

IN WITNESS WHEREOF, the parties hereto have executed this Agreement
effective as of the day and year first above written.

"Calden"
CASDEN GLENDON LLC, a Delaware limited liability company

By: [Signature]
Name: _____
Title: _____

THE ARBA GROUP, INC., a California corporation

By: [Signature]
Name: _____
Title: _____

VILLAGE CENTER WESTWOOD, L.P., a California limited partnership

By: [Signature]
Name: _____
Title: _____

By: [Signature]
Name: _____
Title: _____

EXHIBIT D PAGE 49

LA 006932

3346 Wilshire Boulevard
Suite 1203
Los Angeles, California 90010



April 4, 2003

Telephone 313.384.1435
Facsimile 313.384.1448

Ms. Maya E. Zalzevsky,
Los Angeles City Planning Department
200 North Spring Street
Room 763
Los Angeles, California 90012

RE: Glendon Manor
1070 Glendon Avenue
Palazzo Westwood
BNY2000-3213-EIR

Dear Ms. Zalzevsky:

Thank you for the opportunity to provide comments on the above-referenced revised Draft EIR issued February 6, 2003. We wish to confirm to the City of Los Angeles that we are interested in purchasing and restoring historic Glendon Manor, which has been determined by the State to be eligible for listing in the California Register of Historical Resources. The Draft EIR concurs with the State's determination of Glendon Manor's historic status, and that the Draft EIR states that preservation is the preferred option. In addition, Neighborhood Effort is aware of a letter dated February 24, 2002 from the City of Los Angeles Cultural Heritage Commission which also recommends preservation of Glendon Manor.

Neighborhood Effort has a proven track record of buying and restoring historic buildings in the City of Los Angeles. Among other projects, the Los Angeles Conservancy honored Neighborhood Effort with its Preservation Award in 1999 for our work in restoring the Los Altos Apartments in the mid-Wilshire district.

Los Altos Apartments:
Los Altos Apartments was restored to its original historic glory, complete with mahogany windows, hard wood floors, stenciled ceilings, central heating and air conditioning, trash chute and compactor, grand lobby/ballroom and two beautiful outdoor courtyards. Accordingly, Los Altos is both a city, state and national historic landmark on the National Register and has received distinguished awards from the Los Angeles Conservancy, the California Preservation Foundation, and the Los Angeles Cultural Affairs Department and the Mayor's Office. In addition, Los Altos Apartments has been heralded by television programs on KCRB and HGTV, publications in the Los Angeles Times, Los Angeles Magazine, the Larchmont Chronicle, the Los Angeles Business Journal, the Downtown News, and the Los Angeles Weekly, as a stunning renovation.

1. View the document at: http://www.ci.lapd.net/development/development/2003/03_04_03.htm

Mr. Maye E. Zalazarely
Los Angeles City Planning Department
April 4, 2003
Page 2

COMMENT LETTER No. 11
Attachment 11c

COMMENT LETTER No. 11
Attachment 11d



3345 Wilshire Boulevard
Suite 1208
Los Angeles, California 90010

Telephone 213.386.1433
Facsimile 213.386.1448

April 26, 2002

VIA FACSIMILE AND U.S. MAIL
310.276.6486

Mr. Gregory Smith
Cusden Properties, LLC
9090 Wilshire Boulevard
Beverly Hills, California 90211

Re: Glendon Manor
1070 Glendon Avenue
Los Angeles, California

Dear Greg:

Thank you for your letter dated April 8, 2002. In light of our meeting with you on March 27, 2002, Neighborhood Effort was confused regarding Cusden Property, LLC's stated request in its April 8, 2002 letter, to review a proposal for the purchase of the Glendon Manor located at 1070 Glendon Avenue in Los Angeles ("Glendon Manor"). During our March 27, 2002 meeting, Neighborhood Effort stated its desire to acquire Glendon Manor in order to perform a historic renovation of the property, since it is significant. In connection to the proposed acquisition of Glendon Manor, Neighborhood Effort is historically regarding a purchase price that would be acceptable to Cusden Properties, LLC. You stated that Cusden Properties, LLC was not interested in selling Glendon Manor at the present time.

Again, as stated during our March 27, 2002 meeting, Neighborhood Effort is serious about acquiring Glendon Manor. However, the purchase price of Glendon Manor must necessarily take into account the costs of all repairs involved (including building and safety code violations, environmental problems, etc.) as set forth in the "Environmental Impact Report", commissioned and completed by Cusden Properties, LLC.

Please advise Neighborhood Effort if Cusden Properties, LLC is truly interested in selling Glendon Manor. Neighborhood Effort is willing to cover the costs for the completion of reports that will help determine the market value of Glendon Manor, including an appraisal, physical needs assessment, Phase I report, lead-based paint and asbestos reports. Please contact me to discuss. Thank you very much.

Very truly yours,

Allen P. Gross
Executive Director

cc: Terry Tegunazian - Save Westwood Village (via facsimile and U.S. Mail)
Ken Bernstein - Los Angeles Conservancy (via facsimile and U.S. Mail)
Jack Weiss - Office of the Councilman of the Fifth District (via facsimile and U.S. Mail)
Renée Schillaci - Office of the Councilman of the Fifth District (via facsimile and U.S. Mail)

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Neighborhood Effort conducted a walk-through of Glendon Manor in 2002, and found that Glendon Manor is in far better condition than the Los Altos was when we undertook the Los Altos renovation. We subsequently met with the developer's representative. However, the meeting never reached a point of discussing a possible proposal for purchase, as we were told that Glendon Manor was not for sale.

It is Neighborhood Effort's understanding that a proposed parcel map in the revised Draft EIR excludes Glendon Manor from the lots to be merged for the developer's proposed Palazzo Westwood project. This suggests that a sale of Glendon Manor is an option being considered by the developer.

Again, Neighborhood Effort thanks you for this opportunity to comment on the revised Draft EIR, and to make the City aware of our interest in restoring this historic building to a useful life that will enhance the cultural fabric of our City.

Very truly yours,

Allen P. Gross
Executive Director

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NEWS

FROM ZEV YAROSLAVSKY

Councilman, 5th District City Hall, Room 318 Los Angeles 90012

Contact: Michelle Krottinger

Date: Dec. 14, 1988

Telephone: (213) 485-5013

PRESS ADVISORY

On Wednesday, December 14, 1988, the City Council approved the new amended

Westwood Village Specific Plan. Attached are details on the plan, as well as a list of historical buildings in Westwood Village and a map of the affected area.

#####

WESTWOOD VILLAGE SPECIFIC PLAN FACT SHEET

What are the key provisions of the Specific Plan?

Future development in Westwood Village will be cut in half under the amended Westwood Village Specific Plan. The original Specific Plan, adopted in 1972, would have permitted 2.4 million square feet of development. Under the new Plan, development will be limited to 1.2 million square feet.

Other key elements include:

---A three-story height limit on most buildings.

---Limits will be placed on the number of fast food operators, restaurants, convenience stores, financial services and motion picture theater seats.

