

Royal Palace WESTWOOD

IN THE HEART OF WESTWOOD VILLAGE

1052 Tiverton Ave., Los Angeles, CA 90024 (310) 208-6677 • Fax (310) 824-3732
E-mail: lahotels@earthlink.net • Website: www.royalpalacewestwood.com

April 5, 2002

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

RECEIVED
CITY OF LOS ANGELES
APR 09 2002
ENVIRONMENTAL
UNIT

Re: Draft Environmental Impact Report No. 2000-3213

Dear Ms. Zaitzevsky:

I am the owner of the Royal Palace Westwood Hotel, a 35-room inn located at 1052 Tiverton Avenue. I have operated this small business since 1982, and have owned the real property and improvements since 1989.

This current "Project Palazzo Westwood" (Draft Environmental Impact Report No. 2000-3213) is **seriously flawed and in need of review and revisions**. This letter is to request that you **deny** the Project applicant's following requests for discretionary approval:

- 1) f) Allow commercial uses along Tiverton Avenue in Subarea 2.
- 2) Obtain exceptions from the Westwood Village Specific Plan requiring a 15-foot landscape buffer along the Tiverton frontage, and to permit mechanical equipment in the unoccupied towers.
- 3) Obtain a General Plan Amendment re-designating Tiverton Avenue from a Secondary Highway to a Collector Street.

You cannot allow Tiverton Avenue to be used for commercial uses. My property was "down-zoned" in the early 1990's which resulted in a significant reduction in my property's value. If the City of Los Angeles' Department of City Planning were to give approval to allow Tiverton Avenue for commercial uses, it would be completely inconsistent and against the interests of the residential property owners on the east side of the street. The fact that the other side of the street consists of residential properties makes it obvious that there is no way that this Project Palazzo Westwood should be exempt from a 15-foot landscape buffer along the Tiverton frontage.

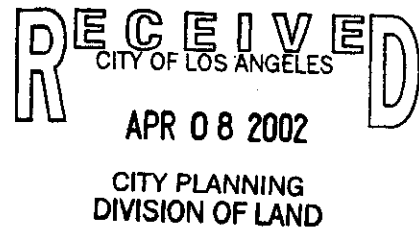
I look forward to a favorable resolution to this matter. If you have any questions or comments, please do not hesitate to contact me at 310 473 6564. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "John Beccaria".

John Beccaria
Owner

METCALFE ASSOCIATES
Urban Design
Development Planning
1421 Penders Avenue
Los Angeles, CA 90024
Tele/Fax: (310) 474-6418
Michael S. Metcalfe
Principal



April 7, 2002

Fax: (213) 978-1343

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Maya Zaitzevsky, Project Coordinator
Los Angeles Department of City Planning
Environmental Review Section
200 North Spring Street, #763
Los Angeles, CA 90012

RE: EIR Case No. ENV-2000-3213; Palazzo Westwood Project
Draft EIR No. SCH #2000101123

Dear Ms. Zaitzevsky:

The following comments and the attachments are provided in response to the **Draft Environmental Impact Report (DEIR)** for the proposed "Palazzo Westwood Project", dated February 21, 2002.

As local homeowners and residents of Westwood for more than 35 years, our family members are stakeholders with a vested interest in the future liveability of this community. We are committed to supporting the highest standards of practice for responsible, community-based land use and development planning, high-quality revitalization efforts and historic preservation, congestion mitigation, and public safety throughout the Westwood area.

In our review of the DEIR, we find that the proposed "Palazzo" project physical design as presented with the corresponding text, to be so seriously flawed that the project should be re-designed.

The "Street Level Retail" Plan, Figure III-3 is extremely difficult to read and should at least be enlarged and presented on an 11"x17" fold-out format for improved legibility. May we please be provided with an enlarged and more complete set of the graphics, site plan, floor plans, sections, and elevations on 11"x17"? Please forward a set to the above address. Thank you. The reader should be able to discern the finish floor elevations in particular.

The proposed project physical design contains numerous major urban design and planning deficiencies which are not addressed in the DEIR. Please provide a detailed written response to each of the following questions:

1. Is the "Palazzo" project proposed to include multiple sunken entrance plazas? The "Street Level Retail" Plan, Figure III-3 appears to show approximately four (4) sunken entrance plazas. Is the Casden project proposing to build (4) sunken entry plazas to provide pedestrian access to the "Street Level Retail" which appears to be located mostly below street level? Please describe the design concept or philosophy for the sunken plazas.
2. If the "Street Level Retail" entrances are to be located below street level, how many feet below street level (grade) is each entrance proposed to be located? Please provide the respective retail entrance finish floor elevation in each case: at the southwest and at the southeast corners of the Glendon intersection with Weyburn, and at the west and east sides of Glendon at the mid-project area?
3. What is the maximum vertical difference in feet between the finish floor elevation of the 54,000 sq. ft. space and the sidewalk level on the east side of Glendon?
4. Please describe the treatment and use of the Glendon frontage between the parking garage entrance drive and the proposed commercial truck loading dock bay at the south? Also, please clarify if the commercial truck dock is proposed to accommodate three (3) or two (2) truck positions. The "Street Level Retail" Plan, Figure III-3 shows 3 trucks and the Noise Monitoring & Loading Dock Locations Plan, Figure V.G-1 shows 2 trucks; which is correct?

April 7, 2002

Maya Zaitzevsky, Project Coordinator, Los Angeles City Planning Department
RE: EIR Case No. ENV-2000-3213; Palazzo Westwood Project
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5. Do the doors shown on the Glendon frontage provide direct access to the finish floor of the 54,000 sq. ft. space? Will the west wall of the 54,000 sq. ft. space be a solid, opaque wall as is customary with grocery (specialty) markets, or will it be glazed? Please describe how this segment of Glendon frontage will create a "pedestrian-friendly" environment for people.

6. Please describe the role of the commercial truck loading dock in creating a "pedestrian-friendly" environment for people.

7. It appears that the majority of retail space is proposed to be located below street level and only the southwest "Retail Court" (19,000 sq. ft.) portion will have direct access from the sidewalk. If the majority (approximately 96,000 sq. ft. or 84%) of retail space is proposed to be located below street level, please explain how doorways shown along the sidewalk frontages of Weyburn and Glendon will provide direct pedestrian access into the retail space. Are the retail tenant frontages along all segments of Weyburn and Glendon proposed to be glazed with shop front windows, or will the frontage walls be opaque, solid walls? Please describe the location of blank, opaque solid wall segments.

8. The Simulated View of Proposed Project, Figure V.A1-13 shows a pair of glass doors on the east side of Glendon between Weyburn and the parking garage drives, along with considerable blank, opaque solid walls. Please explain the function of the glass doors and describe how the blank walls contribute to creation of a vitalized, pedestrian-friendly urban environment for people.

