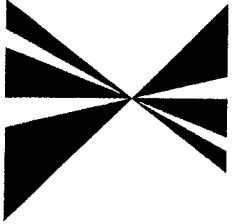


SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**
Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

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f (213) 236-1825

www.scag.ca.gov

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Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

September 21, 2004

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CITY OF LOS ANGELES

SEP 22 2004

ENVIRONMENTAL
UNIT

Mr. Nicholas Hendricks, Environmental Review Coordinator
Environment Review Section
Department of City Planning
200 N. Spring Street, Room 761
Los Angeles, CA 90012

RE: SCAG Clearinghouse No. I20040617 Wilshire Comstock Project

Dear Mr. Hendricks:

Thank you for submitting the **Wilshire Comstock Project** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

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

A description of the proposed Project was published in SCAG's **September 1-15, 2004** Intergovernmental Review Clearinghouse Report for public for review and comment.

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

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review



South Coast Air Quality Management District

AQMD

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

September 17, 2004

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SEP 23 2004

ENVIRONMENTAL
UNIT

Mr. Nicholas Hendricks
Environmental Review Coordinator
Environmental Review Section
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Dear Mr. Hendricks:

Notice of Preparation of a Draft Environmental Impact Report for Wilshire Comstock Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the CARB Website at: www.arb.ca.gov.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips

should be included in the analysis. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

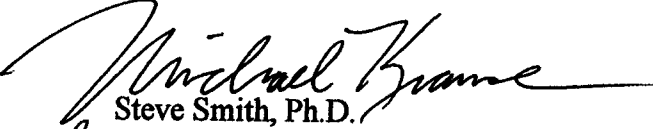
In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.

for Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

LAC040915-08LI
Control Number

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
120 SO. SPRING ST.
LOS ANGELES, CA 90012
PHONE (213) 897-6536
FAX (213) 897-1337
E-Mail: NersesYerjanian@dot.ca.gov



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*Flex your power!
Be energy efficient!*

Mr. Nicholas Hendricks
Environmental Review Sectio
200 N. Spring St., Room 763
Los Angeles, CA. 90012

IGR/CEQA# 040927/NY
NOP/10250 Wilshire Comstock Project
35 Units High-Rise Condominium
LA/405/31.54

September 23, 2004

Dear Mr. Hendricks:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 35 Units High-Rise Condominium (Wilshire Comstock) Project.

Based on the information received, and to assist us in our efforts to completely evaluate and assess the impacts of this project on the State transportation system, a traffic study in advance of the DEIR should be prepared to analyze the following information:

1. Traffic impacts on State Highway 405 and all significantly impacted ramps, streets, crossroads and controlling intersections, as well as analysis of existing and future conditions.
2. Traffic volume counts to include anticipated AM and PM peak-hour volumes.
3. Level of service (LOS) before and after development.
4. Future conditions, which include both, project and project plus cumulative traffic generated up to the completion year.
5. Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts, including sharing of mitigation costs.

Mr. Hendricks


September 23, 2004

We look forward to reviewing the DEIR. We expect to receive a copy from the State Clearinghouse. However, to expedite the review process, you may send two copies in advance to the undersigned at the following address:

Cheryl J. Powell
IGR/CEQA Branch Chief
Caltrans District 07
Regional Transportation Planning Office
120 S. Spring St., Los Angeles, CA 90012

If you have any questions regarding this response, please call the Project Engineer/Coordinator Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 040927NY.

Sincerely,



Cheryl J. Powell
IGR/CEQA Branch Chief
Regional Transportation Planning



Metro

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

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September 15, 2004

Nicholas Hendricks
Environmental Review Coordinator
Environmental Review Section
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Dear Mr. Hendricks,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Wilshire Comstock Project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

A Traffic Impact Analysis (TIA), with both highway and freeway, and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2002 Congestion Management Program for Los Angeles County", Appendix D. The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic); and
2. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour.

Among the required steps for the analysis of development-related impacts to transit are:

1. Evidence that the affected transit operators received the NOP for the Draft EIR;
2. A summary of the existing transit services in the area;
3. Estimated project trip generation and mode assignment for both morning and evening peak periods;



Metro

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

4. Documentation on the assumptions/analyses used to determine the number of percentage of trips assigned to transit;
5. Information on facilities and/or programs that will be incorporated in to the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
6. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation.

The MTA looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please call me at 213-922-6908 or email at chapmans@metro.net. Please send the Draft EIR to the following address:

LACMTA
One Gateway Plaza
Attn: Susan Chapman
Long Range Planning, 99-23-2
Los Angeles, CA 90012-2952

Sincerely,

Susan Chapman
Program Manager, Long Range Planning

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WILLIAM R. BAMATTRE
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ENVIRONMENTAL
UNIT

September 15, 2004

Nicholas Hendriks, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring St., Room 761
Los Angeles CA 90012

WILSHIRE COMSTOCK PROJECT

PROJECT LOCATION

10250 Wilshire Blvd.

PROJECT DESCRIPTION

Construction of a high-rise residential condominium building consisting of 35 units on a 13,203 square foot vacant lot.

The following comments are furnished in response to your request for this Department to review the proposed development:

A. Fire Flow

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department's judgment for needs in the area. In general, the required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

Fire-flow requirements vary from 2,000 gallons per minute (G.P.M.) in low Density Residential areas to 12,000 G.P.M. in high-density commercial or industrial areas. A minimum residual water pressure of 20 pounds per square inch (P.S.I.) is to remain in the water system, with the required gallons per minute flowing. The required fire-flow for this project has been set at 4,000 G.P.M. from 4 fire hydrants flowing simultaneously.

B. Response Distance, Apparatus, and Personnel

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 71
107 S. Beverly Glen Blvd.
Los Angeles, CA 90024
Paramedic Engine Company
Staff - 4
Miles - 1.25

Fire Station No. 37
1090 Veteran Avenue
Los Angeles, CA 90024
Task Force Truck and Engine Company
Paramedic Rescue Ambulance
Battalion 9 Headquarters
Staff - 13
Miles - 1.68

Fire Station No. 92
10556 W. Pico Boulevard
Los Angeles, CA 90064
Task Force Truck and Engine Company
Paramedic Supervisor
Staff - 11
Miles 2.02

The above distances were computed to 10250 Wilshire Blvd.