---The total number of hotel rooms in the Specific Plan area is limited to 350, all meeting rooms in each hotel are limited to 2,700 square feet and ballrooms or other public assembly rooms (other than restaurants and meeting rooms) in hotels are prohibited.

---Incentives built into the Plan to preserve historic and cultural resource buildings.

---Strict restrictions on the size, number and spacing of signs in the Village.

Does the Plan address parking problems in Westwood Village?

Yes. The plan sets new, tough parking requirements that beef up current requirements. For example, hotels and motels will have to supply one space for each guest room, plus one space for each 100 square feet of dining area of a restaurant, plus one space for each 35 square feet of meeting rooms, plus the number of spaces required by the City's Municipal Code.

---Movie theaters will have to supply one space for each three fixed seats, or if there are no fixed seats, one space for each 25 square feet of floor area.

---New offices (except medical) will be required to have 3.25 parking spaces for each 1,000 square feet of floor space.

---Anytime parking spaces are removed because of reconstruction or demolition, fifty percent of the parking spaces will have to be replaced and made available to the public. The current City code requires only two parking spaces for each 1,000 square feet of development, with no replacement parking.

---Bicycle parking facilities are required, at the ratio of one bicycle parking space for each five required vehicle parking spaces.

STANDARD STREET CONDITIONS

1. City Council may, by ordinance, adopt specific standards for individual streets which differ from these official standard street dimensions. Community Plans should be reviewed for designation of Pedestrian Priority Street Segments of arterial streets which would require wider sidewalks than those indicated on this Standard Plan.
2. Sidewalk widths for non-arterial streets shall be the minimum shown hereon. Greater widths, up to full width between curb and property line, with tree walls, shall be required where commercial and multiple residential frontages, schools, areas of heavy pedestrian traffic or other special circumstances indicate the need.
3. Except for special conditions or as otherwise provided, sidewalk shall be placed as close to the property line as possible.
4. Where sidewalk is constructed adjacent to the curb, it shall have a minimum width of 10 feet inclusive of curb thickness except for hillside streets, noncontinuous local streets and industrial streets.
5. Where sidewalk is constructed on the fill or low side of a hillside street, a berm may be required on the private property.
6. Easements may be required in addition to the widths shown hereon, where necessary for the installation of public utilities or for widened sidewalks (minimum 15-foot width) adjacent to transit stations.
7. Fifty-foot curb radii (instead of the standard 35' curb radii) shall be provided for cut-de-sacs in industrial areas.
8. Private street development should conform to the standard public street dimensions shown on this sheet, where appropriate. Variations may be approved on a case-by-case basis.
9. For intersections of streets the following dedications shall apply:
 - a. Intersections of arterial streets with any other street: 15'x15' cut corner OR 20' curved corner radius.
 - b. Intersections of non-arterial and/or hillside streets: 10'x10' cut corner OR 15' curved corner radius.
10. Hillside Collector Streets. In hillside areas where topography or other environmental considerations documented to the satisfaction of the City Engineer, would render full street improvements infeasible, the roadway width of the hillside collector street may be reduced to no less than 32 feet, provided that parking is limited to one side only.

STANDARD PLAN NO. S-470-0

WALL AND NUMBER

SHEET 2 OF 2 SHEETS

Bill Would Help Pave Way for Westwood Mall

Development: State Senate legislation would let builders start the controversial pedestrian shopping center before claims by affected property owners and others are settled.

By SPECIAL REPORTER
DAN FERRER

It's either special-interest legislation or just good politics, what is clear is that a little-noticed bill pending in the state Senate would have a major effect on a proposed \$41-million Westwood Village development that has placed residents and a developer in a long, bitter conflict over the fate of a project along the hillside.

The bill, sponsored by state Assembly Transportation Committee Chairman Kevin Murray (D-Los Angeles), amends state law governing pedestrian malls. Under the legislation, developers would be allowed to begin construction without first being required to settle all claims of damage filed by affected homeowners and others.

In the fight over Westwood Village, which is becoming increasingly like Feylon Place, the devil clearly is in the details. In fact, the current debate only began after opponents filed and stalling the project.

Filed with that prospect, developers scrambled. And the fight was on again.

It has been contentious from the start.

This is the area, after all, which dumps the developer. And the cast of characters in the fight seems to grow exponentially, with both sides lobbing charges and countercharges.

"We're not taking anyone's rights," Smedera said. "It changes the procedure, not the outcome."
Smedera said the bill is "classic politics," and David Roberts, a developer and owner of the Westwood Horizons senior citizen retirement home, who probably would file a claim against the project, "These guys were shopping around . . . and found someone (Murray) who doesn't. Others even more extreme."
"It's the Ira Smedera Memorial Bill," said one observer who is critical of the proposed development. "This just goes beyond the pale."

For his part, Murray said the legislation merely amends the law and makes the pedestrian mall law consistent with California's eminent-domain procedures.
"It's all sorts of legitimate factions to do this," Murray said in an interview. "I guess people are so up in arms about Westwood that they believe it does something it doesn't do. . . . I truly believe that no one in Westwood will have any rights of theirs taken away."
Murray's proposal caught officials so much by surprise that some have yet to fully digest it.
City Councilman Mike Feuer, who said he only read the legislation Friday morning, said he has not taken a position on it or decided whether the city should take a formal stand.
"I think it requires more analysis," Feuer said. "But Westwood opponents say they have done all the analysis they need."

It was very concerned that Smedera is traveling state co-president of Save Westwood Village, a group fighting the Village Center project. "Look at what they're doing. Now the rights of the claimants come first." The legislation would be taking that away, she added.
Legislation, which Murray said he recently amended, will be heard in the Senate Local Government Committee in July. If approved there, it still needs to be approved by other legislative bodies before reaching the governor's desk.

Nearly every bill that gets introduced is based on some idea of what the legislature is going to do, said Rex Hime, president and chief executive officer of the California Business Properties Assn., who is lobbying on behalf of the legislation. "That happens to be one development that will benefit from it and there is a benefit of others in the future. This will also benefit."

Hime said that Smedera's development company joined the association in the past eight or nine months and that their support for the legislation was mutual.
Smedera said several legislators were approached by the association and that they think it good policy because you think it helps or hurts a specific project. Murray said, "This is why, why, way at the end of the process. It is only about what happens when a city wants to block off a street."
At least at that point, supporters and opponents of the bill were in agreement. They say, "It's not just any street. This is Clendenon Avenue."

There are all sorts of legitimate reasons to do this. I guess people are so up in arms about Westwood that they believe [the bill] does something it doesn't do.

KEVIN MURRAY
Assemblyman

February 7, 2000

Ralphs Grocery Company
P.O. Box 54143
Los Angeles, California 90054

Attention: Patrick Barber, Senior Vice President Real Estate

Re: Lease dated October 13, 1992 by and between Village Center Westwood, L.P. as Landlord, and Ralphs Grocery Company ("Ralphs") as Tenant (the "Lease")

Gentlemen:

Casden Glendon LLC ("Casden") has entered into an agreement to purchase the real property commonly referred to as the Village Center Westwood (the "Project") from Village Center Westwood, L.P. Ralphs entered into the above-referenced Lease for a portion of the Project.