9. Please explain how the proposed sunken entrance plazas and the above issues of direct pedestrian access to retail space (Items 1 - 6) will conform to the City of Los Angeles Mixed Use provisions of the L.A. Municipal Code (Section 13.09).

10. Please provide written confirmation that the Commanding Officer of the Community Affairs Group of the LAPD has conducted a public safety/visual surveillance analysis of the lines of sight for each proposed sunken entrance plaza, and has provided the written findings to this DEIR. Also, please provide written confirmation that the Commanding Officer of the Community Affairs Group of the LAPD has provided the developer and the architect with a copy of the City of Los Angeles DESIGN OUT CRIME Guidelines, published by the Crime Prevention Through Environmental Design (CPTED) Task Force, November 1997.

Please refer to the attached letter to Mr. Dan O'Donnel, L.A. Dept. of City Planning, of February 24, 1998, for additional information and an annotated bibliography on the subject of sunken plazas in the urban environment. Two additional books which address some of the problems associated with sunken plazas are:

Urban Space for Pedestrians: A Report to the Regional Plan Association by Pushkarev and Zupan, MIT Press, 1975, and

Defensible Space: Crime Prevention through Urban Design, by Oscar Newman, Macmillan Company, 1972.

We suggest that until the project is re-designed to provide direct pedestrian retail access, the DEIR process for this project should be suspended. After re-design, the DEIR will need to be re-written to include the corrections to the project and be re-circulated for comments, prior to further processing.

We are concerned that, similar to the previous "Smedra project", the "Palazzo" project would require such extensive amendments to the Westwood Village Specific Plan (WVSP). The nine (9) proposed amendments are all, clearly without exception, devised to reduce and/or remove the public protections that are a part of the regulatory purposes of the WVSP. And at the same, facilitate demolition of a valuable historic building, only to replace it with a multi-bay semi-tractor trailer, service dock directly across the Glendon Avenue from another historic building which presently houses Café Moustache.

Similar to the previous Smedra project, the developer certainly knew the WVSP regulations before acquiring the property. And similar to Smedra, determined that the local laws should be amended to suit Casden's private development objectives at the expense of the integrity of the WVSP. In removing such public protections as height restrictions, setback requirements, residential density limits, the proposed amendments would be made at the expense of what remains of the public realm and the urban fabric of the Village, and at the expense of the entire surrounding community.

April 7, 2002

Maya Zaitzevsky, Project Coordinator, Los Angeles City Planning Department

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RE: EIR Case No. ENV-2000-3213; Palazzo Westwood Project
Draft EIR No. SCH #2000101123

To paraphrase from the Smedra DEIR, for example: "... the project proponent is requesting (9) Specific Plan amendments to make the WVSP consistent with its project, ..." (emphasis added; see the previous "Village Center Westwood" DEIR Page IV-H-6). Obviously such amendments would permit the "Palazzo" project to proceed unimpeded by the regulatory guidelines and public protections of the WVSP. The developer has engaged in a considerable mis-information campaign in order to subvert the public protections and legal purpose of the WVSP. While claiming to be in conformance with the "spirit and intent" of the WVSP, the developer is simultaneously requesting to waive the current planning and development regulations to suit the "Palazzo" proposal. The developer has requested building height measurement, allowable density of units per square footage of site area, elimination of setbacks, and other regulations which the subject project should properly be required to follow.

Please provide a detailed written response to each of the following questions:

11. Westwood Village already is a "unified development" and was originally planned and developed as such in 1929, to provide and sustain a village fabric of mixed uses including multi-unit residential, to serve the surrounding community. Glendon Manor is an historic part of that original, pioneering and visionary urban plan. The WVSP simply does not need the proposed Amendment No. 1, and the L.A.M.C. Mixed Use ordinance already prohibits grade separated, indirect pedestrian access to street level retail. The WVSP already provides for street level retail and mixed use which, unlike the "Palazzo", the retail is directly accessible from the sidewalk. Please see the noted architectural historian, Richard Longstreth's: City Center to Regional Mall: Architecture, the Automobile, and Retailing in Los Angeles, 1920-1950, MIT Press, 1997, pp. 165-167, for an authoritative clarification of why the Village already constitutes a "unified development" and some proper perspective on the historic significance of the original mixed use Westwood Village plan.

Proposed Amendment No. 1 is for a "unified development" within a "unified development", and actually runs counter to the essential spirit and intent of the original Village and the WVSP which is designed to preserve the existing, historic variation in the Village character. Rather than a "unified development" on the subject site, variation in form, architectural vocabulary, detail, and physical character would conform more closely with the spirit and intent of the WVSP. To quote Longstreth: *"At Westwood, the guidelines Janss established for building exteriors were probably vaguer than at Santa Barbara, enabling architects to work with a loosely defined spectrum of historical resources associated with Mediterranean Europe. Variety in form, detail, and character was encouraged."*

Please review the cited literature. And please explain fully for inclusion in the DEIR, that it is the proponents of the "Palazzo" project that want the regulatory relief that would result from Amendment No. 1, and that it is not needed for the WVSP which is an enforceable City Ordinance unto itself. Please explain that there is no legal or regulatory need for proposed Amendment No. 1, from the City of Los Angeles standpoint, and that the L.A.M.C. Mixed Use Section 13.09 already applies as a City-wide ordinance.

12. The proposed WVSP Amendment No. 1 is wholly un-necessary and redundant. It is a specious proposal concocted merely to allow the developer to declare that the historic 1070 Glendon Manor would be inconsistent with the "Palazzo's unified development" and so should be demolished in order to make room for the truck dock with apartments above. Glendon Manor must be preserved as Casden's Cultural Resources consultant recommends on page 113 of the DEIR. The "Palazzo" project should be redesigned to accommodate preservation of Glendon Manor, much like the Nansay Project did. The Nansay Project, both preserved and respected Glendon Manor as a part of the mixed use urban fabric of Westwood Village.

13. Please explain why the truck dock should not be relocated to the southeast rear of the 54,000 sq. ft. space off Tiverton.

14. Please describe why the other eight (8) proposed amendments to the WVSP would be either unacceptable, or possibly acceptable, to the City of Los Angeles. And should all (9) amendments be acceptable to the City, would such amendments apply only to the proposed "Palazzo" project site, or would all the amendments apply to the entire WVSP area within its boundaries Village-wide, including the subject site? If not applicable to the WVSP area-wide, specifically which amendments are proposed to be applicable only for the "Palazzo" site?