C. Firefighting Access

Access for Fire Department apparatus and personnel to and into all structures shall be required.

The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.

This policy does not apply to single-family dwellings or to non-residential buildings.

(POLICY FOR APPLICATION OF L.A.M.C. 57.09.03.B Exception, Los Angeles Fire Department, Fire Prevention Bureau, Effective: July 1, 2004)

Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

Adequate public and private fire hydrants shall be required.

No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.

Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

Nicholas Hendriks
September 15, 2004
Page 4

Submit plot plans for Fire Department approval of access and fire hydrants.

CONCLUSION

The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles C.P.C. 19708.

For additional information, please contact Inspector Richard Griffin of the Construction Services Unit at (213) 482-6506.

WILLIAM R. BAMATTRE
Fire Chief



Alfred B. Hernandez, Assistant Fire Marshal
Bureau of Fire Prevention and Public Safety

ABH:RDG:amz
c:wilshire comstock

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



September 17, 2004

Nicholas Hendricks
Los Angeles City Planning Department
200 No. Spring Street, Room 763
Los Angeles, CA 90012

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SEP 21 2004
ENVIRONMENTAL
UNIT

RE: SCH# 2004091031 - Wilshire Comstock Project, City and County of Los Angeles

Dear Mr. Hendricks:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above project. It contained no information regarding potential impacts to cultural resources. To adequately identify and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Rob Wood
Environmental Specialist III
(916) 653-4040

CC: State Clearinghouse

**NATIVE AMERICAN CONTACTS
Los Angeles County
September 17, 2004**

Samuel H. Dunlap
P.O. Box 1391
Temecula , CA 92593

(909) 262-9351 (Cell)
(909) 693-9196 FAX

Gabrielino
Cahuilla
Luiseno

Craig Torres
713 E. Bishop
Santa Ana , CA 92701
(714) 542-6678

Gabrielino Tongva

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020
(213) 351-5308
(213) 386-3995 FAX

Coastal Gabrieleno Diegueno
Jim Velasques
5776 42nd Street
Riverside , CA 92509
(909) 784-6660

Gabrielino
Kumeyaay

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda , CA 91335
(714) 504-2468 Cell

Gabrielino

Gabrielino/Tongva Council / Gabrielino Tongva Nation
501 Santa Monica Blvd., Suite 500
Santa Monica 90401-2415

Gabrielino Tongva

CA
(310) 587-2203
(310) 587-2281 Fax

Gabrielino Tongva Indians of California Tribal Council
John Tomy Rosas, Vice Chair/Environmental Coordinator
4712 Admiralty Way, Suite 172
Marina Del , CA 90202
Gabrielino Tongva
hhcc@mcn.org
310-570-0440

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021
Beaumont , CA 92223
Gabrielino
(909) 647-0094: Phone/FAX

Gabrieleno/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
Gabrielino Tongva
(626) 286-1632
(626) 286-1262 Fax
(626) 286-1758 (Home)

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources Coordinator
5450 Slauson, Ave, Suite 151 PMB
Culver City , CA 90230
Gabrielino Tongva
gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed SCH# 2004091031 - Wilshire Comstock Project, City and County of Los Angeles.

**NATIVE AMERICAN CONTACTS
Los Angeles County
September 17, 2004**

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive Gabrielino Tongva
Malibu , CA 90202
Pluto05@hotmail.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed SCH# 2004091031 - Wilshire Comstock Project, City and County of Los Angeles.

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

PHONE: 213-892-8300 • FAX: 213-892-8100

September 21, 2004

Armbruster & Goldsmith LLP
10940 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90024

Attn: Dale J. Goldsmith

Re: WHA v. Fifield
Our File No. : 2373

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SEP 22 2004

ENVIRONMENTAL
UNIT

Dear Mr. Goldsmith:

We note that you responded to only one of our letters. You have not responded to our letters dated August 23, 2004 and September 8, 2004. Please either have Mr. Armbruster or yourself respond to the letters. You are not correct that Fifield's project is fully consistent with the adopted general plan and zoning. The fact that the Environmental Impact Report is necessary indicates that your conclusions are premature. It is also not in conformity with the Wilshire Specific Plan.

It is also quite odd that you would refer to the Linscott Study of November 2003, which your own partner, Mr. Armbruster, has already discredited. This was a simple report, which was taken from tables without any physical study or proper analysis, traffic count or any other empirical data. Your reliance, therefore, on the "The Project Traffic Study" is questionable, and the fact that you cite it, particularly knowing full well that another study has been requested, even by your own client, is extremely suspect.

Your citation to §15206 of the State CEQA Guidelines misses the mark. Section 15206 does not refer to scoping meetings. Instead, it refers to review and evaluation of EIRs and negative declarations. You are improperly attempting to bootstrap a section in the post-EIR process to the process which exists in a pre-preparation stage. Accordingly, your reference to the section is inapplicable

In addition, even the section you quoted encourages all public agencies to open up the process to public review and hearings. Lastly, since you agree that a scoping meeting is mandatory if requested by the Department of Transportation, then we assume that you will comply with any requests of the Department of Transportation to pursue a scoping meeting..

