? See below for further cultural resource questions.
- Given need for amendments to the existing Specific Plan, will there significant land use impacts?

#### NATURAL RESOURCES / RISK OF UPSET

- Have Phase I and/or Phase II environmental studies been completed? If so, will they be included in the EIR?
- How much methane is at the site? What mitigation measures will be used for safety during construction? What mitigation measures will be included in the project long term?
- In addition to methane, what other gases exist on site? Is there hydrogen sulfide?
- What is the potential for impacts to adjoining properties from these issues and what measures will be implemented to protect adjoining properties during and after construction?

Jimmy Liao  
City of Los Angeles  
December 1, 2000  
Page 3

## **HAZARDS**

- As asked above, what are the haul routes?
- How will the adjoining and nearby properties and their patrons be protected from soil contamination and asbestos?

## **TRAFFIC/PARKING**

- What will be the ingress and egress condition on Glendon?
- What is the anticipated queue length into the parking structure on Glendon?
- How many lanes will there be?
- Will there be any turn pocket lanes?
- If it is only one lane north bound, what is the impact on cars proceeding north on Glendon past the project's parking structure?
- What will be the impact from the street narrowing on fire and emergency vehicle access?
- How close to Weyburn will the parking structure entrance be?
- During and after construction what will the impact be on the alley?
- Will adjoining properties be able to use the alley between Glendon and Westwood for loading and unloading at all times?
- Will there be on street parking on Glendon?
- How is the loss of the existing public parking at the site compensated for?
- How many trucks can accommodated on site for loading?
- How many trucks are projected daily and when?
- Is there enough capacity for the truck to stage on site or will they be lined up on the street?

## **CULTURAL RESOURCES**

- What impact will the height and location of the new project have on the adjoining cultural resources, including the former Bullock's building and approximately six other buildings identified as cultural resources under the plan?
- Does the project conform to the Specific Plan's requirement for a historic certificate of appropriateness?
- Why does the notice of preparation not mention potential cultural resource impacts on the adjoining and nearby cultural resources?
- Exhibit 3 states a conclusion but does not analyze why there are no impacts on the former Bullock's; shouldn't this be covered in the EIR's discussion of potential cultural resource impacts?
- What is the cultural resource impact on the existing view corridor up Glendon to the former Bullock's building from narrowing the street and exceeding the height and setback limits on both sides of the street? See below.

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Jimmy Liao  
City of Los Angeles  
December 1, 2000  
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### AESTHETICS

- Will the EIR discuss the potential aesthetic impacts from narrowing Glendon, exceeding the height limits and setback requirements and amending the Specific Plan?

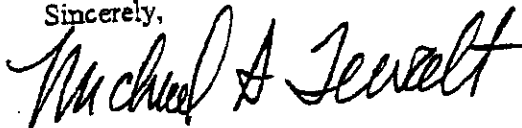
### UTILITY SERVICES

- The notice of preparation does not mention any potential impacts to sewers, electrical service; fire flow and water flow.
- What is the available sewer capacity in the area?
- Does DWP have sufficient infrastructure in the area to serve the project?
- What is the capacity of the water system and fire flow system?
- What impacts will there be to utilities, such as electrical and sewer service?
- What utilities are located under Glendon? How will these be rerouted?
- Are there any utilities within the alley? If so, will they be affected?

### CONCLUSION

Thank you for the opportunity to ask that these questions be addressed in the EIR. We look forward to reviewing the EIR.

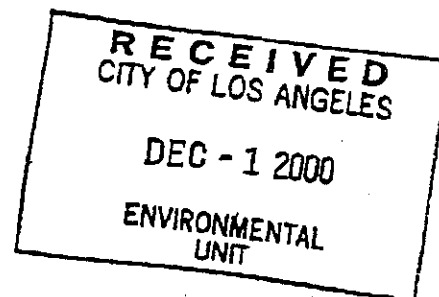
Sincerely,



Michael A. Tewalt  
Vice President, Development

MAT:mg

Ed Reyes or Jimmy Liao, Project Coordinators  
221N. Figueroa St., Room 1500  
Los Angeles, CA 90012  
Re: EIR No. 2000-3213



To whom it may concern,

My husband and I have lived at 10844 Weyburn Avenue since April 1999. We are both doctors continuing our specialized training education at UCLA Medical Center. Our desire to live in a quiet neighborhood within a short walking distance led us to the apartment we now live in. We live in an environment where there are 8 units including our own. We have committed ourselves to living here for 3 years. We regard our apartment as we would our house. In fact it is much like a little house. It faces Weyburn between Hilgard and Tiverton. We have great concerns regarding a decrease in our standard of living. We do not condone a project which would change the peacefulness of our surroundings. Having spoken with several neighbors who have rented their apartments here for approximately ten years, it is my understanding that they have concerns similar to our own. My husband and I do not want an increase in traffic (ie work trucks) and first and foremost an increase in the noise level. We would be directly affected by early traffic and construction crews arriving daily. Can you promise that these trucks will not take residential routes in and out of our area? I am not so sure, as we live on one of the main side streets to your proposed venture. I do not see the benefit to the neighborhood to have our streets widened, meaning an increase in traffic. I am already too aware of the great difficulty in getting through our area every Thursday when there is a Farmer's Market on Weyburn. Add a big grocery store and what will the traffic be like on a daily basis right in front of our home? Not to mention the atmosphere of a fairly quiet living space. To address the areas you have listed as having a possible environmental impact where can I start? #2 on the list is a problem. Just where will this hauling and construction take place? Surely it will not be limited to the site. I am assuming trucks of some kind will be hauling debris, and dirt right through the area where we live. Would your families appreciate an increase in the dust they breathe in. We walk to work every day and often right down Weyburn. How will you protect the residents in this neighborhood from developing adult onset asthma? This project will do what to the nature we enjoy in our landscape? I am not a "tree hugger" however we enjoy the trees adjacent to our home. These trees add much charm to where and why we chose to live here. When we are home we do not feel as though we are surrounded by sky rise buildings. We chose to live here because it is a residential neighborhood. This project is proposing a change in that very environment to make it commercial. We do not want our street widened to enable more traffic to come and go more smoothly. It is an increase in traffic on our street we do not want. We do not want a light intersection constructed at the intersection of Weyburn and Tiverton either. Right now, we believe there is no need and we do not want this project to result in that need. Additionally, Widening our street will result in cutting down the trees we and many people enjoy daily. They are a beautiful and natural part of this landscape where we live. The tree in our bay window means a lot to me, as I often sit in my living room admiring the scenery it presents. It lends a feeling of privacy to us and we do not want that enriching aspect of our home destroyed. We see it and enjoy it every day.

Thank you for your time and consideration.

Sincerely

Jason E. Merritt

Jason and Jennifer Merritt  
10844 Weyburn Ave.  
Los Angeles, CA 90024



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

No. 29

December 4, 2000

Mr. Jimmy Liao Project Coordinator  
Environmental Review Section  
City of Los Angeles  
221 North Figueroa St. Room 1500  
Los Angeles Ca., 90012

Re: NOP Palazzo Westwood  
Case No. EIR No. 2000-3213

Dear Mr. Liao:

Via FAX: 213-588-5542

This letter is supplemental to the previous 6 pages of comments we faxed you on Friday December 1 regarding the above project.

We have reviewed the parking plot plan and supplemental commentary submitted by the applicant. It is estimated the project will require 3 years of construction.

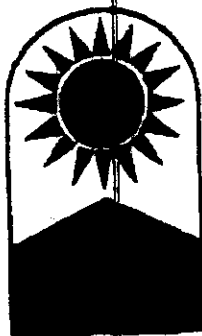
The applicant is seeking a revocable subsurface encroachment permit and a subsurface vacation under Glendon Avenue to accommodate the subterranean parking. We presume this means the closing and removal of Glendon Avenue for the duration of the project. The garage project is described as requiring 15.5 months start to finish, including 4 months for grading and 11.5 months for construction of the garage.

It appears the applicant can not build the project to the sq. ft. density sought without the subsurface vacation of Glendon. The closure of Glendon was much an issue in the previous project proposal. We request an additional project alternative be considered in the EIR for this project, if in fact this EIR as proposed goes forward. We request the EIR define a permissible project in square foot, meeting the requirements of the Westwood Village Specific Plan, excluding any subsurface vacation of Glendon.

The granting of the subsurface vacation to the developer appears to constitute a gift of economic value by the City of Los Angeles to the developer. Please identify the square footage of the surface area of the subsurface area sought to be vacated, and assign an economic value to the sought grant, based on the market value of the project land on either side of Glendon. The environmental impact of the closure of Glendon for 15.5 months must be addressed in the project EIR.

We request a suspension of the processing of the NOP until the following is accomplished. The subsurface vacation of Glendon raises significant public policy and legal issues that should be resolved prior to the commencement of the project EIR, since the project cannot go forward as proposed without the subsurface vacation.

We request an opinion from the Director of Planning regarding the request for the subsurface vacation and the closing of Glendon for construction. We likewise request an opinion from the LA City Attorney regarding the legality of the sought request, indicating, as appropriate, statutory citations and city approval precedents for an entire street subsurface vacation. What public approval process is necessary to secure the sought subsurface vacation? What is the significance of a "revocable subsurface encroachment permit for an entire block?"



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We believe the significant issues detailed above should be resolved prior to any City of Los Angeles action to go forward with a NOP and EIR for the project.

Yours truly,  
*Don Paterson*

CC: Board

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# SAVE WESTWOOD VILLAGE

*Dedicated to Quality Revitalization*

December 4, 2000

Mr. Ed Reyes  
 221 N. Figueroa St., Room 1500  
 Los Angeles, CA 90012

Re: Palazzo Westwood  
 EIR No. 2000-3213  
Response to NOP

RECEIVED  
 CITY OF LOS ANGELES

DEC 04 2000

ENVIRONMENTAL  
 UNIT

Dear Mr. Reyes:

We are making the following comments, under protest, to the NOP for the above project. We submit these without in any way waiving our objections, and we hereby reiterate our previous objections to continuation of the NOP and EIR process for this project at this time. A copy of my letter to you dated November 30, 2000 is attached and incorporated herein by this reference.

A. Pre-existing Project. For the reasons set forth in my enclosed letter of November 30, 2000, this NOP and entire EIR process should be suspended, withdrawn or otherwise terminated until such time as (a) the pre-existing project on this very same property (including all of its numerous aspects) is formally withdrawn or otherwise terminated; and (b) we receive timely notice of all matters regarding this property.

B. No Notice. Although we are an appellant of record on various pending appeals on the pre-existing project on this very same property and have also received notices from the City on the pre-existing project in the past, we did not receive the NOP for this project, but had to learn about it "through the grapevine."

C. Time Duress. I received materials on this NOP by fax from you on Friday. We were given only one business day to review this material.

D. Incomplete Material. Upon reviewing the 10 pages of materials you faxed me on Friday, it is apparent on its face that this is not a complete copy of the relevant materials. In particular, missing are the original Notice of Preparation referred to on the first page of the

## ADVISOR

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Mr. Ed Reyes  
Re: Palazzo Westwood  
December 4, 2000  
Page 2

fax, as well as the Attachments described as "Vicinity Map, Radius Map, Site Plan."

Subject to the above objections, all of which are hereby preserved, we submit the following comments:

1. **Acreage.** The property is described as 4.98 acres. This presents the same issue as the pre-existing project, and is not accurate unless all of Glendon Avenue is included. The actual property owned by the developers is approximately 4 acres, not approximately 5 acres as is being represented.

a. Please ensure that the acreage is measured and described accurately.

b. Is Glendon Avenue or any portion of public right of way (e.g., sidewalks) being included in the acreage calculation for this project?

c. What amount of acreage are the FAR calculations based on?

d. What is the true permitted buildable for this property, using only the land owned by the developers, and calculating it strictly under the existing Specific Plan and other applicable laws, including corner commercial, taking into account permitted height, setbacks, minimum apartment sizes, etc.?

2. **Street Vacation.** The project involves at least two partial vacations of Glendon Avenue: approximately half the surface, and the entire subsurface.