METCALFE ASSOCIATES

April 7, 2002

Maya Zeitzovsky, Project Coordinator, Los Angeles City Planning Department

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**RE: EIR Case No. ENV-2000-3213; Palazzo Westwood Project
Draft EIR No. SCH #2000101123**

15. As the developer has requested, and clearly expects, that the public protections of existing height limits, building setbacks, unit density, FAR allowances, bike ratio, and other regulations will be removed from the WVSP. Since such relief from regulation is expected to be provided by the City of Los Angeles solely to accommodate the proposed project, please explain the public purpose and justification for the years of work and thousands of public and citizen volunteer hours that went into preparing and adopting the current WVSP.

16. In our view, the proposed project is illogical and unacceptable at this location, in its physical form, with apparently (4) or more sunken entry plazas and below grade retail floors, we would emphasize, constitutes a major design and planning flaw. Such planning and design errors in the subject project are all antithetical to recognized and sound urban design, land use and circulation planning, and community development principles. The subject project calls for curb-to-curb narrowing of irreplaceable Glendon Avenue, ostensibly for the purpose of widening the sidewalks in order to create a "pedestrian-friendly" environment. The proposed narrowing represents the developer's desire to control the street to the point of attempting to privatize Glendon for the benefit of the developer at the expense of the City of Los Angeles' taxpayers. Please explain how the proposed curb-to-curb narrowing will not result in a reduction of street capacity in a highly congested urban context where, if anything, additional circulation right of way is needed, not less.

There many other major problems with the proposed project and the process conducted by the City Councilman's office, in addition to the errors and omissions in the DEIR which will be addressed, referenced by section and page number.

Based on the above citations and review of the subject DEIR, we hereby request notification of the administrative intentions for next steps, to conduct either a Revised Project and DEIR, or a Supplemental DEIR, or other procedure to be prepared and circulated for public review and comment, to address all of the above noted issues in written form prior to preparation of a Final EIR.

Thank you for your review and consideration of comments to the DEIR for the proposed subject project.

Respectfully submitted,



Michael S. Metcalfe
Principal

cc: Save Westwood Village
Westwood Homeowners' Association, Inc.
The Honorable Jack Weiss, Los Angeles City Council, CD5
Renee Schillaci, CD5 Planning Deputy
The Honorable Ruth Galanter, Los Angeles City Council, CD6

METCALFE ASSOCIATES
Urban Design
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1421 Pandora Avenue
Los Angeles, CA 90024
Tele/Fax: (310) 474-6418

Michael S. Metcalfe
Principal

February 24, 1998

Mr. Dan O'Donnel, City Planning Project Hearing Examiner
Los Angeles City Planning Commission
221 South Figueroa Street, Suite 310
Los Angeles, CA 90012

Page 5 of 8

RE: CITY PLAN CASE NO. 96-0133-PA WESTWOOD PLANNING AREA;
And EIR Case No. ENV-2000-3213; Palazzo Westwood Project
Draft EIR No. SCH #2000101123 April 7, 2002

Dear Mr. O'Donnel:

The following **Annotated Background/Bibliography on Sunken Plazas** is provided in reference to our Letters of Comments to the Draft and Final Environmental Impact Reports (D/FEIR) of January 9, 1998, July 28 and May 25, 1997. The following material is also provided as a supplement to our testimony at the Public Hearing of December 18, 1997 regarding the subject project. Please review and append this Background/Bibliography as appropriate to the respective City Planning Case Files as it is intended to provide added supporting documentation for the Los Angeles City Planning Commission's consideration of the case against approval of construction of any sunken plazas in Westwood Village.

As noted in earlier comments, sunken plazas have long been opposed by city planners, urban designers, knowledgeable real estate developers, and various public agencies for their inherently disruptive and damaging effects on the continuity of retail frontages and pedestrian circulation in commercial urban districts. Because of the inherent physical isolation and visual separation from the street, existing sunken plazas have consistently failed to function successfully, and due to their relatively high economic recovery costs, often remain as failed and vacant urban places in many cities. That's why New York City for example, denies open space bonuses for plazas more than three feet below street level and on important streets in central business districts, prohibits them altogether.

In the past, the City of Los Angeles has permitted a number of unfortunate examples of failed sunken plaza projects which have proven to be damaging and costly commercial development mistakes. Given the benefit of "fundamental lessons learned" from past experience, including the experience of other cities, such projects should never have been officially approved for construction to begin with, and certainly such mistakes must not now be repeated. Especially since the Westwood Village Specific Plan (WVSP) is designed to preserve, enhance and extend the essential pedestrian streetscape, scale and urban fabric within the historic Janss/Holmby tract area.

Perhaps one of the more dramatic and costly sunken plaza failures has been the City's own Los Angeles Mall, adjacent to City Hall in the Civic Center, where the north sunken plaza roughly physically approximates the depth below grade, scale, and spatial isolation of the subject proposal in Westwood Village. Following years of commercial and fiscal losses, tenant space vacancies, poor access, etc., the Los Angeles City Council has recently reviewed recommendations to approve funding for Phase 2 of an on-going Los Angeles Mall revitalization feasibility study in which the City would incur substantial recovery costs. The City Department of General Services reports that the Los Angeles Mall Revitalization Redevelopment Team could incur total project costs in excess of \$300,000¹ and a revitalization concept plan prepared by Gensler and Associates for the City reports that the "retrofit", which would bring all retail activity up to street level to facilitate re-use of the space, would cost on the order of \$6.6 million².

Moreover, as of November 1997, as directed and established by the Los Angeles City Council, the City's Crime Prevention Through Environmental Design (CPTED) Task Force has prepared and published the **City of Los Angeles "DESIGN OUT CRIME" GUIDELINES** which provide development recommendations intended to preclude construction of just such a sunken plaza as proposed in the subject project. Under DESIGN RECOMMENDATIONS, Natural Surveillance: Visual Connection, page 8, the City of L.A. guidelines state: "Provide a good visual connection between commercial and public environments such as streets, common areas, and sidewalks."³

February 24, 1998

Mr. Dan O'Donnell, City Planning Project Hearing Examiner

RE: CITY PLAN CASE NO. 96-0133-PA, et. seq.

And EIR Case No. ENV-2000-3213;

Draft EIR No. SCH #2000101123

WESTWOOD PLANNING AREA

Palazzo Westwood Project

April 7, 2002

Since the subject sunken plaza is proposed to be situated at 30' (thirty feet) below grade (referencing the elevation of the intersection of Weyburn and Glendon Avenue), the sight lines for natural surveillance and visual connection from Weyburn Avenue and its sidewalk down to the sunken plaza are obstructed, the plaza would not be visible from the street and sidewalk, and likewise, the street and sidewalk would not be visible from the 30 foot deep sunken plaza level. Thus, with the obstruction of natural surveillance sightlines, the proposed sunken plaza project in Westwood Village is in violation of the City of Los Angeles Crime Prevention Through Environmental Design Guidelines.