Very truly yours,

TUCHMAN & ASSOCIATES


AVIV L. TUCHMAN

ALT:rehm

Mark Armbruster & Associates

September 21, 2004

Page 2

cc:

City of Los Angeles

City Hall

200 North Spring Street, Room 440

Los Angeles, CA 90012

Attn: Jack Weiss

Councilmember, 5th District

Renee Schillaci

Office of Councilmember Jack Weiss

Deputy Chief of Staff

Community and Planning

822 South Robertson Boulevard, Suite 102

Los Angeles, CA 90035

Con Howe

General Manager, Director of Planning

Department of City Planning

City of Los Angeles

200 North Spring Street, 5th Floor

Los Angeles, CA 90012

Shana M. Murphy

Los Angeles Department of City Planning

Community Planning Bureau

200 North Spring Street, #621

Los Angeles, CA 90012

Nicholas Hendricks, Environmental Review Coordinator

Environmental Review Section

200 North Spring Street, Room 750

Los Angeles, CA 90012

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

PHONE: 213-892-8300 • FAX: 213-892-8100

October 7, 2004

VIA PERSONAL DELIVERY

Nicholas Hendricks
Environmental Review Coordinator
Environmental Review Section
City of Los Angeles
200 North Spring Street, Room 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
OCT 07 2004
CITY PLANNING
DIVISION OF LAND

Re: Notice PL-022-04 – (LA Times)
Notice of Preparation for Environmental Impact Report
ENV-2003-5313
10250 Wilshire Boulevard
Council District No. 5 (Wilshire-Comstock Project)
Tract No. 27025
Our File No. : 2373

Dear Mr. Hendricks:

Our firm represents a number of homeowners in the area, as well as several homeowners' organizations which represent hundreds of families and an estimated several-thousand persons. We represent the Westwood Homeowners Association, the Holmby Westwood Property Owners Association and the Wilshire-Comstock Condominiums. This letter is written on behalf of these organizations. We also are writing this letter on behalf of Kenneth and Asya Torbiner at 1249 Club View Drive; Aviv and Janet Tuchman at 1255 Club View Drive and Mike and Theresa Ladwig at 1301 Club View Drive.

According to the publication in the *Los Angeles Times* dated September 9, 2004, comments in response to the Notice of Preparation (NOP) are due in your office by October 8, 2004¹. This letter will be a response to your "NOTICE OF PREPARATION FOR ENVIRONMENTAL IMPACT REPORT" which starts off, "It has been determined that the following proposed projects have a significant effect on the environmental, and a Notice of Preparation has been prepared."

The determination by your agency, and publication thereof of the need for an Environmental Impact Report, is an important first step.

¹There was a prior publication on or about September 1, 2004, but you advised that this publication has been superceded by the above-referenced publication and is now irrelevant. The older publication was in error as to the unit amount, we are advised.

TRAFFIC

There was a perfunctory Linscott study performed last November, 2003. The attorney/lobbyist for Fifield conceded that Linscott's conclusion of the 19 car trips per peak hour emanated from a 1997 flow chart, or index, which is easily accessible, even by a college student. It did not contain any empirical studies and certainly does not give rise to meaningful results. Empirical data studied at peak days, while school is in for example in the month of October, is essential. Include such data in the Draft EIR.

Discuss the significant change from the original design of a driveway on Wilshire Boulevard. The original tract map called for Wilshire access and two driveways. Discuss any impacts that will result from such a change.

Discuss the traffic status on Comstock and Club View as a result of the completion of the Santa Monica Boulevard project. How will the completion of that project affect the ingress and egress of the proposed project?

Discuss the impact of the queuing of cars on Comstock (most often at pm peak) and the cars and delivery trucks, including all support personnel that will need to enter or exit the proposed project.

Traffic on Club View backs up for nine or ten houses south of the Pumpkin Patch during the evening rush hour. In addition, in the morning there is a large flow of traffic cutting through to Century City. The developer has stated the original design of the building has a driveway on Wilshire, which would certainly alleviate the traffic into the neighborhoods. The developer has stated that they will not have a driveway exit or entrance onto Wilshire Boulevard supposedly to address concerns related to the Department of Transportation.

This significant change needs to be addressed. The original tract map called for Wilshire access and two driveways as Club View ends at Comstock. The additional queuing as a result of persons going in and out of this building will impact the immediate neighbors and impact traffic greatly. The owners have stated that since there are only 35 units that there will only be 35 people. Then why are there over 100 parking spaces? Furthermore, there will have to be suppliers, vendors, workers, maids, nannies, housekeepers, parking attendants, laborers, gardeners, window cleaners who will need to park. There will be a whole host of support personnel and delivery trucks and garbage trucks which will have to service such a building, and the environmental impact from traffic and other standpoints must be analyzed.

WATER FLOW

Discuss water flooding during the rainy season and its impact on adjacent neighbors and the adjacent golf course. Discuss the overflow of water in the catch basin just south of the golf course

maintenance shed when it rains. Discuss the depth of the catch basin. Discuss the stability of homes adjacent to the golf course. Discuss standing water that would be created by the overflow with respect to the West Nile Virus issues related to mosquitoes.

Discuss the four storm drains for the local area which are located along Comstock and Club View Drive in relation to their ability to accommodate water being pumped out and further, any rain-off if proposed structure is built.

The neighbors adjacent to the golf course have stated that (this is corroborated by the golf course personnel and managers) when it rains, the golf course floods, and there is up to six or seven inches of water up of a flow down the golf course. This is when the catch basin south of the maintenance shed itself overflows. The catch basin itself is approximately seven to eight feet deep. The flow of water – and even water runoff from the facility itself – will affect the landscaping and could affect the stability of all of the houses which are currently adjacent to the golf course, which are built on cut and fill pads. Some of the foundations along Club View are already in danger of cracking. Furthermore, the standing water, which would be created by the overflow, must be addressed, particularly with respect to the West Nile Virus issues related to mosquitos. See photographs attached as Exhibit B.

The storm drains for the local area, which are located (four of them) along Comstock and Club View Drive, will not be enough to accommodate any water being pumped out, and further, any rain-off will have to be studied assuming the structure is built.

GRID SYSTEM

The electrical and power system to the neighborhood is already overtaxed. There have been certain electrical shorts and at least one fire attributable to transformer problems. The small office building (dentist office) located at Ensley and Santa Monica Boulevard had a severe fire when the transformers blew out and caused a severe fire. The impact on the power grid in the south of Wilshire, east of Beverly Glen, north of Santa Monica area could be severely impacted and must be looked at. Can the system handle this? What measures can be taken to prevent hazards? Should the grid be enhanced and the lines buried?