This raises a similar issue to that involved in the pre-existing project. Under California Streets & Highways §8353, private easements are owned by all properties in the original subdivision tract map and are not extinguished by vacation of the public easement. Owners have up to two years to record notices of non-extinguishment with the county recorder.

Under Danielson v. Sykes, 157 Cal. 686 (1910), this private easement extends to all streets in the subdivision, not just those abutting particular lots.

Under Norcross v. Adams, 263 C.A.2d 362, 365, 367 (1968), the city may also be liable.

When this issue came up in the pre-existing project, approximately 1,600 potential claimants for damages were identified.

a. What are the legal and economic consequences of a proposed partial street vacation, especially the city's possible economic liability?

Mr. Ed Reyes  
Re: Palazzo Westwood  
December 4, 2000  
Page 3

b. How will the project be impacted if notices of non-extinguishment cloud title of the property?

c. How much extra buildable does the developer get by such a vacation?

d. With respect to the subsurface vacation, what are the consequences to surrounding property and business owners during the construction period — the new tenants scheduled to open in the Macy's building in the fall 2001 (including Expo Design Center, Ralph's Fresh Fare Market which have been formally announced, and also possibly Long's Drugstore and Bed Bath & Beyond in negotiations), the recently renovated Arden building which is now almost fully leased, the other smaller businesses along Glendon, emergency vehicle access to the UCLA hospital and the Westwood Horizons retirement community?

e. How will a narrowed Glendon Ave. impact traffic circulation in the Village, especially with regard to the anticipated impact of the new multi-tenant retail at the Macy's building, the filling up of the Arden building, the completion of the Legacy Apartments on Wilshire just east of Glendon and the various other large multi-family projects under construction in the Wilshire Corridor, and emergency vehicle access to the hospital and Westwood Horizons retirement community?

f. How will the existence of a subsurface garage affect the ability of emergency vehicles, trucks and other traffic to traverse Glendon Ave.? This was also an issue in the pre-existing project — when the street was to be replaced over the subsurface garage, it was not going to be strong enough to carry such vehicles. The same issue has arisen in Pasadena, where the old mall on Colorado Blvd. is being torn down — the street over the subterranean garage is not strong enough to handle regular traffic.

**3. Glendon Manor Historic Building.** This project proposes to demolish the apartment building at 1070 Glendon Avenue. This building was declared historic by the State in 1998 after voluminous hearings and proceedings at which the developers were abundantly represented. Glendon Manor was built in 1929. It is one of only twelve original buildings remaining in the Westwood Specific Plan area, and as evidenced by provisions in its original grant deed and contemporaneous press articles, is closely associated with the opening of the UCLA campus here in that same year.

We are enclosing copies of the State's notice of determination, minutes of the hearing (excluding attachments other than Glendon Manor) at which that determination was made, and formal findings of fact determined after a second hearing.

a. What alternatives are there to demolishing this historic structure? It is, after all, residential property and the proposed project is primarily residential. Why not incorporate this building into the project?

Mr. Ed Reyes  
Re: Palazzo Westwood  
December 4, 2000  
Page 4

b. Include as an alternative and/or required mitigation that this building must be rehabilitated and incorporated into the residential portion of the project. As a state-designated historic building, it qualifies for a more lenient building code and various tax breaks.

c. Include as an alternative and/or mitigation that this building must be offered for sale to those who would preserve it.

d. We understand that the building currently houses seniors and/or disabled and/or low income tenants. What is the impact of demolishing this type of affordable housing in Westwood?

e. As an historic building, what other impacts does this have on the proposed project -- e.g., height restrictions, setback requirements, subsurface vacation restrictions.

4. Relationship with Pre-Existing Project. A tract map was approved for the pre-existing project that includes among other things the vacation of Glendon Avenue, re-draws lot lines on the eastern half of this very same property and creates commercial condominiums, which is currently on appeal. In addition, numerous other approvals were given for various matters in connection with the pre-existing project (including, e.g., use of the State Pedestrian Mall Law for Glendon Avenue which conflicted with the approved street vacation), some of which are also currently on appeal, and others for which no written notice of determination was ever sent so appeal time not triggered.

a. What exactly is the status of pre-existing project and each of the decisions, determinations and approvals made in connection therewith?

b. What part, if any, of the approvals for the pre-existing project might be used for this project?

c. Will formal withdrawal or termination of the pre-existing project (and all of its numerous aspects) be a condition of this project going forward?

5. Parking. The developers claim that their proposed parking meets the requirements of both the Specific Plan and Municipal Code.

a. Provide a clear, unambiguous and detailed description of how this conclusion is reached, i.e., detailed calculations of required parking.

b. How many of the 1,550 proposed spaces are reserved for residential use, and how many for retail use?

Mr. Ed Reyes  
Re: Palazzo Westwood  
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Page 5

c. How many spaces are replacements for the currently available public parking on the site -- note that the vast majority of the property consists of surface parking lots available for public parking.

d. How many spaces are replacements for the lost on-street parking?

e. Exactly how much on-street parking will be lost -- e.g., by the narrowing of Glendon Avenue, and along Tiverton and Weyburn?

f. How many spaces are replacements for covenanted parking on the existing lots?

g. Will the retail parking be available for use by customers Village-wide, or only for customers of businesses on site?

h. Will the retail parking provide 2-hour free parking or otherwise be part of a Village-wide validation system?

6. Amendment of Specific Plan. The Specific Plan was carefully researched and negotiated among all the various Westwood constituencies over a period of several years -- businesses, property owners (specifically including the active participation of the developers' predecessors in interest on this very property), homeowners, UCLA, etc. The final result was based on a fully integrated view of the Village as a whole, and involved numerous negotiated compromises by all parties.

a. Why can't the developers, who knew the terms of the Specific Plan before they acquired the property, build within the Specific Plan? If they didn't think they could profitably do so, then they shouldn't have acquired the property.

b. The alternatives must include a project that substantially complies with the Specific Plan, and does not require amendments of the Plan.

c. The Specific Plan cannot be amended for the benefit of one project. What is the impact on all the other property owners who don't get such special treatment?

d. The Specific Plan cannot be amended on the basis of a project EIR. The EIR for the Specific Plan itself is more than ten years old. If amendments are contemplated, then the entire Specific Plan area should be looked at comprehensively, as an integrated whole in light of current circumstances (including, e.g., the State historic designation of Glendon Manor, increased traffic, new development at UCLA and in Wilshire Corridor), and a new Specific Plan EIR should be prepared involving all the various constituencies.

Mr. Ed Reyes  
Re: Palazzo Westwood  
December 4, 2000  
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c. Provide the specific language for the proposed Specific Plan amendments as part of the EIR, rather than springing them on the public a few days before public hearings as was done with the pre-existing project.

**7. Tract Map and other Approvals.**

a. Are there any tract map approvals involved in this project? If so, specify what they are in detail.

b. Specify in precise, clear and unambiguous detail all other approvals that are required or being sought, e.g., conditional use permits, liquor licenses, etc. -- how many, in what locations, on-site, off-site, entertainment, number, types and sizes of restaurants, etc.

c. Specify details on "lot tie agreement," and density transfers.

d. What signage variances are contemplated -- for what businesses, what kinds of signs, etc.

**8. Variances/Exceptions.** Does this project qualify for any variances or exceptions under the existing legal standards for such determinations? If so, what are they? If not, why not?

**9. Buildable/Density Calculations.** We understand that the proposed number of apartments is approximately 150% more density than the developers are entitled to under the existing law.

a. Provide a detailed description and calculation of what buildable the developers are entitled to under the Specific Plan and other applicable laws, including corner commercial.

b. Specify exactly what bonuses the developer is relying on, e.g., neighborhood serving uses, residential above commercial, density transfers (and from where), etc., and how much additional square footage is gained for each.

c. How does the actual proposal differ from what they are entitled to under existing law?

d. What is the minimum square footage size for apartments under existing law?

e. How are proposed tenant amenities, e.g., pool, healthclub, gardens, factored into the calculations?

**10. Commercial Encroachment.** The Specific Plan requires the lots fronting on Tiverton to be residential if a hotel is not built. What are the impacts of permitting commercial use (even though no commercial access, there will apparently be a blank wall at street level) on this small, primarily residential street? How will it affect the value of nearby residential



Mr. Ed Reyes  
Re: Palazzo Westwood  
December 4, 2000  
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properties? What possible justification for such encroachment, especially as a Ralph's grocery is definitely not going into this project.

11. Grocery Store. A full-service Ralph's Fresh Fare Market is now going into the Macy's building across the street from this project, as announced publicly on November 30, 2000. Apparently, the developers of Palazzo Westwood were hoping that Ralph's would come into their project, which is now clearly not going to happen.

a. What business will go into the space designated for a grocery store? Will it be a grocery or something else? If a grocery, which one?

b. How do you realistically protect against granting bonuses for something that may not actually happen, or that changes a year or so after being built, as happened when Irvine Ranch Market went out of the project at Moraga and Sepulveda, which is now used for offices instead of being neighborhood-serving?

12. Height/Setbacks. What justification is there for permitting excess height or reduced setbacks for this project, and/or for re-defining how height or setbacks are measured for this project? Why can't the developer build within the height and setbacks provided under the Specific Plan, which were specifically designated in order to preserve the low-rise, small-scale Village atmosphere against encroachment by high-rises such as the Arden building (ironically being cited by the developer as an ostensible reason for such redefinitions).

13. Affordable Housing/Public Amenities/Public Access.

a. Is there any affordable housing/low income housing being provided in this project?

b. Are any public amenities being provided in this project?

c. Will there be a public access through the middle of the block between Tiverton Ave. and Glendon Ave., and between Glendon Ave. and Westwood Blvd.?

14. Bicycle Spaces. The proposed project is exactly the type of project where more rather than less bicycle spaces should be provided -- bicycles are a perfect means for residents in the 350 units of the project to get around the Village and nearby UCLA campus. What justifications are there for lowering the number of bicycle spaces?

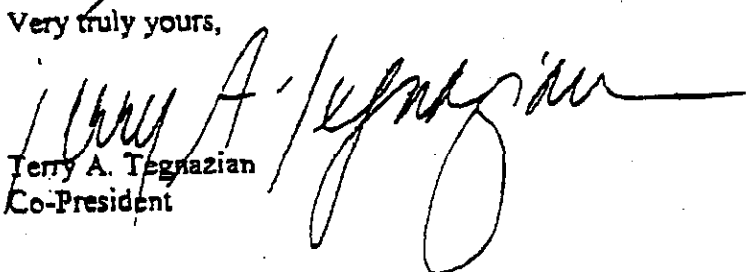
15. Traffic. Conduct all new traffic studies. Assume full occupancy of surrounding buildings, including all the high-rise office buildings and the apartments and condos in the Wilshire Corridor, and full occupancy of the retail space in the Village, especially with the new multi-tenant retail uses coming online in the Macy's building. In addition, in calculating traffic from UCLA, do not simply extrapolate from projections in the long-range development plan which is what was done for the pre-existing project -- take into account UCLA's occupancy in the Village as well as on campus, the new grad student housing being

Mr. Ed Reyes  
Re: Palazzo Westwood  
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built on Veteran south of Strathmore with provisions for another 2,400 cars, the new hospital, the new extension school in the Gap building, etc.

Please call me directly at 310-470-0770 if you have any questions. Thank you.

Very truly yours,

  
Terry A. Tegnazian  
Co-President

enc.

