

APPENDIX A

Comment Letters

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

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

January 19, 2005

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

RECEIVED
CITY OF LOS ANGELES

JAN 20 2005

**ENVIRONMENTAL
UNIT**

Attn: Mark Ambruster

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

Dear Mr. Ambruster:

In follow-up to our telephone conversation of January 14, 2004, you confirmed that Fifield will not be constructing a third driveway nor constructing a pool structure. The draft Environmental Impact Report at certain points references a third driveway and in certain areas does not reference a third driveway, both in the text and in the drawings. Similarly, the pool structure seems to be in some places and be out in other places. You confirmed that there will be no separate pool structure and that the pool will be "on grade." In the alternative, if your client does intend to go forward with a third driveway and pool structure, please provide us with a copy of the application for tract map amendment¹, which you will need to file to make these modifications, as they are clearly represents substantial changes. 1-1

You committed to sending us a letter confirming the conversation regarding your clients' intentions to not proceed with a third driveway and the pool structure. We look forward to seeing such a letter. 1-2

We also request that you clarify where the trucks will be going in and out of for the building (delivery trucks, moving trucks, etc.), where they will be loading/unloading and how they will be loading/unloading. 1-3

Very truly yours.

TUCHMAN & ASSOCIATES

AVIV L. TUCHMAN

ALT:rehm

¹We still have not received the original application for tract map, which we requested from you some time ago.

Mark Armbruster & Associates
January 19, 2005
Page 2

cc:

Nicholas Hendricks
Environmental Review Coordinator
Environmental Review Section
200 North Spring Street, Room 763
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

City of Los Angeles
City Hall
200 North Spring Street, Room 440
Los Angeles, CA 90012
Attn: Jack Weiss
Councilmember, 5th District

Steven Kaufman
Steven Kaufman & Associates
654 North Sepulveda Boulevard
Los Angeles, CA 90049

Charles R. Edelsohn, P.E., Consulting Engineer
10334 Wilkins Avenue
Los Angeles, CA 90024

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW
1000 WILSHIRE BOULEVARD, SUITE 1600
LOS ANGELES, CA 90017
PHONE: 213-892-8300 • FAX: 213-892-8100

Comment Letter No. 2

January 19, 2005

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

Attn: Mark Armbruster

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

Dear Mr. Armbruster:

In the draft EIR there is a reference to 1964 Borings performed by Crandal & Associates (Job Number A65-278.) Would you please forward a copy of this report to us? 2-1

The neighbors are aware that there was dewatering going on at the premises by MacTec in June and July 2004. We noted that there were no test results included in the EIR. Would you please provide us with those test results as well? 2-2

Very truly yours,

TUCHMAN & ASSOCIATES


AVIV L. TUCHMAN

ALT:rehm
cc:
City of Los Angeles
City Hall
200 North Spring Street, Room 440
Los Angeles, CA 90012
Attn: Jack Weiss
Councilmember, 5th District

Mark Joseph
Christopher A. Joseph & Associates
11849 West Olympic Boulevard, Suite 101
Los Angeles, CA 90064

RECEIVED
CITY OF LOS ANGELES

JAN 24 2005

ENVIRONMENTAL
UNIT

January 19, 2005

Mr. Nicholas Hendricks, Environmental Review Coordinator

Environmental Review Section

Department of City Planning

200 N. Spring Street, Room 750

Los Angeles, CA 90012

Dear Mr. Hendricks:

I have read Mr. Jimmy Liao's letter of January 13, 2005 which seems to indicate that the proposed 21 story building for 10250 Wilshire Boulevard (CND-213-77-SUB) will be built, in spite of neighborhood protest. I would like to encourage serious consideration of our request to have the entrance and egress for this condominium project located on Wilshire Boulevard rather than on Club View Drive. Club View Drive is a narrow street and often highly impacted by late afternoon traffic. The entrance is proposed to be on a curve in the road which already is a dangerous situation. The building could be set back further from Wilshire Blvd. making entrance and egress on Wilshire a much safer situation.

3-1

3-2

Please be kind enough to make sure that those persons who should consider this matter see my letter.

Most sincerely,



Mrs. Donald L. Keene

1530 Club View Drive

Los Angeles, CA 90024

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: Nerses.Yerjanian@dot.ca.gov



RECEIVED
 CITY OF LOS ANGELES
 JAN 24 2005
 ENVIRONMENTAL
 UNIT

*Flex your power!
 Be energy efficient!*

Mr. Nicholas Hendricks
 Department of City Planning
 City of Los Angeles
 200 N. Spring St., Room 763
 Los Angeles, CA. 90012

IGR/CEQA # 050122NY
 DEIR / 10250 Wilshire Comstock Project
 21-Story High-rise, 35 Units Condominium
 LA / 405 / 31.54

January 20, 2005

Dear Mr. Hendricks:


Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed development of 35 Units Condominium, 10250 Wilshire Comstock Project in the City of Los Angeles.

Based on the traffic study included in the DEIR, this project will not have any traffic impact to the State facilities and therefore our comments will be only as follows:

We would like to remind the developers that any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods.

4-1

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 # 050122NY.

Sincerely,

 Cheryl J. Powell
 IGR/CEQA Branch Chief
 Transportation Planning Office
 Caltrans, District 7

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

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

January 25, 2005

RECEIVED
CITY OF LOS ANGELES

JAN 27 2005

ENVIRONMENTAL
UNIT

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

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:

Enclosed please find Mr. Armbruster's letters dated January 19, 2005. This will confirm that there will not be a third driveway and no swimming pool structure at 10250 Wilshire. 5-1

Also enclosed please find my two letters dated January 19, 2005 which Mr. Armbruster stated that I should direct to your attention. Please respond to the letters as soon as possible. 5-2

Very truly yours,

TUCHMAN & ASSOCIATES



AVIV L. TUCHMAN

ALT:rehm

cc:

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
January 25, 2005
Page 2

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

Attn: Jack Weiss
Councilmember, 5th District

ARMBRUSTER & GOLDSMITH LLP
LAND USE ENTITLEMENTS • MUNICIPAL ADVOCACY

10940 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CALIFORNIA 90024

Mark S. Armbruster
A Professional Corporation

Tel: (310) 209-8800
Fax: (310) 209-8801
Email: mark@ag-landuse.com

January 19, 2005

Mr. Aviv Tuchman
Tuchman & Associates
1000 Wilshire Blvd., Suite 1600
Los Angeles, CA 90017


Re: Your letter dated January 19, 2005

Dear Mr. Tuchman:

Pursuant to our telephone conversation and in response to your January 19, 2005 letter, this will confirm that my client is not proposing a third driveway or a swimming pool that would be in an above-grade structure.

5-3

Sincerely,



Mark Armbruster
ARMBRUSTER & GOLDSMITH

cc: David Robbins

ARMBRUSTER & GOLDSMITH LLP
LAND USE ENTITLEMENTS • MUNICIPAL ADVOCACY

Mark Armbruster
A Professional Corporation

10940 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CALIFORNIA 90024

Tel: (310) 209-8800
Fax: (310) 209-8801
Email: mark@ag-landuse.com

January 19, 2005

Mr. Aviv Tuchman
Tuchman & Associates
1000 Wilshire Blvd., Suite 1600
Los Angeles, CA 90017

Re: Your letter dated January 19, 2005


Dear Mr. Tuchman:

I am in receipt of your letter dated January 19, 2005 regarding the draft EIR which as you know is currently being circulated for public comment. In your letter, you have requested additional information regarding the draft EIR and various tests.

Please note that since the document is currently being circulated for public comment, the appropriate party to direct your comments is the City of Los Angeles.

Thank you.

Sincerely,


Mark Armbruster
ARMBRUSTER & GOLDSMITH

cc: David Robbins
Christopher Joseph

To: **Nicholas Hendricks, Environmental Review Coordinator**
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
JAN 11 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

1.) Water / storm drainage overflow behind my residence. 6-1

2.) Noise levels during construction 6-2

3.) Increased traffic on our already overburdened street. The intersection of Club View, Comstock and Wilshire Blyds during rush hour has cars lined up for 1/2 mile. 6-3

Very truly yours,

Name/Print Bonnie Grifka Date: 1/6/05

Name/Signature Bonnie Grifka

Address 1320 Club View Dr

City/State/Zip Los Angeles CA 90024

Telephone Number _____

Email bgbg2500@yahoo.com

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

FEB 14 2005

ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.
EAF NO.; ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building,
Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

My concern is further traffic
congestion with the high rise, and
the impact on the environment.
Our area is already
surrounded with ugly high rises
which not only take away from
the beauty of our neighborhood
but also affect the under
ground water, and the light !!

7-1

Very truly yours,

Name/Print MARY LOU RAWE Date: 1-27-05

Name/Signature Mary Lou Rawe

Address 10332 EASTBORNE AVE

City/State/Zip LOS ANGELES, CA 90024

Telephone Number 310 277-0241

LOS ANGELES POLICE DEPARTMENT

WILLIAM J. BRATTON
Chief of Police



P.O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 485-4101
TDD: (877) 275-5273
Ref #: 1.1.2

JAMES K. HAHN
Mayor

January 28, 2005

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

Dear Mr. Hendricks:

PROJECT TITLE: Wilshire Comstock

The proposed project involves the Los Angeles Police Department's (LAPD) West Los Angeles Area. Enclosed are Area and individual Reporting District population, average crime rate per thousand persons, predominant crimes, response time to emergency calls for service, and Area personnel statistics and information. The Department's response is based on information received from the Area in which the project is located, LAPD's Information Technology Division, and input from Community Relations Section, Crime Prevention Unit (CPU) personnel.

A project of this size would have a significant impact on police services in the West Los Angeles Area. Crime Prevention Unit is available to advise you regarding crime prevention features appropriate to the design of the property involved in the project. The LAPD strongly recommends developers contact CPU personnel to discuss these features.

8-1


Upon completion of the involved project, you are encouraged to provide West Los Angeles Area commanding officer with a diagram of each portion of the property. The diagram should include access routes and any additional information that might facilitate police response.

8-2

Questions regarding this response should be referred to Sergeant Ralph Morales, Community Relations Section, at (213) 485-4101.

Very truly yours,

WILLIAM J. BRATTON
Chief of Police


FRED BOOKER, Lieutenant
Officer in Charge
Community Relations Section
Office of the Chief of Police

Enclosures

WEST LOS ANGELES AREA

The Wilshire Comstock project is located in West Los Angeles Area in Reporting District (RD) 819. The West Los Angeles Area covers 65.14 square miles and the station is located at 1663 Butler Avenue, West Los Angeles, California 90025, (310) 575-8404.

The service boundaries of West Los Angeles Area are as follows: Mulholland Drive and Owen Brown Road to the north, Pacific Coast Highway, Los Angeles City boundary, and Santa Monica Freeway (10) to the south, the Los Angeles City boundary to the west, and the Los Angeles City boundary to the east.

The boundaries for RD 819 are as follows: Sunset Boulevard to the north, Warner Avenue to the west, Wilshire Boulevard to the south, and Los Angeles City boundary and La Cienega Boulevard to the east.

The average response time to emergency calls for service in West Los Angeles Area during 2003 was 13.3 minutes. The Citywide average during 2003 was 10.3 minutes. There are approximately 248 sworn officers and 17 civilian support staff deployed over three watches at West Los Angeles Area.

There were 34 crimes per 1000 persons in West Los Angeles in 2003. Individual RD crime statistics, population, and crimes per 1000 persons are listed on the attached RD information sheets. The predominant crimes in West Los Angeles Area are burglary from vehicle, other theft and vehicle theft.

Prepared by:
Community Relations Section
Crime Prevention Unit

**LOS ANGELES POLICE DEPARTMENT
CRIMES BY REPORTING DISTRICT OF OCCURRENCE**

PROJECT NAME: WILSHIRE COMSTOCK

TYPE OF CRIME	RD * 819	WEST LOS ANGELES AREA	CITYWIDE
Burglary from Business	0	276	5,321
Burglary from Residence	9	1,081	15,417
Burglary Other	1	185	4,317
Street Robbery	1	259	11,081
Other Robbery	0	200	5,543
Murder	0	2	498
Rape	1	49	1,345
Aggravated Assault	2	596	30,660
Burglary from Vehicle	0	1,461	28,245
Theft from Vehicle	4	510	13,384
Grand Theft	10	1,048	12,118
Theft from Person	0	40	944
Purse Snatch	0	6	358
Other Theft	7	972	22,114
Bicycle Theft	0	3	24
Vehicle Theft	6	949	33,777
Bunco	0	6	103
TOTAL	41	7,643	185,249

CRIMES PER 1000 PERSONS

REPORTING DISTRICT	CRIMES	/	POPULATION X 1000	CRIMES PER 1000 PERSONS
WEST LOS ANGELES	7,643	/	226,002	34/1000
CITYWIDE	185,249	/	3,830,560	49/1000

* All statistical information is based on 2003 Los Angeles Police Department Selected Crimes and Attempts by Reporting District from the Police Arrest and Crime Management Information System 2 report.

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
FEB 15 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.
EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd
Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

- 1) Many homes in the surrounding area (including mine) are built on clay like earth, therefore problems with the underground water table could result in significant drainage to our homes 9-1
- 2) The increased traffic created during and after construction will add to the already heavily congested Club View Dr, Comstock and their intersection at Wilshire Blvd. 9-2
- 3) Proper drainage and health hazards must be addressed 9-3
- 4) Privacy issues to the neighbors as a matter of quality of life must be a consideration. 9-4

Very truly yours,

Name/Print Dr. ALLEN L. DRAPKIN Date: 1/29/05

Name/Signature Allen L. Drapkin

Address 1617 WARNALL AVE

City/State/Zip LOS ANGELES, CALIF. 90024

Telephone Number 310-552-1490

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
FEB 03 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

On Comstock, of course, we have the problems of getting to Santa Monica Blvd to the south ~~IF~~ ~~THE~~ PROJECT (HIGH RISE AT WILSHIRE & COMSTOCK) will make it ~~very~~ difficult to turn off Wilshire (either from west or east). THE CORNER IS EXTREMELY NARROW AND EVEN A DOUBLE CAR WIDTH AT THE LIGHT IN WILSHIRE & COMSTOCK IS NOT ENOUGH.

10-1

Also, the proposed HEIGHT IS AESTHETICALLY MOST DISTASTEFUL BLOCKING VIEWS IN ALL DIRECTIONS STRONGLY AGAINST ENTIRE PROJECT + THE REVOCATION OF THE SO-CALLED GRANDFATHER CLAUSE.

10-2

Very truly yours,

Name/Print LOUISE F STROUSE Date: Feb 1, 2005

Name/Signature *Louise F. Strouse*

Address 1501 Comstock Ave

City/State/Zip Los Angeles, Ca

Telephone Number 310 277 2024

RECEIVED
CITY OF LOS ANGELES

FEB 03 2005

ENVIRONMENTAL
UNIT

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

- Construction equipment in & out of the area neighborhoods & blocking traffic.

11-1

- Construction noise & noise from the equipment being brought through the area neighborhoods.

11-2

- Storm drainage overflow.

11-3

- Too much additional traffic and congestion.

11-4

Very truly yours,

Name/Print Paul Marlowe

Date: 2-1-05

Name/Signature *Paul Marlowe*

Address 1417 Warnall Ave.

City/State/Zip LA, CA 90024

Telephone Number

RECEIVED
CITY OF LOS ANGELES
FEB 03 2005
ENVIRONMENTAL
UNIT

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

- ① impact of water table on surrounding area 12-1
- ② excess density (height & floor plates) on a small site 12-2
- ③ impact of construction interference on streets on a corner street (Club View Drive) particularly at heavy traffic times 12-3
- ④ length of day time construction noise excluding weekends 12-4
- ⑤ engines & exhaust from project on Wilshire, Comstock & Club View Drive 12-5
- ⑥ impact of high rise lighting effect on surrounding neighbors I have not seen any studies addressing these issues 12-6

Very truly yours,

Name/Print RICHARD C SCHWABE Date: 2/1/05

Name/Signature Richard Schwabe

Address 1408 Club View Drive

City/State/Zip Los Angeles, CA 90024

Telephone Number (310) 276-3941

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
FEB 28 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.

EA# NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

(1) What are the dangers/concerns being addressed of neighborhood children and others walking to and from Holmby Park? Earthquake safety measures?

13-1

(2) Noise Pollution: How much and how far will it reach? What measures are being taken to reduce noise pollution in a residential neighborhood?