HYDROLOGIST REPORT

In addition to the flow of water of 500 to 600 gallons per minute flowing underground, there has to be a hydrologist report on the hydrologist/chemical report on the water and the soils. Prepare a hydrologist/chemical report on the water and the soils. Toxic substances must be analyzed. Questions regarding traces of benzene have been raised regarding MacTec or other engineers. Test results must be analyzed and addressed.

Hydrostatic pressures and the effect of piercing the clayey levels at 26 feet and other levels

must be analyzed. In addition, large core samples must be extracted, dried and tested for soil stability analysis. Further, a geologist and engineer must study the feasibility of a de-watered soil and "gap" in the aquifer on the surrounding saturated soil and below-ground environment to determine what additional risks/dangers are present due to the a) change in stability, b) change in continuity and c) pressure differential caused by a heavier saturated soil adjacent to a lighter soil with excavated space.

Water bubbling above ground has been reported by neighbors. The Pollners, who are across-the-street, report heightened water activity. Further south, on Warnall, there are additional reports of water bubbling to the surface. Please investigate and discuss.

SANTA MONICA CORRIDOR PROJECT

The Santa Monica Corridor Project has significantly impacted the flow of traffic on Santa Monica Boulevard and represents a significant change since 1979; when the tract map was recorded. What is the impact of the chokers and the change of directional flow of Santa Monica and volume of traffic on Club View Drive?

WILSHIRE CORRIDOR SPECIFIC PLAN

The Wilshire Corridor Specific Plan enumerates the height of the building shall not be higher than 75 feet. There is a valid and community-oriented reason for the height limitation. What effect will the height have in terms of increased heat to the area and reflection? What type of light pollution will take place? In addition, there may be the emission of gases both during and after the completion of the project. The effect the construction of a glass skyscraper in such a concentrated area must be analyzed.

PREVIOUS ATTEMPTS AT DEVELOPMENT

The Environmental Impact Report must seek to interview persons and obtain information from previous developers to determine what problems were encountered in the development of the property. Why was the project stopped before? What prohibited these previous developers/contractors from developing the property? What problems did they encounter? What documents exist? These documents should be obtained and analyzed. These documents should not only be obtained from the developer/contractor but from third party sources and previous owners. It has been reported that in approximately 1990 there was a water blow-out when a clay layer was penetrated. This needs to be analyzed. Neighbors report that in 1990 massive pumping of water for a five to six week period occurred at the site, and they were told that the de-watering efforts were futile in terms of buildability. There appears to have been litigation regarding buildability of the site which arose between certain partners several years ago (previous owners.) These documents must be analyzed.

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Who made the determination that this proposed project will have a significant effect on the environment? What was that decision based upon?

The second step is, of course, the scoping meeting, which we have corresponded with you under separate cover. A scoping meeting is essential.

The purpose of this letter is to reiterate the needs, concerns and questions which must be addressed in the preparation of a draft Environmental Impact Report. Please factor in these matters, issues and questions and forward them to the appropriate agencies and private entities involved in developing the project.

PROBLEM HISTORY OF THE SITE

As you are aware, this site, commonly known as the Pumpkin Patch, has undergone attempted developments in the past. We are aware of attempted developments in the late 1970's and again in the early 1990's. Each time the development was met with numerous problems, and more specifically, the high water table and aquifer, which prevents any deep excavation, and certainly an excavation which is 60 to 70 feet, as is contemplated by this developer.

What understanding does the City of Los Angeles have of these previous attempts to develop the site? Discuss the City's response to each attempt.

UNANSWERED QUESTIONS PENDING WITH THE DEVELOPER AND THE LACK OF A SCOPING MEETING

A scoping meeting was originally scheduled by the developer for September 14, 2004. This was announced at an informal meeting before the Westwood Homeowners Association Board of Directors and some of the Board of Directors from Wilshire-Comstock as well as the President of the Holmby Westwood Property Owners Association. There was a previous meeting on February 18, 2004 at Wilshire-Comstock. Present on February 18, 2004 was Mike Peppers, David Robbins (both of Fifield) and their attorney/lobbyist Mark Armbruster. Present at the WHA Meeting on August 16, 2004 was Mr. Armbruster and Mr. Robbins only.

The August 16, 2004 meeting was called by Mr. Armbruster on behalf of Fifield. A short presentation was made and numerous questions were asked. There was a promise by Mr. Armbruster to get back to the WHA Board with certain questions and documents – all legitimate and reasonable requests. To date there have been no responses to these questions. Instead, the meeting was more an attempt at "public relations" than an informational or fact-finding/fact-giving discourse. To say that the meeting on August 16th (or the very early meeting of February 18th) would be a substitute for the scoping meeting would be quite a stretch. There has been no adequate scoping meeting, and even during the short questioning at the meetings on February 18, 2004 and August 16, 2004, the response from the developer was vague.

Numerous questions posed to the developer, both verbally and in writing, have been met with a zero response, or a "We'll take care of it" approach.

UNDERGROUND WATER/AQUIFER

You will remember that several years ago there was a collapse in the alley behind 10250 Santa Monica Boulevard, when the excavation for the only four-story office building was constructed. The underground water was the major factor in the collapse. The immense crane actually fell into the collapsed area. You confirmed that you are in possession of the R.T. Frankian & Associates report dated June 15, 1977 which concludes in part that

"It is felt that if an attempt is made to de-water the entire profile to the lower basement elevation, there would be an attendant subsidence of adjacent properties (i.e. Wilshire Boulevard) as the effective intergranular stress is increased in the silty wet soils below some 25 feet."

Discuss the difference between the underground water on the "alley" site with that under the proposed project site. Discuss the possibility of such a collapse.

Attached as Exhibit A hereto is copy of Mr. Charles Edelson's, an engineer, April 7, 2004 report regarding an analysis of the R.T. Frankian report and the possible hazards resulting from an attempt to de-water the site.