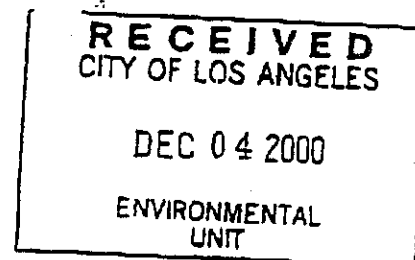
No. 31

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

---

Via Fax 213-580-5542

December 4, 2000



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

**Re: EIR 2000-3213 Notice of Preparation Palazzo Westwood**

Dear Mr. Reyes:

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

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

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

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

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

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

**FRIENDS OF WESTWOOD, CENTER WEST, WILSHIRE GLENDON ASSOC.****2**

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

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

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

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

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

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

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

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

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

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

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

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

**FRIENDS OF WESTWOOD, CENTER WEST, WILSHIRE GLENDON ASSOC.****3**

Glendon Avenue by 50 percent:

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

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

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

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

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

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

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

**FRIENDS OF WESTWOOD, CENTER WEST, WILSHIRE GLENDON ASSOC.****4**

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

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

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

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

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

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

**Correspondence should be sent to:**

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

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

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

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

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

**5**

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Lake', written in a cursive style.

Laura Lake, Ph.D.

President

Friends of Westwood, Inc.

**FRIENDS OF WESTWOOD, INC.****REVISED NOP COMMENT**

Via Fax 213-580-5542

December 4, 2000

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

**RECEIVED**  
CITY OF LOS ANGELES

DEC 04 2000

ENVIRONMENTAL  
UNIT

**Re: EIR 2000-3213 Notice of Preparation Palazzo Westwood**

This letter amends the earlier submission today to clarify the basis of including Center West, Ltd. And Wilshire Glendon Associates in the NOP comments. These entities wish to go on record in opposing only the issues associated with the narrowing of Glendon Avenue.

Thank you,



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

Phone: 310-470-4522  
FAX: 310-470-9944  
E-mail: lake4council@hotmail.com

1015 Gayley Ave., PMB 1063, L.A., CA 90024



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

---

Via Fax 213-580-5542

December 4, 2000

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

**RECEIVED**  
CITY OF LOS ANGELES

DEC 04 2000

ENVIRONMENTAL  
UNIT

**Re: EIR 2000-3213 Notice of Preparation Palazzo Westwood**

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

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

Thank you,



Laura Lake, Ph.D.

President

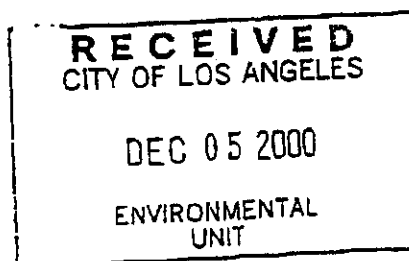
FRIENDS OF WESTWOOD, INC.

**G. OLERICH**  
**13158 Highway 9 # 119**  
**Boulder Creek, Ca 95886**  
**831-427-5513**

12/4/00

Cover, plus "Comments..." pages 1-16 and CROSS REFERENCE BY IMPACT pages 1-3,  
20 pages total including cover

City of Los Angeles  
Department of City Planning  
Ed Reyes or Jimmy Liao, Project Coordinator  
221 N. Figueroa St., Room 1500  
Los Angeles, CA 90012  
re: EIR 2000-3213  
213-580-5546  
FAX 213-580-1176  
FAX 213-580-5542



This FAX includes comments regarding possible adverse impacts of the projects proposals. There are 16 pages included here (large type for convenience) and the referred to "CROSS REFERENCE BY IMPACT" which consists of 3 pages.

I hope you will carefully review the comments as even if some comments may be based on incorrect/incomplete information or mistaken assumptions, and even if there is redundancy, I think you will find that a number of issues are raised which warrant serious consideration.

Please don't hesitate to contact me for clarification or discussion.

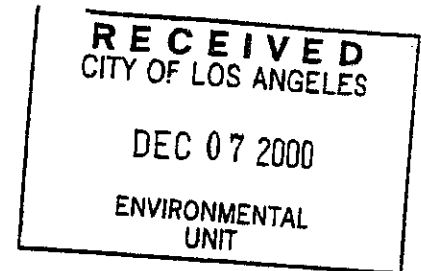
Thank you very much for your consideration.

**G. OLERICH**  
**13158 Highway 9 # 119**  
**Boulder Creek, Ca 95006**  
**831-427-5513**

12/3/00

Cover, plus "EIR impact categories"

City of Los Angeles  
Department of City Planning  
Ed Reyes or Jimmy Liao, Project Coordinator  
221 N. Figueroa St., Room 1500  
Los Angeles, CA 90012  
re: EIR 2000-3213  
213-580-5546  
FAX 213-580-1176  
FAX 213-580-5542



This FAX includes "CROSS REFERENCE BY IMPACT EIR 3213" a 3 page chart which is referred to in the table of Contents of my comments. A "Y" indication for each category of impact means that facet of the project proposal might result in an adverse impact of that type. Discussion of the impacts should be generally found in the corresponding section of the comments.

By the way, when I FAX'd the comments earlier, because of some idiosyncrasy of the FAX process, it was in two transmissions. The second transmission immediately followed the first transmission which included seven pages including the cover. The second transmission consisted of 13 pages, with no cover. The pages of the second transmission all contain the footer (at the bottom of the page) which identifies the document as "COMMENTS REGARDING THE POSSIBLE ENVIRONMENTAL IMPACTS OF PALAZZO WESTWOOD (EIR NO. 2000-3213)(Olerich).

If the immediacy of the second transmission didn't result in all the pages being together, the footer should make it easy to identify which pages go together (the comments pages are numbered as well).

I will try to send a FAX again to the other FAX number as well, it would not receive the FAX this afternoon.

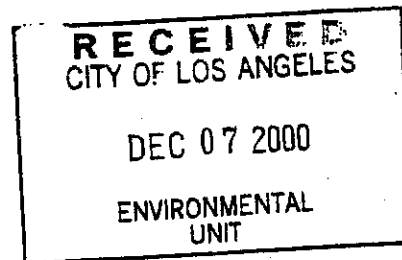
Thank you,

**G. OLERICH  
13150 Highway 9 # 119  
Boulder Creek, Ca 95006  
831-427-5513**

12/3/00

Cover, plus "Comments..." 16 pages

City of Los Angeles  
Department of City Planning  
Ed Reyes or Jimmy Liao, Project Coordinator  
221 N. Figueroa St., Room 1500  
Los Angeles, CA 90012  
re: EIR 2000-3213  
213-580-5546  
FAX 213-580-1176  
FAX 213-580-5542



This FAX includes comments regarding possible adverse impacts of the projects proposals. There are 16 pages included here (large type for convenience) and the referred to "CROSS REFERENCE BY IMPACT" will be forthcoming shortly. It is not needed for utilization of the comments.

I hope you will carefully review the comments as even if some comments may be based on incorrect/incomplete information or mistaken assumptions, and even if there is redundancy, I think you will find that a number of issues are raised which warrant serious consideration.

Please don't hesitate to contact me for clarification or discussion.

Thank you very much for your consideration.

# COMMENTS REGARDING THE POSSIBLE ENVIRONMENTAL IMPACTS OF PALAZZO WESTWOOD (EIR NO. 2000-3213)

**Introduction** These comments are organized by project feature for each feature noted here to have adverse impacts. The comments are organized that way because the best means to eliminate (or mitigate) impacts is to eliminate those parts of the proposal which cause adverse impacts. A cross reference of types of impact noted to project features causing them is included at the end of the discussion/comments sections.

This organization scheme should make it clear that an overwhelming number of adverse impacts would not occur if the developer designed his project within the restrictions of the existing specific plan and that there is no reason to not limit any project at this site to those restrictions.

**Limitation- incomplete information available**

Limited information was made available before the stated deadline, despite repeated requests to obtain comprehensive information regarding the project. There may be impacts that are not evident or clear in the available information, and the impacts that are herein address may not have been addressed properly because of the limited availability of information.

It is presumed that the only change to streets as part of this project is the change in width of Glendon Ave. and the change of the sidewalk width on Glendon Ave. and the left turn pocket to be placed on Glendon Ave.

It is not clear by the project application made available to the public what the location of the trees to be removed is. Therefore, informed comment about said removal is impossible. It is presumed that the trees to be removed are limited to the applicant's property.

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b) PLACING COMMERCIAL IN A RESIDENTIALLY RESTRICTED AREA HAS IMMEDIATE AS WELL AS PRECEDENTIAL ADVERSE IMPACTS REGARDING LAND USE PLANNING

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COMMENTS REGARDING THE POSSIBLE ENVIRONMENTAL IMPACTS OF PALAZZO WESTWOOD (EIR NO. 2000-3213) (Olerich) 1

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## ALTERNATIVES

### CROSS REFERENCE BY IMPACT

## DISCUSSION:

### 1. HEIGHT/SCALE

55 foot height fronting on Tiverton would be out of proportion to the residential usage on the East side of Tiverton. To allow an exception to the Height limit on the West side of Tiverton would create an "urban corridor" of proportions such that the 2 story structures on the East side of the street would be dwarfed. The specific plan allowed MAXIMUM height is just that a MAXIMUM height, with appropriate upper story setbacks applied. Changing or making exception to the specific plan would impose significant detriment to residents and property owners of the East side of Tiverton. Exception to the height limit would destroy the transition from commercial to lower density residential that was envisioned by the original zoning of both sides of Tiverton as residential, and probably even the planning of the original tract.

Increasing allowable height allows considerably greater density and massing on one side of the street effectively increasing the residential density of the street, solely to the benefit of the developers of the West side of Tiverton, at the expense of the residents and property owners on the East side of Tiverton (impacts of traffic, air pollution, parking, noise, aesthetics, shadow, lighting and glare). This is in contradiction to the specific plan for the area (land use impacts). Historically both sides of Tiverton were zoned residential. Height limits were placed on both sides of Tiverton. For the express and SOLE purpose of accommodating a Hotel on the West side of Tiverton, in 1989 an exception was made to residential use for the lots on the West side of Tiverton to allow a Hotel. This was a result of a long painstaking, collaborative process because at the time it was indicated another hotel was needed in the area. Since that time UCLA has built housing for medical center visitors who had previously needed hotel space, and the perceived need for a hotel to possibly be developed appears to have been accommodated by other means. The specific plan allows for that, in which case the lots on the West side of Tiverton are to be used only for residential usage. This is

COMMENTS REGARDING THE POSSIBLE ENVIRONMENTAL IMPACTS OF PALAZZO WESTWOOD (EIR NO. 2000-3213) (Oleish) 2

part of an overall plan that considers the tradeoffs that each property must make for the area as a whole.

a) **LAND USE PLANNING** adverse impacts (re: height and density) Allowing increased density on the West side of Tiverton and excepting height limits placed by the specific plan will have not only the impacts of the project itself, but there will be pressure for similar "liberalizations" to be provided to the East side of Tiverton, as there can be no legal justification for excepting the West side and not the East side, which would become a little island of low rise, lower density residential. It can be anticipated that cumulative increase in density and usage on both sides of Tiverton would result in impacts that compound significantly beyond even the impacts made immediately by the project. Sticking to the limitations of the specific plan would prevent such a scenario, which otherwise could prove to be a significant impact.

To not stick to the specific plan, particularly to modify the specific plan expressly for one particular project, sounds incontrovertably to be spot zoning, and not in the public interest. How can civic planners justify maintaining the East side of Tiverton as R3 etc. while allowing such height and density on the West side of Tiverton?

## **2. THE LOCATION OF COMMERCIAL IN A RESIDENTIALLY RESTRICTED AREA**

Commercial use along Tiverton:

Allowing the supermarket to use the lots fronting on Tiverton will result in adverse environmental impacts by virtue of the increased density of usage, reduced setbacks, increased noise and light sources and 24 hour duration that this will allow which otherwise would not be possible at this site.

Placing retail uses on lots restricted to residential use, which were restricted to residential use obviously as a means to buffer residential use on the East side of Tiverton from nearby commercial useage, is an intrusion into the residential usage existing in the area. It would also be bad planning and a bad precedent. It has been established that a transition from commercial to residential is best accomplished by having the backs of the residential adjacent to commercial. The proposal places commercial on the West side of Tiverton facing the front side of the Residential area located on the East side of Tiverton. Even if it is the back side of the commercial usage, the result is multiple adverse effects to the existing residential usage on Tiverton. These include noise, as the commercial (24 hour) noise sources are 150' closer and not buffered by residential structures in between. The noise source is 24 hours, and the elevations indicate windows, and possibly glass doors, at the supermarket level fronting on Tiverton. Glass will allow a much greater degree of noise to escape than a windowless concrete wall, which would be located backing to the rear of Tiverton fronting lot residential usage if commercial usage is not allowed on the lots

fronting Tiverton according to the restrictions in the existing specific plan for the area.