Casden has informed Ralphs that Casden envisions developing a project which will be materially different in design and scope from the project originally contemplated under the Lease. Casden further acknowledges that Ralphs has been substantially delayed in opening a market in the Project due to difficulties and delays experienced by our predecessor, Village Center Westwood, L.P. Casden, if it acquires the Project, will of necessity need a period of time in which to develop new plans for the Project.

The new site plan to be prepared by Casden will incorporate a larger marketable to be constructed at grade, rather than below grade, as well as the new high rise apartment complex to replace the senior housing component and the changes necessitated by Glendon retaining a public street rather than being vacated. Casden will expeditiously prepare and submit the revised site plan to Ralphs.

Ralphs also acknowledges that Casden will present Ralphs with a "wish list" of lease modifications to reflect the revised site plan together with other matters of a non-economic nature (i.e., terms which do not affect rental, term and other similar economic terms).

Casden and Ralphs hereby agree that Ralphs shall have the continuing right to cancel and terminate the Lease upon written notice to Casden, without further liability or obligation to Casden, until such time as Casden and Ralphs mutually agree upon new plans for the Project and a written modification to the Lease reflecting such new plans. Ralphs acknowledges and agrees that Ralphs will promptly exercise such termination right in the event Ralphs elects not to

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Ralphs Grocery Company

Page 2

February 7, 2000

proceed with a market in the Project for any reason, including disapproval of feasibility or the revised site plan modifications, or election not to proceed with the subject site or a determination to pursue an alternate site.

The agreement set forth above shall become effective only in the event Casden acquires title to the Project, and if Casden does not acquire title to the Project for any reason this letter shall be of no force or effect.

If this letter confirms our understanding, please sign and return one (1) copy of this letter to the undersigned. This letter will serve to amend the Lease pursuant to its terms.

Very truly yours,

CASDEN GLENDON LLC

By: _____
Title: _____

Agreed and accepted

Dated: February 7, 2000

RALPHS GROCERY COMPANY

By: Patrick Barber
Name: _____
Title: Senior Vice President

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Ralphs Grocery Company
Page 2
February 7, 2000

proceed with a market in the Project for any reason, including disapproval of feasibility or the revised site plan modifications, or election not to proceed with the subject site or a determination to pursue an alternate site.

The agreement set forth above shall become effective only in the event Casden acquires title to the Project, and if Casden does not acquire title to the Project for any reason this letter shall be of no force or effect.

If this letter confirms our understanding, please sign and return one (1) copy of this letter to the undersigned. This letter will serve to amend the Lease pursuant to its terms.

Very truly yours,

CASDEN GLENDON LLC

By: 
Title: Senior Vice President and General Counsel

Dated: February 7, 2000

RALPHS GROCERY COMPANY

By: _____
Name: _____
Title: _____

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CHAPTER I: BACKGROUND

PLANNING AREA

The element relates to the entire city of Los Angeles.

DEMOGRAPHICS

The 1990 federal census estimated that the city's population was 3,485,399 individuals.

CALIFORNIA GENERAL PLAN REQUIREMENTS

Mandated elements and zoning. In 1970-71 the State of California required cities and counties to adopt general plan conservation and open space elements by 1973 (Government Code Section 65302). The Los Angeles conservation and open space plans were adopted in 1973. They were deemed by the state to be in compliance with its laws.

The requirements for the conservation and open space elements are among the most detailed and complex of any of the seven mandated elements. The other mandated elements are land use, circulation, housing, noise and safety.

General plan consistency and relationship to other elements. State law recognizes that state requirements regarding the content of one element may overlap the requirements for another. Therefore, it allows the required information to be contained in one element and to be incorporated by reference in another. State law also allows local jurisdictions to organize their general plans in a manner that is appropriate to the jurisdiction and needs, providing that all general plan requirements are met.

All elements and parts of a general plan are required to be integrated, internally consistent and compatible (Government Code Section 65300.5). The Conservation is consistent with all adopted elements of the city's general plan.

Scope of element. State law intends that conservation elements address "conservation, development, and utilization of natural resources including water and hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources." State general plan legislation was amended (1995) to require that preparation of the water portion of the general plan address water and land reclamation, water (including ocean) pollution,

regulation and use of land in stream beds, erosion, watershed protection, flood control and rock, sand and gravel resources.

- Open space, as defined by the California Government Code (Section 65560), is "any parcel or area of land or water that essentially is unimproved and devoted to an open-space use," including:
- (1) preservation of natural resources, e.g., preservation of flora and fauna (animal habitats), bird flyways, ecologic and other scientific study areas, watershed;
 - (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply;
 - (3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or
 - (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement.
- Identification, preservation, protection and management of the natural resources is a primary thrust of the state open space and conservation element requirements. As is allowed by state law, Los Angeles has organized its general plan to meet its own particular circumstances and needs. It has opted to incorporate natural open space requirements into other open space features of the state's open space requirements into this Conservation Element. The Conservation Element references other city plans that address mandated subjects, including water supply and demand, which is addressed by city water plans and the general plan Infrastructure Systems Element. The Conservation Element primarily addresses preservation, conservation, protection and enhancement of the city's natural resources.
- Requirements and related issues addressed by other elements. Conservation and open space subjects that are required or suggested by state law and the Governor's Office of Planning and Research Guidelines, and which are not addressed or only in part by this element, are included in other general plan elements, such as:
- air quality (Air Quality Element);
 - bicycle paths (Transportation and Open Space elements);
 - equestrian and hiking trails (Public Facilities and Services Element and Open Space Element);

identified during land development, demolition or property modification activities.

Program: permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of Building and Safety, *City Planning and Cultural Affairs and/or the *Lead agency responsible for project implementation.

For related information see: Cultural and Historical Section.

SECTION 4: CONSERVATION

Conservation is the managed or controlled use of natural, cultural and historical resources. In Los Angeles it includes a diversity of programs, including acquiring, preserving and protecting large tracts of open space for habitat conservation, species protection, watershed maintenance and other purposes; acquiring, preserving and protecting cultural and historical resources; reducing the demand for nonrenewable mineral and petroleum resources, water and other natural resources; recycling water, wood products, metals, glass and other materials. Conservation is addressed by various sections of this element in relation to particular subject matter.