13-2

(3) Given geological and water table concerns, what assurances are there that the proposed structure will be safe?

13-3

(4) We have come to rely upon our visits to the Pumpkin Patch and Christmas tree lot as a family tradition. That will be lost.

13-4

(5) In what ways will the proposed construction compromise city water service, safety, and sanitation?

13-5

Very truly yours,

Name/Print Bridget Fripp Laurin Date: 2-2-05

Name/Signature Bridget Fripp Laurin

Address 1540 Calmar Court

City/State/Zip L.A., CA 90024

Telephone Number 310 282-8290

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
FEB 14 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

① Traffic Flow - Since Santa Monica Blvd is blocked for 2 more yrs if we do construction at Comstock & Wilshire This DRAMATICALLY affects our ability to exit/enter our neighborhood. How do they propose to address this? And what about traffic flow patterns in the aftermath.

14-1

Very truly yours,

Name/Print BRUCE LANDRES, MD Date: 2/2/05
Name/Signature B Landres MD
Address 1538 COMSTOCK AVE
City/State/Zip LA, CA 90027
Telephone Number 310-552-2894

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES

FEB 03 2005

ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

I live at 10344 Eastborne Av. As you know we have a very high water table here. In the last rain my basement had 3 feet of water in it. It was just coming out of the cement floor and walls - My heater & water heater were under water and the pump was working, but I had to get a larger one. It is always damp when there is no rain! If you change the direction of the water under the 10250 building the people south of it will be in even worse shape. The Traffic down Club View & Comstock is now at Top Limit and I can't see how much worse it could possibly be.

15-1

15-2

Very truly yours,

Name/Print Marlene Morris Date: Feb 2-05

Name/Signature Marlene Morris

Address 10344 Eastborne Av.

City/State/Zip L.A. 90024

Telephone Number 310-286-7966

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
FEB 14 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.
EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

- 1. Traffic flow on Comstock Ave. It's too much as it is. 16-1
- 2. Parking on Comstock Ave. 16-2

Very truly yours,

Name/Print Dolara Usher Date: 2-9-05

Name/Signature [Signature]

Address 660 S. Comstock Ave

City/State/Zip LA CA 90024

Telephone Number 310 551-6530

February 10, 2005

RECEIVED
CITY OF LOS ANGELES
FEB 14 2005
ENVIRONMENTAL
UNIT

To: Nicholas Hendricks, Environmental Review Coordinator
Environmental Review Section, Dept. of City Planning
200 N. Spring St., Rm. #750 Los Angeles, CA 90012

RE: Notice of Completion/Availability Environmental Impact Report. EAF NO.:
ENV-2003-5313-EIR State Clearinghouse No.: 2004091031

Project Name: Wilshire Comstock Project

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood Council District #5.

Due Date for Public Comments: April 19, 2005

We live near the above project and will be affected by the project. After viewing the DEIR we find that we have the following questions that must be addressed in the EIR:

1. **PARKING Per DEIR:** The majority of parking spaces are *compact spaces*. Residents of multi-million dollar units will primarily drive large, full size cars (suv's, humvees, etc). Lack of appropriate parking spaces means residents, employees, and visitors will park on neighboring streets. Please explain how more full size spaces can be incorporated, even if the LA City Building Code does not require it. 17-1
2. **TRAFFIC WITHIN NEIGHBORHOOD:** There is already substantial traffic cutting through our CWW area (even prior to SMB reconstruction). Traffic calming measures are necessary if this project goes forward. Suggestions are all way stops at all intersections within CWW, a traffic circle at Wilkins/Warnall/Comstock and possibly more speed humps. As a community we have tried very hard not to divide ourselves and create strife by allowing one street to bear the brunt of the traffic in order to protect another. This spirit of cooperation and unity is integral to the preservation of our community. Please explain what the developer plans to do to help in this regard. 17-2
3. **EMERGENCY HELISTOP:** Please define "emergency" and how and when this helistop can be used. 17-3
4. **CONSTRUCTION AND TRAFFIC:** Explain the construction schedule to residents (perhaps a web site such as the city has for SMB) with updates as needed. Where will dirt haulers line up? What route will they take? Where will construction workers/contractors park? Dust? Noise? Please explain in detail how all construction issues will be dealt with. 17-4
5. **HOW WILL THE AQUIFER BE PROTECTED DURING AND AFTER CONSTRUCTION?** The water table under our home is erratic and has moistened our basement walls in the summer months during a drought period. Unknown consequences need to be provided for in the event of unexpected catastrophes. Fifield should be required to post a bond to cover damages. 17-5

February 10, 2005
Page 2 of 2

To: Nicholas Hendricks, Environmental Review Coordinator
Environmental Review Section, Dept. of City Planning
200 N. Spring St., Rm. #750 Los Angeles, CA 90012

RE: Notice of Completion/Availability Environmental Impact Report. EAF NO.:
ENV-2003-5313-EIR State Clearinghouse No.: 2004091031

Project Name: Wilshire Comstock Project
Project Location/Address: 10250 Wilshire Blvd
Planning Area: Westwood Council District #5.
Due Date for Public Comments: April 19, 2005

6. ALLOWING A 1979 STUDY TO ALLOW THIS DEVELOPMENT IS UNREASONABLE AND DELETERIOUS TO OUR CLOSE-KNIT COMMUNITY AND THE COMMUNITY AT LARGE. We have lived in our home 34 years and watched the entire surrounding area change and develop. Consideration must be given to the increased population density, increased business density, traffic patterns, air quality, noise pollution, parking, lack of park/open space, quality of life and much more. We are all aware how much Los Angeles has grown and changed within the last 26 years. The future is being determined right now, by the decisions that are made now, based on real-time information.

17-6

7. ALTERNATIVE B: We do not quibble with the right of the owner to develop the property. Alternative B would be a sane solution and a win-win for all concerned. We could expect a high quality building, permanency in the residents and fewer negative impacts on our community. CWW area is a great place to live and we want to keep it that way.

17-7

Very truly yours,

JEAN BUSHNELL

Jean Bushnell

Name/Print

J. Bushnell

Date: 2-10-05

Name/Signature

J. Bushnell

Address 10348 EASTBORNE AVE

City/State/ Zip LOS ANGELES, CA 90024

Telephone Number 310-277-2109

Feb 16, 05

Ref:
Wilshire Comstock Project - Draft EIR
Fifield Companies

Nicholas Hendricks, Env. Review
City of Los Angeles Planning Dept.

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FEB 23 2005
ENVIRONMENTAL
UNIT

Dear Mr. Hendricks:

As a resident of the Wilshire Corridor for over 40 years, I have watched the construction of all the high rise projects. Some had even ground water that was constantly pumped out during construction. A large project next to the Arco Theater is now under construction.

18-1

The property of the Wilshire Comstock is well located at an intersection with a traffic light and is adjacent to the open space of the Los Angeles Country Club grounds. The project appears to be favorable.

18-2

I also wish to bring to your attention that the City of Los Angeles has been and still is negligent in providing:

- Adequate street lighting for a main thoroughfare.
- Service of potholes on Wilshire Blvd.
- Appropriate traffic control - traffic lights are not synchronized or properly timed.
- As tax payers we deserve better. - Refer to Beverly Hills.

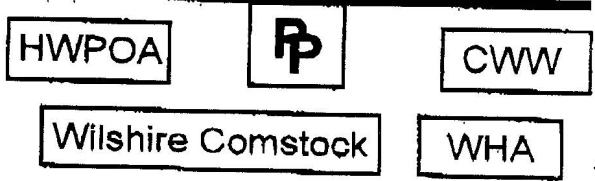
18-3

Sincerely,
Bernard Spira

cc:
The Hon Jack Weiss
Wilshire Club Penvenices

BERNARD SPIRA
10501 WILSHIRE BLVD, #808 - LOS ANGELES CA 90024

PUMPKIN PARTNERS



To: The Presidents of the Wilshire Boulevard Condo Associations and the Beverly Hills Plaza Hotel

February 16, 2005

Re: Proposed condominium to be built on the lot known as the Pumpkin Patch at the corner of Wilshire Blvd. and Comstock Ave. by Fifield Companies, a Chicago developer.

Will you join us in addressing our concerns with the City of Los Angeles?

The Wilshire Comstock Condominium, Holmby Westwood Property Owners Association, (HWPOA) [north of Wilshire] and Westwood Homeowners Association (WHA) [south of Wilshire] and Century Westwood Watch (CWW) {community immediately adjacent to Pumpkin Patch} are seeking a safe resolution of potential serious problems with the Pumpkin Patch development at the southeast corner of Comstock Ave & Wilshire Blvd. A Chicago developer plans to build a 281- foot building on the site. We requested an Environmental Impact Report, (EIR) as the property lies on top of two underground aquifers that will be penetrated by the garage. We are concerned that the proposed building can cause serious problems to Wilshire Blvd. and surrounding properties due to hydrostatic pressure and a high water table and we must learn how potential problems can be averted. Similarly, the traffic impact must be looked at from a cumulative perspective. Wilshire Blvd at times presents a traffic nightmare. Los Angeles has been given a D for quality of life. Traffic problems such as this contribute to the D score. What will happen to this important boulevard if:

19-1

- ✓ • **The 281 ft. luxury condo is built at the Pumpkin Patch**
- ✓ • **The Californian is finished**

19-2

- ✓ • **The Robinson-May property is converted into a development of condominiums with a new Robinson-May store plus other shops and restaurants**
- ✓ • **If the talked about Mosque and the plans for the new Federal Bldg. come to fruition**
- ✓ • **The new buildings under construction in Century City are completed**

We are currently in the Draft Environmental Review (DEIR) stage with the end of the comment period extended to **March 14, 2005**

19-3

Our analysis of the DEIR leaves many questions unanswered. Major questions are as follows:

- ✓ • **What is the plan to protect Wilshire Blvd. from collapse or subsidence during and following construction?**
- ✓ • **What is the detailed plan to dewater the site?**

19-4

19-5

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UNIT

- ✓ • What is the detailed plan to handle the underground water following construction? 19-6
- ✓ • What is the plan to avoid further West Nile Virus infestation of our neighborhood caused by standing water in the storm drain that flows into uncovered catch basins on the Los Angeles Country Club south golf course and swale? 19-7
- ✓ • Legal issues deal with unanswered questions - Was the tract map properly recorded? Are they following the footprint of the 1979 map? Etc. 19-8
- ✓ • Will construction of this building increase the possibility of an earthquake problem on Wilshire? 19-9

Please join us in expressing the concerns of all those living within the affected area. We would like your support of our concerns. If you wish further information, a representative from our group will be happy to attend your board meeting.

We need you to write directly to Nicholas Hendricks, LA City Planning Dept. responding to the DEIR before 3-14-05 supporting our concerns and adding concerns you might have. The address for your letters is:

JO: → **Nicholas Hendricks, Environmental Review Coordinator** ←
Environmental Review Section, Dept. of City Planning
200 N. Spring St., Rm. #750, Los Angeles, CA 90012

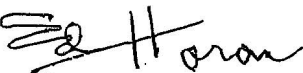
see all
checks above
& attached

- ✓ **RE:** Notice of Completion/Availability Environmental Impact Report.
- ✓ **EAF NO.:** ENV-2003-5313-EIR, **State Clearinghouse No.:** 2004091031
- ✓ **Project Name:** Wilshire Comstock Project,
- ✓ **Project Location/Address:** 10250 Wilshire Blvd,
- ✓ **Planning Area:** Westwood, Council District #5.

Please send a copy of your letter to 10316 Wilkins Avenue, Los Angeles, CA 90024.

For further information please contact:

- Mr. Gerald Phillips, President of Wilshire Comstock Condo, 310-273-4600
- Mrs. Sandy Brown, President HWPOA, 310-858-8558
- Mr. Charles Edelsohn, WHA board member, 310-277-1996, member CWW
- Mr. Aviv Tuchman, Attorney for WHA, 213-892-8300, member CWW
- Ms. Carol Spencer, member WHA, 310-785-0619, member CWW

Janis Horan 

FROM:

Janis & Ed Horan
The Westford #303 HOME OWNER
10750 Wilshire Blvd
Los Angeles CA 90024
(310) 470 1826

FEB 17 2

ENVIRONMENTAL
UNIT

Dear Mr. Hendricks

I staunchly support
the Wilshire Clubview
Residences project that meets
all the criteria of the

Westwood Community plan
and all other requirements.

I am the former CEO
and President over 25 years
of the Los Angeles Business
Council (formerly the Westwood
Village Chamber of Commerce,
former Chairperson of the Los
Angeles Housing Authority
and founder and current

Trustee Board member of
Leadership L.A. Your approval
of this project will be a
tremendous gift to the community.

Most Sincerely
Don Pye

20-1

20-2



South Coast Air Quality Management District

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

FAXED: FEBRUARY 18, 2005

February 18, 2005

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

Dear Mr. Hendricks:

**Draft Environmental Impact Report (DEIR) for
The Wilshire Comstock Project**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Impact Report.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The SCAQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

21-1

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

LACQ50114-04
Control Number

**Draft Environmental Impact Report (DEIR) for
The Wilshire Comstock Project**

1. **Cut-and-Fill Operations:** On page IV.C-12 of the DEIR, it is noted that the lead agency used URBEMIS 2002 to estimate project emissions. With the exception of changes made to the area source default assumptions (wood stove option switched off), the lead agency used the default assumptions for construction and operation. The proposed project, however, includes a three-level subterranean parking structure. It is expected that the proposed project will require substantial excavation (fugitive dust) and haul truck emission impacts. As a result, the site grading phase emissions may be substantially underestimated. Therefore, the SCAQMD recommends that the URBEMIS 2002 analysis be revised to perform, at a minimum, a phase 2 site grading -- fugitive dust "Low Level of Detail" analysis to take into consideration onsite cut-and-fill impacts associated with the proposed project. 21-2

2. **CALINE4:** The lead agency used the simplified screening method presented in the BAAQMD CEQA Guidelines, December 1999, to complete the CO hotspots analysis. SCAQMD staff recommends that the lead agency use CALINE4 to analyze CO hotspots in the Final Environmental Impact Report (FEIR). The CO hotspots analysis should be completed according to the methodology prescribed in Appendix B of the Transportation project-Level Carbon Monoxide Protocol (CO Protocol) by the Institute of Transportation Studies, UC Davis, revised December 1997 on the following website: <http://www.dot.ca.gov/hq/env/air/coprot.htm>. The lead agency is advised to use emission factors from EMFAC2002 instead of EMFAC7F (CT-EMFAC) as directed by the CO Protocol. EMFAC2002 was released as the official motor vehicle emission factor model in April 2003 and became the only EPA-approved motor vehicle emission factor model on June 30, 2003 (Federal Register, Volume 68, Number 62, April 1, 2003). EMFAC2002 can be downloaded from the California Air Resources Board (CARB) website at http://www.arb.ca.gov/msei/on-road/latest_version.htm. 21-3

3. **EMFAC2002:** The Simplified CALINE4 Carbon Monoxide Analysis Utilizing EMFAC2002 Emission factor sheets in Appendix E of the DEIR states that the emission factors used in the CO hotspots analysis were taken from the BAAQMD CEQA Guidelines. The emission factors presented in the BAAQMD CEQA Guidelines were developed using MVEI7G. The emission factors used in Appendix E of the DEIR do not match those presented in the BAAQMD CEQA Guidelines. Based on the reference to the BAAQMD CEQA Guidelines, it appears that EMFAC2002 was not used to develop the emission factors. As stated in comment #2 above, EMFAC2002 is the only EPA-approved motor vehicle emission factor model. It is recommended that the lead agency use EMFAC2002 emission factors in the CO analysis in the FEIR. 21-4

4. **Traffic Data:** The data sheets in Appendix E of the DEIR state that the future plus project traffic CO hotspots analysis was based on the year 2005. The traffic volumes appear to be taken from the 2007 future traffic volumes in the Traffic Report 21-5

in Appendix D of the DEIR. The CO hotspots analysis future build year should be consistent with the year the traffic volumes were projected. The CO hotspots analysis for the future plus project traffic should be completed for the year 2007 in the FEIR.

5. **Cruise Speeds:** The Simplified CO Hotspots Analysis was based on average cruise speeds of 10 and 20 miles per hour. The lead agency should document the source of the average cruise speeds presented in the FEIR.