To date there has been no meaningful response to the following questions which must be answered by the Environmental Impact Report:

- A. Where will the water go when it is pumped out?
- B. How will the water flow be affected if there is a permanent basement structure?
- C. Will there be some permanent pumping system?
- D. What will the effect on adjacent properties be?
- E. Will Wilshire collapse?
- F. Will the adjacent support of the Los Angeles Club be affected?
- G. What will the affect on the trees and in growth in the area be if the water is diverted?

- H. What will happen to the hundreds of gallons which flow through there each minute?
- I. What will happen to the Stone Hollywood trunk line? (See discussion below.)
- J. How does the current site plan differ from the original tract map?
- K. What were the MacTec water testing results?

The aquifer and flow of water follows a natural path down several canyons, including those from Bel Air and north of Wilshire.

~~Describe and discuss the confluence of all storm drains as they wash down to the south of the Pumpkin Patch. Discuss any water holding area and any water making its way to the LACC golf course. What is the relationship of the Sycamore trees to the underground water?~~

Discuss any possible collapse of all adjacent properties and properties within a 5,000 ft. radius.

We have been advised by the golf course that the confluence of all storm drains washes down to just south of the Pumpkin Patch, out to a water holding area and onto their golf course. If you will notice, there are Sycamore trees which are natural to the area and only grow with a high water table. The indicators of the Sycamore trees roughly follow the path of the underground water.

We do not want a repeat of the collapse of adjacent property, including properties of the homeowners' properties and Wilshire, Comstock and Club View Drive. Lives and property are at stake. A wrong decision could be fatal. Will the Chicago LLC be around to take care of the problem or will the City and its agencies be left holding the bag again for an irresponsible and overzealous development?

BROWNING EFFECT

The depletion of the underground water resources will contribute to the increase in ambient temperatures in the localized area. Greenery will dry up, and the mean temperature could rise approximately five degrees. Underground aquifers and water flows cool the neighborhood down. The depletion of water could very well cause an increase in heat; and the temperature changes and the Browning Effect ~~must be analyzed by a competent scientist and engineer.~~

Discuss water/moisture loss and the surrounding area.

SHADE AND SHADOW

A shade and shadow study must be completed due to the affect on the Wilshire-Comstock condominiums and housing located on LACC. Obviously, the Wilshire-Comstock condominiums will be impacted at certain times of the year based on the position of the sun and the season.

LIQUEFACTION

The soil must be tested and analyzed for the suitability of construction. LIQUEFACTION creates a situation where the soil is unstable. Discuss LIQUEFACTION and possible instability of soil that could pose a threat to neighbors and Wilshire Boulevard, particularly in the event of an earthquake. The excavation into soil which is unstable will clearly threaten the immediate neighbors and Wilshire Boulevard, particularly in the event of an earthquake. Geological survey maps must be studied. Is any portion of this proposed site on alluvial deposits? Part of the Pumpkin Patch land appears to be on alluvial deposits.

EARTHQUAKE SAFETY

Earthquake safety and hazards are a large concern to the community. The safety of the building in view of the 1994 earthquake and recent technological advances must be evaluated in terms of determining the suitability of the soil and the proximity to Wilshire Boulevard on building such a large-scale project.

THE STONE HOLLYWOOD TRUNK LINE

The Stone Hollywood Trunk Line is approximately a 60 inch in diameter pipeline that is adjacent to the east side of the property. The line has not been completed in other areas further away, and the pipe is currently empty. The effect of excavation and pumping must be analyzed, particularly with the trunk line filled with water. Engineers must be hired to examine the hydrostatic pressures of the site to determine the impact on the line both empty and filled. Any instability of the soil could cause the trunk line to collapse, break or cause flooding. This trunk line was installed in the Los Angeles Country Club in the late-1990's. It is part of a greater reservoir system. The proximity to the property is self-evident: The control and shut-off valves are within 10 feet of the property line. (These are all visible from the Club's maintenance yard.)

Discuss this with the Department of Water & Power and determine the impact on the line. Contact Milad Taghavi at 213-367-4211 or Ritchie Yee at 213-367-4177. The Department of Water & Power has requested to review the "proposed dewatering and shoring plans for the new development." This was told to Fifield back in June 2004, but we are unaware if this was ever followed-up. See Exhibit B.

AIR QUALITY

The air quality in this neighborhood will be seriously affected. The construction will increase the amount of dust and airborne pollutants. In addition, the exhaust fans from heaters, air conditioning units and kitchens will put an outpouring of gas into the atmosphere. In addition, the underground garage will add more pollutants. The Browning Effect also contributes to airborne pollutants. The air quality must be analyzed.

TIME DURING CONSTRUCTION

Hauling routes, excavation schedules, parking during construction, traffic, traffic routes, handling of personnel and all aspects of management during the CONSTRUCTION must be analyzed as to the effect on the neighborhood. Such a large-scale project, particularly with respect to access is problematic and must be analyzed.

GEOLOGY

The conditions of the soil, including sand, strength, friability, porosity and permeability must be analyzed. See hydrology section above.

HEAT REFLECTIVITY

The heat reflectivity causes heat pollution. An increased amount of heat puts additional stress on the neighbors and the adjoining atmosphere. What types of effects does the heat reflectivity have in terms of increasing the nearby temperatures?

ANALYSIS RE RECREATION AREAS

Are there sufficient amounts of recreation areas as is required? What effect will the lack of recreation areas and open space have on the adjoining properties?

NATURAL PLANTS, FAUNA AND FLORA

An analysis of the land of the plants and any wildlife must be determined. The west side's character, in terms of the Beverly Glen canyon and plant life, is disappearing. What effect will this project have on the nearby fauna and flora on the lot and in the adjoining areas, particularly when the aquifer is dried up and/or diverted?