SECTION 5: CULTURAL AND HISTORICAL

The city's form, institutions and culture have been shaped by a diversity of events, individuals and groups and the city's environmental setting. Modern cultural history of Los Angeles dates to the establishment of the pueblo (town) in 1781 by a Spanish expedition which originated in Sonora of Lower California (now Mexico). With the establishment of the Republic of Mexico (1821) Los Angeles came under Mexican rule. From 1847 to 1850 it was occupied by United States military forces. In 1850 California became a state of the United States and Los Angeles became a U.S. city. A combination of the gold rush and the opening of California spurred immigration, mostly by settlers from the midwest and eastern United States. Population growth continued almost unabated until the 1970s. Settlers, merchants and imported workers brought new cultural traditions or reinforced old traditions. Today over 100 languages and dialects are spoken in the local schools, over 42% of the population is of Hispanic origin, over 12% of African American origin, slightly under 10% of Asian and Pacific Islander origin and one percent is Native American.

To identify, protect and preserve historic sites and structures for the enrichment of future generations various city, state and federal

procedures have been promulgated. The most significant for Los Angeles are described in the following. The general plan Historic Preservation and Cultural Resources Element will address historic and cultural protection issues in greater detail.

Conservation and protection. Five types of historic protection designations apply in the city: (1) Historic-Cultural Monument designation by the city's Cultural Heritage Commission and approved by the City Council; (2) placement on the California Register of Historical Resources or (3) the National Register of Historic Places (1980 National Historic Preservation Act); (4) designation by the Community Redevelopment Agency (CRA) as being of cultural or historical significance within a designated redevelopment area; and (5) classification by the City Council (recommended by the planning commission) as an Historic Preservation Overlay Zone. Designations help protect structures and support rehabilitation fund requests.

The California Environmental Quality Act (CEQA) also protects significant cultural and historic resources. CEQA was revised in 1998 to redefine "historic resource" to include resources that are presumed to be significant, unless the preponderance of evidence is to the contrary. A property no longer must be designated officially as a landmark or of historic importance to be considered under CEQA review. The lead agency for permit processing may deem properties not formally listed and not included in historic surveys as "historically significant," if they meet criteria for listing in the California Register.

Under the city's CEQA guidelines, an environmental assessment must be prepared for any proposed demolition, destruction or significant modification of an Historic-Cultural Monument or resource listed on the national or state registers, or on the CRA list, or cited as a proposed historical resource by a community plan or historic preservation overlay zone survey, or which are over 50 years old and are substantially intact examples of an architectural style important in Los Angeles or are associated with an architect or other person of importance in Los Angeles history. Under the 1998 amendment, buildings less than 50 years old may also be considered.

Historic-Cultural Monuments. In 1962, at the request of the Los Angeles Chapter of the American Institute of Architects, the city drafted and approved an ordinance designed to protect and/or identify architectural, historical and cultural buildings, structures and sites of importance in the city's history and/or cultural heritage. In the intervening 30 years the Cultural Heritage Commission (CHC) has designated almost 700 sites as Historic-Cultural Monuments.

The list of the designated sites is maintained by the CHC. It includes historic buildings, corridors (tree lined streets) and geographic areas. In some instances plaques have been erected on sites of historic events or former structures that were of cultural or historic significance. Sites are mapped on the city's zoning maps to guide permit processing. The building department will not issue permits for modification of a designated monument unless authorized to do so by the CHC, which may impose conditions of permit approval.

Additional protections apply to structures or sites that are listed on the state or national registers. The National Park Service administers the National Register of Historic Places and the California Office of Historic Preservation administers the state register. Criteria applied to determine qualification for the registers includes context (importance to an historic theme, place, time), integrity (location, design, setting, workmanship, materials) and, if a recent resource, exceptional importance.

The Community Redevelopment Agency maintains a list of buildings and structures of historical significance for purposes of project planning and evaluating neighborhood improvement proposals.

Historic Preservation Overlay Zones (HPOZ). The HPOZ provision of the zone code, Los Angeles Municipal Code (LAMC) Section 12.20.3, was adopted in 1979, amended 2001. It contains procedures for designation and protection of areas that have structures, natural features or sites of historic, architectural, cultural or aesthetic significance. Fourteen areas of the city are classified as HPOZs and twelve other areas are under study. HPOZ areas contain significant examples of architectural styles characteristic of different periods in the city's history. They may be a few blocks or a few square miles in area.

Property owners are encouraged to make property improvements that will enhance the historic character of the HPOZ area. Neighbors often join together to secure period street lights and other features that will contribute to historic and cultural emphasis. Alleys may be converted to park-like uses or street signs or circulation modified to support the HPOZ area goals. Street fairs and other activities generate community involvement and general public awareness of the unique area and help raise funds for neighborhood and property improvement.

A consultant to the planning department prepared (1997) a general survey of all pre-1950s structures within five community plan areas of the city. It provides a primary data resource for establishing future HPOZ areas and for guiding public and private efforts to preserve individual structures. The consultant also prepared a computerized survey, including digital photos, of historic structures within the

Highland Park HPOZ. Using the same techniques, staff are preparing similar surveys for other HPOZ areas. The data is used to assist city personnel and citizen design review boards in evaluating proposed projects and building modifications and to help them assess trends and devise preservation strategies.

Conclusion. The city has primary responsibility for identifying and protecting its cultural and historical heritage.

Continuing Issues: Loss of significant, important or contributory cultural and historical sites and structures to neglect, site redevelopment or damage.

Cultural and historical objective, policy and programs:

Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

Policy: continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

Program 1: development permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of *Building and Safety, *City Planning, *Cultural Affairs and *Community Redevelopment Agency and/or the *lead agency responsible for project implementation.

Program 2: prepare the Historic Preservation and Cultural Resources Element of the general plan.

Responsibility: departments of *City Planning and Cultural Affairs.

Program 3: continue to survey buildings and structures of any age in neighborhoods throughout the city in order to develop a record that can be used in the present and future for evaluating their historic and cultural value as individual structures and within the context of surrounding structures.

Responsibility: departments of Building and Safety, *City Planning, and *Cultural Affairs and the *Community Redevelopment Agency.

Program 4: continue to establish Historical Preservation Overlay Zones throughout the city.

Responsibility: departments of Building and Safety, *City Planning and Cultural Affairs and the Community Redevelopment Agency.

For related information see:

o Archaeological/Paleontological Section;

o "Cultural and Historical Monuments Plan, an Element of the Master Plan of the City of Los Angeles," Department of City Planning and Cultural Heritage Board, 1969.

o "Cultural Heritage Master Plan," under preparation by the Cultural Affairs Department.

o Historic-Cultural Monuments list, Cultural Heritage Commission, City of Los Angeles Cultural Affairs Department;

o "Historic Preservation and Cultural Resources Element," City of Los Angeles General Plan (to be prepared); and

o "Public Facilities and Services Element," City of Los Angeles General Plan (under preparation) for cultural and historical facilities within city parks.