21-6

6. **Receptors and Roadway Placements:** The Simplified CO Hotspots Analysis completed was evaluated for receptors 25 feet away from the roadway. The BAAQMD CEQA Guidelines include estimates for the roadway edge (see Table 12 and the example calculations). Aerial photos in the DEIR (Figure 11-5) show that the streets around the proposed project have sidewalks. The CO Protocol states that receptors should be placed on sidewalks on which general public has access, portions of a parking lot to which pedestrians have access, the property lines of hospitals, rest homes, schools and playgrounds, and on property lines of residences. The FEIR should include proper receptor placement as prescribed by the CO Protocol which would include roadway edge locations.

21-7

CHRISTINE & ALAN DUKE
1568 ENSLEY AVENUE
LOS ANGELES, CA 90024
(310) 557-2468

VIA FACSIMILE

February 21, 2005

Nicholas Hendricks, Env. Review
City of Los Angeles, Planning Dept.
200 N. Spring Street, Rm. 750
Los Angeles, CA 90012

Re: Wilshire Comstock Project - Draft EIR

Dear Mr. Hendricks:

We have owned and resided in our home at 1568 Ensley Avenue for 23 years. Our home is situated approximately two blocks south of the above referenced project now under consideration by your department and by the Los Angeles City Council. We would like to express our unequivocal and enthusiastic support for this project. We firmly believe that the project, more commonly known as the Wilshire Clubview Residences, will be a beautiful and complimentary addition to our neighborhood. We are convinced that the developer, the Fifield Companies, is sincerely committed to building a quality project while ameliorating the minor impact that it will have on the surrounding area.

As members of both the Westwood Homeowners Association and the Century-Westwood Homeowners Association, please add our names to the list of those who welcome the Wilshire Clubview Residences to our neighborhood.

Sincerely,


Alan Duke


Christine Duke

cc: Hon. Jack Weiss, LA City Council (213) 978-2250
Wilshire Clubview Residences (213) 615-1625

22-1

Patricia A. Goodwin
1338 Club View Drive
Los Angeles, Ca. 90024
310 271-1658
February 21, 2005

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FEB 23 2005
ENVIRONMENTAL
UNIT

To: Nicholas Hendricks, Environmental Impact Report
EAF NO: ENV-2003-5313
Project Location/Address: 10250 Wilshire Blvd Planning area: Westwood
Council District #5 Due Date for Public Comments: March, 2005

As a long time resident of the area I have the following concerns:

1. Having the entrance of Club View curve would be disastrous. All the other high rise buildings on Wilshire corridor have the entrance on Wilshire Blvd. Why can't the entrance be located on Wilshire? I have never gotten a straight answer. Only that it is not possible 23-1
2. Many years ago I tried to have a line painted down the middle of Club View so cars would stay on their side to no avail. I was told the street is too narrow. Now you want to add to the traffic with the new condos. When is the traffic count made that supposedly will not add to our traffic woes? At 3:00 A.M.? 23-2
3. Will the ground water be discharged into existing storm drains in this area? Who will solve problems and reconstruct the storm drains if necessary? A bond or escrow holder should have money set aside to correct damage to neighbor's properties when it occurs. 23-3
23-4
23-5

Very truly yours,

Patricia A. Goodwin
Patricia A Goodwin

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

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

February 28, 2005

RECEIVED
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MAR 01 2005
ENVIRONMENTAL
UNIT

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

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:

As you are aware, we represent certain interests relating to the Pumpkin Patch. We are currently reviewing the draft Environmental Impact Report. On approximately February 18, 2005 we received a water quality report from Mark Armbruster on behalf of Fifield. It was dated October 4, 2004. Obviously, this report should have been produced earlier. In addition, we have not received the MacTech report on pumping reports from June and July 2004. The pumping tests must set forth the amount of water and the results of the draw down. We have not received those reports, and our experts cannot meaningfully analyze the ground water and data without this most recent information. We need the data from the monitoring wells, the draw down data from the pumping wells, and we need to know the type of equipment that was used. Without this vital information, our experts will be severely prejudiced in their ability to complete a meaningful report

This has been requested numerous times, as far back as January 2005. Given the increased rain activity, i.e. this is now the fourth highest rainfall year on record, it is also incumbent upon new information and new tests to be conducted at the site to determine how far up the water is to more realistically access the condition of the property as the original tests were done at the end of a six year drought.

Please contact the developer and his representative to obtain the reports. We request an additional 60-days beyond the receipt of the above-requested MacTech reports. Absent receiving

Nicholas Hendricks
Environmental Review Coordinator
February 28, 2005
Page 2

this information, we will be substantially prejudiced in providing a meaningful response to the draft environmental impact report. Please provide us with your response immediately.

Very truly yours,

TUCHMAN & ASSOCIATES



AVIV L. TUCHMAN

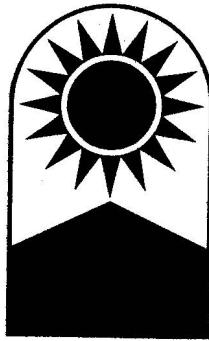
ALT:rehm

cc:

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

Attn: Jack Weiss
Councilmember, 5th District

THE HOLMBY - WESTWOOD PROPERTY OWNERS ASSN., INC.



February 28, 2005

Nicholas Hendricks, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

RECEIVED
MAR 14 2005
CITY PLANNING
DIVISION OF LAND

Re: ENV-2003-5313-EIR
State Clearinghouse No: 2004091031
Wilshire Comstock Project
10250 Wilshire Boulevard
LA, CA 90024

I am writing on behalf of Holmby-Westwood Property Owners Association representing 1100 single family homes located north of the proposed development.

I. INTRODUCTION/SUMMARY

The Introduction/Summary (Section I.) of the DEIR states that his EIR was voluntarily prepared based on the conclusions of a prior CEQA study.

1. Does the city distinguish between a "voluntarily" prepared EIR and one that is not done voluntarily? If so, explain.
2. Why does the City believe that CEQA Section 15162 does NOT apply to this project?
3. Did the City apply CEQA Section 15162 to this project and determine that an EIR was not required?
4. CEQA Section 15162 coupled with a 28 year old CEQA clearance of a CND, a geologic issue that was never analyzed, community letters of opposition to the Publication Notice issued, and a discretionary action by the Director of Planning should have triggered a required EIR from the City. Which of these issues were considered when a decision was made by the City to not require an EIR but instead, to issue an Addendum?
5. Were these issues (listed in #4 above) merely considered existence of controversy or did the issues require an EIR?
6. Community objections to the Public Notices were sent to the City within the legal time period. According to an e-mail (attached) from Nicholas Hendricks,

25-1

Environmental Review Coordinator, our comments were considered and are a part of the record. Such comments must be considered during the environmental review and approval process. Had the developer not decided to do an EIR, and since the City did not require an EIR, is it correct to assume there would have been no EIR for this project? As no EIR was deemed necessary by the City, what in the approval process could have triggered an EIR? The environmental review only became a fact AFTER the EIR was volunteered.

7. When the project applicant submitted the Environmental Assessment Form (EAF) application on August 1, 2003, was an EIR volunteered by the applicant?
8. If an EIR was volunteered by the applicant (see #7 above), did the City turn the applicant down by determining that such an EIR was not necessary?
9. Was the EIR not volunteered by the applicant at the time the EAF was submitted?
10. In a June 30, 2004 letter from Councilman Jack Weiss (attached), the councilman **required** the developer to prepare an EIR. In a letter to Con Howe from Mark Armbruster dated May 4, 2004, the developer agreed voluntarily to do an EIR. Therefore, is it factual that the city required an EIR even though the developer agreed to do an EIR? While this may be inconsequential to Nick Hendricks, it is important that the City go on record that an EIR be required and prepared by the developer.
11. Was CEQA opened when the project was required to go to the Design Review Board (DRB) and the Director of Planning for Project Permit Compliance?
12. Once the project was required to go to the DRB and to the Director of Planning, why didn't the city require a new CEQA study? 25-2
13. Did the CND originally issued for this project note any issue or concern relating to geology? Soil? Hydrology? 25-3
14. What are the technical changes reflecting updates to the City's building, grading, zoning, and other codes that have occurred since the project's original approval in 1977? 25-4
15. The project is substantially the same as entitled and analyzed in the CND for the approved subdivision per a letter from Con Howe to Craig Lawson dated October 9, 2003. What exactly is not the same or different from the approved subdivision? 25-5
16. What conditions approved in the tract map including the modified map have not been met? 25-6
17. Did the Advisory Agency hold a public hearing in 1990 when the tract map conditions were modified? If no, why not? 25-7
18. Why did the city, in conjunction with the developer, not hold a scoping meeting? 25-8
19. Did the city verify that the stated "already approved" tract map has met all conditions for such approval? 25-9
20. In what year was the NOP for the Draft EIR circulated? The DEIR list the dates as starting on September 9 and ending on October 8. 25-10
21. As stated on page I-7, "the Los Angeles Country Club (LACC) is not a "residential use." Does the LACC have residences on the club site? What is the number of residences? What is their location? How are they used? 25-11
22. Page I-8 mentions the mitigation measures associated with lighting and glare. While the exterior was discussed, there was no mention of an analysis of the 25-12

- artificial lighting of the interior of the units at night on the surrounding neighbors. Analyze both the ambient light as well as the direct glare from halogen lighting.
- 23. What is the historical detection of benzene in on-site groundwater at this site as well as citywide? What is the concentration level at this site? 25-13
 - 24. What is the State MCL? 25-14
 - 25. Being exempt from the provisions of the Corridor Specific Plan obviously results in no significant impacts from the proposed project with regard to the Corridor Specific Plan. Does this mean that 28 years since this project was given a CND that there can be no significant impacts from the proposed project in 2005? Explain. 25-15
 - 26. What are the time limits placed upon construction activities during the week and on weekends? Can construction take place on Sundays or holidays? Is the DEIR correct in stating that construction activities would be limited to between 8:00 am and 6:00 pm on Sunday? 25-16
 - 27. How is the use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential minimized? How does one minimize the noise from drills, jackhammers, and pile drivers? 25-17
 - 28. Although project traffic additions would not result in a change in level of service at any of the study intersections, would regional traffic additions result in a change in level of service at any of the study intersections in the year 2007? What would that change be and at which intersections? 25-18
 - 29. How would a moving van or any other vehicle be accommodated for loading or unloading if, with the vehicle cab removed, the van or other vehicle does not fit on-site? 25-19

II. ENVIRONMENTAL SETTING

- 1. Regarding the photos (Views of the Project Site) used in the DEIR, were automobiles removed from the various photos? Were any of these photos taken at peak hours? As a comment, an intersection only one block away from an F level of service intersection and other study intersections at a D LOS, these photos do not reflect the seriousness of traffic at peak hours or the worst case scenario. (Figures II-5, II-7, II-8, II-9, II-10, II-11, II-12, II-13) 25-20

III. PROJECT DESCRIPTION

- 1. How are the housekeeping “suites” priced?
 - 2. How many beds in each suite?
 - 3. Are the beds priced separately or with a condo unit?
 - 4. What if the condo unit no longer needs a housekeeping bed? How is it disposed of? How is it then put back into a saleable unit if all condos have been sold? How could it not be resold as an individual unit once all condo units have been sold?
 - 5. Could a suite be sold?
- 25-21

- 6. Figure III-2 shows the 2nd floor and displays a swimming pool, jacuzzi, and recreational terrace. Is this consistent with the approved tract map? If not, what has changed? Show new plan. 25-22
- 7. Have the number of parking spaces changed? What is the new number? How many are compact? 25-23
- 8. As depicted in Figure III-1, what is a rolled curb? How will it be used? Is it consistent with the approved tract map? 25-24
- 9. The very southerly portion of the property is not shown in Figure III-1. What is depicted at this portion of the property that is not shown here? 25-25
- 10. Does this site plan differ in any way from the approved tract map? 25-26
- 11. Elevations as seen in Figures III-13 and 14 are not accurate because of the placement of the recreational terrace. What are the new elevations? 25-27
- 12. What is an accessible stall as it relates to parking? How many such stalls will there be under the most recent plan? 25-28
- 13. Page III-22 states, "The EIR serves as the environmental document for the DRB action and ministerial permits or approvals associated with development of the proposed project." Is the decision of the DRB as well as the Director's Determination a discretionary action? Does the DRB and the Director's Determination open up CEQA for review? If the DRB is only advisory, is the Director's decision a discretionary action? 25-29
- 14. Does a discretionary action on a project open up CEQA review? Explain. 25-29

IV. ENVIRONMENTAL IMPACT ANALYSIS

A. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

- 1. Although the project would not violate any water quality standards or water discharge requirements, could any discharge of water from the project settle in such a way (as an example, pools of standing water) as to create a possible health hazard within a mile south of the project site? 25-30
- 2. Where in the world did Chris Joseph & Assoc. come up with the parks within two and a half miles of the project site? Page IV.A-16 lists Coldwater Park, Greystone Park and West Hollywood Park. Does LADRP manage those parks? How did the City of LA sign off on this page? What parks in Westwood or West LA should have been listed and why were they omitted? 25-31
- 3. What was the amount of Quimby fees paid to the City of LA? When were they paid? Is there proof of payment (either a receipt from the city, a cancelled check, or record of payment)? 25-32
- 4. Were Quimby fees reduced for the project? If so, why? 25-33
- 5. Does the "350 million gallons per day" that have full secondary treatment at the Hyperion Treatment Plant include all projects on line to be completed? See Related Projects List, Table II-1, pages II-17, 18, and 19. 25-33
- 6. The DEIR states that the Bureau of Engineering may conduct a sewer availability study to thoroughly evaluate the additional flow impact to the wastewater system. What is the determining factor as to whether or not such a study is conducted? 25-34

IV. ENVIRONMENTAL IMPACT ANALYSIS

A. AESTHETICS

1. VIEWS

- 1. Does the City of Los Angeles maintain that this project is exempt from CEQA?
- 2. What studies have been conducted on ambient lighting in the vicinity of the project site? How was the conclusion made that existing ambient lighting levels surrounding the project site are relatively high? An on-site view of the area would show that the area is dark.
- 3. Figure IV.B.1-11 and 1-12 depicts a project with a terrace that is not consistent with the approved site plan. What is the southwest and the northern view of what was supposedly an approved plan?

25-35

25-36

25-37

IV. ENVIRONMENTAL IMPACT ANALYSIS

B. AESTHETICS

2. SHADE/SHADOW

- 1. Where are residential units located on the Los Angeles Country Club property?
- 2. What impact does Figure IV.B.2-1 have on the residential units located on the Los Angeles Country Club property?

25-38

IV. ENVIRONMENTAL IMPACT ANALYSIS

C. AIR QUALITY

25-39

IV. ENVIRONMENTAL IMPACT ANALYSIS

D. GEOLOGY AND SOILS

25-40

IV. ENVIRONMENTAL IMPACT ANALYSIS

E. HYDROLOGY

- 1. Where is there not sufficient space for sloped embankments where shoring would be required?
- 2. Will any roadways be closed during the period of heavy vehicle and storage loads? Which roadways? What is the length of time each roadway will be closed? Will a portion of any roadway be closed?
- 3. Where will vehicles, trucks, equipment, etc be located during construction? Will the project site be able to accommodate the necessary equipment? Will any equipment be stored on the street during construction? Which street?