COST BENEFIT ANALYSIS

The potential financial risks of this project are great. An analysis should be made of the potential damage to Wilshire Boulevard and adjoining properties, and a sufficient bond amount to

be calculated. Perhaps the bond amount should be two to three times the anticipated profits resulting from the sale of the 35 two to three-million-dollar condominiums.

PRIVACY

One of the more personal effects of this project will be the invasion of privacy that will be caused by the anticipated construction of balconies which will face the neighborhood. Neighbors have complained that their privacy will be destroyed and that these balconies will look directly into the homes of the neighbors. Even some of the Design Review Board members who did make comments (who all stated that it should be subject to a full Environmental Review and a verification of the grandfather rights) stated that the massing and scale of the project appear to be out of proportion with the neighborhood.

How will privacy be addressed?

IMPROPER ADDRESS

The address of the property is 10250 Wilshire Boulevard. A recent submission to the Design Review Board tried to illegally and surreptitiously give the building a new address, i.e. 1250 Club View Drive. There is no such valid address in any agency of the City nor the U.S. Postal Service, and the homeowners organizations and local homeowners object to any address on Club View Drive as this will only increase the traffic on Club View Drive (as people and visitors search for the building) and because the use of this address should not in any way enable residents, users or visitors of the facility to park along the neighboring streets, including Comstock and Club View Drive.

ACQUISITION OF ADDITIONAL LAND FOR ACCESS TO THE BUILDING AND A SETBACK

The developers have contended that they cannot have an exit or entrance on Wilshire Boulevard. They have been asked to, but have not reported back on a suggestion which many of the homeowners had. The building owners should dedicate a sufficient amount of property on the north side facing Wilshire so that an additional one or two lanes of Wilshire are created with a drive-up circle so that ingress and egress can be on Wilshire and not on Club View or Comstock. The dedication of this land will allow drivers to enter the project from the westerly direction of Wilshire. If there is a sufficient amount of property dedicated, they can also use this as an exit and turn right on Wilshire. In addition, part of the Los Angeles Country Club maintenance yard and particularly the northwestern section appears to be unused, and this area could be purchased from the Los Angeles County Country Club and used for additional ingress and egress and access to the property in terms of delivery trucks, trash trucks and other service personnel.

Discuss these alternatives.

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PARKING

There should be no parking for any users, visitors, residents in the neighborhood. Will there be a sufficient amount of parking to preclude overflow onto the neighboring streets?

Discuss the sufficiency of parking to preclude overflow onto the neighboring streets.

ACCESS TO THE NEIGHBORHOOD

What types of access will be allowed to the neighborhood assuming the project goes forward and there is construction? What access will be allowed into and out of the neighborhood during the construction phase, assuming the project goes forward?

DISCLAIMER AND RESERVATION OF RIGHTS ON GRANDFATHERED RIGHTS

The developer is claiming that there are certain grandfathered rights. This response to the publication does not address that issue. Such rights are not grandfathered in, and the site plan as presented is not in conformity with the original tract map which was recorded, nor the tentative tract map. There are certain structures, including the recreational structure (where the pool is located), that are not in conformity with the original site plan. In addition, the footprint appears to be approximately 10% to 15% larger than the original map. The homeowners and organizations reserve all rights on these issues.

Please discuss and present evidence.

CONCLUSION

Please have all of the questions, comments and issues which are addressed in this letter in the draft Environmental Impact Report. To the extent that certain observations may not be put in the question format, each and every issue of this letter must be addressed. Please be advised that this letter is a culmination of work product and comments from numerous individuals, committee members and concerns of the community. We look forward to your responsible administration of the Environmental Impact Report. Should you need anything further, please do not hesitate to contact us.

Very truly yours,


TUCHMAN & ASSOCIATES

AVIV L. TUCHMAN

ALT:rehm
Enclosures

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Nicholas Hendricks
Environmental Review Coordinator
October 7, 2004
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cc:

City of Los Angeles
City Hall
200 North Spring Street, Room 440
Los Angeles, CA 90012

Attn: Jack Weiss
Councilmember, 5th District

April 7, 2004

Mr. Aviv Tuchman
Tuchman and Associates
1000 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90017

Dear Mr. Tuchman,

This is an amended report replacing my report of March 16. In light of the additional documents you have discovered, I have extended my engineering review and evaluation to encompass, not only the two previous packages of documents presented by Mr. Armbruster and the Fifield Corporation, but also the most recent package you gave me. Taking your package of multiple letters as a new document, there now are a total of 8 engineering documents related to soils, water, environment and traffic.

In summary, the first seven documents provided by Mr. Armbruster evaluate the vacant lot at 10250 Wilshire Boulevard from the perspective of the builder or developer. Generally they suggest that a building may safely be constructed on this site if certain precautions are taken with respect to the ground water and soil conditions. They conclude that the incremental traffic loads introduced by the new building fall below the criteria for mitigations to be required by the LA DOT. Unfortunately, these documents do not address the issue of the impact of this building construction on the environment of the surrounding neighborhood, as would be done in an Environmental Impact Report (EIR). However, the latest document raises significant concern both about the construction internal to the site and about the surrounding properties.

The concern about surrounding properties is based on the statement made in a letter dated June 15, 1977 from the R. T. Frankian Company, Soil Engineers, to Parkview Wilshire, Ltd. as follows: "... It is felt that if an attempt is made to dewater the entire profile to the lower basement elevation, there would be an attendant subsidence of adjacent properties (i.e. Wilshire Boulevard)" (Bold added.)

Further, in distinct contradiction to the oral statements made by Mr. Pepper and Mr. Armbruster that the water table in the site is constant at 20 to 23 feet and is independent of rainfall, the letters state that the water table rose from 20 to 23 feet below grade in the Spring of 1977 to 13 feet below grade in the Spring of 1979. This led to the statement in a letter dated April 23, 1979 as follows: "Our concern is, if the general rise in the apparent water table above the clay layer is accompanied by an equal rise in the level of the lower water table, there exists the possibility that removal of overburden (in excavating for the garage) would cause a blowout of the clay layer." (Bold added.)