We recognize that the project's sunken plaza scheme is driven by the developer and the retail anchor tenant's (Ralph's Market) desire to avoid locating on the street level which would require higher ground rent charges, and that by locating the largest percentage of total project GLA (Gross Leasable Area, including the market, a drug store and other tenant space) on subterranean levels, the project would be, conceptually at least, more profitable for the investors. (Ralph's is also a major investor, and we believe they are unaware of the sunken plaza's potential for damage to the Village.)

We also recognize that the sunken plaza scheme, in turn, drives the need for the acquisition and privatization of the Glendon Avenue public right-of-way (an unwarranted bonus), which is then counted as additional site area in the calculation of the Floor Area Ratio (another unwarranted bonus), and that the sunken plaza scheme in combination with the acquisition of Glendon, the 3400 movie-seat multiplex, and the consequent demolition of the historic Glendon Manor building then in turn, collectively drive the need for the specious and unacceptable, proposed Westwood Village Specific Plan (WVSP) Amendment.

Ostensibly proposed by the City Councilman to "up-date" the WVSP in order to "revitalize" the Village, the Amendment is clearly proposed for at least two other primary reasons; first and foremost, to change the law, including the underlying zoning, in order to satisfy the developer and the investor's requests and to "mitigate" and facilitate official approval of this otherwise illegal project (which is not unlike the old fashioned and presently illegal practice of "spot zoning" in the history of Los Angeles) at the expense of all other local property owners, and secondarily, to eliminate or, in effect, repeal the constraints of the WVSP which is the law that would specifically prohibit their otherwise illegal project.

However, as an official Project Hearing Examiner in support of good, responsible urban design and planning practices alone, if the subject project application is forwarded to the Los Angeles City Planning Commission for their review, please emphasize the urgent need for the Commission's special attention to the issues of this proposed sunken plaza project. The responsibility for risk avoidance and prevention of such a costly urban design and development mistake should serve as the basis for withholding any further project approvals, and/or a halt in any further permit processing, with the stipulation that the entire sunken plaza element be eliminated from this applicant's project plans.

While we recognize many other difficult problems associated with this poorly-conceived project and the DEIR/FEIR process, we are confident that the Public Hearing Examination and review process will find and implement the most appropriate public procedure from this point forward. Please don't hesitate to call me at (310) 474-6418 or write to the address on this letterhead if there are any questions, or if we can assist you in way.

Thank you for your review and consideration of this important community development matter.

Respectfully submitted,



Michael S. Metcalfe

Co-president, Save Westwood Village

cc: The Honorable Jack Weiss, Los Angeles City Council, CD5
The Honorable Ruth Galanter, Los Angeles City Council, CD6
The Honorable Cindy Miskowski, Los Angeles City Council, CD 11
The Honorable James Hahn, Mayor, City of Los Angeles

Mr. Dan O'Donnel, City Planning Project Hearing Examiner

RE: CITY PLAN CASE NO. 96-0133-PA, et. seq.

And EIR Case No. ENV-2000-3213;

Draft EIR No. SCH #2000101123

WESTWOOD PLANNING AREA

Palazzo Westwood Project

April 7, 2002

An Annotated Background/Bibliography on Sunken Plazas: The Urban Design and Planning Case Against Approval of Construction of Sunken Plazas in Westwood Village.

1. **Los Angeles City Council - Journal/Council Proceedings**
 Tuesday, November 18, 1997, Council Chamber - Room 340, City Hall - 10 AM
 Item No. (18) - 96-2106 / S1 / CD9
 INFORMATION TECHNOLOGY and GENERAL SERVICES COMMITTEE REPORT relative to
 Phase 2 of the Pre-Development Feasibility Study-Los Angeles Mall Revitalization Plan.
 Referred To Public Works Committee - Roll Call #18
2. **Los Angeles Mall Revitalization Concept Plan**
 Prepared for the City of Los Angeles Department of General Services;
 Includes critique & analysis of failed sunken plaza and re-use "retrofit" construction cost budget
 estimate and financial proforma benefits analysis;
 Gensler and Associates / Architects, Lead Consultant,
 in association with Asset Strategies Inc., 1995
3. **City of Los Angeles DESIGN OUT CRIME Guidelines**
 Prepared by the Los Angeles Crime Prevention Through Environmental Design (CPTED)
 Task Force as directed and established by the Los Angeles City Council,
 Consisting of the following City Departments:
 L.A. City Planning, Mr. F. P. Eberhard, Deputy Director and Task Force Chairman
 L.A. Police Department, Crime Prevention Section L.A. Housing Department
 L.A. Community Redevelopment Agency L.A. Building and Safety
 L.A. Department of Transportation Bureau of Street Lighting
 Department of Public Works Councilmember Laura Chick, 3CD
 Ref: DESIGN RECOMMENDATIONS, NATURAL SURVEILLANCE: Visual Connection, page 8;
 Guidelines preclude visual (sightline) obstruction between streets and public common areas;
 Appendix B includes a very useful reference Bibliography
 Published November 1997
4. **The Social Life of Small Urban Spaces**
 by William H. Whyte, The Conservation Foundation, 1980
 This seminal basic text of empirical research in the scholarship of urbanism is widely recognized
 as fundamental, required reading for all students of the behavior of people in the urban
 environment. For example, the book is required reading for applicants for graduate admission to
 the Departments of Architecture, Urban Design, City and Regional Planning, and Landscape
 Architecture and Environmental Planning at the College of Environmental Design at the University
 of California at Berkeley, among many others.
5. **CITY: Rediscovering the Center**
 by William H. Whyte, Doubleday, 1988
 The sequel to the previous book includes further critique and analysis on the failures of sunken
 plazas in urban commercial settings. This book documents the Street Life Project which provided
 the basis for a PBS Network "Nova" science series documentary entitled *Public Spaces/Human
 Places* produced by WGBH in Boston, and includes a Digest of the New York City Open-Space
 Zoning Provisions (Appendix A) and Mandating of Retailing at Street Level (Appendix B), both of
 which serve to prohibit construction of sunken plazas in the city with the nation's highest
 population density. The author includes acknowledgment of the participation and assistance of
 Mr. Con Howe, Director of the Los Angeles Department of City Planning.
6. **Town and Square: From the Agora to the Village Green**
 by Dr. Paul Zucker, Columbia University Press, 1959
 One of the classic urban planning and design references, Zucker's analysis demonstrates that
 streets and squares (a.k.a. plazas) are functionally interdependent and inseparable, and require
 unobstructed visual connection and unobstructed direct pedestrian access to be successful.

Mr. Dan O'Donnel, City Planning Project Hearing Examiner

RE: CITY PLAN CASE NO. 96-0133-PA, et. seq.