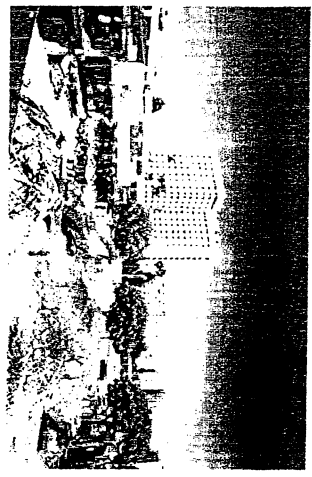
SECTION 6: ENDANGERED SPECIES

Without protection of habitats suitable for species propagation, entire species of native plants and animals gradually will decline or become extinct. A couple of hundred plants and animals that live in Los Angeles habitats are listed on the federal and/or state endangered, threatened or species of special concern lists. Within the Santa Monica Mountains National Recreation Area alone 26 plants and animals are classified as rare, threatened or endangered and 58 more have been placed on the list of species of special concern by the National Park Service. Within the city more than 180 plant and animal species are listed by the Environmental Affairs Department for the city as a whole.

Definitions:

Endangered species: In danger of extinction throughout all or a significant portion of their range.

LOS ANGELES
INDEPENDENT
NEWS



Casden Development, which is seeking to build a 528,490-square-foot residential and retail complex on a five-acre parcel in Westwood Village bounded by Glendon and Weyburn avenues, last week demolished some of the vacant buildings on the project site. The work was done to eliminate potentially dangerous structures from the community, according to Richard Lichtenstein, a spokesman for Casden. A revised draft environmental impact report on the proposed mixed-use development known as Palazzo Westwood, which some Westwood homeowners' associations feel is too big, is due to recirculate within the next couple of weeks. Lichtenstein says. Photo by Gary McCarthy

Needle exchange spurring crime, neighbors complain

The Los Angeles City Attorney's Office is investigating a city-funded needle exchange program operating near the intersection of Santa Monica Boulevard and Highland Avenue, as neighbors complain the program has exacerbated already existing drug use and prostitution in the area.

BLDs angry over L.A.'s refusal to pay fees

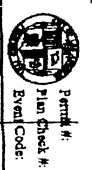
The Los Angeles Unified School District has refused to pay hundreds of thousands of dollars in assessments on its properties to the city's business improvement districts in what some say is a violation of state law.

Developer sets go-ahead for condo tower

Westwood area homeowners' groups are angry with the West L.A. Area Planning Commission's approval last week of a developer's request for conditional use permit to build a 290-foot condominium tower at Wilshire Boulevard and Malcolm

COMMENT LETTER No. 11
Attachment 11j

COMMENT LETTER No. 11
10870 W Weyburn Ave Attachment 11k



Permit #: 02019 - 10000 - 00761
Plan Check #: AFC
Event Code:
Printed: 01/11/2012 11:38 AM

TR	10600	LOCK	LODA	ASB	MARKETS	ZONING DISTRICT	ISSUE/STATUS/DATE
TR	10600	4	11	M B 161-1/2	1359B153 620	4583 - 020 - 005	
TR	10600	4	10	M B 161-1/2	1359B153 645	4583 - 020 - 005	
TR	10600	4	9	M B 161-1/2	1359B153 651	4583 - 020 - 005	
TR	10600	4	8	M B 161-1/2	132B153 33	4583 - 020 - 005	

PLANNING INFORMATION
City of Los Angeles - Department of Building and Safety
APPLICATION FOR INSPECTION TO
DEMOLISH BUILDING OR STRUCTURE
 City of Los Angeles - Department of Building and Safety
 Permit #: 02019 - 10000 - 00761
 Plan Check #: AFC
 Event Code:
 Printed: 01/11/2012 11:38 AM

PROJECT INFORMATION
 Project Name: BEVERLY HILLS CA 90211
 Address: 11845 W. Olympic Blvd.
 City: LOS ANGELES, CA 90064
 State: CA 90211
 Parcel: 9090 Wilshire Blvd 320FLR
 Applicant: (Name/Address) Adam (to Owner)
 Contact: Jim Rice
 Phone: (310) 444-5904

EXISTING USE
 (21) Demolition
 DEMO EXISTING STRUCTURES ON THIS SITE AND SURFACE PARKING LOT, SEWER CAP PERMIT IS REQUIRED PRIOR TO DEMOLITION

PLANNING INFORMATION
 City of Los Angeles - Department of Building and Safety
 APPLICATION FOR INSPECTION TO
 DEMOLISH BUILDING OR STRUCTURE

PLANNING INFORMATION
 City of Los Angeles - Department of Building and Safety
 APPLICATION FOR INSPECTION TO
 DEMOLISH BUILDING OR STRUCTURE

PLANNING INFORMATION
 City of Los Angeles - Department of Building and Safety
 APPLICATION FOR INSPECTION TO
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 APPLICATION FOR INSPECTION TO
 DEMOLISH BUILDING OR STRUCTURE

PLANNING INFORMATION
 City of Los Angeles - Department of Building and Safety
 APPLICATION FOR INSPECTION TO
 DEMOLISH BUILDING OR STRUCTURE

no signature
no inspection
no open approval
02/10/14/02
Payment Date: 06/14/02
Receipt No: LA08-011447
Amount: \$838,91
Method: Check
02LA29287

COMMENT LETTER No. 11
Attachment 11k

COMMENT LETTER No. 11
Attachment 11i

end, approx. 20' high.
4. Basement not evident, however building was secured - not able to verify.

CITY OF LOS ANGELES

CALIFORNIA



BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

ILAN ISRAELI
PRESIDENT
WILLIAM J. ROUSE
VICE PRESIDENT
FRANCISCO ARRIZON
BARBARA BOURDEAUX

JAMES K. MAHIN
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

ANDREW A. ADELMAN, P.E.
GENERAL MANAGER
TOM WHELAN
ENGINEER

July 26, 2002

Via fax 310-470-9944

Laura Lake, Phd.
President, Friends of Westwood
10558 Kinward Avenue
Los Angeles, CA 90024

PALAZZO WESTWOOD PROJECT

The following letter is in response to both your letters dated July 22 and July 23 which request a stop work order for the Palazzo Westwood project at the south-west corner of Weyburn Avenue and Glendon Avenue.

A demolition permit for Tract 10600, Block 4, lots 8, 9, 10, & 11 was issued by our Department on June 14, 2002. When issuing any permit our department uses the legal description since many parcels in the City have multiple addresses. Similarly, driveway locations do not necessarily indicate anything definitive regarding an address or legal description. In fact, there are thousands of parcels in the city that have the driveway located on different streets than the legal address. In summary, addresses listed on our permits as job addresses are used as a general reference, but the legal description is the key locator.

The demolition permit that was issued June 14, 2002 does include 1019-1029 Glendon Avenue since these addresses are included in Tract 10600, Block 4, lots 8, 9, 10.

We have enclosed copies of procedures and laws for the issuance of demolition permits.

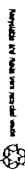
With regards to the issues you raise about the draft EIR and CEQA, please refer to Department of City Planning, Environmental Review Section and/or to the City Attorney's Land Use Section.