25-41

25-42

25-43

IV. ENVIRONMENTAL IMPACT ANALYSIS

F. LAND USE

- | | |
|--|-------|
| 1. How does the proposed project meet the objective of <u>affordability</u> of multiple-family housing? The consistency discussion focused on a variety of residential densities, types, and sizes. Discuss affordability as it relates to this project. | 25-44 |
| 2. With regard to the objective of open space, the discussion of a spa, swimming pool, and large deck are proposed as part of the project. Will these be removed? If yes, how will this project achieve the objective of open space? | 25-45 |
| 3. Does the shadow analysis as discussed on Page IV.F-13 comply with the Specific Plan criteria as it relates to the residential units on the Los Angeles Country Club property? | 25-46 |
| 4. Is Architectural Design considered in compliance prior to a decision by the DRB and the Director of Planning? | 25-47 |
| 5. Landscape material discusses trees 50 feet high at maturity. How high would the trees be when planted? How many years would it take for the trees to reach maturity? | 25-48 |

IV. ENVIRONMENTAL IMPACT ANALYSIS

G. NOISE

- | | |
|--|-------|
| 1. Long term noise as a result of this project would not contribute to a significant impact. However, the noise exposure <u>already</u> exceeds what is deemed to be acceptable on Wilshire, east of Comstock. How is it acceptable to contribute insignificantly to an already significant impact? Explain. | 25-49 |
| 2. As discussed in the Introduction/Summary, # 14, what is the LA City regulation regarding time of construction activities and days of the week for construction activities including holidays? | 25-50 |

IV. ENVIRONMENTAL IMPACT ANALYSIS

H. TRAFFIC/TRANSPORTATION

- | | |
|--|-------|
| 1. The peak traffic on the weekdays exceeds the 4:00 to 6:00 PM period. East and westbound traffic on Wilshire as well as north and southbound traffic on Club View and Comstock is heavy well beyond 6 PM. What analysis or studies were done after 6:00 PM? | 25-51 |
| 2. Several studies were done by Crain & Associates on Friday, November 12, 2004. These study intersections are extremely relevant to the neighborhood. Inasmuch as November 11 is Veteran's Day as well as a national holiday, it should be assumed that many took Friday off. Perhaps, offices in Century City were on a light schedule as well or even closed. What study is available for those intersections on a normal travel day? | 25-52 |

- 3. With a planned ingress and egress located on Club View, how will visitors to and from the project manipulate their arrival and departure with bumper to bumper traffic during the PM peak? 25-53
- 4. Page IV.H-18 discusses “a third project driveway located on Club View Drive near the southeastern project boundary that will provide access to the loading dock. Trucks will be permitted to back into this driveway only.” Has the city signed off on this? If such a driveway was constructed, would the project be grandfathered? Is such a driveway consistent with the approved tract map? 25-54
- 5. Page IV.H-19 discusses the ATSAC and ATCS systems. “These automated traffic control computerized system(s) add an estimated seven to ten percent capacity to signalized intersections when compared to signals not included in the ATSAC or ATCS program.” In what study have the intersections in Westwood achieved a 7% to 10% added capacity due to ATSAC? Where has that great of a percentage been achieved in Westwood and when? 25-55
- 6. When was the last deficiency plan prepared by the City of LA or the local jurisdiction (I assume they’re one in the same) when LOS standards deteriorated? 25-56
- 7. Note Introduction/Summary questions regarding mitigations measures, # 17. 25-57

V. GENERAL IMPACT CATEGORIES 25-58

VI. ALTERNATIVES TO THE PROPOSED PROJECT 25-59

- 1. How do you reject an alternative as being infeasible when the applicant does not own or control the property? Example: Purchasing the Los Angeles Country Club maintenance yard and including it as part of the project site. It was stated that alternative sites for the proposed project were not analyzed as the project applicant does not own or control other property within the City of LA that satisfies the objectives for the proposed project. 25-59
- 2. The ingress access via Wilshire Boulevard is NOT an alternative project but rather new ingress. It is not approved by LADOT. How could this be considered an alternative? 25-60
- 3. Three out of four project objectives can be met with a reduced project as well as one that meets the specifics of the Wilshire-Westwood Scenic Corridor Specific Plan. They will provide employment opportunities, additional housing, and an orderly, attractive and harmonious residential development which takes into consideration the architectural character and the environmental setting of the area. Why would a six story project that meets the Plan or a reduced project not be in greater conformance (than the proposed project) to the planned character for the Wilshire corridor today? 25-61

VII. ADDITIONAL QUESTIONS AND CONCERNS

1. A representative of the developer stated, "It is a ministerial building permit after the Director's Determination." What kind of a permit is it **before** the Director's Determination? I assume there can only be one kind of permit. Is a permit for this project a ministerial or discretionary one? 25-62
2. What discretionary actions are determined by the Director of Planning? 25-63
3. Is it necessary to revise the tract map for this project in order to accommodate the guest suites? Explain why? 25-64
4. When the map was recorded in 1979, there was a low roof recreation area near Comstock Avenue. Does it appear in the 2004 drawings? What happened to it? 25-65
5. How are the housekeeping suites counted toward the total number of 35 allowable units? 25-66
6. **The June 29, 1977 CND did not consider any issues regarding the geology, soils, or hydrology of the proposed project.** Twenty eight years later, why wouldn't that fact be considered essential as a reason for the City of LA to require an EIR? Does CEQA require that an EIR be prepared in order that previously unidentified and undisclosed issues such as geology, soil, and hydrology be studied for possible impacts? 25-67
7. Heavy construction equipment must be parked no closer than ten feet from the excavation. With that in mind, can the equipment be parked on-site? Describe the location as to exactly where equipment will be parked. 25-68
8. Describe the location where trash will be collected. Will the truck back into the driveway? 25-69
9. Is it correct that run-off water which would exceed the capacity of existing or planned storm-water drainage systems was found to have no significant impact? If so, why is there a recommendation that sumps and pumps be sized for 450 gallons of water per minute? Explain. 25-70
10. What conclusions in the DEIR were based on the 3rd driveway, (the furthest driveway east of the project), the curb-cut or the rolled curb? 25-71
11. Why did the City consider that the project was grandfathered when the site plan in the DEIR did not correspond to that one recorded in 1979? 25-72
12. **Where is the 1990 LADOT modified site plan and decision letter?** This is an important request. Please provide a copy in the FEIR. 25-73
13. What is the weight limit for Club View Drive? Will any construction equipment or trucks carrying such equipment exceed that weight limit? If yes, how will the trucks deliver goods to the construction site? 25-74
14. In an e-mail from Con Howe to Emily Gable and Jimmy Liao dated 5/19/04, (attached) there is discussion of a Scoping session. Why was the community not given such an opportunity? 25-75
15. In the same e-mail (#13 above), Mr. Armbruster had offered voluntarily to do an EIR. This is not a voluntary EIR. Is there such an EIR as a "Voluntary EIR"? 25-76
16. The Environmental Staff Advisory Committee (ESAC) met on July 21, 2004 and "accepted the applicant's desire to voluntarily prepare an EIR." This was noted in an e-mail from Nick Hendricks to S. Brown on 1/14/05 (attached). If the City only "accepted" the applicant's desire to voluntarily prepare an EIR, is it certain that the city never directed an EIR to be prepared? Why would the City then be required to process an EIR it never required?

- | | |
|---|--------------|
| <p>17. What is the difference between the councilman requiring an EIR and the LA Dept, of Planning “accepting” a voluntarily prepared EIR? Does that mean that the city required or did not require an EIR?</p> | <p>25-77</p> |
| <p>18. Is the fact that there was no scoping meeting related in any way to the fact that the City never “required” an EIR even though Councilman Weiss required such to be prepared?</p> | <p>25-78</p> |
| <p>19. Is the fact that the City never required an EIR related to the type of public hearing that will be held in conjunction with the DRB meeting? If the City had required an EIR, would the public be entitled to a hearing before a Hearing Examiner on a different day and place than on the same day and same site as the DRB meeting?</p> | <p>25-79</p> |
| <p>20. Will the hearing examiner or a representative of the Director of Planning issue a report before the Director’s Determination on Project Permit Compliance?</p> | <p>25-79</p> |
| <p>21. Will the hearing examiner or Planning Director’s representative’s report be considered in the Director’s Determination?</p> | <p>25-79</p> |
| <p>22. Is the Director’s Determination appealable eventually to the PLUM committee?</p> | <p>25-80</p> |
| <p>23. Is a Hearing Examiner’s report appealable to the PLUM Committee?</p> | <p>25-80</p> |
| <p>24. Con Howe stated in his e-mail (attached) that “the Department will properly process and review the EIR, just like we would any other EIR (same rules, guidelines, procedures, etc.)” Is there a difference in the way the Department processes an EIR whether it is or is not required by the City? Explain.</p> | <p>25-81</p> |
| <p>25. The City failed to identify the acres of land for which a Quimby fee of \$83, 373.77 was required. In order to calculate a substantial reduction in Quimby fees, someone in the City had to have reviewed and signed off on detailed building plans in order to determine the amount of on-site recreational space that qualified for Quimby fee credit. There is a letter from the City in the record that reflects earlier correspondence indicating a substantial reduction in Quimby fees. What was that acreage and how was that dollar amount arrived at? How was the fee paid? Was there a guarantee of the Quimby Fee payment within a year of the project?</p> | <p>25-82</p> |
| <p>26. Was there a City sign-off for the recording of the final tract with the promise to pay the Quimby fee within a year? There is an “accepted” statement in the project file dated October 17, 1979, indicating the recalculated Quimby fee had been paid. The City signed-off for recordation of the final tract map even though the Quimby fees might have been paid a year later. Can you produce a cancelled check or receipt from the City, some proof of payment, An “accepted” statement is not acceptable because the payment could have or could NOT have been paid Also, if the fees were to be paid after the final map had been recorded, since the developer defaulted on construction of the public improvements and the City sued for breach of contract on the faithful performance bond, it is quite possible that the Quimby fees were never paid. That is the reason that proof of payment by cancelled check or receipt from the City is necessary.</p> | <p>25-82</p> |
| <p>27. City staff pointed out a subsequent city council approval of the final tract map which acknowledged that a Quimby fee had been paid. The council action could have been relying on prior city documentation (October 17, 1979) and still leaves unanswered whether or not the fee had actually been paid. Once again, how was</p> | <p>25-82</p> |

- it paid and where was it paid? What information enables the developer or lead agency to reach an informed decision?
28. When a project on this site was abandoned in the 1980's, did the developer request a refund on Quimby fees? Show proof.
 29. If such a Quimby refund was requested, was it received by the developer and what is the proof that it was paid by the city?
 30. If the Quimby fee was repaid to the developer, when was the fee repaid to the City by the developer for the proposed project?
 31. The October 17, 1979 letter failed to identify the recreational acres of land on the site being dedicated for recreational use. This is a requirement in order to correctly calculate the fees and determine credits for on-site recreational uses. What is the acreage on-site dedicated for recreational use? 25-83
 32. If the project does not meet the threshold guidelines under CEQA or LADOT (per attached e-mail from Jimmy Liao 12/1/04), how can it be required to mitigate significant impacts? 25-84
 33. Can a vested right to construct a building be secured BEFORE a building permit is issued? 25-85
 34. Was any building permit issued for this project between July 25, 1972 and June 5, 1980, inclusive? (SPECIFIC PLAN APPLICATION, Section 14.A) 25-86
 35. If no building permit was issued above (#26), would the provisions of this Wilshire-Westwood Scenic Corridor Specific Plan apply to this project? 25-87
 36. Community objection to the CEQA clearance (October 23, 2003) was sent in a timely manner. If the objections were not denied at that time and were left to be considered during the environmental review and approval process and, if no EIR was "volunteered", when would the new (geology/soils/hydrology) and other updated information have been analyzed? The EIR was not "volunteered" until May 4, 2004. 25-88
 37. Does the CND require substantial revision? In a letter from Craig Lawson to City Planner, Hadar Plafkin, dated June 17, 2003, Mr. Lawson stated that "a substantial revision means the identification of a new, avoidable significant effect, significant project revisions, or the identification of significant mitigation measures in order to reduce project impacts to a less than significant level. None of these circumstances apply in this case." If the geology/soils/and hydrology conditions were not even analyzed in the CND, why is it not a "substantial revision" at this time? 25-89
 38. The Negative Declaration issued on June 29, 1977 addressed only air and noise. There was nothing noted as to potential problems in the subsurface area. A July 11, 1977 City inter-departmental correspondence from J.W. Cobarrubias, Staff Geologist and Mr. R.M. Oberlies, Chief of Grading advised that the Geology and Soils Engineering Section/Bureau of Engineering has indicated that "a report will not be forthcoming." Why did the City fail to prepare a report with very serious potential environmental impacts? 25-90
 39. Were all potential environmental impacts analyzed in the existing CND? 25-91
 40. If DRB approval is not considered a change in the project under CEQA, is the Director's Determination considered a change in the project? Does this only relate to physical change? If yes, where is that noted under CEQA? 25-92

41. In order to legally confirm that the project description before us (for this DEIR) matches the originally approved ('79) project, an application for a tract map or parcel map filed for City approval during the period 1972 – 1980 must be produced. On what document is the City relying upon or using to compare today's project with the originally approved project? Has the City seen or does it have in any file the originally approved 1979 document? See question # 44 below as the Specific Plan states that a description in an application is absolutely necessary in order that the project before us is EXEMPT from the provisions of the Specific Plan. 25-93
42. On what basis is the City contending that the description of the current project is identical to the description in the original tract map application? See question # 44 below regarding the necessity of the original application.
43. Would a covenant bond performance that went into default in the 1980's be a basis to invalidate the tract map approval? 25-94
44. The Wilshire-Westwood Scenic Corridor Specific Plan states: *The provisions of this Specific Plan shall not apply to the issuance of a building permit to erect or construct a new building or new structure on real property located within the Specific Plan area and described in an application for a tract map or parcel map filed for City approval during the period of July 25, 1972 to June 5, 1980.* Is the intent or the direction of the Plan to exempt tract map "applications" or tract map building permits filed between '72 and '80 from the Specific Plan? 25-95
45. If nothing more than an application was submitted between '72 and '80, would that in and of itself exempt a project from the Specific Plan?
46. When did or when does the building permit of the original tract map application expire? Two building permit applications were filed in 1979 for 10250 Wilshire Blvd., which appear to have met the Specific Plan exemption requirement. 25-96
47. What was the statute of limitation applicable to a building permit issued in the mid 1980's? 25-97
48. What happens to the exemption if those tract map building permits issued between '72 and '80 are subsequently voided?
49. Does the Specific Plan really exempt a project where a building permit was issued between '72 and '80 **AND** there was an application for a tract map or parcel map that describes the project? Is exemption from the Specific Plan based on building permits issued between '72 and '80 and/or tract map applications filed between '72 and '80? 25-98
50. The Specific Plan language is ambiguous and incomprehensible. What is the key element of the following complex sentence? *The provisions of this Specific Plan shall not apply to the issuance of a building permit to erect or construct a new building or new structure on real property located within the Specific Plan area and described in an application for a tract map or parcel map filed for City approval during the period of July 25, 1972 to June 5, 1980.* 25-99
51. What is the difference between a "Subdivider's Statement" and a "Developer's Application" for a tract map? 25-100
52. Provide the developer's original tract map application for the proposed 1977 project. The application, along with the developer's statement are supporting documents that must be provided to satisfy the exemption. The 25-101

- current proposed project must exactly replicate the original application and statement and cannot be compared without both documents in hand.** _____
53. It is my understanding that a new site plan, different from that shown in the DEIR, has been incorporated into this project. Since the public will have no way to comment in the DEIR on the new site plan, should a Revised DEIR be required? What other way could the public respond prior to the issuance of the final EIR so that our comments can be considered in the final document? _____ 25-102
54. Why did the City believe it was necessary to publish CEQA clearance in the Los Angeles Times for a “grandfathered” project? (October 16, 2003 and October 23, 2003) _____ 25-103
55. Is there any section in the LA Municipal Code that establishes a time frame in which to act on a tract map approval? What does the section determine? Does a Specific Plan override such an established time frame? _____ 25-104
56. What were the expiration dates for building permits that would have applied in 1979 which may not be the sunset periods in use today? _____ 25-105
57. Please list the department sign-offs on the original building permit. They are illegible for our association to read and we cannot determine what was stamped. _____ 25-106
58. Was a new building permit filed by the developer in '04? Why? Does that mean there was a problem with their original permit? Was it necessary to file for a new permit? Why? _____ 25-107
59. Has the City confirmed a legally vested tract map, irrespective of whether or not a final map was recorded? _____ 25-108
60. Could a map be recorded in 1979 without every required sign-off? _____ 25-109

On behalf of the Holmby-Westwood Property Owners Association, please incorporate by reference all responses to the DEIR into this document.

Sincerely,



SANDY BROWN
President, Holmby-Westwood Property Owners Association

Cc: Councilman Jack Weiss
Renee Schillaci Grasso, COS
Aviv Tuchman, Esq.

J/S Brown

From: "Nicholas Hendricks" <NHendric@Planning.Lacity.Org>
To: <jerbrown@ucla.edu>
Cc: "Hadar Plafkin" <Hplafkin@Planning.Lacity.Org>; "Jimmy Liao" <Jliao@Planning.Lacity.Org>
Sent: Wednesday, January 12, 2005 8:26 AM
Attach: SndyBrwnletterWilshireCom03-5313.wpd
Subject: Wilshire Comstock - Response to email of 1/5/2005

Dear Ms Brown,

The attached file is a response to your email to Jimmy Liao on 1/5/2005. All future comments related to the Wilshire Comstock project should be directed to:



25-110

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

Thank You.