Another adverse impact is in the area of Light/ and glare (fixed). Any windows fronting on Tiverton will allow the 24 hour light to infiltrate an area sensitive to such impacts because residents have their bedrooms directly exposed to such light sources. Any other illumination for commercial purposes (signage, security, work or emergency lights) would have adverse impacts as well).

Aesthetic impacts would result from the disproportional and increased resulting from the greater density that would occur by allowing the developer to have greater residential density than allowed by the specific plan, in addition to commercial usage underneath. The impacts of density could even further be increased independently and additionally if the commercial area proposed for the existing lots fronting on Tiverton is used for FAR or other density bonuses.

Even if the applicant didn't exceed the residential density as allowed by the specific plan for the lots on Tiverton (and he is also requesting to exceed that density), just adding the commercial usage underneath is in addition to the residential density and has impacts accordingly. In addition to impacts regarding aesthetics, the increased density of structure and of use will have adverse impacts in regards to traffic, noise, parking, light and shadow, signage and land use planning.

Placing the commercial usage on the lots fronting Tiverton will also have additional adverse impacts because the side yard and setback requirements normally benefiting a residential area would be elevated above the commercial which would effectively turn the area from a residential character to a commercial character because street level will have commercial setbacks, and any other setbacks (if they indeed are not waived) will be elevated above street level.

a) Desirability of market was not sufficient to make exception to residential restriction at time of specific plan drafting.

The provision of bonuses for incorporating a supermarket in the area indicates that the time of the creation of the specific plan that the desirability of a market in the Westwood Village area was considered carefully. Placement of a supermarket was not considered so important at the time consideration was given to drafting of the specific plan as to be included as an additional exception to the restriction to residential use only for the lots fronting on Tiverton. There is no reason now to place the supermarket at all on the area of the lots fronting Tiverton. To do so would be to make zoning changes based on the requests of a single developer, not for the public benefit, and in addition to other adverse impacts that would have directly and indirectly, to do so would have adverse impacts on land use planning. If any developer can say, "The only way you can get a market is my way, with the market placed on residential land" and plans are altered according to such manipulations, this gives a message to all developers, it doesn't matter what restrictions there are on a property, you can manipulate your



way into lifting the restrictions to your desires if you persist. Such disregard of planning has widespread longterm significant impacts.

**b) PLACING COMMERCIAL IN A RESIDENTIALLY RESTRICTED AREA HAS IMMEDIATE AS WELL AS PRECEDENTIAL ADVERSE IMPACTS REGARDING LAND USE PLANNING**

The lots fronting on the West side Tiverton were historically zoned residential, matching the East side of Tiverton, a proven successful civic planning approach. Only so as to allow the anticipated hotel was a C2 overlayed, and this was only acceptable in the context that the specific plan very specifically restricted the lots fronting on Tiverton to residential use, making the lots effectively residential, except in the possible exception of the anticipated hotel. To allow other than hotel or residential usage of lots fronting on Tiverton would be to promote vested interest developers using a inch by inch, concession by concession strategy to achieve otherwise unachievable accommodations that benefit the developer not the public. A market can be placed at this site without is intruding onto the lots fronting Tiverton.

Without consistant application of existing building restrictions haphazard development is encouraged.

**c) FAR AND OTHER BONUSES AVAILABLE FOR COMMERCIAL USE ON LOTS FRONTING ON TIVERTON AVE.**

1. If the applicant's proposal relies on bonus FAR area and residential density bonuses based on the square footage (including square footage of the supermarket area place in the lots fronting Tiverton which are currently restricted to residential use) of the "below grade" supermarket, and

2. If that square footage includes supermarket area that is not allowed under the current restriction to residential usage of the specific plan regarding the lots fronting on Tiverton:

in that case allowing commercial in a residentially restricted area will also independently have additional significant adverse impacts due to the increased density of the project resulting from bonuses which is even greater than just the increased density resulting from the addition of commercial density to residential density that allowing commercial usage on the lots fronting Tiverton results in.

If the project proceeds with the proposal to place supermarket usage on the lots fronting Tiverton, it is evidently for the purpose of increasing FAR and any other applicable bonuses for the rest of the project, because the economics of locating a second supermarket across from Ralph's don't make sense in light of the high risk of failure of a second supermarket in such a location. If both markets succeed, the adverse effects are significant and encompass a larger geographical area because that will mean that supermarket patrons are coming from beyond the neighborhood area envisioned by the specific plan to be served by the supermarket.

If the markets don't succeed, what enforcement of the covenant to maintain that area as supermarket is likely. Enforced vacancy? Demolition of the portions of the project that were only allowable as the result of bonuses? Neither of these are likely, most likely the owner will request the supermarket area be allowed to have other retail, the EIR (if any is required) will say the change from supermarket to other retail is not such a big change as to hold significant impacts, and the lots fronting on Tiverton will have gone from restricted to residential to full commercial without the impacts ever at once having been fully addressed. Since this is a highly anticipatable scenario, the draft EIR being presented now should include consideration of such possible impacts.

At a bonus area increase of one foot per foot of supermarket, the increased profitability of the project from the increased density allowed is sufficient incentive for a developer to construct such a market even facing the prospect of a vacant market area until the developer could persuade the city to waive the covenant. Thus, if the developer proceeds with the supermarket proposal, and agrees to a covenant, this does not allow the EIR to dismiss concern with the possibility of a vacant supermarket area and the likelihood of it being converted to other commercial use.

When the bonuses for neighborhood retail and a supermarket were included in the Specific Plan, the restriction of the lots fronting on Tiverton was also included. The specific plans allowance for bonuses did not include the degree of bonuses. If the developer is allowed to use any commercial usage on the lots fronting Tiverton for FAR or any other bonuses the total of these bonuses will exceed the maximum amount of bonuses otherwise allowable under the specific plan, which has adverse impacts in regards to land use planning, traffic, parking, air pollution, aesthetics, noise, light and glare.

**d) MARKET PROPOSAL MAY CREATE UNKNOWN ADVERSE IMPACTS IF IMPLEMENTED NEXT TO THE NEW RALPH'S**

A second supermarket is superfluous for Westwood, so whatever justification of purported beneficial effects of placing the commercial in residential is promoted by the applicant is no longer valid. If the project does proceed with a supermarket, adverse impacts will occur as a result of either it going out of business, in which case the premises might be made available to a different commercial enterprise,

It can be anticipated in light of a new Ralph's across the street from the project's proposed supermarket area that the supermarket area will be put to other commercial use, with adverse affects. Please do not disregard these impacts now with the dismissal that "another environmental impact would be prepared then to consider that if it takes place in the future". This eventuality is highly anticipatable now. The conclusions of the EIR should not be blindfolded by

"incremental" approvals- whereby the developer stage by stage has EIR's that indicate the adverse affects to be "not significant" or "mitigatable" whereas if the approvals were considered at one time they undeniably would be significant and unmitigatable.

In addition to other adverse impacts, unless a deed restriction to the benefit of all affected parties (including neighboring residents and property owners) accompanies any allowance of commercial usage on Tiverton, allowing such usage should be consider to have impacts as broad as if unrestricted commercial usage was allowed. This is because it has occured time after time that a restriction made initially by the city becomes appealed or disregarded by the beneficiary of the liberalization. Developers either by intent or the natural course of things have gained more and more concessions through an incremental means than they would ever have been allowed if they had asked for the full extent intially. i.e. The environmental impacts are analyzed as insignificant because compared to the present condition the change is not so great. For example, the change from parking lot to the backside of commercial usage which has no access whatsoever, or the change from the backside of commercial to loading, or from commercial loading to rear public entrance etc. are not as likely to be determined to have significant unmitagatable environmental impacts than from parking lot to store front.

Further significant impacts should be considered regarding the proposal to use area currently restricted to residential use (with the sole exception of a hotel) for commercial. The only possible inducement for this proposal is that it would bring a supermarket to Westwood. The impact will be adverse if there are two supermarkets in Westwood. Either they will both be successful, compounding the intensity of use (traffic, noise, etc.), or one will go out of business, and the other site will be used for other commercial activity- which would mean there was no purpose for intruding commercial into the residentially restricted area.

If the developer "revises" his application in light of the new development that a supermarket is moving into Macy's, any revision which still contains any commercial usage for the Lot's fronting on Tiverton should require a new notice of preparation of an EIR, as to much of the community and interested parties, the placement of a supermaket at that location has different ramifications than any other commercial usage.

### 3.OPEN SPACE

Placement of the market structure under the residential sets an interpretation of what "open space" is for the puposes of residential development that could have significant adverse environmental impacts, particularly if it is employed in other developments. Can a developer circumvent part of the pupose of "open space" requirements, which were imposed not just for the benefit of the project residents themselves, but to put a limit on density of projects to benefit the public at large, and to prevent overly dense developments from incluenicing the character of the city. It is evident that, at the extreme, a neighborhood of massive

unbroken monolithic structures with no open space creates a character that humans don't find attractive for residential purposes. In addition to the aesthetic impacts, a liberal interpretation of open space requirements to allow the open space to not be from the Earth to the sky, but from commercial development beneath residential up, would result in impacts to traffic, air pollution, noise, lights and glare, parking. And presuming such an interpretation would be allowed in a consistent fashion, adverse impacts to infrastructure (fire, police, water, power) will take place as more and more developers took advantage of such an opportunity.

Further, allowing developers to not meet setback and side yard requirements (as the applicant is requesting) makes something of a mockery of open space requirements. Instead of decreasing density and providing open space for a less dense urban character, the open space is robbed from the public at large, and used to benefit the developers who can both maintain (or increase) the density of development, and command higher prices for units with private interior courtyards. Following such a policy (there is no persuasive reason as to why this development would be an exception) would result in a multitude of adverse impacts city wide.

If the project's open space provided is deficient in regards to local, municipal or other open space requirements the project will have additional adverse impacts in regards to all impacts resulting from increased density, as well as adverse impacts directly from the lack of open space to the area.

#### 4.ACCESS TO COMMERCIAL FROM TIVERTON

The request for comments for preparation of a draft EIR is evidently incorrect and misleading as it indicates that no ingress or egress to the commercial area is proposed to be available from Tiverton Ave., A careful look at the map indicates that there is first floor access from Tiverton to the market via stairs, and a sidewalk from Tiverton to the elevators to the market and bicycle parking.

Market entrances being set back from the street will not significantly deter commercial patrons who have reasons otherwise to make use of such entrance. Short of a permanent physical restriction (a wall) this access will invite commercial traffic. If those entrances were not to be used, they would not be included in the structure. They are not significantly farther from Tiverton than the Glendon entrances are from Glendon.

Such access will present adverse impacts by virtue of increasing pedestrian and bicycle traffic (access from Tiverton to commercial bicycle parking is evident on project 1st level and subterranean drawings) to commercial levels in the residential area of Tiverton. Also this will increase people parking on Tiverton for the Market -it just takes a few people who discover these entrances (including employees) to exacerbate the parking situation significantly. The entrances will result in increased commercial traffic on Tiverton as people are encouraged to cruise for parking on Tiverton by the proximity of these entrances on Tiverton. If

they find a place to park on Tiverton it may be notably closer, as well as faster, to these entrances from Tiverton than any other entrances are from the underground parking structure and elevators).

Such access, even if not the main access, will have significant adverse impacts regarding traffic, noise and parking.

There are a variety of motivations that could result in commercial patrons going to some effort to use entrances other than via the entrance on Glendon. The cost, inconvenience, and possible inavailability of parking in the commercially provided underground lot, as well as the time and difficulty entering and exiting the commercial parking area and having to wait for elevators to access the market will all contribute to market patrons using Tiverton, in addition to traffic jams on Glendon from the proposed narrowing and traffic backups from commercial loading trucks on Glendon. Removal of street parking from Glendon and the evidently minimal parking provisions proposed for the project will exacerbate the search for parking, and make more likely the use Tiverton as a route for patrons of the market by patrons intending to make use of any entrances with access from Tiverton.