And EIR Case No. ENV-2000-3213;

Draft EIR No. SCH #2000101123

WESTWOOD PLANNING AREA

Palazzo Westwood Project

April 7, 2002

An Annotated Background/Bibliography on Sunken Plazas: The Urban Design and Planning Case Against Approval of Construction of Sunken Plazas in Westwood Village.

7. Design Thinking

by Peter G. Rowe, The MIT Press, 1986

Presently the Dean of the Harvard Graduate School of Design, Mr. Rowe conducted a series of developmental case studies on instruction in the creative process of architecture, which found that "urban place making" and "urban form becomes more highly resolved" as the designer acknowledges "the public domain of the street".

8. Designing Urban Public Plazas

by Jordan M. Rosenfeld, Urban Land, Journal of the Urban Land Institute (ULI), December 1997

"The ability to enter a public plaza in the *normal* course of pedestrian movement is of immense importance to the way people use that space. *Visibility and direct access* from the other elements of the urban circulation system (i.e. sidewalks & crosswalks) must be continuous." (page 53, emphasis added)

9. Mixed Use Development Handbook

Another ULI publication, 1998

A decidedly non-academic guide for commercial developers, advises that the (current) trend has been away from "insular design" in "an effort to offset the ill effects on surrounding activity", toward "open air people-oriented spaces" (page 182).

10. Redesigning City Squares and Plazas

by Francisco A. Cerver, ARCO/Hearst Books International, 1997

The author points out how sunken plazas can be deliberately designed to be "isolated from the rest of the city" in circumstances where such separation is the desired result, such as the recently completed Tokyo Town Hall Complex and Citizen's Plaza in Japan (page 189).

11. City of Quartz: Excavating the Future of Los Angeles

by Mike Davis, Vintage Books, 1992

Davis addresses the continuing, "piecemeal privatization" and "destruction" of the public realm "by de facto surrender to corporate-defined redevelopment priorities for elite enclaves" (page 227) and references the Hollywood Public Library with its "sunken entrance" as a prime example of deliberate disconnection and signal of separation and limited access from the local community (page 239).

12. The City: Los Angeles and Urban Theory at the End of the Twentieth Century

Edited by Allen J. Scott and Edward W. Soja, University of California Press, 1996

In Chapter 2, The First American City by Richard S. Weinstein, following a quote of Elias Canetti, author of *Crowds and Power*, addressing (American) corporate power and bureaucratic routine as expressed in the towers and plazas of New York City, Professor Weinstein notes: "These dangerous and deadening expressions of routine are antiurban and as threatening to the public realm in the city, where they destroy the life of the street, as they are when they support the fragmentation of the extended city, where the street doesn't matter at all." In sum, if not checked and advised of the consequences in advance, the unconstrained joint forces of corporate power and bureaucratic routine will predictably co-opt and consume whatever it can of the public realm.

The above represent just a small sample of the body of urban design and planning literature warning against the risks and problems of sunken plazas. There are also many experienced professionals who have commented based on their respective experiences with sunken plaza projects. Several such letters of testimony in opposition to sunken plazas have been previously submitted to the above referenced L.A. City Planning Case Files, copies of which are available on request. Please call (310) 474-6418.

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 addressed 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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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 accomodating 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 accomodated 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)(Olerich) 2

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 succesful 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 accomodations 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 BONUS 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 form 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 considered to have impacts as broad as if unrestricted commercial usage was allowed. This is because it has occurred 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 initially. 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 unmitigatable 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 supermarket 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 purposes 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 purpose 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 influencing 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 PROJECT

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 denisty 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 sensinty 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 reagards 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'> (on Tiverton) x5 (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.

12. 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 it's 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..

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.

**G. OLERICH
13150 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,

[illegible]

[illegible]

[illegible]

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9544

May, 24 2002 10:21PM P1

**FRIENDS OF WESTWOOD
HOLMBY WESTWOOD PROPERTY OWNERS ASSOCIATION
SAVE WESTWOOD VILLAGE
WESTWOOD HILLS PROPERTY OWNERS ASSOCIATION**

C/O 10558 KINNARD AVENUE, LA, CA 90024 TEL 310-470-4522 FAX 310-470-8844

May 23, 2002

Emily Gabel-Luddy, Deputy Director of Planning
City of Los Angeles
7th Floor City Hall
200 N. Spring Street
Los Angeles, CA 90012

RE: AIMCO/CASDEN/SMEDRA PALAZZO WESTWOOD PROJECT, EIR #2000-3213

Dear Emily:

Thank you for participating in the May 3, 2002 meeting organized by Rance Schillaci (CDS). It was helpful to have your staff (Maya Zaitzevsky and Jimmy Liao) and Jack Brown (Deputy City Attorney) and Rance Schillaci (CD 5) discuss the NOP and DEIR for the above project. This letter is a follow-up to that meeting, and is written in behalf of: Friends of Westwood, Save Westwood Village, Holmby Westwood Property Owners Association and Westwood Hills Property Owners Association.

We have only recently been able to obtain a copy of the LA City CEQA Guidelines which were not available to us at the time of our May 3 meeting. Now that we have had the opportunity to review the City CEQA Guidelines, we wish to supplement the issues raised during the May 3, 2002 meeting (agenda attached). For the additional reasons cited below, we request a revised NOP be prepared and a new EIR be prepared and circulated after independent analysis by the Department.

I. REVISE AND RECIRCULATE NOP

A. Project Description

The project description is misleading and inadequate. The remedy is to recirculate an accurate NOP that addresses at a minimum, the following points:

1. The below grade retail (7 feet below grade) along Glendon Avenue;
2. The true height (84-91 feet, not the 55 feet cited in the NOP);
3. The General Plan Amendment to redesignate Tiverton Avenue;
4. The Pedestrian Mall Act to narrow Glendon Avenue (required approval for this project that was not included in the NOP or the DEIR); and
5. The commercial tenant mix has to be identified in order to properly analyze traffic

Page 1 of 7

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:22PM P2

impacts and parking requirements. For example, given the fact that full-service markets and drug stores have already opened in the area, the grocery store and drug store options for this project are clearly problematical. Further, we understand that the only type of tenant other than a grocery store specifically identified by the applicant to its consultant/leasing agent, Arba Group, was a national motion picture exhibitor. Obviously, the parking and traffic are radically different for movie theaters than for general retail.