Nick Hendricks

J/S Brown

From: "Jimmy Liao" <Jliao@Planning.Lacity.Org>
To: <jerbrown@ucla.edu>
Cc: "Hadar Plafkin" <Hplafkin@Planning.Lacity.Org>; "Nicholas Hendricks" <NHendric@Planning.Lacity.Org>
Sent: Wednesday, December 01, 2004 11:11 AM
Subject: Wilshire Comstock Project

Dear Ms. Brown:

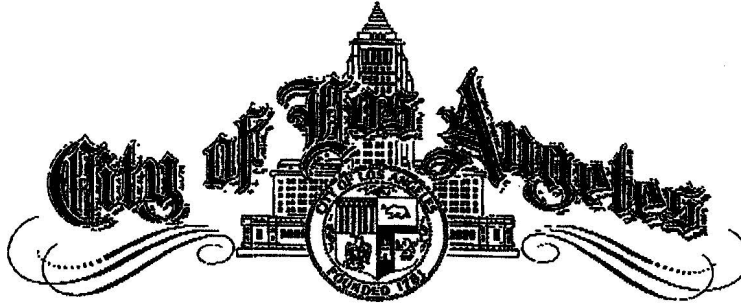
After reviewed the case file (ENV-2003-5313-EIR), I found that:

1. A 35-unit condominium project under Tract No. 27025 for the project site was recorded on Oct. 31, 1979. Because the Tract Map was approved and recorded between July 25, 1972 and June 5, 1980, this project is exempt from the Wilshire-Westwood Scenic Corridor Specific Plan requirements. 25-111
2. A 35-unit residential project does not considered as a Statewide, Regional, or Areawide significant project under CEQA Guidelines Sec. 15206 (b)(2)(A) *(Threshold: more than 500 units). 25-112
3. A 35-unit residential condominium project also exempt from traffic study requirements under LADOT threshold guidelines. (Threshold: more than 75 units). 25-113
4. When the project applicant submitted the Environmental Assessment Form (EAF) application, the applicant volunteered to do an EIR before the "Environmental Staff Advisory Committee" (ESAC) of the Planning Department review the EAF application. It does not matter wether an EIR is required or volunteered, it needs to follow the same procedures and requirements under CEQA. 25-114
5. I hope the above, answer your question * Why did the City of LA not REQUIRE an EIR at the project site. If you have any further questions, please send me an e-mail.
6. Have a great day.

Jimmy Liao

3/13/2005

CITY HALL
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Los Angeles, CA 90012
(213) 473-7005
Fax: (213) 978-2250
weiss@council.lacity.org
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WEST L. A. OFFICE
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Los Angeles, CA 90035
(310) 289-0353
Fax: (310) 289-0365

June 30, 2004

JACK WEISS
Councilmember, Fifth District

Aviv L. Tuchman
Tuchman & Associates
1000 Wilshire Blvd. Suite 1600
Los Angeles, CA 90017

Dear Mr. Tuchman:

Enclosed please find correspondence I have received from Con Howe, Director of City Planning, relating to the proposed project at 10250 Wilshire, known as the "Pumpkin Patch."

As you know, I share your concerns about the advisability of the proposed project. It was for that reason that I required the developer to prepare an EIR ("EIR") before proceeding further, and it was for that reason that I required the developer to postpone their recent request for review by the Westwood Design Review Board ("DRB").

I have said for some time that it is critical that the EIR ("EIR") being prepared for the Pumpkin Patch be considered in a complete and comprehensive manner by the City, in the same manner as any other EIR. I have also said that, in my view, it would be inappropriate for the design review process in this matter to occur before the completion of the environmental review process. I am pleased, and the community should be pleased, that Mr. Howe shares my views on these matters.

I greatly appreciated our telephone conversation the other day during which you and I renewed our commitment to work together on this important community issue. I look forward to our continued partnership.

If you have questions, please call my Deputy Chief of Staff for Planning and Community Renee Schillaci at (310) 289-0353.

Sincerely,
JACK WEISS
JACK WEISS

enc.

25-115



Copy

Jul-06-2004 09:23pm From:Tuchman & Associates

2138828100

T-917 P.003/003 F-331

From: Con Howe
To: Emily Gabel; Jimmy Liao
Date: 5/19/04 11:56:42 AM
Subject: Comstock and Wilshire (the "Pumpkin Patch")

I think you are aware that by a letter dated May 4, 2004 (from Mark Ambruster) the applicant has volunteered to do an EIR. Everyone (applicant, homeowners, Council Office) recognizes that the Department has already issued (and published) what it believes is an adequate environmental determination, but since the applicant is now proposing to do an EIR, that the Department will properly process and review the EIR, just like we would any other EIR (same rules, guidelines, procedures, etc.). The applicant intends to hire Chris Joseph's firm to prepare the DEIR, and I have told them to contact Jimmy to initiate the process (scoping etc.). The only entitlement action before us is a request for a Director's Determination on the design, per the Specific Plan. (The project has had for some years a final recorded tract map.) The Director of Planning is the decision-maker (with the Design Review Board giving its advice on the design). I have told everyone (applicant, homeowner rep., Council Office) that, as the decision-maker, I will not act on the Director's Determination until a FEIR is completed. No other timelines have been promised to anyone. I expect the applicant will be discussing the design of the project with the Design Review Board in the near future. Shana Murphy will be handling this case (as she does all other Westwood DRB cases) and I ask Jimmy to keep her in the loop on the processing of the DEIR (include her in the scoping session, etc.) and to use her in any way that would assist him in preparing and reviewing the EIR. If problems arise, let me know. Thanks.

25-116

CC: Betsy Weisman; Hadar Plafkin; Shana Murphy



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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CITY OF LOS ANGELES
MAR 02 2005
ENVIRONMENTAL
UNIT

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 1, 2005

IN REPLY PLEASE
REFER TO FILE: LD-0

Mr. Nicholas Hendricks
Environmental Review Section
Department of City Planning
City of Los Angeles
200 North Spring Street, Room 750
Los Angeles, CA 90012

Dear Mr. Hendricks:

RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT WILSHIRE COMSTOCK PROJECT CITY OF LOS ANGELES

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Wilshire Comstock Project. We reviewed the DEIR and offer the following comments:

The DEIR should address how construction waste generated from this project will be reduced. In addition, the cumulative impact of the project on landfills in Los Angeles County may be potentially significant. Mitigation measures may include, but are not limited to, implementation of waste reduction and recycling programs to divert the solid waste, including construction waste and excavated material, from the landfills.

26-1

The proposed project may generate hazardous waste and/or household hazardous waste that could adversely impact existing Hazardous Waste Management infrastructure. Mitigation measures may include, but are not limited to, providing new homeowners with educational materials on the proper management and disposal of household hazardous waste. The project proponent may contact Public Works for available educational materials by calling (888) CLEAN LA.

26-2

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
MAR 07 2005
ENVIRONMENTAL
UNIT

RE: Notice of Preparation Environmental Impact Report.
EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd
Planning Area: Westwood
Council District #5.

Due Date for Public Comments: October 8, 2004

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

I completely support
your project & find most
objections unreasonable.
It will be an improvement
over current use & fair to
owner/developer

27-1

Very truly yours,

Name/Print J. Koenig Date: 3-1-05
Name/Signature Judy Koenig
Address 1719 Comstock - owner
City/State/Zip L.A. Ca. 90024
Telephone Number 310-557-0100

FRANCES A. LEWIS

1700 WESTHOLME AVE., APT. 301
LOS ANGELES, CA 90024
PH: 310-475-0071

RECEIVED
CITY OF LOS ANGELES

MAR 07 2005

**ENVIRONMENTAL
UNIT**

N. Hendricks
Planning Dept.; City of Los Angeles
200 N. Spring Street, Rm. 750
Los Angeles, CA 90012

March 3, 2005

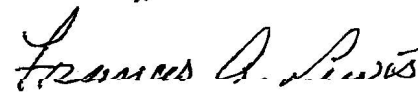
Dear Mr. Hendricks:

As resident and a realtor on the West Side, I am writing to express my support for the draft Environmental Impact Report prepared for the Wilshire Clubview Residences condominium tower, referenced as the Wilshire Comstock project.

Although some members of the community initially had concerns, the EIR convincingly demonstrates that the project can be safely built with no significant impacts on neighboring properties. As a result, I want to express my support for the project. The building looks like it will be a distinctive, elegant addition to the neighborhood that will enhance property values in the area.

With less than three dozen units, this plan is far preferable to the building of a much larger project, with over three times as many units, which I understand could be allowed on this site. As the EIR shows, this will not produce much additional traffic and the project itself would be far nicer than the vacant property we have there now.

Yours truly,



Frances A. Lewis

CC:

Councilman Jack Weiss
City of Los Angeles
200 N Spring St., Room 440
Los Angeles, CA 90012

28-1

LOIS COX

1520 S BEVERLY GLEN BLVD APT 607
LOS ANGELES, CA 90024-1700
PH: 310-772-7016

Nicholas Hendricks
City of Los Angeles Planning Dept.
200 N. Spring Street, Rm. 750
Los Angeles, CA 90012

RECEIVED
CITY OF LOS ANGELES
MAR 09 2005
ENVIRONMENTAL
UNIT

Project: Wilshire Clubview Residences

March 4, 2005

Dear Sir:

I understand that you are accepting comments on an Environmental Impact Report for the building of Wilshire Clubview Residences, a luxury condo high-rise that is planned for Wilshire Boulevard at the corner of Comstock Ave.

After hearing a presentation on the EIR findings I believe that all the critical issues raised by community members have been addressed and put to rest. The EIR shows that project can be safely built and operated without damaging neighboring properties.

Since this will be a relatively small project with less than three dozen units it is unlikely to have much impact on traffic. However, as expensive luxury housing, I believe it will enhance property values to the benefit of the surrounding community.

I urge you to approve the EIR. Thank you for your consideration.

Sincerely,



Lois Cox

29-1

CC: Councilman Jack Weiss
City of Los Angeles
200 N. Spring Street, Rm 440
Los Angeles, CA 90012

Joan and Steve Little
1527 Club View Drive
Los Angeles, CA 90024
310-552-0654

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MAR 09 2005
ENVIRONMENTAL
UNIT

March 5, 2005

Mr. Nicholas Hendricks
Environmental Review Coordinator
City of Los Angeles
Environmental Review Section
200 N Spring St. Rm. 750
Los Angeles, CA 90012

Re: Draft EIR, Wilshire Clubview Residences, 10250 Wilshire Blvd. Los Angeles 90024

Dear Mr. Hendricks:

We are residents on Club View Drive and our property is approximately ¼ mile south of the proposed development. We are only concerned about the traffic impact of the proposed project and will explain our reasons below.

First, although the project has an address on Wilshire Blvd, the ingress and egress to the project will be situated on Club View Drive. While Club View Drive is a narrow residential street like many others in the area, it currently suffers hugely from commuter cut through traffic to and from Century City. This has worsened over time for a variety of reasons, probably the most significant being that it is the shortest distance for commuters going north to the San Fernando Valley from Century City. Currently, northbound commuter traffic from Century City is significantly backed up in crossing Wilshire Blvd. The backup occurs at precisely the point that the developer proposes to locate the ingress and egress to their building.

The developer, Filfield Corporation, maintains that the additional traffic from their project will be minimal. Be that as it may, placing the ingress and egress to any project at the point where there is already a traffic back up can only worsen an already bad situation. It promises to be difficult for both the residents of the project as well as for the existing residents of the neighborhood.

In addition to the current situation, Santa Monica Blvd., the major east west street south of Wilshire Blvd., is currently being redesigned and expanded at a cost of \$68 million. The newly expanded Santa Monica Blvd. will increase the traffic flow on that street and, with more cars, there will be an increased probability of more cut through traffic going

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north on Club View Drive and more of a backup at the entrance to the proposed project. Furthermore, the redesigned Santa Monica Blvd. will remove one of two current eastbound exits from the neighborhood for residents (egress onto Santa Monica Blvd will now only be west, thereby requiring eastbound residents to use Wilshire Blvd.). That will also increase traffic at the proposed site. Thirdly, a new building (MGM) has recently been added to Century City, a second building is under construction on Avenue of the Stars, and the Century City Shopping Center is currently undergoing an expansion. All these will also increase Century City traffic, and will add more commuters.

30-3

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Both the existing and the increased traffic from the above factors must be addressed in the final EIR.

With this history, we would like to propose at least one of the following corrections:

- 1) Have the ingress and egress to the subject Project placed on Wilshire Blvd. instead of Club View Drive. This is the best solution, but we have been led to believe that doing so is against what the Department of Transportation requires and, in addition, that a change of this type would cause Fifield to lose their grandfathering of the project. Therefore, we also propose the following ideas:
- 2) Restrict northbound commuter traffic on Comstock from going north across Wilshire Blvd. (Club View Drive merges into Comstock just before Wilshire Boulevard and is actually Comstock Avenue at its juncture with Wilshire Blvd.) This would mean that all northbound traffic along Club View Drive and Comstock Ave. would have to turn either east or west at Wilshire Blvd. This would effectively eliminate those northbound commuters using Club View/Comstock to cut through to the Valley and other points north, and this would definitely reduce the traffic backup at the entrance to the Wilshire Comstock project. Northbound commuter traffic would be encouraged instead to use the nearby major thoroughfare of Beverly Glen Blvd. which is designed to accommodate a much larger traffic volume.
- 3) Restrict westbound commuter traffic on Santa Monica Blvd. from turning north on Club View Drive during peak traffic hours, such as 3PM to 7PM each day. While not as effective as the above suggestion #2, this would also serve to eliminate the backup at the entrance to the Wilshire Comstock Project since most of the backup occurs at peak traffic hours in the afternoon. It is imperative, however, if this restriction is imposed, that the same northbound restriction on turns from Santa Monica Blvd. be placed on the streets adjacent to Club View Drive, namely Ensey Ave, Wainall Ave, and Comstock Ave. Otherwise these adjacent streets could be used by commuters to circumvent the turn restriction at Club View Drive, thereby causing increased traffic on these adjacent streets and also eliminating any improvement in the backup at the proposed project.

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The developer has suggested that perhaps the signal timing across Wilshire be increased to accommodate the increase in traffic and eliminate the backup at their project. WE VEHEMENTLY OPPOSE THIS SOLUTION. The signal timing at Wilshire Blvd. was

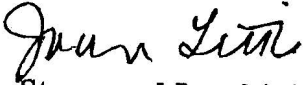
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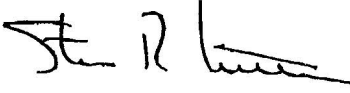
reduced some years ago as part of the neighborhood mitigation for the expansion of the 20th Century Fox Studios. Increasing the signal timing would encourage more northbound traffic to use this route and would increase the traffic on our street to the point where exiting our driveways would become dangerous. This would be particularly true with the enlarged Santa Monica Blvd. and the new construction in Century City that is mentioned above. It would dramatically reduce our quality of living and would effectively mean that the City would be reneging on an agreement put in place for the precise purpose of reducing commuter traffic northbound. This is a totally unacceptable solution and, for that reason, we have proposed the three solutions stated above.

Fifield has indicated that they are willing to work with the community to alleviate the current traffic situation on Club View Drive/Comstock Avenue to our mutual satisfaction. We invite such a mutual effort and we would look forward to working with them to accomplish this goal

30-9

Very truly yours,


Steven and Joan Little



Los Angeles Planning Department:

Re: The Wilshire Clubview Residences project.

Dear Mr. Hendricks,

I am writing in support of the Clubview Residences project. I believe it would be a welcome project and would add both architecturally and aesthetically to the Wilshire corridor. Based on the EIR, regarding Geology- Hydrology- Noise and air quality, I feel that this building would offer quality housing to the community without creating extra traffic. In fact, without the vending for Christmas trees and pumpkins on that site as it now exists, there would be considerably less traffic on that street.