There is no reason to believe the "motor court" would at all limit use of Tiverton for access to the commercial portions of the project.

Further, the elevations show what might possibly be doors at the market level fronting on Tiverton.

Noise, air pollution, glare and light will all be impacted by any degree of commercial access being available from Tiverton Ave.

#### **5. NEW MEANS OF DETERMINING THE GRADE HEIGHT IS MEASURED FROM**

Changing the criteria for measuring height will result in an adverse impact of aesthetics from building massing that is disproportional to the massing on the East side of Tiverton.

Changing the means of determining heights on lots of more than one acre is again spot zoning which has adverse impacts in land use planning.

Changing the means of measuring height will have additional adverse impacts to the degree that other development can take advantage of this means to increase height greater than currently allowed by the specific plan

Changing the means of determining height will allow increased height for the project. This will have an adverse impact on the environment in regards to noise because of the increased amount and location of noise sources, including noise cumulatively emanating from an increased area of residential units in addition to additional mechanicals (HVAC etc.) to service the additional units above the currently allowable height limits. This could be mitigated by having the units on Tiverton at 3 stories, then open space, then 4 stories further West.

The increased allowable height will have also adverse impacts from the increased area of lighting facing the street, glare from the additional window area facing the street, and adverse impact regarding the shadow of the project.

## 6. DENSITY OF PRO. CT

The quantum leap in density requested by this project either 1. has no benefit to the overall public good and therefore would be illegal to accomodate "spot zoning" in such a case, (which has significant adverse impacts in the areas of land use planning, noise, traffic, air pollution, parking lighting and glare and aesthetics or 2. The need for housing is so great in the area that density limits should be increased on BOTH sides of Tiverton. Any finding that housing needs justify multiplying the residential density on the West side of Tiverton could only but be applied to exceptions from zoning and specific plans for the East side of Tiverton. This would compound the adverse effects to the proportion that in time requests for comparable exceptions are made on the East side of Tiverton and other surrounding areas based on the precedential allowance of exceptions, amendments, variations etc. for this project. Also, request for such accomodations for the East side of Tiverton could not be refused because of objections on the basis of scale, proportion or other such considerations after the construction of a project of such larger proportions and density on the West side of Tiverton Ave.

## 7. TRANSFER OF DENSITY

Transfer of density allowances from property on the West side of Glendon to the area between Glendon and Tiverton will result in increased density in the area of the project with the closest proximity to the residential area on the East side of Tiverton. This area has a greater sensitiity to increases in noise, traffic, parking demand, lighting and glare, air pollution and pedestrian traffic (particularly at night) because of low scale residential usage on the East side of Tiverton, Weyburn East of Tiverton and both the East and West sides of Tiverton North of Weyburn. Therefore the impacts of the usage are greater when sited in that area then if a larger portion of the density was located in the commercial area on the West side of Glendon. These resulting adverse impacts can be considered likely to be significant adverse impacts, particularly in light of the sensitivity of the adjacent area to impacts.

Transfer of density allows a density greater than was considered likely for the property as a whole in the civic planning process. In this case it appears the applicant proposes to increase density between Tiverton and Glendon, and utilize the "potential" West of Glendon that hasn't been used by his proposing the same density West of Glendon as the proposed increase of allowable density East of Glendon.

Transfer of density would allow an overall increased density than the project would otherwise have. Further, it should not be presumed that because a developer is not using the maximum allowable density in any one portion of a project that the developer would otherwise utilize this density. To do so a developer would have to plan their project first and foremost in reagrads to maximum density, which may not actually be economically attractive.

Considerations (other than utilizing maximum density allowable) of construction cost, economic return on different types and scales of development, and inability to meet other criteria necessary to take advantage of the maximum allowable density are all reasons that are always present.

The non utilization of maximum allowable density on the West side of Glendon should not be considered to have significant mitigative effects because it removes the impacts from a less sensitive area and places the impacts in an area more sensitive to the impacts and because he would not likely be able to utilize maximum density anyway because of other restrictions such as parking etc.

#### 8. RESUBDIVISION (REDRAWING OF LOT'S)

The resubdivision could have significant adverse impacts in regards to aesthetics because the several separate lots on Tiverton restricted to residential usage changing to one large lot promotes the possibility of an unbroken monolithic structure facing the residential usages on the East side of Tiverton.

Rezoning the lots on the West Side of Tiverton Ave to be commercial could result in the possibility of even greater residential density than is otherwise being evaluated for environment impacts. This is because, as provided by AB2755, if the approval is made, and a later developer asks to make changes or propose a new project as ab2755 specifies that commercial can be changed to residential usage. This could have adverse impacts of increased traffic, noise, air pollution and parking.

#### 9. CLUBHOUSE

If the area of the project delineated as the "clubhouse" is not restricted to residential use it could have adverse impacts of noise, traffic, parking, lighting.

If the clubhouse is used for events, weddings, meetings, performances, social events it will concentrate activity at it's location more like a commercial establishment than a series of residential units would. It's impacts would be significantly adverse accordingly.

Mitigation could take place by placing residentially occupied units ( townhouses or 1 bedroom units) on Tiverton, and placing the clubhouse in an inner courtyard, where presumable it would not disturb the residents who would have control over the activitie's of the clubhouse and the right to use the clubhouse. If the clubhouse is not placed in an inner courtyard area because it might interfere with peaceful enjoyment of the project's residential usage, it should be considered a significant adverse impact in that it would do so even more interference with peaceful enjoyment to the residential usage on the East side of Tiverton whose residents do not have a say in the planning of clubhouse usage, nor vested rights to use the clubhouse.

Adverse impacts from the Clubhouse could be mitigated by placing a less noise and traffic producing (i.e. residential occupancy) use on Tiverton and siting the Clubhouse further away from Tiverton.

#### 10. MOTORCOURT

Unless adequate screening is implemented as a requirement of approval the project LIGHT AND GLARE from the headlights of exiting vehicles on Tiverton would have an adverse impact on the surrounding residential area.

If the motor court located on Tiverton serves residential units greater in quantity or density than is allowed by the present specific plan on the six residentially restricted lots fronting on Tiverton as they exist currently, then adverse impacts of increased traffic, noise, lighting and glare, and air pollution will all impact Tiverton Ave., which has R3 usage on the East side.

#### 11. WAIVER OF 15' SETBACK AND SIDE YARD REQUIREMENTS

Eliminating the 15 foot setback requirement along Tiverton will adversely impact the area by 1. making the area less pedestrian attractive; 2. allow an increase in density that wouldn't otherwise be possible and the attendant adverse impacts that accompany increased density; 3. eliminate areas that might otherwise be available for future public purpose such as bike lanes, emergency vehicle lanes (this is the access route to UCLA emergency Medical Center), turn lanes or road widening, 4. Create an urban corridor where currently the low rise of existing development leaves considerable open space and horizon; 6. Allow the possibility of development that will increase shadows in the area; 7. result in closer proximity of noise sources to adjacent residential usage ;

Further, setbacks and sideyards provide access and staging areas for emergency services, such as firefighting, which might be adversely impacted.

Building the project without the setbacks will exacerbate adverse impacts of noise, light and glare, aesthetics, shadows. It appears that increased density allowable for the site by virtue of eliminating just the setbacks alone equals almost 25,000 square feet (15' x 350' x 5 (stories)) of increased building area which is 2.5 times the total square footage of an apartment complex on the East side of the street. So to the extent waiver or reduction of setbacks allows increased density, additionally traffic, parking, shadows, air pollution adverse impacts due to density and intensity of use will all be exacerbated.

By precedential effect (if this project does not have setbacks, what good does it do for development next to it to have full setbacks?) significant adverse effects to land use planning could be anticipated.

All currently existing setbacks and sideyard requirements should be recommended to be met. Further, a means to mitigate (rather than exacerbate) some of the impacts of the proposed project would be to additionally relocate some of the planned open areas presently allocated exclusively to interior areas of the



project to the Tiverton Street front behind the currently required setbacks and side yards.

The adverse effects of reducing or eliminating setback and sideyard requirements should be obvious. If there are no significant impacts resulting from the reduction or elimination of setbacks and sideyards, then there is no reason for the city to make requirements of setbacks and side yards

Why does the project propose to eliminate setbacks along Tiverton, yet provides landscaping open areas in it's interior - except that the project designer's seek to create a fortress that does not coexist with the residential usage on the East side of Tiverton.

## 1.2. REMOVAL OF STREET TREES

It is not clear by the project application made available to the public what the location of the trees to be removed is. Therefore, informed comment about said removal is impossible. It is presumed that the trees to be removed are limited to the applicant's property.

There could be a significant environmental impact unless Street trees to be removed are replaced with mature trees of comparable size, including a guarantee of maintenance for five years ( and a bond to insure performance) to insure the mature trees become established. Adverse impacts would include aesthetics and plant life.

Few who live in an area of mature trees would actually want them to be removed because of buckling sidewalks. If the buckling is indeed severe (is there a history of pedestrian accidents there at any of the proposed tree removals) there are alternative means that could be explored, including rebuilding the sidewalks, possibly with slight inclines or to avoid the areas of raised roots; and shaving the roots can be another possible alternative- particularly done under the supervision of an arborist with a program to maintain the tree through any shock it might experience. Trees are an important quality to any local environment. In an area with equal access to employment and amenities, most often if there are streets with full mature trees they will be considered more desirable and more valuable than areas bereft of mature trees.

When it was revealed that a previous project proposal for the site entailed the removal of mature street trees, planning officials offices were inundated with protests from neighborhood residents.

13. MITIGATIVE PROPOSALS MAY HAVE SIGNIFICANT ADVERSE IMPACTS- Impacts of increased traffic upon the existing residential usage on Tiverton and any proposed traffic mitigation should consider the traffic, parking, noises, and light and glare impacts upon the immediately adjacent existing residential usage on Tiverton and on Weyburn.

Mitigation measures that might be considered to mitigate traffic impacts at other locations should be considered also in light of what adverse impacts such measures themselves may have on the immediately adjacent residential usage on

Tiverton and on Weyburn between Tiverton and Hilgard. If such mitigation measures "rob Peter to pay Paul" so to speak, they cannot really be considered mitigative measures, as the result is still adverse impacts, the impacts have just changed location and, possibly, changed nature.

#### **14. PARKING**

It sounds like the project provides insufficient parking spaces for the degree of density it proposes. The area has historically been needing additional parking proportionate to use or greater, and any change which increases the demand for parking greater than the supply of parking is increased would have a significant adverse impact.

#### **15. REMOVAL OF EXISTING STREET PARKING**

Eliminating street parking on Glendon will further aggravate area parking scarcity as some commercial patrons, and residential guests and visitors are not going to want to take the time (or expense) to navigate underground parking and will search for neighborhood street parking instead. Also parties parking in the area for purposes other than the projects uses (these spaces get used now without the project in place, there is no reason to believe that what ever existing street parking is used for is going to cease with the addition of the proposed project.)

#### **16. NARROWING GLENDON**

Narrowing Glendon could have a significant adverse impact by constricting traffic, and thereby creating additional traffic and congestion on other area streets.

In addition to having potential adverse impacts in the areas of traffic, Emergency Services might also be adversely affected because Glendon is a secondary route for emergency vehicles into UCLA Medical Center.

#### **17. SUBSURFACE VACATION**

Subsurface vacation of Glendon could have adverse impacts in regards to transportation, utilities, and water resulting from inavailability or difficult access for any public project that might use such area- utility, public transit or other future developments.

Underground transportation, new sewer, water, storm drain, utility or communication lines could be limited by private ownership of the subsurface rights.