B. Notice Defects

There are significant errors regarding notice that can only be corrected through properly recirculating a new NOP. Specifically, the City failed to:

1. Directly consult with community leaders and other concerned persons for this highly controversial project within 25 calendar days of determining that an EIR is required.¹ To our knowledge, no community leaders or other concerned persons were notified as required by the City's own Guidelines. In addition to the surrounding homeowner associations, per the City CEQA Guidelines, other concerned persons would obviously include all persons who contacted the City or were otherwise identified during the City's consideration of the Smedra Project (a mixed use project on this same site):
 - a. Testified at hearings;
 - b. Signed petitions presented to the City;
 - c. Wrote letters or sent postcards to the City;
 - d. Commented on the EIR;
 - e. Wrote the Planning Department, CDS, Bureau of Engineering or Department of Transportation or any other City department; and
 - f. All property owners and businesses within Tract No. 10600 and Tract No. 9768 (Westwood Village) who have rights in connection with Glendon Avenue.

¹City CEQA Guideline Art. VI 1.5.b "Persons or Organizations Concerned with the Environmental Effects of the Project.

(1) The Lead City Agency shall consult directly with any person or organization it believes will be concerned with the environmental effects of the project.

(2) This consultation requirement may be satisfied either by forwarding a copy of a Notice of Preparation or the Initial Study to the person or organization. If neither document is used, information sufficient to meet the minimum requirements of the Notice of Preparation shall be provided.

(3) Persons or organizations that will be considered concerned will generally include the following:

- a. Homeowners' associations located in the area where the major impacts of the project are likely to occur.
- b. Persons or organizations that have substantially commented on an EIR previously circulated for a similar project in the same area.
- c. Volunteer citizen organizations which are known to the Lead City Agency as having an interest in the environmental effects of the type of project involved or in the area where the project will be located."

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

MAY 24 2002 12:22PM P3

2. Mail notice by certified mail.²
3. Post the site and the area.³

II. REVISE AND RECIRCULATE EIR

A. New Information

Whenever significant new information is presented, the DEIR must be recirculated.⁴

State CEQA Guideline Section 15088.5(4) states that recirculation of a revised DEIR is required when "The draft EIR was so fundamentally and basically inadequate and conclusionary in nature that meaningful public review and comment were precluded." With over 100 pages of public comments documenting such flaws, the DEIR must be revised and recirculated.

NOP comments raised issues that were ignored in the DEIR. When addressed, this will also represent significant new information. Merely responding to new information in the FEIR would therefore not comply with CEQA. Recirculation of the DEIR is required.

Renee Schillaci (CDS) told us that she had checked with the City Attorney and was told that the law did not require recirculating the revised DEIR, that it could be addressed in the FEIR.⁵ If this is in fact the City's position, we request that this response be put in writing.

Also, at the May 3, 2002 meeting, we asked if there are criteria used to determine if a DEIR needs to be recirculated. Jack Brown, Deputy City Attorney, stated that this is done on a case-by-

²City CEQA Guideline Art. VI-1.5.3(3): "To send copies of the Notice of Preparation, the Lead City Agency shall use either certified mail or any other method of transmittal which provides it with a record that the notice was received." No one we can identify received the NOP by certified mail.

³State CEQA Guideline Section 21092(3)(B) "Public notice of preparation of environmental impact report or negative declaration; publication" requires "Posting of notice by the lead agency on and off-site in the area where the project is to be located." There was no posting on or near the project site for the NOP or DEIR.

⁴State CEQA Guideline Section 21092.1 "Addition of new information; notice and consultation: "When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report."

Likewise, State CEQA Guideline Section 15088.5(a) "Recirculation of an EIR Prior to Certification," states: "A lead agency is required to recirculate an EIR when significant information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term 'information' can include changes in the project or environmental setting as well as additional data or other information."

⁵State CEQA Guideline Section 15088.5(4)(f) states clearly: "In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues."

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:23PM P4

case basis. He did not disclose that there are indeed criteria used to make this determination.⁶ Now that we've had the opportunity to review the City CEQA Guidelines, it is clear that the conditions for recirculation exist.

B. No Independent Analysis

In the course of discussions with city staff, we learned that neither Betsy Weisman of the Planning Department's Community Planning Division, nor her staff, had reviewed the plan amendments. Indeed, Renee Schillaci invited Betsy Weisman and her staff to attend the May 3 meeting and they declined because they claimed they felt that they could not contribute to the meeting because they had not reviewed the project.

Thus the veracity of claims in the DEIR regarding entitlements, bonuses, etc., were never independently verified by the city. Further, comments to the DEIR filed by the Bureau of Engineering and Department of Transportation indicate that they had not analyzed project data prior to issuance of the DEIR for public review.

There is no substantive evidence of independent evaluation, analysis or judgment on the part of the Lead Agency.⁷ Indeed, it was explained by staff at the May 3 meeting that the City's independent evaluation by Community Planning and other sections only starts when an application is filed with the City, after the EIR is completed. No application had been received for this project. This does not agree with the "Development Process" flow chart in the City's Guide to Understanding CEQA (June 1996) that is attached. In this chart, the EIR process starts after an application has been filed and plan check initiated.

The absence of prior review by key City departments means that no independent assessment was exercised regarding this EIR, and that the City did not follow its own procedures. The EIR is merely a rubber stamp for the consultant's report. The Environmental Review Section apparently reviews the thresholds, but has no basis for knowing if the project description is accurate, if the analysis is valid, for example, that project requests are in compliance with the Specific Plan. This

⁶City CEQA Guideline Art. VI-9.e "Supplementing and Recirculating an Inadequate EIR" states "The EIR shall be supplemented and recirculated for public review if the Decision-Making Body finds any of the following:
(1) The Lead City Agency did not adequately discuss substantial adverse environmental impacts or feasible alternatives in the draft EIR previously circulated for public review;
(2) The information contained in the draft EIR previously circulated for public review was so inaccurate, incomplete, biased or misleading so as to have prevented meaningful public review;
(3) The draft EIR previously circulated for public review did not reflect the independent judgment of the Lead City Agency; or
(4) The project has been substantially modified or its location significantly altered so as to cause significant environmental impacts not discussed in the draft EIR previously circulated for public review."

⁷City CEQA Guideline Art. VI-2.e: "Information submitted in the form of a draft EIR by a project applicant must be subjected to independent evaluation and analysis by the Lead City Agency, and must represent the independent judgment of the Lead City Agency prior to circulation of the draft EIR for public review."

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:24PM P5

clearly reflects a lack of independent analysis and judgment.⁹

C. NOP Comments Ignored

The City failed to address comments filed during the NOP comment period as required by its own Guidelines.⁹ It also ignored the Planning Department's memo of October 20, 1990, "Public Participation: Environmental Review Procedures," page 2.¹⁰

As detailed in our DEIR comments, and in a formal request to Planning Director Con Howe and Councilman Jack Weiss, significant issues that were raised in our NOP comments were never addressed in the DEIR. There is no substantial evidence that NOP comments were addressed other than a conclusory statement that "All NOP comments relating to the EIR were reviewed and incorporated to the extent feasible in this EIR" (DEIR page 1).