31-1

Thank-you for your consideration,

Sincerely,

Steven Thompson 3-7-05
Steven Thompson

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CITY OF LOS ANGELES
MAR 10 2005
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UNIT

To: Nicholas Hendricks, Environmental Review Coordinator Environmental Review Section, Dept. of City Planning 200 N. Spring St., Rm. #750 Los Angeles, CA 90012

RE: Notice of Completion/Availability Environmental Impact Report. EAF NO.: ENV-2003-5313-EIR State Clearinghouse No.: 2004091031 Project Name: Wilshire Comstock Project Project Location/Address: 10250 Wilshire Blvd Planning Area: Westwood Council District #5. Due Date for Public Comments: ~~February 18, 2005~~
4-19

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I live near the above project and will be affected by the project. After viewing the DEIR I find that I have the following questions that must be addressed in the EIR:

THE DEIR CONCERNS THE IMPACT UPON TRANSPORTATION AFTER THE PROJECT IS COMPLETED.

32-1

THE EIR SHOULD ADDRESS THE IDENTICAL CONCERNS UPON TRANSPORTATION DURING THE CONSTRUCTION OF THE PROJECT.

32-2

WHAT ARE THE TRAFFIC PROBLEMS DURING CONSTRUCTION AND WILL BE DONE TO REDUCE OR ELIMINATE THOSE PROBLEMS?

Very truly yours,

Name/Print JOSEPH REICHMANN Date: MARCH 8, 2005

Joseph Reichman 1429 COMSTOCK AVE L.A. CA 90024

TELEPHONE: 310 - 277-5139

2/5/2005

WILLIAM MORRIS & ASSOCIATES

10790 Wilshire Boulevard, #1004

Los Angeles, Ca 90024

(310) 475-6884

March 8, 2005

Mr. Nicholas Hendricks, Environmental Review
City of Los Angeles Planning Department
200 North Spring Street, Room 750
Los Angeles, Ca 90212

RECEIVED
CITY OF LOS ANGELES
MAR 11 2005
ENVIRONMENTAL
UNIT

Re: Wilshire Comstock Project-Draft EIR

Dear Mr. Hendricks:

We wish to express our support of the proposed development at Wilshire Boulevard and Comstock (Wilshire Clubview Residences), being built by the Fifield Company of Chicago.

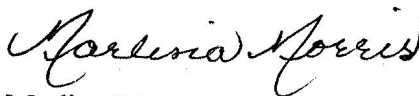
We have seen the beautiful plans for this project which will enhance the west Wilshire corridor, and we are assured that any objections about this site will be resolved by the Fifield Company. They hire only contractors, and technical services with proven reputations for excellent performance.

We live in an 82 unit high rise condominium at Wilshire Boulevard and Malcolm, which is next to the current development, The Californian, being built by the Fifield Company. It will be the most attractive high rise on the corridor when it is completed late this year. Because of the attention to detail and design by this company with the Californian, we know that the Wilshire Clubview Residences (Wilshire Comstock Project) will be a comparable building.

Respectfully yours,



William Morris



Marlina Morris

33-1

Shawn Nehorai

10401 Wilshire Blvd Apt 205
Los Angeles, California 90024-4616

(310) 399-3181

RECEIVED
CITY OF LOS ANGELES

MAR 15 2005

CITY PLANNING
DIVISION OF LAND

March 9, 2004

RE: Wilshire Comstock Project

Nicholas Hendricks, Env. Review
City of Los Angeles Planning Dept.
200 N. Spring Street, Rm. 750
Los Angeles, CA 90012

Dear Mr. Hendricks:

I am writing regarding Planning Department review of the draft Environmental Impact Report on the luxury condominium building planned for Wilshire Blvd. at Comstock Ave.

As a neighbor of the project, I did have concerns about potential impacts from construction and increased traffic. However, after reviewing the draft EIR, it appears that negative impacts, even during construction, will be minimal on the surrounding community. In the long run, I am convinced that we will gain an attractive addition to the community that will improve property values. This planned tower will be consistent with other buildings along Wilshire and be an improvement over the pumpkin patch.

34-1

I encourage you to approve the EIR so that the developer can move forward with the project.

Sincerely,



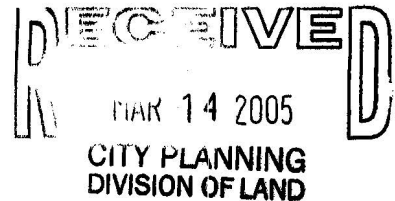
Shawn Nehorai

Cc:
Hon. Jack Weiss
Los Angeles City Council
200 N. Spring St., Rm 440
Los Angeles, CA 90012

CHARLES EDELSON P.E.
CALIFORNIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS E 7224 CS 3599
10334 WILKINS AVE. LOS ANGELES, CA 90024

March 10, 2005

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



Reference: ENV-2003-5313
Address: 10250 Wilshire Boulevard

RESPONSE TO ENVIRONMENTAL NOTICE

Dear Mr. Hendricks,

I am a member of the Board of Directors of the Westwood Homeowners Association and, by vote of the Board on March 1, 2005, in this letter I speak for the Association. I am also writing as a private citizen who lives within half a mile of the proposed project and as a Professional Engineer registered in the State of California.

My primary concern with the Draft EIR, as a Professional Engineer, is its inadequacy in addressing the safety issues of the adjacent property owners, including the City of Los Angeles. There are other issues of concern with the DEIR which I will address at the end of this letter.

35 -1

My questions are in **bold** type and are sequentially numbered for ease of response.

Before discussing the substantive issues, I raise the following procedural questions: **1. How will the public be allowed to respond to the substantial changes which the developer has stipulated he will make in the design and which are not reflected in the circulated DEIR?** Mark Armbruster, attorney for the developer, stated in a letter to Aviv Tuchman that the plan no longer includes the third driveway and that the pool is no longer located at the second floor level atop an auxiliary building, as shown in the DEIR. **2. Does this not require republication of the DEIR and a further comment period?**

35-2

Safety issues are addressed in the DEIR in Section IV, Environmental Impact Analysis, primarily within Subsections D, Geology and Soils, and E, Hydrology. In their initial paragraphs, each of these Subsections is described as a summary of the geotechnical engineering reports contained in Appendix C, primarily the MACTEC Report dated August 26, 2003, titled, *Report of Geotechnical Investigation of Proposed High-Rise Condominium Building Development* (hereafter referred to as **GEO**) and the September 20, 2004 MACTEC Report, *Technical Transmittal, Support of Environmental Impact Report...* (hereafter **TRAN**). Accordingly, my responses and references will be directed primarily to these underlying source documents and not to the summaries found in the main body of the DEIR.

35-3

I raise the following primary substantive question: **3. How will the developer insure the safety of the adjacent properties such as the Wilshire Comstock Condominium, the City of Los Angeles DWP substation, Wilshire Boulevard, the Beverly Hills Plaza Hotel, and the private residences along Club View Drive and Comstock Avenue?**

The safety issue was raised in 1977 by the Soil Engineering Company, R.T. Frankian and Associates, retained by the developer at that time, Parkview Wilshire, Ltd. In their report dated June 15, 1977 the following statement is made on page 5:

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

The meaning of this statement is clear to an engineer. The silty, sandy soils of the aquifer lack cohesive strength and, as water is pumped out of the ground and through these soils, the heavy flow of water at the interface with the construction may loosen and wash away the individual grains of sand and silt. This can happen because the flow will increase the "intergranular stress" to the point where individual grains maybe swept away. If this happens, the sandy, silty layers of the aquifers may be eroded away, back under Wilshire Boulevard, and under adjacent homes, to the point where a collapse may occur.

A comparable situation occurred on Hollywood Boulevard at Argyle Avenue during construction of the Red Line subway. That street intersection in front of the Pantages Theater collapsed into a sink hole. A similar situation occurred during the construction of the Lunaria Building on Santa Monica Boulevard at Comstock, less than a mile away and over the same aquifer as that under the 10250 Wilshire property. There, the ground water flows resulted in a collapse and a crane fell into the sinkhole.

The DEIR completely ignores this significant danger cited in the Frankian Report although many of us have called the problem to the attention of the developer, Fifield, repeatedly. The TRAN report in the DEIR claims that simply pumping water from under the site is no more dangerous than the ebb and flow of the water table over the years and that maximum subsidence is estimated to be no more than 0.2 to 0.3 inches. This calculated value is quite probably correct. Unfortunately it provides the correct answer to the wrong question.

The MACTEC analyses examine the effect of pumping of water from a well. If only pumping were to occur, we would not be concerned. It is the pumping of water in conjunction with a large excavation that creates an entirely different and potentially dangerous situation which either has not been considered by the developer or the applicable report has not been divulged to the City or the public.

In addition to expressing concern about dewatering during construction, the Frankian Report also commented as follows, on the same page cited:

"We have examined the various dewatering concepts and have concluded that dewatering should be attempted only for the construction period and should be limited to providing a means to work below the friatic surface." The "friatic surface" mentioned refers to the cut surface of the aquifer at the edge of the excavation or construction. The cut surface is friatic, or friable, or weak, because the intergranular stress is concentrated at this surface interface.

We share the concern of the Frankian engineers about permanent dewatering because the longer the water flow continues at the interface between the loose sands and silts of the aquifer and the artificial underground drainage system of the new development, the more time mother nature will have to loosen and wash away the weak soils under "high intergranular stress" with the accompanying risk of a Hollywood Boulevard type sinkhole.

A major and fundamental question not answered in the DEIR is: **4. Will the site be permanently dewatered or will the natural flow of the aquifer be restored?** On page 19 the GEO report states, "There are two alternative procedures that might be followed. A permanent subdrain system could be installed beneath the lower floor or mat of the building to maintain the water level below the lower subterranean level, or the lower subterranean floor slab or mat and the lower subterranean walls could be waterproofed and designed for the possible hydrostatic pressure." (The latter would be required to restore the natural flow.) A Fifield Vice President, Mr. Robbins, has publically stated at least twice that their intention is to reseal the aquifer after construction is completed and restore the natural flow of water. Unfortunately this may not be possible. In the 1977 to 1979 period of the previous attempts to develop this property, several test borings were made to measure groundwater levels. Despite the best efforts of the soil engineers, they were not able to reseal their wells and water from the lower aquifer, under artesian pressure, broke through their seals. **5. If the soils engineers were unable to reseal a two foot diameter boring, how are we to trust that the new developer will be able to seal the much larger interface of the aquifer with the new, deeper parking excavation and structure? 6. How will we be assured that his methods will last for the 100 year life of the building?** If restoration cannot be done or maintained, pumping will become permanent and the danger will exist for the life of the building.

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One engineering solution that may be contemplated to allow restoration of the natural flow (as stated by Mr. Robbins) is to install a porous membrane at the cut surface of the aquifers. This membrane will be asked to allow the groundwater to flow through while holding back the sand and silt. Dense clay or similar less water permeable materials may be installed above and below the aquifers to reseal them. **7. A question which arises is whether the porous membrane will allow enough water through to prevent excessive hydrostatic artesian pressure from building up during periods of high rain and high water table and yet be able to hold back the loose sand and silt without becoming clogged over the life of the building? 8. Another is whether the seals above and below the aquifers will hold? 9. Still another is whether the membrane will degrade or disintegrate or become clogged over the life of the building? 10. How will the building be designed to withstand the hydrostatic pressure of the aquifers even following heavy rain periods?** These questions are unanswered in the DEIR.

35-7

Another solution might be to seal the sandy aquifers with a chemical grout, forcing the water flow to go under or around the building until it finds its way back to its natural channel. **11. Once more the question is whether the materials can be relied on to maintain their physical properties for 100 years or more? 12. Of further concern is the extent of the aquifer at this site and whether it is large enough to allow flow around the building.**

35-8

The alternative to restoration of the natural flow of the aquifers is to permanently dewater the site, as discussed in the GEO Report. Page 12 states, "The dewatering system should be designed by a competent dewatering contractor. The contractor should determine" Unfortunately there is no

35-9

design given for this crucial element for either a temporary or permanent dewatering system. No inkling of their methodology is given in this report, nor is there any mention of the problem so clearly enunciated by the geotechnical soils engineer hired by the original developer 25 years ago. Instead we are told about the compressibility of soils when the water table is lowered and not to worry. This is not the approach of a developer seeking an honest appraisal of the known problems.

The reader is left with the impression that the developer is “winging” it and will decide during the construction period, which of his two proposed construction methods will be used and what technologies will be required to support the method chosen. This is totally unsatisfactory. The public safety requires clear evidence that whatever method is chosen will be safe. This leads to a summary question: **13. Exactly what dewatering and construction technologies will be used to assure the permanent safety of the adjacent properties, including Wilshire Boulevard and the DWP facility, and what INDEPENDENT engineering peer review has been, or will be, conducted by the City of Los Angeles Department of Engineering to validate the permanent safety of these publically undisclosed construction technologies?**

35-10

In the first paragraph of page 3, the TRAN report states, "The size of the excavation is small with respect to the aerial extent of the regional complex-multiple aquifer system." While the statement is true, it is not the "regional complex-multiple aquifer system" we are dealing with. Instead it is the single finger of this regional system which flows though the relatively narrow channel from the Armand Hammer Park to this site which is of concern. The surface topography includes hills both to the east and the west. The subsurface structure is likely to reflect this. The TRAN report states on page 2, "Locally, the Pleistocene alluvial surface has been incised by stream activity from drainage of the fan surface, resulting in low-lying drainages located along the southern edge of the older alluvial deposits." Our concern is with the cross sectional area of this incised finger which may be so narrow that the structure will block a significant portion of the width. If this is the case, the flow may be dammed by the structure causing the water level to rise on the up slope side of the aquifer with potential for damage to Wilshire Boulevard and the Wilshire Comstock condominiums. To determine whether such danger exists, the developer should map the east west extent of the aquifers using well established seismic techniques to determine whether the size of the structure really is small with respect to the incised finger and not merely refer to the broad alluvial fan and the regional aquifer system. The resultant questions are: **14. What is the size of the local finger of the aquifer and will the underground parking structure block a sufficient portion of this finger of the aquifer to preclude complete restoration of the natural flow if this is the method chosen by the developer? 15. How much will the water table be raised upstream of the construction (under the Wilshire Comstock, Wilshire Boulevard and the DWP facility) and will this rise in any way affect or endanger these structures?**

35-11

On page 4, TRAN describes the high groundwater level since the turn of the century in the *area* (italics in the original) as 23 feet bgs (below ground surface) and on the site as 17.7 feet TOC (Top of Casing). However, the Frankian report dated April 23, 1979 states, "... water was encountered some 13 feet below grade." The questions this raises are: **16. Why do these MACTEC reports disregard the available, although negative, Frankian engineering reports? 17. What change has occurred in the level of the water table as a result of the heavy rains since the data included in the MACTEC report were taken, and what change in the MACTEC report and the design does this necessitate? 18. What changes in the design should be made to take into account the higher water levels of 1979?**

35-12

As with the section on settlement, the section on liquefaction on page 5 of GEO, also relies on coarsely scaled information. Here it is the coarse scale Coast and Geodetic Survey map of the Beverly Hills Quadrangle. On that map this site is adjacent to but not within a liquefaction zone. A reasonable analysis would go beyond this large scale map to compare the on-site findings with those of the adjacent liquefaction zones to determine whether the details of this site require further fine scale study. This has not been done, or at least not reported. Further the CGS map is listed as Figure 3 but no figures are presented with GEO. Figure IV.D.1 of the main DEIR presents a liquefaction map sourced, not to CGS, but to MACTEC. In this map a liquefaction zone is portrayed about one-half mile away. Further, the site lies within about one mile of the Santa Monica fault. The questions are: **19. What is the fine scale resolution and accuracy of the maps the developer is relying on? 20. What other information is available or should be determined defining the liquefaction potential of the surrounding area? 21. If water tables as high as 13 feet below the surface have existed on this site, and over loose sandy soils, and about one mile from the active Santa Monica fault, is liquefaction not a concern that should be investigated more thoroughly than by mere reference to a large scale map?**

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On page 8 the TRAN report estimates the velocity of the ground water motion as 0.03 to 4 feet per day. However, they make no estimate of the total volume flow in the two aquifers they describe. Mr. Robbins stated publically that the flow he expected to pump might be about 600 gallons per minute. The real questions are: **22. How much water will flow through the cut ends of the aquifers, during and after construction? 23. Can the engineering designs, not yet revealed by the developer, tolerate this much flow for 100 years without allowing the sand and silt to erode back toward Wilshire Boulevard or toward any of the homes and condominiums in the vicinity and without clogging to create a dam? 24. What is the total volume of water flow in this local finger of the aquifer under drought (the conditions when the MACTEC tests were conducted) and 100 year rain conditions (to which we are close at present)? 25. How much has the velocity of the ground water increased since the original tests were conducted?**

35-16

I cannot believe that this report, with all its unanswered questions, represents the totality of knowledge made available by MACTEC to the developer. Surely, much more information is available. No developer would go forward based on such sketchy information with so much investment at stake. For example, in Appendix C of the DEIR, there is are copies of several pages of two reports by Leroy Crandall and Associates dated 1965 and 1972. Leroy Crandall and Associates is now known as MACTEC, the very Geotechnical Consultant hired by the developer, Fifield. We have asked for complete reports to no avail. The question is: **26. Why have the Leroy Crandall reports been withhold and when will they be released to the City and the public? 27. What other engineering and geotechnical reports have been withheld from the City and the public and when will they be released?**

35-17

While the safety issues raised above are the major thrust of my concerns, there are other issues as well.