#### **18. VARIANCES FROM THE L.A. MUNICIPAL CODE:**

Unspecified variances from the Los Angeles Municipal code referred to by the project applicant could have impacts of unknown significant degree. Immediately evident impacts would be in the areas of traffic, parking, air pollution, noise light glare, shadow, landuse planning etc. resulting from the increased density the project proposes as opposed to a project conforming with the open space, setback and other requirements of the specific plan and municipal codes.

## 19. DEMOLITION OF 1070 GLENDON AVE.

Will have an adverse impact in the loss of a designated historical/cultural resource, as well as adverse impacts regarding aesthetics. Further, demolition of 1070 Glendon Ave. will have an adverse impact because if it wasn't demolished the height (and density accordingly) of the project would be limited by restrictions regarding maximum height allowable next to a cultural resource. This will result in greater density than would otherwise be possible, resulting in adverse impacts in the areas of traffic, noise, parking, lighting/glare, shadows, air pollution and aesthetics.

It appears demolition of 1070 Glendon might be the equivalent of spot zoning in favor of a specific party, not in the public interest, and would have environmental impacts beyond its own immediate impacts as it would be cited as a precedent and example in any requests for change or demolition by the owners of other historical or cultural resources.

## 20. SIGNAGE

Tiverton signage (including the corner of Weyburn) should not exceed current residential signage standards as currently implemented in the residential area of Tiverton.

21. NOISE (CONSTRUCTION) - should be limited to 9am to 5 pm with staging located on Glendon and the route should be Glendon/ Wilshire to avoid the significant impacts such construction noise can have on neighboring residential uses.

The city of Los Angeles has at various times indicated the desirability of encouraging retention of older style buildings as an historical and cultural resource in addition to the Aesthetic contribution they make. The impact of all noise, both during construction and after completion, is of a much greater impact than in areas where the residential buildings are of more recent construction because the residential units use open windows for ventilation, not airconditioning.

21. AIR POLLUTION (CONSTRUCTION) - haul routes should be restricted to Glendon/Wilshire, otherwise significant impacts to local residential usage from vehicle emissions, dust, noise etc..

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## ALTERNATIVES

The No project, Change in Intensity (if it is a reduction in intensity) alternatives preferable are preferable as they have significant less adverse environmental impacts. Keeping the project within the restrictions of the current specific plan without exception or variance is economically viable and has no disadvantages and a multitude of advantages

(ALTERNATIVES- CONTINUED)

It is entirely possible to create a viable project without exceeding the limits specified by the specific plan. I can testify that Residential housing on Tiverton is desirable, as there is a demand for a quiet quaint residence which has walking convenience to Westwood Village, which still retains significant charm. Filling the lots fronting on Tiverton with attractive apartments, within the height, density and setback limitations of the specific plan should be a reasonably profitable prospect without destroying the attractiveness of the area which is what makes it desirable to current residents. Placing a super dense 4 story residential over commercial development will significant impact the scale, aesthetics and character of the area, changing a quaint area to an urban corridor.

The irony is that the developer may actually shoot themselves in the foot so to speak, as there are plenty of areas in Los Angeles that would welcome without reservation, rather than oppose, development with intrusion of commercial into residential with such density, and scale disproportionate to the existing area, but the developer wants to locate his project in a "desirable" area. The project he proposes to exploit this desirability may well be large enough and strategically placed to itself seriously diminish the residential "desirability" of the area that he hopes to exploit. Is not inappropriate development what can be a major factor in causing a neighborhood to go into decline?

If building a project at this site within the restrictions of the specific plan is not feasible for this developer, it is because the current owners of the property paid too much based on speculation that they could obtain waivers, changes and other accommodations. This is a gamble they took, and the public should not pay for their mistake by tolerating the adverse environmental impacts the requested deviances from existing restrictions would cause.

[illegible]

Crossreference. pac183213

	6.DENSITY OF PROJECT	7.TRANSFER OF DENSITY	8. RESUBDIVISION (REDRAWING OF LOT'S)	9. CLUBHOUSE	10. MOTORCOURT	11. WAIVER OF SETBACK AND SIDE YARD		12. REMOVAL OF STREET TREES		13. MITIGATIVE PROPOSALS SIGNIFICANT ADVERSE IMPACTS
						SETBACK	AND SIDE YARD	STREET TREES		
air quality stationary	Y	Y				Y				
air quality mobile	Y	Y			Y	Y				Y
plant life						Y		Y		Y
noise- mobile cumulative	Y	Y			Y	Y				Y
noise stationary	Y	Y		Y		Y				Y
light artificial	Y	Y				Y				
light natural/shade/shadow	Y	Y		Y		Y				
Land Use	Y	Y				Y				
Zoning	Y	Y		Y		Y				
Community/district plan	Y	Y		Y		Y				
general plan elements										
housing cumulative	Y	Y				Y				
right of way and access						Y				
transportation										
traffic				Y		Y				Y
parking access						Y				
public services						Y				
fire						Y				
emergency						Y				
utilities						Y				
power										
natural gas										
communication systems										
water										
sewers										
storm water drainage										
aesthetics/view	Y	Y				Y		Y		Y
cultural resources								Y		
historical										

	14. PARKING	15. REMOVAL OF	16. NARROWING	17. SURFACES	18. VARIANCES	19. DEMOLITION	20. SIGNAGE	21. NOISE	21. AIR POLLUTION
	STREET	GLENDON	VACATION	FROM THE L.A.	MUNICIPAL CODE	OF 1070		(CONSTRUCTION)	(CONSTRUCTION)
	PARKING					GLENDON AVE			
air quality stationary					Y	Y			
air quality mobile	Y	Y			Y	Y			Y
plant life		Y			Y				Y
noise- mobile cumulative	Y	Y			Y	Y		Y	
noise stationary					Y	Y		Y	
light artificial					Y	Y			
light natural/shade/shadow					Y	Y			
Land Use					Y	Y			
Zoning					Y	Y			
Community/district plan	Y	Y			Y	Y	Y		
general plan elements									
housing cumulative					Y				
right of way and access		Y			Y				
transportation		Y							
traffic	Y	Y			Y	Y			
parking access	Y	Y			Y				
public services		Y							
fire		Y							
emergency		Y							
utilities									
power									
natural gas									
communication systems				Y					
water				Y					
sewers				Y					
storm water drainage				Y					
aesthetics/view					Y	Y	Y		
cultural resources						Y			
historical						Y			

201 N. Figueroa St. City Planner  
Room 1500 A 90012  
Ed Reyes in January  
Liaison prog. coord

213-5805555

No. 33

213-5805546

Blazgo Westwood

1001-1029 Fiverson Ave

1020-1070 Fiverson Ave

1015-1065 Fiverson

Ave -

Parking for Residents  
at 969 Helgard already  
difficult - no street  
parking must implement  
guest parking for  
Residents on  
Street

FOUR SEASONS HOTEL

Alpha City  
difficult to park  
with heavy delay fines  
for using public street to park  
is crazy.

In Response  
to project in Westwood.  
Residents & owners at  
969 Hilgard Avenue  
Los Angeles, Ca 90024  
have great difficulty  
parking on the street  
in Westwood. This  
Bldg only has 6 guest  
parking ~~per~~ spaces for  
13 unit Bldg. They do not  
allow Residents only  
guest who don't reside  
there for parking  
overnight. With the  
Development & other  
ones in Westwood.  
The Residents & owners  
of this Bldg desperately  
need to purchase  
parking permits for  
street parking. Over



There is not really  
limited parking on the  
street & the checkers  
give out tickets daily  
Ranging from 10. -  
to 60. I received one  
parking in the driveway  
to unload my groceries.  
These people pay a lot  
of taxes & should  
be allowed to  
purchase parking  
permits for street  
parking & not be  
subjected to large  
fines because  
of inadequate parking  
for the conditions.  
Inadequate street  
parking for residents  
with permits &  
strict fines.

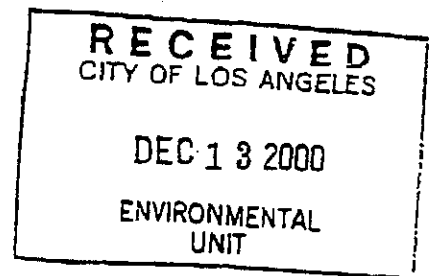
~~Opposite development~~  
~~airport providing adequate~~  
~~street parking area~~  
~~permits for~~  
~~residents in the area~~  
~~It will make two~~  
~~any already in the area~~  
~~mediation~~

OFFICE  
OF LOS ANGELES

DEC 05 2000

ENVIRONMENTAL  
UNIT

# CENTER WEST



No. 34

December 11, 2000

Mr. Ed Reyes  
Environmental Review Section  
Los Angeles City Planning Department  
221 N. Figueroa Street  
Los Angeles, California 90012

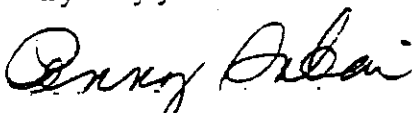
RE: EIR 2000-3213 Notice of Preparation Palazzo Westwood

Dear Mr. Reyes:

We have received a copy of the Friends of Westwood letter in which Center West, Ltd. and Wilshire Glendon Associates were included in the letterhead of such letter objecting to the above referenced project.

Please be advised that our objection is only for the narrowing of Glendon Avenue.

Very truly yours,

  
Penny Sakai

Department of Water and Power



the City of Los Angeles

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Mayor

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S. DAVID FREEMAN, *General Manager*

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CITY OF LOS ANGELES

MAR 07 2001

ENVIRONMENTAL  
UNIT

March 6, 2001

Mr. Ed Reyes, Project Coordinator  
Environmental Review Section  
Los Angeles City Planning Department  
221 North Figueroa Street, Room 1500  
Los Angeles, California 90012

Dear Mr. Reyes:

Notice of Preparation of Draft Environmental Impact Report  
Palazzo Westwood Case No. 2000-3213

This is in reply to your letters, dated October 27, 2000 and November 2, 2000, requesting pre-draft comments on possible environmental impacts on the Los Angeles Department of Water and Power's (Department) water system by the proposed construction of 350 residential apartment units, a supermarket, a drugstore, three restaurants, and retail stores with three levels of subterranean parking at 1001-1029 Tiverton Avenue in the Westwood Village area of the City of Los Angeles.

The Water Services Organization of the Department owns, maintains, and operates various water mains in the vicinity of this project.

The existing infrastructure system cannot accommodate anticipated fire flow requirements for the proposed development. The developer may be required to pay for the cost to upgrade the existing infrastructure system, including water mains and a nearby pressure regulator station.

Please refer to the enclosed report for general comments about water supply and conservation. Historically, 65 percent of Los Angeles' water has come from the Eastern Sierra Nevada watershed through the Los Angeles Aqueduct System, 15 percent is from local groundwater sources, and 20 percent has been purchased from the Metropolitan Water District of Southern California (MWD). These proportions are not

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Mr. Ed Reyes

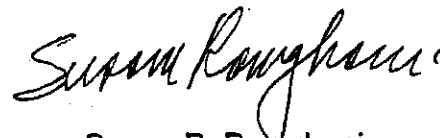
- 2 -

March 6, 2001

typical during periods of drought, such as California has experienced in the past when MWD water made up the majority of our water supply. A return to the above historical proportions is not anticipated in the near future. If ever, MWD, along with "recycled" water, will become an increasingly important source of water for Los Angeles. The MWD's ability to deliver water to Southern California has the potential to be severely affected by an extended drought and more stringent water conservation measures should be anticipated.

Please contact Mr. Luis Nuno of my staff at (213) 367-1218, should you require additional information.

Sincerely,



Susan R. Rowghani  
Manager  
Water Distribution Engineering and  
Construction Support

Enclosure

c: Mr. Luis Nuno

:

IMPACT OF THE PROPOSED PROJECT ON THE  
WATER SERVICES ORGANIZATION AND METHODS OF  
CONSERVING WATER  
DEPARTMENT OF WATER POWER (DEPARTMENT)

IMPACT ON THE WATER SERVICES ORGANIZATION

If the estimated water requirement for the proposed project can be served by existing water mains in the adjacent street, water service will be provided routinely in accordance with the Department's Rules and Regulations. If the estimated water requirement is greater than the available capacity of the existing distribution facility, special arrangements must be made with the Department to enlarge the supply line. Supply main enlargement will cause short-term impacts on the environment due to construction activities.