SEUNG M. K. DONALD FOX
ANDREW A. ADELMAN, P.E.
General Manager

Enclosures

c: Con Howe, Director, City Planning Department
Susan Pfamm, City Attorney
Renee Schillaci, CDS

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



http://10.8.3.201/dpl.nsf/c8d4d4e69e60e942882367c800839604/ab8330d111cd0e88256b... 7/24/2002

FRIENDS OF WESTWOOD

FRIENDS OF WESTWOOD

10558 Kinnard Avenue, LA, CA 90024
Tel 310-470-4522 □ Fax 310-470-9944 □ Email: laura_lake@email.com

URGENT

July 26, 2002

Via Fax 213-977-6428

Steve MacDonald
Los Angeles City Department of Building and Safety
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

RE: PALAZZO WESTWOOD — THIRD REQUEST FOR STOP WORK ORDER

Dear Mr. MacDonald:

Thank you for your letter of today, and for discussing this matter with me over the phone. I have a few questions for you:

- 1) Why was the demolition permit not signed by the inspector?
 - 2) Why was the fact that the property has a ZI notice for an EIR and historic property not sufficient to seek Planning Department clearance?
 - 3) Is it normal operating procedure to issue a demolition permit for only a portion of a project site? Does this constitute discretion?
 - 4) What was the environmental clearance for the demolition permit?
 - 5) Was there asbestos at this site, and how was its removal abated?
 - 6) Was this application for demolition reviewed by the Preservation Coordinator, since it is part of a site that is "red-flagged" by the Department's preservation coordinator?
 - 7) Does the inspector have the discretion to not consult with the Preservation Coordinator even though a review of the zoning map would inform him/her aware that an historic structure is part of the project?
 - 8) Did the inspector seek Planning Department clearance per departmental guidelines? (See below).
- Your department has a responsibility to abide by CEQA. Referring us to the Planning Department and City Attorney does not explain or legitimize the demolition permit. It is our position that B & S should have consulted those departments prior to issuance of a demolition permit for a portion of the project site.

Departmental Procedure was Violated

Indeed, according to the City of Los Angeles 1996 *Guide to Understanding CEQA in the City of Los Angeles*, the Department of Building and Safety has stated that:

"Applications for permits from Building and Safety (B & S) are received by Plan Check Engineers at the Public Counter. Projects which might be subject to CEQA are applications involving historic features, some grading activities, product approvals, and projects requiring *Planning discretionary actions*," (page 4.; *emphasis added*).

This project involves Planning discretionary actions. That is why the EIR is noted on the zoning map, along with the historic structure on the project site. Indeed, according to this same document, "After completing any applicable CEQA requirements, the project approval process continues" (*ibid*.)

In other words, no demolition permit may be issued until the CEQA process is completed. It has not been completed. We therefore must conclude that B & S has erred in violating state and local CEQA guidelines, as well as its own published policy regarding CEQA.

B & S has erred by issuing the demolition permit prior to CEQA completion, and further, by refusing to issue a stop work order after it was requested on July 22, 2002 and July 25, 2002.

Issuance of a demolition permit in violation of departmental CEQA procedure indicates prejudice on the part of the City. *B & S is acting in a prejudicial, arbitrary and capricious manner.* We therefore repeat our request for an immediate stop work order.

This Piecemeal Approval Violates CEQA

I understand from our conversation today that your department assumes that because a demolition permit is often ministerial, that it can jump-the-gun for CEQA and issue approval. But this position violates City CEQA Guideline Article 11.30.b "Project":

- a. A project is the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:
 - (3) An activity involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use by one or more public agencies.
 - (4) The enactment and amendment of local zoning ordinances and local general plans or elements thereof. [Palazzo Westwood involves nine (9) specific plan amendments and one general plan amendment.]
- b. The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval" [emphasis added].

The same language is found in State CEQA Guideline Section 15378.

The Department of Building and Safety erred in treating the demolition permit as a project, rather than as a ministerial approval involved with a discretionary project. The project is not the demolition of existing structures, but the construction of a \$100,000,000 mixed-use development for which an EIR is being revised and recirculated, and for which demolition impacts are being analyzed.

Also, as State CEQA Guideline Section 15369 "Ministerial" makes clear, under the present circumstances, with a large project such as Palazzo Westwood, the demolition permit would not be treated as ministerial:

"As carefully pointed out in *Friends of Westwood, Inc. v. Los Angeles* (1987), 191 Cal. App. 3d 259, usually building permits are ministerial but the approval process for a project unusual in size, dimension and location involve discretionary aspects which are subject to CEQA. It is enough the [agency] possesses discretion to require changes which would

FRIENDS OF WESTWOOD

FRIENDS OF WESTWOOD

mitigate in whole or in part one or more the [significant] environmental consequences an EIR might conceivably uncover. See also discussion for Section 15268."

Conclusion

B & S has violated local and state law as well as its own administrative policy, and acted in an arbitrary and capricious manner. By issuing a demolition permit prior to completion of the certification of the EIR for this project, the city has made a mockery of the environmental review process. Even when challenged, it has blithely continued to permit violation of the law.

Sincerely,



Laura Lake, Ph.D.
President
FRIENDS OF WESTWOOD

Via Fax 213-977-5950
URGENT
July 25, 2002
Andrew Edelman, General Manager
Department of Building and Safety
City of Los Angeles
201 North Figueroa, Suite 1000
Los Angeles, CA 90012
RE: STOP WORK ORDER PALAZZO WESTWOOD
Dear Mr. Edelman:

We have not received any response from your department regarding our request, dated July 22, 2002 for a stop work order for the above project. We have learned that the address for the demolition permit issued by your department was 10870 Weyburn Avenue. We did not include that address in our earlier letter because no Weyburn address was listed on the DEIR letter from the Planning Department. A copy of that letter is enclosed.

Also, note that the driveway for demolition work is on Glendon Avenue, not Weyburn. Finally, please note that the "Pre-Demolition Checklist" issued by the Department of Building and Safety, June 3, 2002, lists 1001-1067 Glendon Avenue as the "job address."

Property at 1019-1029 Glendon has been demolished although a demolition permit was not issued for this address. Is this legal? Please provide us with a copy of the procedures and laws followed for the issuance of demolition permits.

It is now four days since you received our request. With a lack of a stop work order, demolition will be completed shortly. Be advised, however, that this will indicate prejudice on the part of the city, and place a cloud over the entire CEQA process.

A reasonable response on the part of your department while you research the issue is to issue a temporary stop work order to maintain the status quo. Have you done this? If not, why not?

Please take note of the *Orinda* decision regarding the CEQA clearance for demolition. Please contact me at 310-470-4522 or cell 310-497-5550 regarding this matter. Time is of the essence.