One of the most important other issues is the interaction of this project with the well known presence of the West Nile virus in our neighborhood. Dead and dying crows, presumably infected with West Nile virus, have been collected by the City of Los Angeles from this neighborhood. West Nile is endemic here. The Armand Hammer Park, less than a mile upstream on this aquifers, is posted as a West Nile infested area. The Fifield Company proposes to discharge groundwater into the storm drain on Comstock Avenue very near Wilshire Boulevard, both during and after construction. This storm drain,

35-18

and the several others in the immediate vicinity, feed a catch basin immediately behind houses on Club View Drive. From the catch basin, the storm drain water flows partly on the surface of the Los Angeles Country Club until it reaches another catch basin half a mile or so south, near Santa Monica Boulevard. The second catch basin discharges into the storm drain system and eventually reaches the Ballona Creek and the Pacific Ocean. Both catch basins are usually clogged with debris including garbage in the standing water and act as major potential breeding grounds for mosquitos, as demonstrated in photos in our possession. The question is: **28. How will the builder abate the danger of increasing the already prevalent West Nile threat to our neighborhood? 29. Will the Fifield Company remove the stagnant water catch basins and keep their discharge water underground all the way until it enters the enclosed storm drain system?** This is a major potential public health hazard, not mentioned in the DEIR.

Another issue is the effect of the withdrawal of ground water from the aquifer on the flora and fauna of our neighborhood. The western portion of the Los Angeles Country Club south of Wilshire Boulevard, and the residential streets adjacent, such as Club View Drive, Comstock Avenue, Warnall Avenue, Wilkins Avenue, Rochester Avenue and several other streets, all lie in a natural riparian lowland with lush trees, many of which draw their water from deep roots which may reach the underground aquifers. Here the questions are: **30. How will the developer avoid damaging this natural forest area if a significant amount of water is drawn from the aquifer? 31. Has the developer done an ecological study of the potential damage to the trees and to the wildlife population they support? 32. If so, what were the results? 33. How will the developer restore the natural balance in this neighborhood if he chooses, or is forced, to dewater the aquifer on a short term or long term basis?**

35-19

Another factor not discussed sufficiently in the DEIR is the effect of interior lighting on the surrounding neighborhood. On page IV.B-22 the following statement is made. "The project would incorporate a variety of building materials, which would be selected and located so as to minimize the transmission of illumination from interior lights. ... Light and glare impacts would be potentially significant but can be mitigated to less than significant levels by implementing the proposed light and glare mitigation measures below." Yet the mitigation measures listed make no mention of any mitigations for interior lights. **34. What are the mitigation measures which will be used to reduce the "potentially significant" interior lighting impacts to less than significant levels?**

35-20

In view of the letter from Mark Armbruster (previously mentioned) that the third, or service, driveway will be eliminated from the development plan, other issues arise with respect to access to the service entrance. Currently the service entrance is shown on the east side of the building. How garbage will be removed and deliveries made to the building is now unstated. The questions are: **35. Exactly how will delivery and garbage trucks access the service entrance and will this method interfere with normal traffic on Club View Drive? 36. Will trucks be expected to park on the street?**

35-21

The housekeeping units in the building remain a mystery. Originally there were to have been eight units to be sold with the main units. Two housekeeping suites are now mentioned in the DEIR but not delineated except by a note of their existence on Figure III-2. Neither their size nor the number of occupants is defined. The questions this raises are: **37. How many housekeeping occupants will there be? 38. How will title to individual suites and living spaces be held? 39. Does the addition of these suites or units exceed the total number of units allowed under the grandfathering provision of the Wilshire Specific Plan? 40. What provision has been made for parking for the occupants of these**

35-22

units and other service personnel who will be required for the operation of a luxury condominium building? 41. Will there be any impact by these service personnel or condominium owners on the limited street parking available to local residents of the area? 42. Will residents and service personnel be eligible for permits in parking District 6?

I incorporate by reference all my previous correspondence on this development to Councilman Jack Weiss and other members of the City government, and all other prior communications and all other responses to the DEIR.



Charles Edelson, P.E.

Copies: Councilman Jack Weiss
Westwood Homeowners Association
Aviv Tuchman

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MAY 15 2005
SHERLEY BASKIN FAMILIAN
10530 Wilshire Boulevard • 1403
Los Angeles, California 90024

CITY PLANNING
DIVISION OF LAND

3/10/05

Nicholas Hendricks, Environmental Review
Coordinator

700 North Spring Street, Room 750
Los Angeles, CA 90012

Dear Mr. Hendricks,

I would like to express my
concern about the development of
the property known as the "Pumpkin
Patch" on the SE corner of Wilshire
Boulevard and Constock.

Traffic as it exists today is
a nightmare. Now add add the
crunch of vehicles due to construction,
followed by the impact of another
high rise condominium, the completion
of the California on the west end of
the "Corridor" - The possibility of
the Robinson-May being converted
into another condominium project -
Where will this nightmare lead us?

36-1

36-2



March 11, 2005



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

Re: Wilshire Comstock Project
EAF: ENV-2003-5313
Response to Draft EIR

Dear Mr. Hendricks:

My address is 1437 Club View Drive. I live there with my wife and our 5 children, aged 2 to 14.

I have reviewed the draft EIR done for the Wilshire Comstock high-rise. I was disappointed that the following issues were not addressed in the draft EIR.

1. Ingress and egress to the building.

(a) The proposed location for cars to enter and exit the building has very poor sight lines. Cars traveling on Club View will not see cars entering or coming out of the building until they are on top of them. Cars exiting the building will not be able to see cars traveling on Club View. Cars making the turn from Comstock will not be seen until they are too close to avoiding an accident.

37-1

(b) Gridlock at rush hour and other times of the day is a fact of life at the intersection of Club View, Comstock and Wilshire. Cars will not be able to enter or exit the building due to the back up of traffic. This problem cannot be solved (unless northbound traffic on Club View is eliminated.)

37-2

Nicholas Hendricks

Re: **Wilshire Comstock Project**

Page 2

- (c) Police, fire and emergency vehicles will not be able to traverse Club View or to get into the proposed building due to traffic back up at Club View/Comstock/Wilshire. 37-3
- (d) The approval of the proposed design with ingress and egress on Club View will expose the City of Los Angeles to liability for any accidents that occur at the Club View/Comstock/Wilshire intersections. 37-4
- (e) The size of the building will generate substantial additional traffic on Club View during and after construction. This will place a burden on Club View that cannot be sustained. It is not wide enough or designed to bear the burden of traffic that the proposed building would create. 37-5
- 2. The proposed building is inconsistent with the structures in the neighborhood. The square footage of the proposed building is out of proportion to the lot size when it is compared to nearby structures including the structures on the northwest and southwest corners of Wilshire and Comstock. 37-6
- 3. The proposed building has inadequate setbacks, and to the extent there are setbacks the burden of the building (including ingress and egress) is placed on residents of Club View. 37-7
- 4. The proposed building was designed as an opening bid and is not a reasonable or serious effort by the developer. The proposed building was not submitted in good faith, but was intended to be a starting point for negotiations. Fifield's return on its last Wilshire Boulevard high-rise was \$900 per square foot, with some units providing a return of \$1,200 per square foot. 37-8
- 5. A meaningful EIR cannot be done until the Santa Monica Boulevard project is completed. Meaningful traffic analysis and mitigation measures cannot be undertaken until the Santa Monica Boulevard project is finished. Existing traffic counts are meaningless because traffic patterns have changed during the construction phase of the SMB project and will change again once the project is completed. Any traffic count or analysis undertaken prior to completion of the SMB project will be flawed and will not be useful to analyzing the impact of the proposed structure on traffic. Therefore, any proposed mitigation would be flawed unless it simply eliminated through traffic on Club View. 37-9
37-10

Nicholas Hendricks

Re: Wilshire Comstock Project

Page 3

- 6. The need for parking during construction and after completion must be studied. There will be a substantial demand for parking created by the project and past experience with seasonal activities at the location has shown that lives and property are at risk when increased traffic and parking are generated by the site. As parents of small children and knowing that there are other children on the block, this problem must be analyzed and addressed. 37-11
37-12
- 7. The noise, dangers and inconvenience of construction must be analyzed and addressed to shift the burden and impact from local residents. 37-13
- 8. There is a need for additional public recreation space between Wilshire Boulevard and Santa Monica, between Westwood Boulevard and the City of Beverly Hills. The proposed project would use up the last available site that would be available. Children should not be forced to cross Wilshire Boulevard to get to a playground. Mitigation should include the creation of public open space similar in size and character to the 10250 Wilshire property. 37-14
37-15
37-16
- 9. The draft EIR does not address the anticipated expansion of the Westfield Shopping Center in Century City or the expansion of the Schubert Complex on Avenue of the Stars. 37-17
- 10. The report done by Crain and Associates is cursory at best and fails to address the layout, geometry and configuration of Club View and Comstock in the context of the development. Crain and Associates has a history of working with Mark Armbruster supporting development and business interests regardless of community and residential concerns. Although the report recommends addressing the concerns of local residents, it is hard to believe that any competent and reputable traffic engineer would be unable to propose any measures that would (especially traffic calming measures) address the concerns of homeowners. Any experienced traffic engineer could recommend "cobblestones" on Club View, or shortening the light for North and South bound traffic at the intersection of Comstock and Wilshire, or requiring northbound cars at the intersection to turn left or right. 37-18
37-19
37-20

I am disappointed that my letter of October 4, 2004 was not appended to the draft EIR. I am puzzled about the manner in which this EIR is being done, and the apparent

Nicholas Hendricks
Re: **Wilshire Comstock Project**
Page 4

Comment Letter No. 37

indifference of Fifield to the concerns of residents. Fifield has failed to respond to my correspondence, and I believe that this developer is relying upon its lobbyist and attorneys to push through the project, regardless of how inadequate its EIR.

37-21

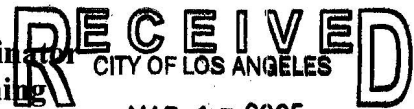
With kind regards,



James G. O'Callahan

JGO:cat

To: Nicholas Hendricks, Environmental Review Coordinator
Environmental Review Section, Dept. of City Planning
200 N. Spring St., Rm. #750
Los Angeles, CA 90012



CITY PLANNING
DIVISION OF LAND

RE: Notice of Completion/Availability Environmental Impact Report

EAF NO.: ENV-2003-5313-EIR

State Clearinghouse No.: 2004091031

Project Name: Wilshire Comstock Project

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: March 14, 2005

March 12, 2005

I live near the above project and will be affected by the project. After viewing the DEIR I find that I have the following questions that must be addressed in the EIR:

Mr. Robbins of Fifield Inc. stated recently that they have not decided how to dewater the site, also that they are not sure how much water needs to be removed although the pipes should be large enough to handle 600 gallons per minute. **The EIR needs to analyze in detail methods appropriate for dewatering this site safely and list the ramifications for each method.**

38-1

1-What are appropriate methods for dewatering the site?

38-2

1A-What ramifications to surrounding area might occur for each method?

38-3

2-What is the detailed plan to protect Wilshire Blvd. from collapse or subsidence during and following construction?

38-4

3-What is the detailed plan to handle the underground water following construction?

38-5

4-What will happen to the large trees downstream if/when the flow of underground water is removed? Has the developer done an ecological study of the natural trees downstream and the avian population they support?

38-6

5-What safeguards will be implemented to guard against West Nile Mosquitoes breeding in existing open storm drain catch basins and the swale on the LA country club golf course?

38-7

In addition to responding to the above questions I have specific questions relating to portions of the DEIR.

They are as follows:

1) Page 1-10, 2nd paragraph... "The total excavation associated with the construction of the proposed project would be 30 to 40 feet... Therefore, no significant impact related to the soil conditions are anticipated due to the excavation of the project site." ...

38-8

***Please explain how the upper 30 to 40 feet along the edge of the excavated boundary will react to the excavation?**

***Are the soils in this area competent to stand and not collapse into this excavation?**

38-9

***Where are the cross sections with the geology information? Which is the most critical cross section? Please provide it.**

38-10

*** Provide slope stability analyses for the temporary excavation.**

38-11

2) Page 1-22, item 2, under Excavation Slopes and Dewatering, "...Excavation up to about 30 to 40 feet deep... temporary unsurcharged embankment shall be sloped back at 1:1 without shoring."

38-12

***Is it safe in view of the low blow counts in the upper 40 feet?**

***Please provide slope stability analyses?**

38-13

3) Page IV.D-2 third paragraph under Soil Conditions, "...soils ...become stiffer and denser with an increase in depth"

38-14

***Please explain how conditions as found in boring 5 at 43 feet depth be handled?**

The log of boring 5 by Leroy Crandall reads "Heavy caving occurred between 43 and 48 feet (to 4 feet in diameter) during drilling".

38-15

***Please explain this caving up to 4 feet in diameter at a depth of 43 to 48 feet, in an 18 inches diameter bucket auger bore hole.?**

4) Page IV.E-5, last paragraph, "Table IV.E-1 contains a brief summary of groundwater levels encountered in borings that were advanced at nearby properties... Based on the review of the geotechnical reports of these properties, the excavation at these properties **did not** extend below the water table"

38-16

***How does this information from excavations at other sites, that did not go below the ground water table apply to the Wilshire/Comstock site?**

***Please provide knowledge for the subject site that will be excavated below the water table?**

38-17

5) Page IV.E-7, 3rd paragraph under Groundwater beneath the Project site, "Two relatively permeable zones have been identified; a shallow zone that occurs up to

C Spencer 02/14/04

depth of approximately 30 feet below ground surface (bgs), and a deep zone that occurs between approximately 40 to 55 feet bgs."

38-18

***Will the excavation remove the impermeable zone between the two permeable zones containing water?**

***How is this going to affect the groundwater table and the surrounding soils?**

38-19

***Will the builder try to seal the communication between the two permeable zones?**

38-20

***How will this puncture be sealed?**

38-21

6) Page IV.E-7, 2nd paragraph, "Groundwater generally moves southeast." Figure IV.E-4 shows the path of ground water flow to southwest and not southeast.

38-22

***Is the flow for the shallow ground water zone to the southeast or southwest?**

***Would that make a difference in establishing the dewatering system required at this site?**

38-23

6) Page IV.E-14, 2nd paragraph, "To compare settlement... lines of equal drawdown were established..."
Please provide the plots with lines of equal drawdown. This information is not included as part of this report.

38-24

***How far away from the project site is the ground affected?**

7) Page IV.E-16, first bullet, "The project site has experienced at least as much groundwater-level fluctuation than would occur when the project site is dewatered..."

The water table in the late 70's at this site was found at 23 feet and in 2003 was 18 feet. This is site specific.

38-25

***How can extrapolation from other wells to the east of the fault be applied to a site west of the fault? The change in groundwater has been a rise in water table and not a lowering of the water table.**

***Are there any indications for this site that the water table ever went below the level of anticipated excavation depth?**

38-26

***How can dewatering have no effect on settlement of surrounding soils? Please demonstrate with appropriate testing and analysis.**

38-27

8) Page IV.E-17, 1st paragraph under Future water runoff and drainage patterns conditions, "Runoff for the project site would flow away from the proposed building..."

P. Spencer P 3/24

catch basin connects to the existing 33-inch RCP storm drain line, which currently collects the existing site runoff."