D. Missing EIR Requirements

In addition to the matters discussed with you during the May 3 meeting, the City failed to meet several requirements for a DEIR:

1. City CEQA Guidelines require a list of respondents and the nature of their comments.¹¹ The lack of such a list makes it impossible for an independent reviewer to know if all comments were indeed reviewed and or incorporated, and whether or not it was feasible to include them.
2. There is no special section or cover sheet for a General Plan Amendment.¹²
3. There is no discussion of areas of known controversy in the DEIR required by State

⁹State CEQA Guideline Section 15084(e) makes this point clearly: "Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR."

¹⁰City CEQA Guideline Art. VI-1.5.a.4 is clear on this point: "The draft EIR in preparation shall be revised or expanded as necessary to conform to responses in the Notice of Preparation."

¹¹"NOTICE OF PREPARATION (NOP). ...All comments received during the NOP period must be addressed in the Draft EIR." This certainly is in agreement with Art. VI-1.5.a.4.

¹²City CEQA Guideline Art. VI-2.c(5)-Appendices, "Organizations and Persons Consulted: Identify all federal, state and local agencies, other organizations and private individuals consulted during the preparation of the draft EIR, together with the nature of their comments." The DEIR totally ignored non-governmental comments, and failed to summarize or publish those comments.

¹³City CEQA Guideline Art. VI-2.1 "EIR as Part of General Plan. (1)(b) The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required." No such cover sheet or analysis was included in the DEIR.

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:24PM P5

CEQA Guidelines.¹³

4. Prior requests for recirculation have been ignored. Several parties who filed substantial NOP comments asked Con Howe, Director of Planning, in writing, to recirculate the DEIR because it failed to address their NOP comments. Those letters were written prior to the close of the public comment period, April 8, 2002. To date, there has been no written reply, in violation of State CEQA Guidelines.¹⁴

III. PREPARE PLAN/MASTER EIR

We understand that Bob Sutton, Deputy Planning Director, is willing to meet with us to explain under what circumstances the Planning Department requires Plan/Master EIRs instead of project EIRs. We welcome such a meeting.

However, we were told at the May 3 meeting that there aren't guidelines or criteria, but that Bob makes this decision. In the absence of adopted guidelines or criteria, it would appear that the Planning Department is operating in an arbitrary and capricious manner.

We have previously made written requests for a Plan/Master EIR. We were told by Renee Schillaci (CDS) that she received an E-mail from the Planning Department informing her that there weren't resources available to update the Westwood Village Specific Plan because other plans had higher priority. Since the fee for the preparation of the plan amendments is paid by the applicant, and the applicant is seeking nine fundamental plan amendments (his project fails to comply with a single D limitation applicable to his site) under state law, the City has the right to charge the applicant for all the costs to process his requests, including the necessary Plan/Master EIR for this geographic area.

IV. CONCLUSION

Thank you for your consideration. For all the reasons cited above, and in our prior communications with the City, we repeat our request that the NOP and DEIR for Palazzo Westwood be revised and recirculated after an independent review by staff has occurred. We also repeat our earlier request that a Plan/Master EIR be prepared for this application.

Finally, we request a written reply within ten calendar days of receipt of this letter that addresses all three requests: NOP and DEIR revision and recirculation; and preparation of a Plan/Master EIR rather than a project EIR.

I would be happy to discuss any of these matters with you and can be reached at 310-470-4522.

¹³State CEQA Guideline Section 15123(b)(2) requires "Areas of controversy known to the Lead Agency including issues raised by agencies and the public..." be included in the DEIR.

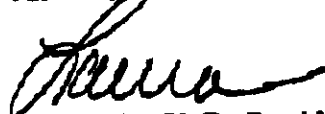
¹⁴State CEQA Guideline Section 15088.9(4)(3): "A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record."

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:25PM P7

Sincerely,



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

cc: The Hon. James Hahn, Mayor
The Hon. Rooky Delgadillo, City Attorney
The Hon. Jack Weiss, CDS
Con Howe, Director of Planning
Bob Sutton, Deputy Director of Planning
Renee Schillaci, CDS
Sandy Brown, Holmby Westwood Property Owners Association
Carole Magnuson, Westwood Hills Property Owners Association
Terry Tognazian, Save Westwood Village
Richard Agay, Westwood Homeowners

Page 7 of 7

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:25PM P8

AIMCO/CASDEN PROJECT - PALAZZO WESTWOOD
Agenda
May 3, 2002 Meeting

Community Representatives:

Sandy Brown
Laura Lake
Carole Magnuson
Terry Tognazian

City Representatives:

Renee Schillaci, CD 5
Emily Gabel-Luddy, Planning Dept.
Maya Zaitzevsky, Planning Dept.
Jack Brown, Dep. City Attorney

1. RECIRCULATE EIR

CEQA Guideline 15065.5 requires recirculation "when significant new information is added to the EIR after public notice ... but before certification."

This DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. See public comments already on file. In responding to the public comments, significant new information will necessarily have to be added.

Without limitation, some of the more glaring inadequacies include the following:

- a. Intended purposes for EIR (p. 7 of DEIR) -- more than 50% of the listed uses for this EIR are not even addressed. The balance are inadequately addressed in a conclusory fashion.**
- b. Streets -- Issues not even addressed:**
 - Pedestrian Mall to narrow Glendon**
 - Notice to adjacent owners for narrowing to Kinross (Bur. of Eng. 4/4/02)**
 - Subsurface vacation of Glendon**
 - 20-year mobility needs to redesignate Tverton (MC \$12.37.A.5)**
 - True purpose for redesignating Tverton not disclosed**
- c. Impacts not mitigated or adequately analyzed to determine if mitigation required.**
- d. Mandatory section (Areas of Known Controversy) not included.**

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944

May. 24 2002 10:26PM P9

e. Additional required approvals not mentioned (see below), and impacts not analyzed.

f. NOP comments required to be addressed in DEIR, per L.A. City CEQA Guidelines.

g. Critical design feature of sunken plaza/below grade retail not disclosed or addressed.

h. Comments to DEIR filed by Bureau of Engineering and DOT indicate that they had not reviewed these critical aspects of the project before city issued DEIR.

2. PLAN EIR

Plan EIR needed to support the numerous and significant proposed amendments to Westwood Village Specific Plan, both to evaluate the impact of changes for this site on rest of Village, and to evaluate the impacts of amendments that affect other sites throughout the Village.

Westwood Village Specific Plan EIR was certified over 13 years ago. Cf. CEQA Guideline 15179 which provides that a Master EIR may not be relied on if more than five years old, or if project is not identified in certified Master EIR (which would be the case if, as here, a project is not in compliance with the Specific Plan).