Where my previous report of March 16 could only state that the studies provided do not address the safety of the surrounding properties, I now call to your attention that the newly acquired engineering document raised the issue of subsidence of adjacent properties, called specific attention to Wilshire Boulevard, and cautioned that excavating for the garage could cause a blowout. In light of this new information, your case for requiring a full Environmental Impact Report is greatly strengthened as a necessary safety measure for the surrounding community.

A review of each individual engineering document is contained in an Appendix.

Findings

1. To evaluate the potential that changes in the underground aquifer flows will affect neighboring homes and high rise buildings would require a three dimensional geologic/hydrologic analysis to estimate the flow rates and pressures at various depths and locations extending beyond the lot boundaries. Once the current conditions are estimated, a predictive estimate could be made of the effect of dewatering on neighboring structures. An estimate could also be made of the likelihood that the construction could be done in a manner that would restore the natural aquifer to conditions close to pre-construction conditions. Based on the geologic/hydrologic findings, an estimate could also be made as to the danger of liquefaction under earthquake conditions. None of these has been done.
2. Based on oral statements by Fifield, there may be significant changes in the building plans. The current building plans should be compared to previous building plans. If the building plans have been altered significantly the original plans of the tract map approved, this could affect both the grandfathering and the validity of the claim that the 1979 Conditional Negative Declaration of environmental impact is still sufficient.
3. The Mactech report alludes to previous studies by Leroy Crandall in 1965 and 1972. The J. Byer firm also did geotechnical studies in the 1960-1970 era. (See Note 1) You have discovered one engineering document with significant adverse information (Report 8) that was not disclosed by Fifield and Armbruster, despite their claim that all information had been delivered. This raises the serious question as to how many other negative reports have not been made available. All of these geotechnical studies should be made available by the developer for review.
4. The existence of the Santa Monica fault line, near Sunset Boulevard, may not have been known when the CND was issued. If so, this is another element of "new knowledge" which should require a full EIR.

Conclusions

The engineering and geotechnical reports made available by Mr. Armbruster generally support their claim that a building can be built on this site if sufficient engineering precautions are taken during the construction. However, the report you discovered, not made available by them, challenges even that.

I do not believe that all of these engineering and geotechnical reports are in any way equivalent, as claimed, to the studies and reports which would be necessary for the full EIR process required to validate the safety of, and impact on, the surrounding neighborhood, including the high rise buildings and homes near the proposed development. Neither is there any suggestion in these reports of what mitigations might be required to provide an adequate level of safety to, and reduced impact on, the surrounding neighborhoods.

The revelations in the correspondence of Report 8 raise the stakes immensely. The June 20, 1978 letter calls attention to the rising water level. The October 19, 1978 letter describes a pre-loading system as a way to try to overcome this problem and to build anyway. This is a balancing act of downward building load versus upward hydrostatic pressure. This sort of design was attempted in Mexico City with very poor results when the underlying water level changed.

Note 1. Ms. J. C. Chauvin, Principal, J. Byer Group Inc., has informed Mike Metcalfe that the J. Byer consulting firm conducted a series of three geotechnical investigations of this site, including one on assignment from the J. H. Snyder company.

According to the April 23, 1979 letter, the water level rose ten feet in two years and the engineer fears that the clay layer has broken through and might be subject to a blowout during excavation. If the lower water layer under pressure has already broken through the clay seal over it by way of sealed bore holes, the entire garage structure may be subjected to massive uplift forces. Once broken through, the clay layer laid down over thousands of years may never be able to be sealed again.

These concerns by the soils engineer also expose the danger that the "diversion" system described orally by Mr. Pepper in December may have a fatal flaw. Under the diversion system the water flow is to be restored to its natural condition of flow under the building after construction is completed. However, if the soil engineers could not restore the seal of the clay layer after a few bore holes, and they worry that the garage excavation may cause a blowout due to the over pressure, restoration of the seal after the entire garage structure is excavated may not be possible. If the diversion and restoration system is flawed in this way, and the alternate dewatering system is flawed because of the "... attendant subsidence of adjacent properties (i.e. Wilshire Boulevard) ...", as stated in the June 25, 1977 letter, both building construction safety and control of the water table after construction is completed may be compromised. This may be why previous development was stopped.

As bad as the situation may be for the developer, it may be worse for the adjacent properties. If the attempt to re-seal the clay layer at 32 feet under the entire garage area fails, massive amounts of water may flow upward out of the hole in the clay dam. Removal of this water from the underground aquifer, either by permanent dewatering, or by inability to re-seal the clay layer after a blowout, may result in subsidence for the homes downstream of the site, peril to life and property, and destruction of flora.

Your claim that a full EIR is required was not challenged by those earlier reports made available for review by Mr. Armbruster. The revelations in the new document would seem to make a full EIR mandatory.

Charles R. Edelson, P.E.



APPENDIX
Review of Individual Engineering Reports
(Concerns and Interpretations Italicized)

1. July 28, 1988 R. T. Franklen and Associates - Report of Foundation Investigation

This is a careful and well done analysis of the composition and strength of the soil to a depth of about 40 to 60 feet below the surface. Test borings were done, soil samples were removed and were tested to determine the strength of the soils relative to the proposed construction. Engineering comments were made on the suitability of the shoring methods recommended by another company. No serious problems were noted as far as the construction of the building.

However, there are some anomalies compared to the current plans. On page 2 the report states, "This office conducted an investigation of this site in 1977 and 1978 for a building which was to have been similar in concept to the proposed development. The lowest basement was to have extended some 30 feet below the ground surface."

Also on page 2 the report states, "It is proposed to construct a 22 story structural steel building which will be underlain by a three level deep subterranean garage. The subterranean garage is also to be framed using structural steel. The lowest parking slab will be depressed some 36 to 41 feet below the present ground surface elevations."

This raises a concern. In an oral communication in December, Mr. Pepper and Mr. Armbruster stated that the new Fifield building will require excavation to about 70 feet.