- cc:
- Renee Schillaci (CD 5)
 - Con Howe, Director of Planning
 - Rockard Delgado, City Attorney
 - Sandy Brown, Holmby Westwood Property Owners
 - Terry Tegnazan, Save Westwood Village
 - Carole Magnuson, Westwood Hills Property Owners Association
 - Mayor James Hahn
 - Peter Hong, Los Angeles Times
 - Brian Lewis, The Westsider
 - Howard Fine, LA Business Journal

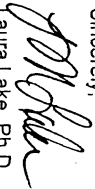
COMMENT LETTER No. 11
Attachment 11a

FRIENDS OF WESTWOOD

COMMENT LETTER No. 1
Attachment 11a

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

Sincerely,


Laura Lake, Ph.D.
President

cc: Sandy Brown, Holmby-Westwood Property Owners Association
Terry Tegnazian, Save Westwood Village
Carole Magnuson, Westwood Hills Property Owners Association
Renée Schilliacci, CDS

URGENT

Via Fax (213) 977-5950

July 22, 2002

Andrew Edelman, General Manager
Department of Building and Safety
City of Los Angeles
201 North Figueroa, Suite 1000
Los Angeles, CA 90012

Re: Request Stop Work Order (Demolition of Buildings)
A111/CO/Carsten Project - Palazzo Westwood
EIR No. 2000-3213
1001-1029 Thorton Ave. 1020-1070 Glendon Ave., 1015-1065 Glendon Ave.
Los Angeles, CA 90024

Dear Mr. Edelman:

The above named associations would like to inform you of the demolition in progress at the Palazzo Westwood site on Glendon Ave. We believe it is unlawful for the City of Los Angeles to issue Palazzo Westwood a demolition permit prior to the completion and certification of an EIR for the entire proposed project.

The Draft EIR, released on February 21, 2002 was found to be inadequate by the City of Los Angeles. The City has recently determined that new information must be disclosed and must be included in a new DEIR that has yet to be circulated.

California law requires that the EIR be completed and certified prior to the issuance of a demolition permit for a project that encompasses one fourth of Westwood Village. This review is the first phase of the overall Project and is subject to the same CEQA/CEQA process is completed and the overall project approved.

We hereby request that a "Stop Work Order" be issued on this project, that the demolition in progress be halted until all parts of the project are approved, and that such piecemeal future approvals be denied.

SAVE WESTWOOD VILLAGE
A Community-Business Alliance Dedicated to Quality Revitalization

Continued, page 2 Palazzo Westwood / Stop Work Order

We await an immediate response.

Sincerely,

Laura Lake, Ph.D., Pres., Friends of Westwood
Terry Tegnazian, Pres., Save Westwood Village
Sandy Brown, Pres., Holmby-Westwood Property Owners Association

cc: Renee Schiliaci, Planning Deputy, Councilman Jack Weiss
Carole Magnuson, Pres., Westwood Hills Homeowners Association

February 28, 2003

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

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

Re: ADM/CO/Casden Project - Palazzo Westwood
ENV-2000-3213-EIR

Dear Ms. Zaitzevsky:

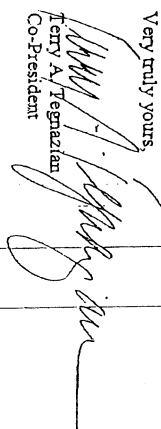
As part of our comments on the above-referenced Draft EIR, we are once again enclosing a copy of our letter dated June 27, 2002 (with enclosures thereto) addressed to the Bureau of Engineering and the Department of Transportation concerning this project.

A copy was sent to you contemporaneously with the original going to the two addressees in connection with preparation of the above-referenced Draft EIR. This was more than seven months before issuance of the current revised Draft EIR, but these comments do not appear to be included as part of the public comments in Appendix Volume I. We believe that the revised Draft EIR is defective for that reason.

The contents of the enclosed are incorporated herein by reference, and we request that the comments therein be responded to in the Final EIR.

Thank you.

Very truly yours,


Terry A. Tegnazian
Co-President

enc.

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

SAVE WESTWOOD VILLAGE

A Community-Business Alliance Dedicated to Quality Revitalization

Form 4 Registration
City of Los Angeles
Division 741 (S100 376-0270)

June 27, 2002

Mr. Edmund Yew, Manager
Land Development Group
Bureau of Engineering
201 N. Figueroa Street, Suite 200
Los Angeles, CA 90012

Mr. Jay W. Kim, Senior Transportation Engineer
Department of Transportation
201 N. Figueroa Street, Suite 600
Los Angeles, CA 90012

Re: ADMCO/Casden Project - Palazzo Westwood

EIR No. 2000-3213
VAC-EI1400741 (Subsurface Vac.)/Council File 01-0714
DOT Case No. WLA-01-006

Dear Mr. Yew and Mr. Kim:

We submitted comments to the Bureau of Engineering's Notice of Proposed Vacation in connection with the above-referenced project, by our letter dated June 6, 2001. We also submitted extensive comments to the initial Draft EIR for this project in April 2002, and I am enclosing copies of those sections that deal with street and parking issues for your reference.

After reviewing your comments to the initial Draft EIR for this project, I would like to submit the following additional supplemental material which is relevant to your respective departments' consideration of the subsurface vacation, the street narrowing, and traffic and parking issues.

We understand that a new Draft EIR is being prepared, and request that you include this material in your input to the preparation of this new Draft EIR, before it is circulated.

1. Future Public Subsurface Needs: Private Easements: Notice. I am enclosing a copy of an article that appeared in the May 12, 2002 New York Times Magazine. This article describes some of the subsurface street repair work necessitated by the 9-11 World Trade Center disaster.

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

Mr. Edmund Yew
Mr. Jay W. Kim
June 27, 2002
Page 2

It is particularly relevant to this and all other subsurface street vacation requests throughout Los Angeles. The issue is far greater than merely ensuring that current utility easements are preserved.

The subsurface areas of streets constitute important public rights-of-way. *We cannot know today how these rights-of-way may be used or needed far in the future.* If the City of Los Angeles is to grow and prosper for hundreds of years into the future, it cannot permit its arteries to be clogged.

Because New York is so much older than Los Angeles, one can see the need for preservation of unimpeded subsurface rights-of-way -- to accommodate future changes in the city, in technology, and in surrounding uses. It appears from this article that over the years pipes, conduits, etc. have been installed to what is now at least 20 feet deep, in addition to the subway which is even deeper.

It is short-sighted and very bad public policy to permit irreversible private development in these public rights-of-way. We cannot anticipate at this time what needs for access the future may bring, just as 200 years ago New York city fathers could not have foreseen the right-of-way requirements for complex networks of telephone and fiber optic cables, steam heat, or a subway.

For example, what if global warming results in more stringent water conservation requirements, and the city decides to install a municipal gray water system that would recycle water for landscaping and other non-vital uses. Where would these pipes run, if not under existing utilities?

Another example, what if there is a nuclear incident that results in the desire or need to construct subterranean passages for vehicles and pedestrians?

It is simply impossible to imagine today what access may be required by future technological developments and uses. The only prudent course is for the city to require property owners to build on their own property, leaving the surface and subsurface public rights-of-way free for the future.

The above considerations are obviously in addition to the potential city liability under state law to holders of the private easements in the streets shown on the subdivision tract maps for Westwood Village, which has been raised in our previous comments. See e.g., Streets & Highways Code §8353(b) which gives such other owners two years after a city's vacation of the public easement to record notices of non-extinguishment of their private easements.