3. UNDISCLOSED APPROVALS

Additional required approvals/purposes not disclosed or addressed:

- a. Tract Map (per Bureau of Engineering 4/4/02)
- b. Pedestrian Mall for narrowing Glendon Avenue
- c. Permit for narrowing Glendon Avenue (MC §62.105)
- d. Major Development Project CUP (MC §12.24.U.14)
- e. Development Agreement?

4. OTHER ISSUES

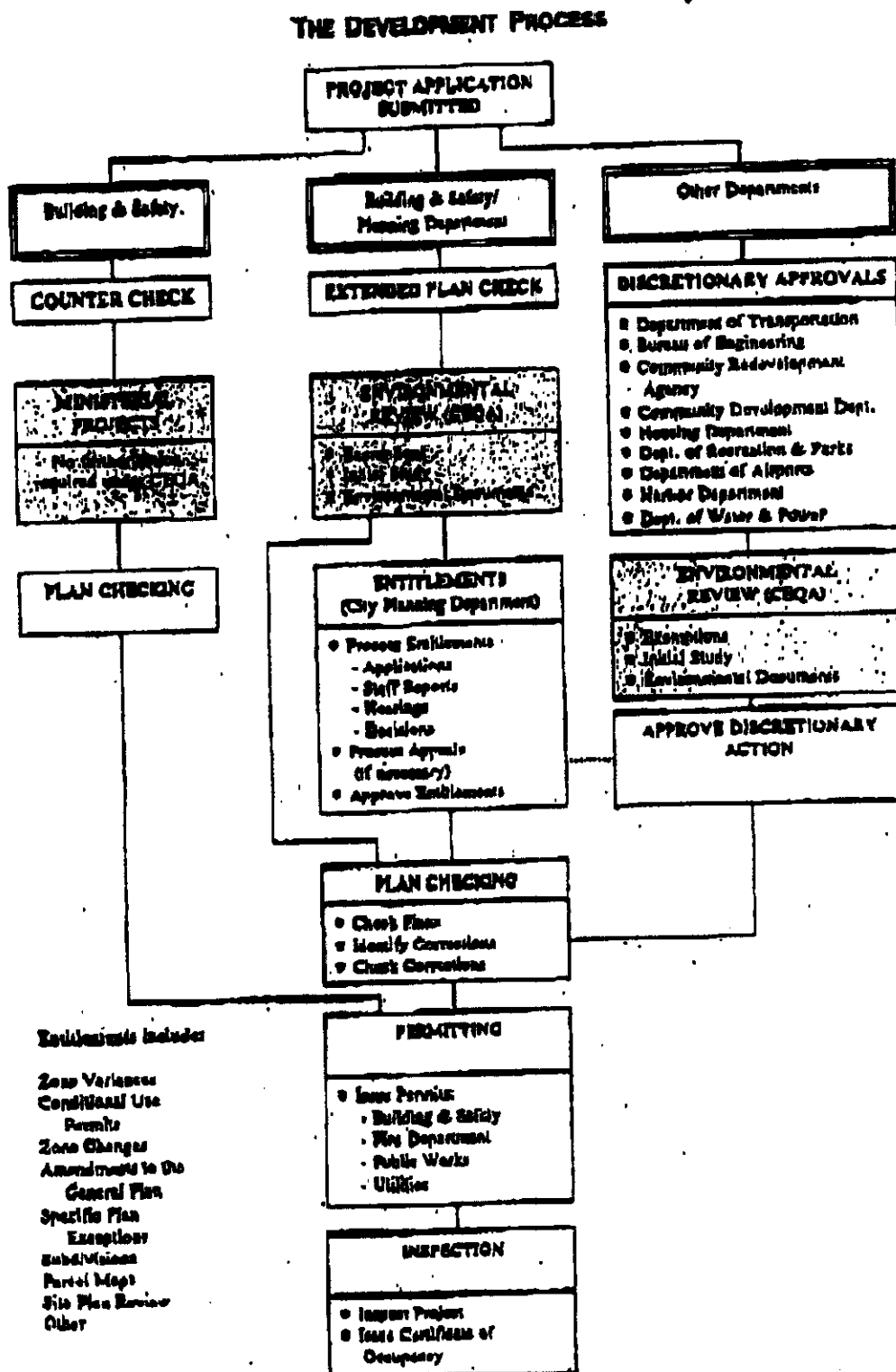
- a. Other amendments to Specific Plan
- b. City review of project calculations and details prior to issuing DEIR

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9344

May. 24 2002 10:26PM P10

THE DEVELOPMENT PROCESS



THE DEVELOPMENT PROCESS

FROM : LAURA LAKE PH D

FAX NO. : 310 470 9944
TO

May. 24 2002 10:26PM P11
Laura Lake P.01

MAY-24-2002 10:49 FROM Incol R000018700

Item 1

Contents of an EIR

General Requirements for a Draft EIR

As discussed in chapter 2, an EIR is a detailed informational document prepared by a Lead Agency that analyzes a project's potential significant effects on its biological resources and reasonable alternatives to avoid those significant effects. Guidelines (see 15125(c), 15063). This chapter discusses the substantive requirements of a Draft EIR, including the project description, environmental setting, environmental impacts, alternatives, mitigation measures, and monitoring. CEQA requires that a Draft EIR include a table of contents or index, a summary describing each of the environmental impacts, a description of the project, environmental setting, significant environmental impacts, alternatives, and mitigation measures. Draft EIRs for certain projects must also present the significant irreversible changes the EIRs on plans, policies, ordinances, laws, rules, and other CEQA documents associated with the project, ordinances and policies considered, and list of preparers of the Draft EIR. See Figure 5-1.

General Rules

Purpose and Scope of a Draft EIR

CEQA requires that each Lead Agency develop a standard format for EIRs prepared, whenever feasible. Pub. Res. Code sec. 21100(b). Regardless of the format used by an agency, every EIR must include all the required elements set forth in CEQA and the Guidelines. Pub. Res. Code sec. 21100; Guidelines (see 15063(c), 15125, 15126). An EIR must be organized to best fit the decision-making process for which it is prepared.

Style and Page Limits

An EIR must be written in plain language that is understandable by decision makers and the public. An EIR should be no longer than 100 pages for a



Figure 5-1 Required Contents of an EIR

- Table of contents or index
- Summary
- Project description
- Environmental setting
- Significant environmental impacts
 - Short
 - Project
 - Alternatives
 - Long-term
 - Cumulative
 - Unavoidable
- Areas of major concern
- Alternatives
 - No Project alternative
 - Environmentally superior alternative
- Mitigation measures
- Growth-inducing impacts
- Significant irreversible changes
 - Project only
 - Project, cumulative, and other CEQA actions
 - and other CEQA measures