In terms of the City's overall water supply condition, the water requirement for any project consistent with the City's General Plan has been taken into account in the planned growth of the water system. Together with local groundwater sources, the City operates the Los Angeles-Owens River Aqueduct and is a member of the Metropolitan Water District (MWD) of Southern California. These three sources will supply the City's water needs for many years to come.

Statewide drought conditions in 1976 and 1977 dramatically illustrated the need for water conservation in periods of water shortage. However, water should be conserved in Southern California even in years of normal climate because electrical energy is required to deliver supplemental MWD water supplies to the City and the rest of Southern California. Conserving water will minimize purchases from MWD and contribute to the national need for energy conservation.

WATER CONSERVATION

The Water Services Organization will assist residential, commercial, and industrial customers in their efforts to conserve water. Recommendations listed below are examples of steps that would conserve water in both new and old construction.

1. Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. In addition, care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season so that water is not wasted by excessive landscape irrigation.
2. Reclaimed water should be investigated as a source to irrigate large landscaped areas.

3. Selection of drought-tolerant, low-water-consuming plant varieties should be used to reduce irrigation water consumption.
4. Recirculating hot water system could reduce water waste in long piping systems where water must be run for considerable periods before hot water is received at the outlet.
5. Plumbing fixtures that reduce potential water loss from leakage due to excessive wear of washers should be considered.
6. Lower-volume water closets and water saving showerheads must be installed in new construction and when remodeling.

In addition, all development must adhere to City Water Conservation regulations.

More detailed information regarding these and other water conservation measures can be obtained from the Department's Conservation Hotline by calling 1-800-827-5397.

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# SAVE WESTWOOD VILLAGE

*Dedicated to Quality Revitalization*

June 7, 2001

Mr. Jimmy Liao  
 City Planner, Project Coordinator  
 Environmental Review Section  
 221 N. Figueroa St., Room 1500  
 Los Angeles, CA 90012

Re: EIR No. 2000-3213  
 Palazzo Westwood

Dear Mr. Liao:

Enclosed for your information is a copy of comments which we filed in response to a Notice of Proposed Vacation of subsurface rights of Glendon Avenue for the above project.

enc.

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Very truly yours,

Terry A. Tegnazian  
 Co-President

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Bruce C. Levin

June 6, 2001

By Fax No. 213-847-8272 &amp; Regular Mail

Mr. Gus Dembegiotes  
Street Vacation Investigation Section  
Bureau of Engineering  
634 S. Spring Street, Suite 400  
Los Angeles, CA 90014

Re: VAC-E1400741

Glendon Ave. (Por/o) bet. Weyburn Ave. & Kinross Ave.  
(Subsurface Vac.)

Dear Mr. Dembegiotes:

This is in response to the City's Notice of Proposed Vacation, dated April 18, 2001, regarding the above proposed subsurface vacation.

**1. Surface Vacation Required.** The Notice of Preparation of the Environmental Impact Report for this project states that this project will require, among other things, "narrowing" the Glendon Avenue public right of way to approximately half its current width.

This constitutes a *partial vacation of surface rights* which requires a formal application and vacation proceeding with proper notice. The above-referenced Notice does not include the surface vacation, and to our knowledge no such application or notice has been provided to date.

**2. Traffic Circulation.** The proposed vacations would be highly detrimental to the already restricted traffic circulation in Westwood Village, even on a "temporary" basis during construction. Glendon is one of only three north-south streets in the highly congested Village.

Further, there are several new projects completed or underway in the Village representing millions of dollars of investment that require uninterrupted access over Glendon Avenue, including the newly-renovated office high-rise at 1100 Glendon immediately

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adjacent to the south end of the proposed vacation, and the total renovation of the Macy's building at the north end of the vacation which will be bringing four new, long-awaited, retail tenants to the Village within the next several months. These businesses rely on Glendon as their primary path of ingress and egress from both north and south.

It is critical that Glendon Avenue remain fully functional throughout any proposed construction on this site.

3. **Private Easements.** Under California Streets & Highways Code ("SHC") §8353(b), *every owner within a tract* has a private easement over all the streets shown on the tract map, which is not extinguished by the city's vacation of the public easement. The definition of "street" under SHC §8308 includes all rights connected therewith, e.g., subsurface as well as surface.

Under Danielson v. Sykes, 157 Cal. 686 (1910), this private easement extends to all streets in the subdivision, not just streets abutting the lot. Under Norcross v. Adams, 263 C.A.2d 362, 365, 367 (1968), the government entity may also be liable.

The City of Los Angeles has already recognized the rights of the other Westwood Village property owners in connection with subsurface, as well as surface, vacations.

In approving the Vesting Tract Map No. 52169 for the predecessor project to this one (on this same property), the City required the developer to get *consents and waivers of damages* from other property owners as a condition of the subsurface vacations. A copy of the relevant three pages from the City's approval is enclosed.

4. **Cultural Resource.** In 1998, the State of California declared the Glendon Manor apartment building, which is slated for demolition as part of this project, to be of statewide historical significance after extensive hearings in which the owner of the building participated. The State introduced the rules, under which Glendon Manor was designated historical, several years after the Westwood Village Specific Plan was enacted. Glendon Manor is within the Specific Plan boundaries. Based on the State's determination, this building has been flagged by the Los Angeles Building & Safety Dept. to protect it from demolition.

Section 9.B of the Westwood Village Specific Plan does not permit vacation of a street for subsurface parking if a cultural resource is demolished:

"B. Subsurface Parking. If a cultural resource is demolished or relocated, subsurface parking in conjunction with any replacement structure *may not extend into the public right-of-way.*" (emphasis added.)

5. **Depth.** We are concerned that the application requests a subsurface vacation beginning only 4 feet below the surface.

In the predecessor project on this property, the city required that subsurface vacations begin 10 feet below the surface. We do not have the technical knowledge necessary to independently assess this issue, but we must assume that 10 feet is the minimum necessary, and perhaps more would be preferable.

6. **Strength.** According to the city's findings in the predecessor project on this property, the street when replaced was *not* going to be strong enough to support the weight of emergency vehicles -- even with a 10-foot margin before the subsurface vacation began.

Public safety considerations require that the street when replaced will be strong enough to carry all vehicles, such as cars, large commercial delivery trucks, and ambulances and fire trucks.

7. **Possible Deficiency in Notice and Application.** The predecessor project on this property required subsurface vacations for an underground parking structure, *not only* for Glendon Avenue, but also to the centerlines of Weyburn Avenue, Tiverton Avenue and the alley on the western edge of the property abutting buildings on Westwood Blvd.

This Notice does not include those other subsurface vacations, and to our knowledge notice has not been provided by the city to those affected property owners. We are concerned that this application and Notice do not fully reflect all the subsurface vacations that may be required for this project.

8. **Business Goodwill.** Businesses impacted by the loss of Glendon Avenue during and/or after construction may be entitled to damages from the city and/or the developer, as was the case in the MTA construction under Hollywood Blvd.

9. **Community Plan Amendment.** Glendon Avenue is shown on the Westwood Community Plan map circulation element. We believe that an amendment to the Community Plan is required in order to vacate any portion of this street.

Mr. Gus Dembegiotes  
Street Vacation Investigation Section  
Re: VAC-E1400741  
June 6, 2001  
Page 4

10. **Residential Condition.** There is a zoning Q Condition which permits only residential uses for the lots fronting on Tiverton Avenue which are included in this project site. There is no assurance in this application that the subsurface parking will be limited to residential parking. In fact, the proposed project plan involves commercial uses on the ground floor of the Tiverton lots, which violates the Westwood Village Specific Plan.

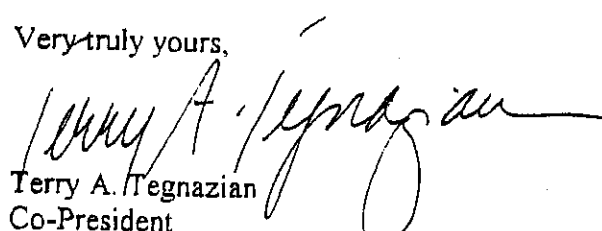
11. **No Demonstrable Public Interest.** The application does not demonstrate any public benefit or public interest that might justify the city's surrendering public subsurface or surface rights in Glendon Avenue. The area proposed for subsurface vacation below Glendon Avenue represents nearly an acre of property (actually, several acres when multiplied by the number of levels of parking).

Given the cost of land in Westwood and the cost of constructing subterranean parking, the requested subsurface vacation, if granted, amounts to a multi-million dollar gift from the city to the developer with no benefit to the public. To the contrary, such a vacation would interfere with emergency services and the economy of the Village, and create a major potential liability for the city if consents and waivers of damages from all the other property owners in the tract are not first obtained.

Thank you for this opportunity to comment on this application.

Please send all future notices of vacation, and all documents and proceedings pertaining to this project, to us and to all business and property owners within the original Westwood tract. If you have any questions, please call me directly at 310-470-0770.

Very truly yours,

  
Terry A. Tegnazian  
Co-President

enc.

# CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
221 N. FIGUEROA STREET  
LOS ANGELES, CA 90012-2601

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(213) 580-1172

Decision Date: MAR 16 1998

Appeal Period Ends: MAR 26 1998

Village Center Westwood, L.P.  
112 W. Ninth Street, #1200  
Los Angeles, CA 90015

Psomas and Associates  
3420 Ocean Park Blvd., #1040  
Santa Monica, CA 90405

Re: Vesting Tract Map No. 52169  
Council District : 5  
Existing Zone: C4-2-D  
Community Plan: Westwood  
EIR No.: 95-0075  
Fish and Game: Exempt

In accordance with provisions of Section 17.03 and 17.10.1 of the Los Angeles Municipal Code, the Advisory Agency approved Vesting Tentative Tract No. 52169 for the purpose of merger and resubdivision composed of 14 lots located at 1000 - 1060 Glendon Avenue south of Weyburn Avenue for a maximum 457,250 square-foot, commercial/residential project as shown on the map stamp-dated July 31, 1996. The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property. Conditions identified with a "#" may only be cleared by the Advisory Agency or a City Planner. For an appointment call (213) 580-5532. The Advisory Agency's approval is subject to the following conditions:

1. That a turnaround area be dedicated at the northerly limit of the remaining public street portion of Glendon Avenue in conjunction with the street merger satisfactory to the City Engineer.
2. That portions of Glendon Avenue and any other public easements deemed unnecessary by the City Engineer within the tract boundaries be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER  
CITY HALL - 200 N. SPRING STREET, RM. 4806 - (213) 485-7826  
VAN NUYS - 6251 VAN NUYS BLVD., 1ST FLOOR, VAN NUYS 91401 - (818) 756-8596

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- a. That consents to the public streets and easements being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the public streets and easements to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.

- 3. That the subsurface portions of Weyburn Avenue to the street centerline from a depth of 10 feet below the street flow line and any other public easements deemed unnecessary by the City Engineer adjoining the tract boundaries be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

- a. That consents to the public streets and easements being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the public streets and easements to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.

- 4. That the subsurface portions of Tiverton Avenue to the street centerline from a depth of 10 feet below the street flow line and any other public easements deemed unnecessary by the City Engineer adjoining the tract boundaries be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

- a. That consents to the public streets and easements being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the public streets and easements to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.