Mr. Edmund Yew
Mr. Jay W. Kim
June 27, 2002
Page 3

These private easement rights clearly extend to subsurface as well as surface use of the street rights-of-way. That's why the city required developer Ira Smedra to obtain consents and waivers of damages from the other property owners when it approved the subsurface vacations in the predecessor Smedra project on this site.

One of the most obvious examples why the private easement extends to subsurface as well as surface access: if a city chooses to abandon the entire public right-of-way in a street, which it may legally do (for example, in creating a gated neighborhood), the other owners of lots in the tract must be able to rely on their private easements in the subsurface areas in order to privately install utilities as well as facilities for appropriate drainage of subsurface waters.

Notice of the proposed street vacation must be given to all owners of record in the Westwood Village subdivisions, Tract Nos. 9768 and 10600, whose rights are directly affected by the proposed vacation. To our knowledge, the city has not given notice to all such affected persons. It must do so before this proposal can proceed.

2. **Third Heaviest Traffic/Emergency Access.** According to the traffic study included in the initial Draft EIR, this one block of Glendon Avenue between Kinross and Weburn is third most heavily traveled street in the entire Village.

This block of Glendon Avenue carries more traffic each day than every street in the Village except Westwood Blvd and Gayley Ave.

I am attaching a comparison chart which I prepared from the information provided in the Draft EIR, as well as relevant excerpts from a DOT report issued in the Smedra project five years ago which shows an even higher traffic count on this block of Glendon Avenue (and consequently casts doubt the validity of the current findings, as both the Macy's building and Macy's have been substantially renovated and leased since then). These materials were submitted with my comments to the initial Draft EIR.

Westwood Village is already one of the most congested areas in the city. Further, this block of Glendon Avenue leads directly to the main entrance to the new EXPO Design Center at the former Macy's building, and is a critical emergency access for the seniors housing at Westwood Horizons. (I believe that Westwood Horizons submitted comments to the Bureau of Engineering in June 2001 raising this last point. See item no. 6 below as to the impact on the Macy's building.)

Westwood Village simply cannot afford to have this street narrowed. Nor can it afford to have this street closed for the anticipated 1-1/2 to 2 years of construction.

Mr. Edmund Yew
Mr. Jay W. Kim
June 27, 2002
Page 4

3. **Pedestrian Mall Notice.** In my June 6, 2001 comment letter, I raised the issue of what process is required for narrowing the street. Based on the information available to me at that time, I thought that the 70-foot public right of way was being narrowed and that a surface vacation would therefore also be required.

It now appears that the public right of way would not be narrowed. Instead, the width of the street would be reduced from its current 46 feet to 36 feet (the initial Draft EIR seriously misrepresented the actual reduction by stating in numerous places that the current width was only 42 feet, rather than the true 46 feet).

This narrowing constitutes a pedestrian mall, just as it did for the predecessor Smedra project on this same site.

Under state law, vehicular access cannot be prohibited on even a portion of a street (and therefore Glendon Avenue cannot be narrowed) without first following all the procedures mandated under Streets and Highways Code §11000 et seq.

Section 11006 of the Streets and Highways Code defines a pedestrian mall as "one or more city streets, *or portions thereof*, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel." (emphasis added)

Section 11101 provides that the improvements which may be constructed include sidewalks. This is precisely the situation in this project.

Copies of these provisions are enclosed for your reference.

Such procedures include payment of all damage claims to all other property owners, tenants, mortgagees, etc. who might be adversely affected by the narrowing. Approximately 1,600 potential claimants were identified when this issue arose in the Smedra project.

The need for the Pedestrian Mall procedure was not disclosed in either the NOP or the initial Draft EIR. Notice of this proposed narrowing of the street must be given to all those whose rights might be affected, which has not been done.

4. **20-Year Traffic Study Required/Redesignation of Tiverton Avenue.** Although it was not disclosed in the Notice of Preparation of the EIR for this project, the developer wants to downgrade Tiverton Avenue from a secondary highway. The real reason for this request, according to what the developer's representatives told local community leaders at a

Mr. Edmund Yew
Mr. Jay W. Kim
June 27, 2002
Page 5

meeting on February 20, 2002, is so that the developer will not have to widen Tiverton along the project site as it is currently required to do under city law.

Municipal Code §12.37.A.5 requires a finding that "additional dedications [are] not necessary to meet the mobility needs for the next twenty years." (emphasis added)

The traffic study on which the initial Draft EIR is based looks only three years into the future, to project completion in 2005. It is therefore fatally inadequate. A 20-year traffic study must be done and independently reviewed by the appropriate city agencies before the next Draft EIR is recalculated.

5. Possible Motion Picture Use. According to a brief filed in Los Angeles Superior Court on behalf of the developer as recently as May 29, 2002, it appears that the developer does not yet have any retail tenants to occupy the commercial portion of this project.

One of the major problems with this project's commercial space is that the so-called "ground floor" retail is actually located 7 to 8 feet below grade. This below-grade aspect is one of the reasons cited by Ralphs Grocery for why it chose not to locate in this project as was originally anticipated, but instead went into the Macy's building across the street. It is undoubtedly an obstacle to other retail tenants as well.

Another document has recently surfaced that discloses that the only two types of retail tenants specifically identified by the developer to one of its leasing agents were a grocery store and a national motion picture exhibition company.

I am enclosing relevant excerpts from these documents for your reference.

The possibility of motion picture theaters was not disclosed in the NOP or the initial Draft EIR. I believe that the developer's architect designed a similar mixed-use project in Santa Monica (Fass Court, where the Broadway Deli is located) that does in fact include a multiplex cinema.

This possible motion picture use must also be analyzed in the new Draft EIR, and will result in very different traffic generation and parking requirements. (For example, the Westwood Village Specific Plan requires 1 parking space per 3 fixed seats or 1 space per 25 square feet of floor area where no fixed seats.)

Mr. Edmund Yew
Mr. Jay W. Kim
June 27, 2002
Page 6

6. Damaging to Surrounding Business & Property Owners. According to an article in this week's Los Angeles Business Journal, the owners of the Macy's building (which is across from this project site) have recently put that property on the market.

One of the reasons cited is the potentially adverse effects of the subsurface vacation of Glendon Avenue. A copy of this article is also enclosed.

If you have any questions or need any further information, please contact me at my direct telephone number 310-470-0770.

Very truly yours,

Terry A. Tenzarian
Co-President

enc
cc (w/ partial enc):

Councilman Jack Weiss, CDS
Renee Schillaci, CDS
Councilman Ed Reyes, Chair, PLUM Committee
Councilwoman Jan Perry, Chair, Public Works Committee
Mayor James Hahn
Rocky Delgadillo, City Attorney
Bob Sutton, Department of City Planning
Emily Gabel-Luddy, Department of City Planning
Maya Zaitzevsky, Department of City Planning
Fred Woocher, Esq.