If the "lowest parking slab" in 1988 was to have been 36 to 41 feet deep, and the 1978 building was to have "extended some 30 feet below the ground surface", the present plan for excavation to 70 feet may represent a substantial deviation from that approved in the grandfathered Tract map of 1979.

Boring Log Notes

- Boring 1. Maximum depth 30 feet. "boring caving below 25 feet ----- abandon at 30 feet."
- Boring 2. "End of boring at 40 feet. Water at 32 feet at end of hole"
- Boring 3. "abandon hole at 33 feet Water at 28 feet"
- Boring 4. "End of boring at 65 feet. Water in hole at 24 ½ feet"
- Boring 5. "Abandon hole at 8 feet"
- Boring 5A. "End of boring at 55 feet"
- Boring 6. "End of boring at 20 feet After 12 minutes - water at 17 ½ feet"
- Boring 7. "End of boring at 20 feet Water at 18 feet after 10 minutes"
- Boring P-1. "End of boring at 65 feet"
- Boring P-2. "End of boring 60 feet"
- Boring P-3. "End of boring 60 feet"

Note: P series of borings make no mention of water at any levels.

2. September 1, 1988 R. T. Franklen and Associates - Additional Seismic Response Data

This report provides additional data on peak ground accelerations to be anticipated during the life of the building.

3. September 22, 1988 - Hydroquip Pump and Dewatering - Dewatering Tests

Two dewatering test wells were drilled and dewatering potential was tested. TW-1 was drilled to 61 feet and TW-2 was drilled to 45 feet. They anticipate dewatering will produce a flow of 100 to 150 gpm.

Again, no tests were conducted to the 70 foot depth Fifield now plans, there was no attempt to investigate beyond the two spot wells drilled, and there is no mention of the effect of dewatering on neighborhood properties.

4. July 20, 1990 - SCS Engineers - Water Quality Report

"... no technical reason why this water could not be discharged to the storm drain."

5. 16 April, 1991 - Tetra Tech - Environmental Audit

Survey of Public Records indicating that there are no known carcinogens on the site or close enough to cause a problem.

6. August 26, 2003 - Mactech Engineering - Geotechnical Investigation

References previous Mactech/Leroy Crandall Reports of August 26, 1965 and November 7, 1972. Page 11 states, "Excavation up to about 35 to 40 feet will be required for the lower subterranean parking level of the proposed development."

This is inconsistent with the Fifield oral statement that excavation will go to 70 feet.

1965 Boring

Boring 1. Depth to 101 feet. "Water encountered at a depth of 40 feet below ground surface. Heavy caving occurred between 43 to 48 feet (to 4 feet in diameter) during drilling with bucket equipment. Drilling mud used in drilling process with rotary wash equipment."

Note: Drilling mud used in drilling process. Mud removed after drilling completed; water level measured at a depth of 26' 2 days after removing mud."

1972 Borings

Boring 1. Depth to 100 feet. "Note: Drilling mud used in drilling process. Mud removed after drilling completed; water level measured at a depth of 26' 2 days after removing mud."

Boring 2. Depth to 98 feet. "Note: Drilling mud used in drilling process. Mud removed after drilling completed; water level measured at a depth of 23' 2 days after removing mud."

2003 Borings.

Boring 3. "End of boring at 75 feet. Note: Drilling mud used in drilling process. Mud removed after completion of drilling. Boring was converted to a ground water monitoring well."

Boring 4. "End of boring at 76 feet. Note: Drilling mud used in drilling process. Mud removed after completion of drilling. Water level measured at a depth of 18' 20 minutes after removal of mud."

The use of drilling mud suggests that there was too much water for uncontaminated soil sampling to be obtained without the use of sealing mud to seal off the water. There is no indication of water flow rates.

7. September 17, 2003 - Linscott, Law and Greenspan, Engineers - Traffic Impacts

Based on trip rates provided in the WLA TIMP, the project is estimated to generate 19 vehicle trips during the weekday PM peak hour. A traffic assessment is not required by the TIMP for trip rates below 42 per peak hour.

This report concludes that no further traffic assessment is required. No local detailed study done.

8. Document File of R. T. Frankian & Associates, by Kenneth S. Pitcher, Civil Engineer

Date: June 15, 1977

"We have examined the various dewatering concepts which are available and have concluded that dewatering should be attempted only for construction periods and should be limited to providing a means to work below the friatic surface. It is felt that if an attempt is made to dewater the entire profile to the lower basement elevation, there would be an attendant subsidence of adjacent properties (i.e. Wilshire Boulevard) as the effective intergranular stress is increased in the silty soils below some 25 feet. Thus we have concluded that the dewatering should consist of simply diverting the perched water which will tend to enter the excavation within the finite zone some 25 to 30 feet below the present ground surface. This may be accomplished with a chemical grouting of the water bearing zone or installation of some form of sheet piling within this limited zone." (Bold added.) (See Note 2)

Clearly in this early assessment of the construction design, the Civil Engineer hired by the developer immediately cautions that there are dangers to adjacent properties, especially Wilshire Boulevard. This statement warns that permanent dewatering, the most likely method to control uplift as will be seen in later letters, will expose the surrounding area to the danger of subsidence.

Date: June 20, 1978

"Excavations made during the spring of 1977 disclosed a water surface some 23 to 27 feet below grade and recent borings made shortly following the record rainfall, disclosed a water surface some 16 feet below grade."

This and later statements refute the oral claim made by Mr. Armbruster and Mr. Pepper that the water level does not change in response to rainfall but remains constant at about 20 feet.

Date: October 19, 1978

"The intent of this pre-loading system is to produce a downward thrust on the major column pad footings early in construction and to systematically reduce this thrust as the building load is applied."

"Generally it is expected that anchor capacities will be on the order of 200 kips each. Thus assuming that the design dead load on one of the major footings is about 4000 kips, something like 20 anchors would be required for that footing."

Note 2. "Friatic surface" is assumed to mean that the surface is friable and "perched water" is assumed to refer to the layer of water perched above the clay layer which separates it from the deeper water layer.