- 5. That tentative tract No. 50774 be received and filed prior to recordation of this map satisfactory to the City Engineer.
- 6. That the final map of this development includes the following items satisfactory to the City Engineer:
  - a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
- 7. That a covenant and agreement be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
  - a. That the owners shall be required to maintain all elements of the structure below the limited street rights-of-way of Weyburn Avenue and Tiverton Avenue in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the limited street rights-of-way areas for any necessary inspection, upon request during normal business hours. The City may request the owner to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractor to make said repairs.
  - b. The owner shall be required to limit use and occupancy of the structure

**FRIENDS OF WESTWOOD, INC.**

1015 Gayley Avenue, PMB 1063, LA, CA 90024  
Tel. 310-470-4522 • Fax 310-470-9944 • E-mail: lake4council@hotmail.com

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June 8, 2001

Via Fax 213-580-5542

Mr. Jimmy Liao  
City Planner, Project Coordinator  
Environmental Review Section  
221 N. Figueroa Street, Room 1500  
Los Angeles, CA 90012

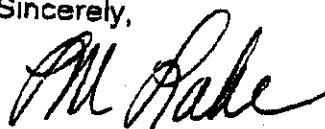
Re: EIR No. 2000-3213, Palazzo Westwood

Dear Mr. Liao:

Enclosed for your information is a copy of comments which we filed in response to a Notice of Proposed Vacation of subsurface rights of Glendon Avenue for the above project.

**Friends of Westwood believes that processing this application independently of the EIR process constitutes piecemeal approval, in violation of CEQA. The Bureau of Engineering appears to treat the application as "the project," and had no knowledge or information regarding Palazzo Westwood. We recommend that their process be coordinated with your EIR process, and that no approvals be granted in the absence of the EIR for Palazzo Westwood.**

Sincerely,



Laura Lake, Ph.D.  
President

cc: Prudence Faxon, Friends of Westwood



**FRIENDS OF WESTWOOD, INC.**

1015 Gayley Avenue, PMB 1063, LA, CA 90024  
Tel. 310-470-4522 • Fax 310-470-9944 • E-mail: lake4council@hotmail.com

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June 6, 2001

Via Fax 213-847-8272

Gus Dembegiotes  
Street Vacation Investigation Section  
Bureau of Engineering  
534 S. Spring Street, Suite 400  
Los Angeles, CA 90014

**Re: VAC-1400741 (Glendon Avenue (Por/o) bet. Weyburn Ave. & Kinross Ave.  
(Subsurface Vacation)**

Dear Mr. Dembegiotes:

This letter is in response to the City's Notice of Proposed Vacation, dated April 18, 2001, regarding the above proposed subsurface vacation.

To review this request in isolation from the entire application is in violation of CEQA's prohibition against **piecemeal approval**. Several aspects of this application involve zoning and planning issues not addressed in this application.

*This application should not be processed in the absence of the EIR.*

Friends of Westwood submitted testimony to the NOP objecting to both a subsurface and surface vacation of Glendon Avenue in behalf of Arden Realty, Wilshire Glendon Associates, and Friends of Westwood. A copy is enclosed for your information.

**1. Surface vacation required for Glendon Avenue.** The NOP for this project states that this project will require "narrowing" Glendon Avenue by approximately one half of the current public right of way. **This constitutes a partial vacation of surface rights and requires a formal vacation proceeding with proper notice.** The same rights for private easements of all the other property owners within the tract clearly exists for the surface vacation proceeding as well. *No such application or notice has been provided.*

**2. Community Plan Amendment Required.** Glendon Avenue is shown in the Westwood Community Plan map circulation element. **We believe that an amendment of the community plan is required in order to vacate any portion of this street.**

Further, allowing a subsurface vacation under the residential portion of the property adjacent to Tiverton Avenue violates the zoning Q Condition that prohibits commercial uses within the lots along Tiverton Avenue which are part of the proposed project. There is no assurance in this application that the parking will be limited to

## FRIENDS OF WESTWOOD, INC

Glendon Avenue Vacation E1400741  
June 5, 2001

residential parking. Indeed, the proposed project involves commercial uses on the ground floor portions of the Tiverton lots. This is in violation of the Westwood Village Specific Plan.

**3. Circulation.** We object to the proposed vacation, which would be highly detrimental to the already restricted circulation in Westwood Village, even on a "temporary" basis during construction. Glendon is one of only three north-south streets in the highly congested Village. See paragraph 7 below.

Further, there are several new projects completed or underway in the Village representing millions of dollars of investment that require uninterrupted access over Glendon Avenue, including the newly-renovated office highrise at 1100 Glendon immediately adjacent to the south end of the proposed vacation, and the total renovation of the Macy's building at the north end of the vacation which will be bringing four new, long-awaited, retail tenants to the Village within the next several months. *These businesses rely on Glendon Avenue as their primary ingress and egress.*

In order to expedite the commercial revitalization of Westwood Village, the city must not permit even temporary closure of Glendon Avenue. Construction must be conducted in a manner that permits Glendon Avenue to remain fully functional.

**4. Business Goodwill Losses.** As with Hollywood Boulevard MTA construction, businesses impacted by the loss of Glendon Avenue during construction are entitled to compensation for damages from the city and/or the developer.

**5. Private Easements.** Under California Streets & Highways Code ("SHC") §8353(b), every owner within a tract has a private easement over all the streets shown on the tract map, which is not extinguished by the city's vacation of the public easement. The definition of "street" under SHC §8308 includes all rights connected therewith, e.g., subsurface as well as surface rights.

Under Danielson v. Sykes, 157 Cal. 686 (1910), this private easement extends to all streets in the subdivision, not just streets abutting the lot. Under Norcross v. Adams, 263 C.A. 2d 362, 365, 367 (1968), **the government entity may also be liable.**

The City of Los Angeles has already recognized the rights of the other Westwood Village property owners in connection with subsurface as well as surface vacations.

In approving the Vesting Tract Map No. 52169 for the predecessor project to this one (on this same property), the City required the developer to get **consents** and **waivers of damages** from other property owners as a condition of the subsurface vacations. A copy of the relevant three pages from the City's approval is enclosed.

## FRIENDS OF WESTWOOD, INC

Glendon Avenue Vacation E1400741  
June 5, 2001

**6. Cultural Resource.** In 1998, the State of California declared the Glendon Manor apartment building, built in 1929 and slated for demolition as part of this project, to be of statewide historical significance after an extensive series of hearing on the merits. The owner of the building participated fully in these proceedings and was also represented by legal counsel and expert consultants.

The State introduced the rules, under which Glendon Manor was designated historical, long after the Westwood Village Specific Plan was enacted. Glendon Manor is within the Specific Plan boundaries. Based on the State's determination, this building has now been "flagged" by the Los Angeles Building and Safety Department to protect it from demolition.

**Section 9.b of the Westwood Village Specific Plan does not permit vacation of a street for subsurface parking if a cultural resource is demolished:**

"B. Subsurface Parking. If a cultural resource is demolished or relocated, subsurface parking in conjunction with any replacement structure may not extend into the public right-of-way." (Emphasis added.)

**7. Depth.** We are concerned that the application requests a subsurface vacation beginning only 4 feet below the surface. In the predecessor project on this property, the city required that subsurface vacation begin 10 feet below the surface. We do not have the technical knowledge necessary to independently assess this issue, but we must assume that 10 feet is the minimum necessary, and perhaps more would be preferable.

**8. Strength:** We also question whether the subsurface structure would be designed and built to support the weight of emergency vehicles. The predecessor project on this property did not meet this requirement. Public safety considerations require that Glendon Avenue be able to carry commercial delivery and emergency vehicles.

**9. Possible deficiency in Notice and Application:** Previously, subsurface vacations for parking not only for Glendon Avenue, but also to the center-lines of Weyburn, Tiverton and the alley west of the property had been requested. This notice does not include those subsurface vacations, and to our knowledge, notice has not been provided to any affected property owners. We are concerned that this application and notice may not fully reflect all of the subsurface vacations that may be required for this project.

**10. No public interest in subsurface vacation.** The applicant has not provided evidence of a public benefit or public interest that might justify surrendering public rights for surface or subsurface rights. The area proposed for subsurface vacation (below Glendon Avenue) represents approximately an acre of property (actually several acres

**FRIENDS OF WESTWOOD, INC**

Glendon Avenue Vacation E1400741  
June 5, 2001

when multiplies by the number of levels of parking). The developer apparently wants the city to give this benefit to him for free.

Given the cost of property in Westwood and the cost of constructing subsurface parking, the requested vacation, if granted, amounts to a multi-million dollar gift from the city to the developer with no benefit to the public – to the contrary, this application, if approved, would interfere with emergency services and the economy of the Village.

It is also not in the public interest to create a major liability for the city if the consents and waivers from all the other property owners in the tract are not first obtained.

In conclusion, we request notice of vacation, both surface and subsurface, be mailed to Friends of Westwood and all businesses and property owners within the original tract map, as required under state law.

Thank you for this opportunity to comment on this application. Please send all notices, reports and other correspondence and documents pertaining to this project to Friends of Westwood and all business and property owners within the original Westwood Village tract.

Respectfully,



Laura Lake, Ph.D.  
President

cc: Prudence Macgowan Faxon, Treasurer, Friends of Westwood

Attachment: Friends of Westwood, Arden Realty, Wilshire Glendon Associates NOP testimony.

# Department of Water and Power



# the City of Los Angeles

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Mayor

Commission  
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DOMINICK W. RUBALCAVA, Vice President  
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JOHN C. BURMAHLIN, Secretary

DAVID H. WIGGS, General Manager  
FRANK SALAS, Chief Operating Officer

May 14, 2002

Mr. Con Howe, Director  
Department of City Planning  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

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ENVIRONMENTAL  
UNIT

Attention Ms. Maya E. Zaitzevsky

Dear Mr. Howe

Request for Comments on Draft Environmental Impact Report (EIR)  
Palazzo Westwood Case No. ENV-2000-3213

The Los Angeles Department of Water and Power (LADWP) has reviewed the draft EIR for the above-referenced project that was transmitted with your February 21, 2002 letter.

We would like to clarify Volume 1, Section V., Subsection I., Item 1 and Volume 1, Section V., Subsection K., Item 3. As per our March 6, 2001 letter to Mr. Ed Reyes, the developer may be required to pay for the cost to upgrade the existing infrastructure system, including water mains and a nearby pressure regulator station. The developer is required to pay to LADWP its fair share of the cost for the upgrade should the Los Angeles City Fire Department (LAFD) not be willing or not able to do so. The LAFD recently stated that it would not pay for upgrade of the pressure regulator station. Also, there is no construction schedule, at this time, for the upgrade of the water main in Wilshire Boulevard.

If you have any questions concerning this matter, please call me at (213) 367-1218.

Sincerely,

LUIS NUNO  
Engineer of Western District  
Water Distribution Engineering

Map No. 134-153

## Water and Power Conservation ... a way of life

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DEPARTMENT OF TRANSPORTATION  
DISTRICT 7, REGIONAL PLANNING  
IGR/CEQA BRANCH  
120 SO. SPRING ST.  
LOS ANGELES, CA 90012  
PHONE (213) 897-6536  
FAX (213) 897-1337

Ms. Maya Zaitvevsky  
Department of City Planning  
City of Los Angeles  
200 N. Spring St., Room 763  
Los Angeles, CA. 90012

Re: IGR/CEQA # 020272NY  
Palazzo Westwood  
LA/405/31.63  
SCH# 2000101123

March 22, 2002

Dear Ms. Zaitvevsky:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Palazzo Westwood project.

We would like to recommend the City to collect and set aside a fair share contribution from the Traffic Impact fees for future freeway main line and ramp improvements.

If you have any questions, please call Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 020272NY.

Sincerely,

STEPHEN J. BUSWELL  
IGR/CEQA Branch Chief  
Transportation Planning Office  
District 7

*"Caltrans improves mobility across California"*

March 12, 2002

**ASSOCIATION of  
GOVERNMENTS**

**Main Office**

818 West Seventh Street

12th floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1826

(ILLEGIBLE TEXT)

Ms. Maya E. Zaitzevsky  
Project Coordinator  
Department of City Planning  
200 N. Spring Street, Room 783  
Los Angeles, CA 90012

**RE: SCAG Clearinghouse No. I 20020101 Palazzo Westwood**

Dear Ms. Zaitzevsky:

Thank you for submitting the **Palazzo Westwood** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects.

SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Palazzo Westwood**, and have determined that the proposed Project is not regionally significant per SCAG intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **March 1, 2002** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP  
Senior Planner,  
Intergovernmental Review