38-28

***When the site is developed, the storm water runoff will be more than before. Where will the pumped ground water be discharges?**

***If the permanent dewatering flow is added to the storm water flow in this same 33-inch-diameter pipe, can the combination of runoff and dewatering flow be handled by the same 33-inch pipe?**

38-29

***Is the system capable of carrying additional water? Evaluate and explain the quantified conditions.**

38-30

***Please clarify as to which alternative will be used for the sub-drainage system? Will it be a permanent dewatering system or water proofed subterranean floor slab?**

38-31

Very truly yours,

Name/Print Caroline M. Spencer Date: 3-12-05

Name/Signature Caroline M. Spencer

Address 10316 Wilkins Ave City/State/Zip LA, PA 90024

Telephone Number 310-785-0619

Hellis

To: **Nicholas Hendricks, Environmental Review Coordinator
Environmental Review Section, Dept. of City Planning
200 N. Spring St., Rm. #750
Los Angeles, CA 90012**

RECEIVED
MAR 14 2005
CITY PLANNING
DIVISION OF LAND

RE: Notice of Completion/Availability Environmental Impact Report.
EAF NO.: ENV-2003-5313-EIR
State Clearinghouse No.: 2004091031
Project Name: Wilshire Comstock Project
Project Location/Address: 10250 Wilshire Blvd
Planning Area: Westwood
Council District #5.

Due Date for Public Comments: March 14, 2005

I live near the above project and will be affected by the project. After viewing the DEIR I find that I have the following questions that must be addressed in the EIR:

In regard to this project we would like to state that we share ALL of the concerns summarized on pp.4-6 of the DEIR. Although they have been addressed in considerable detail in this document, we are nevertheless unable to judge that the assessments of "insignificant" effect or risk are in fact accurate when applied to the day to day experience of living in the closest proximity to the project. It is the hazards we are exposed to by this proximity that are our greatest concern.

39-1

We are most particularly apprehensive about the effect of noise levels, traffic congestion and, most significantly, the likelihood of radical excavation activity to create

Very truly yours,

over →

Name/Print Michael x Beta Ozar Date: March 13, 2005
Name/Signature *Michael Ozar* BU Ozar
Address 1231 Club View Dr., City/State/Zip LA., CA 90025
Telephone Number 310 247 1425

a geological disturbance that would structurally & cosmetically damage our house which has stood securely on this site since 1949. 39-2

The issues of noise levels & congestion are an elevated concern because I work from home & require a high level of quiet. This has been secured by the installation of double paned windows throughout. I have been informed, however, that the sound levels generated by the drills used in excavation are far louder than the already high noise level of traffic on Wilshire Blvd. My work hours are from 8 AM to 5 PM & occasionally beyond. I need assurance that measures will be taken to mitigate the effect of this noise on my property. (On the same grounds I would also protest the use of a heliport on this site. 39-3

Heightened concern in regard to congestion stems from the same issue. I need assurance that my clients have easy access to my house since my livelihood depends on this. It is particularly difficult that this project is intended to proceed at the same time that Santa Monica Blvd. has become navigatable only by the expenditure of great patience. 39-4

These are our particular concerns regarding this project & hope that you will take them into account.

B. M. Ozar
M. M. Ozar

TUCHMAN & ASSOCIATES

ATTORNEYS AT LAW

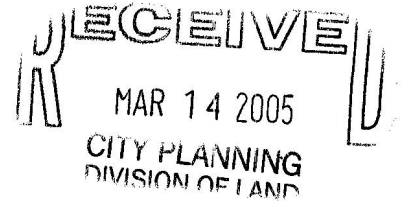
1000 WILSHIRE BOULEVARD, SUITE 1600

LOS ANGELES, CA 90017

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

Comment Letter No. 40

March 14, 2005



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

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:

This will serve as our offices' response to the draft Environmental Impact Report [EIR] prepared by Christopher A. Joseph & Associates. As you are aware, we represent the Westwood Homeowners Association, the Holmby Westwood Property Owners Association and the Wilshire-Comstock condominiums. We also write on behalf of the families who live at 1255 Club View Drive (Aviv and Janet Tuchman), Mr. and Mrs. Asya Torbiner who reside at 1349 Club View Drive as well as certain other neighbors on Club View Drive adjacent to 10250 Wilshire Boulevard, the so-called "Pumpkin Patch."

This letter will respond to the "draft" EIR which was circulated in January 2005. The project is flawed in many areas. The developer has cherry-picked facts and half-truths while ignoring empirical and anecdotal data that may deem the project not feasible. Many aspects of this project are not workable and have not been workable in the past.

40-1

Since the draft Environmental Impact Report does not necessarily deal with land use issues and grand-fathering, it will not necessarily be addressed in the context of this response. None of the clients referenced herein waive any objections regarding land use and regarding the usage of the property. The Wilshire-Westwood Scenic Corridor Specific Plan specifically states that there is a 75 foot limit, and this limit should apply to this structure. Moreover, no building permits have been pulled for the construction for this skyscraper for 28-years. The City of Los Angeles needs to adopt proper time limits to prevent stale tract maps from being constructed on. Guidelines must be

40-2

40-3

40-4

established that even in the event a Tract Map was properly recorded that any rights expire after a period of time, perhaps five to seven years. The constitutionality and health & safety issues regarding a seemingly never-ending right to build flies in the face of logic and runs contrary to Civic Planning and policies of most major U.S. cities.

40-4

40-5

The Draft Environmental Impact Report is so rife with inconsistencies regarding its various site plans, design of the structure, improper inclusion of a third driveway and pool structure that it should be resubmitted in *draft form* once again. The report was obviously prepared in haste, and many of these inconsistencies must be cleared up before the final report is submitted.

40-6

COMMENTS:

I. INTRODUCTION/SUMMARY

A. INTRODUCTION (Page I-1)

Notice of Preparation (Page I-2)

40-7

The notice of preparation was performed in a truncated basis, September 9, 2004 through October 8, 2004. There was an insufficient period for the notice of preparation. Furthermore, no scoping meeting was conducted. Additionally, there was no posting at the property.

I. INTRODUCTION/SUMMARY

B. PROPOSED PROJECT (Page I-4)

We have been assured, in writing, by the developer, and the developer has also assured the City Councilman's office, that there will be no third driveway. One of the problems with this draft Environmental Impact Report is that there are various descriptions of this property. One cannot tell whether it is 301 feet tall, 305 feet tall, 295 feet tall or 280 feet tall. There have also been certain variations regarding the maid's units and vehicle parking spaces. There have been inconsistencies regarding curbs and rolled curbs. There have also been inconsistencies and notices regarding the number of condominium units. At one point it was 31 condominium units and then at another point it was 35 condominium units. There are internal inconsistencies within the reports relative to drafting and relative to design. The graphic on the cover of the project is different from the proposals on the inside. In addition, site maps are also off.

40-8

40-9

40-10

40-11

40-12

40-13

40-14

The developer, through its counsel, has also told our offices, as well as the City, that there will be no above-grade pool structure. Such a structure would be totally contrary to the recorded tentative tract map.

40-15

A third driveway is also contrary to the tentative tract map recorded and this would also require an application for an amended tract map. Accordingly, these two items will not be included, and the final Environmental Impact Report must reflect that these two items are deleted.

40-16

I. INTRODUCTION/SUMMARY

C. AREAS OF CONTROVERSY (Page I-4)

No scoping meeting was conducted during the NOP, and even during the DEIR process there has been much debate regarding the lack of scoping. The community needs to be involved, and notices need to go out. The scoping meeting should take place prior to any submission by the Design Review Board. Furthermore, there needs to be an administrative hearing to ensure CEQA compliance. A hearing officer needs to be appointed separate and apart from the DRB, because the hearing process is a constitutional sanction.

40-17

40-18

As to aesthetics, the neighborhood is very much in agreement that the building is too big for the small area of the lot and for the adjoining houses. With respect to the introductory comments on Hydrology and Drainage and Geology and traffic issues, see our discussion below.

40-19

I. INTRODUCTION/SUMMARY

E. ALTERNATIVES (Page I-6)

Alternative A -- No project Alternative would be preferable to the neighborhood and our clients.

40-20

Alternative C would be a building compliant with the Wilshire-Westwood Scenic Corridor Specific Plan. It should comply with the Wilshire-Westwood Scenic Corridor Specific Plan.

40-21

I. INTRODUCTION/SUMMARY

F. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Page I-7)

Under the aesthetics section, balconies would negatively impact the privacy of the neighbors. In addition, driveways should be placed away from the homes. It should also be noted, the initial tract map shows ingress and egress along Wilshire Boulevard. Where is the Wilshire ingress/egress?

40-22

40-23

I. INTRODUCTION/SUMMARY

Mitigation Measures (Page I-10 through I-20)

The summary found at these pages regarding alleged mitigation do not make sense. There is discussion regarding tie-backs and cantilevered shoring. The instability of this soil and the continuous rising of the water table due to the recent rains indicate that the construction of such a narrow and dense structure at the intersection of Club View and Comstock requires more soil stability and more space than would properly be allowed. In their analysis, they do not state how far under the Comstock street, the Club View street, the Country Club and Wilshire they intend to excavate. There are no statements regarding what affect it will have. There needs to be a response regarding what affect the excavations will have on the adjoining streets, including Wilshire Boulevard, the Country Club and the homes nearby. How far do these tie backs go? How far

40-24

cantilevered are they? Have any rights to adjoining neighbors been granted? Has the Department of Transportation given permission to excavate under the streets, i.e. Club View Drive, Wilshire Boulevard and Comstock?

40-24

40-25

The summaries do not state where the water will go and how the water will be channeled.

40-26

I. INTRODUCTION/SUMMARY
Hydrology (Page I-20 through I-25)

The ground water settlement and ground water dewatering projects site range of .2 to .3 inches is ludicrous. The hydrology report does not even talk about the constant water leaks that occur on Wilshire Boulevard just north, in the number three lane, of the property. The hydrology section does not address the water bubbling up in the neighbors' yards across the street. There has been no study of the adjacent houses, or adjacent streets, regarding settlement and cracks. The on-site investigation section states that "The majority of the settlement ... has already occurred" and that "Only very minor settlement" will occur are sheer conjectural statements. This is counter-intuitive and does not even make sense. What will the affect of pumping water out be? What other attempts at dewatering existed at the property? Neighbors report that back in 1990 water was pumped out at thousands of gallons a day for five to six weeks, and the project abandoned. What will be the affect(s) with other projects?

40-27

40-28

40-29

40-30

I. INTRODUCTION/SUMMARY
Benzene in Groundwater (Page I-21)

The developer seems to be on again and off again with respect to Benzene. How much Benzene is there in the water? What affect will it have pumping it out into the neighborhood?

40-31

40-32

I. INTRODUCTION/SUMMARY
Mitigation Measures (Pages I-21 through I-22)

What does the membrane consist of?/What steps will be taken to make sure there are no punctures in the membrane?

40-33/34

I. INTRODUCTION/SUMMARY
Excavation Slopes and Dewatering (Page I-22 through I-23)

The excavation of 35 to 40 feet deep is contrary to what has been told to the neighbors. How deep will they have to go for the garages? If the water level is already at 18 feet below grade, how will the excavation go forward? How will the shoring take place? It states that the dewatering system shall be designed by a competent dewatering contractor. Who? With what experience? What do they propose with respect to dewatering?

40-35

40-36

40-37/38

I. INTRODUCTION/SUMMARY

Traffic/Transportation (Page I-28 through I-30)

There is already large queuing at the corner during rush hour. What steps will the developer take to reduce traffic. Clearly there will be an additional on-flow of cars. Will there be a stop sign? Will there be a guard? What type of lighting will exist?

40-39
40-40
40-41

FIGURE III-1

PROPOSED SITE PLAN: 1ST FLOOR

Rolled curbs are referenced. Are there going to be rolled curbs? There should be no rolled curbs. In addition, the developer has told us there will be no alleyway nor driveway adjacent to the L.A. Country Club maintenance yard. This needs to be clarified as the drawings are ambiguous. This drawing and site plan should be clarified.

40-42
40-43

FIGURE III-2

PROPOSED SITE PLAN: 2ND FLOOR

The pool structure should be eliminated.

40-44

FIGURE III-3

PROPOSED SITE PLAN: 3-5TH FLOORS

Maid's units are presently not counted as units. If these maid's units have separate bathrooms, they should be added to the unit total. They are in violation of their tract map recording.

40-45

FIGURE III-10

PROPOSED SITE PLAN: PARKING LEVEL 1

What affect will a Comstock exit have? There was an amended plan filed and approved in approximately 1991. Why hasn't there been an analysis of the Comstock ingress/egress? Why isn't there any mention of it anywhere in the traffic studies or in the site plans? What impact will it have on traffic and congestion not to use this exit?

40-46/47

Furthermore, what contacts have been made with the Department of Transportation with respect to the driveway on Wilshire? What about dedicating a portion of the land on Wilshire to allow for an extra lane of Wilshire traffic? Will this allow traffic to go in and go out? There is no mention of this, and these issues must be addressed. The original tract map had a Wilshire driveway. Where is it now? Why was it eliminated?

40-48
40-49

**FIGURE III-11
PROPOSED SITE PLAN: PARKING LEVEL 2**

Where are the pumps? Where will the water go? How will it be pumped out? 40-50/51/52

**FIGURE III-12
PROPOSED SITE PLAN: PARKING LEVEL 3**

Where are the pumps? Where will the water go? How will it be pumped out? 40-53/54/55

**FIGURE III-13 through FIGURE 111-17
PROJECT ELEVATIONS AND DETAILS**

Architecturally this building looks like an office building. Why does it have to look like an office building? Why can't this be designed in a proper manner? Why does it have to look like the old TransAmerica building downtown? What is this top structure? Why do they believe they can build this top structure? It is extremely ugly. Why does it have to be so ugly? These Figure III-13 through 17 are completely inconsistent with the other drawings which are at least more preferable. 40-56

**III. PROJECT DESCRIPTION
Landscaping and Open Space (Page III-21)**

There should be as much landscaping as possible, and the description of landscaping is very vague. 40-57
 40-58

**III. PROJECT DESCRIPTION
E. DISCRETIONARY ACTIONS (Page III-22)**

There are errors contained in this section. For example, "The EIR serves as the environmental document for the DRB action and ministerial permits or approvals associated with development of the proposed project. This EIR is also intended to cover all federal, state, regional and/or local government discretionary or ministerial permits or approvals that may be required to develop the proposed project, whether or not they are explicitly listed below." This is an incorrect statement. Why is an incorrect statement of the law included? The Environmental Impact Report and Environmental Clearance is a prerequisite to proceeding to the Design Review Board. Although the Design Review Board in its description of powers states that all aspects of the project must be in conformance with laws, the Environmental Impact Report Clearance must stand in compliance with CEQA, and, therefore, a hearing officer must be conducted independent and prior to a DRB hearing. 40-59

**FIGURE III-18
PROPOSED PROJECT LANDSCAPE PLAN**

The pool structure should be eliminated, and there should be no driveway or rolled curbs anywhere near the tail (southern most tip of the property.) 40-60

**IV. ENVIRONMENTAL IMPACT ANALYSIS
A. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT (Page IV.A-16)**

Quimby fees are supposed to be paid. Have they been actually paid? The developer has not produced an actual receipt for these fees. Absent payment of these fees, the tract map is not effective. 40-61

**IV. ENVIRONMENTAL IMPACT ANALYSIS
B. AESTHETICS (Page IV.B-1)**

As stated above, this building is ugly. It looks like an office building. It is not in conformity with the local architecture and its bulk is massive. The final Environmental Impact Report must consult and consider the local neighborhood and the size of the building. 40-62

**IV. ENVIRONMENTAL IMPACT ANALYSIS
B. Existing Zoning, Building Height, and Design Review Regulations (Page IV.B-12)**

Again, the existing zoning, building height and design review regulations are objected to. 40-63

**IV. ENVIRONMENTAL IMPACT ANALYSIS
B. Light & Glare (Page IV.B-13)**

What steps will be taken to protect the homeowners? What steps will be taken to avoid excess light shining on the neighborhood homes? 40-64

**FIGURES IV.B. 1 through 14
POST PROJECT VIEW OF THE PROJECT SITE**

These drawings are extremely deceptive. There are single-family dwellings nearby, not other commercial spaces as is indicated in the cubed drawings. In addition, the building is aesthetically distressing. The pool structure should not be allowed, and we have already been promised that it will not be constructed. 40-65
40-66

IV. ENVIRONMENTAL IMPACT ANALYSIS

D. GEOLOGY AND SOILS (Page IV.D-1 through 2)

All of the engineers from MacTech who worked on this project apparently have been terminated. What is the affect of the channel-like ditch which abuts the property at the maintenance shed area of the Club? [What about the escarping in this area?] [What about the Stone Canyon trunk line, which traverses immediately adjacent to the property line? What about the high water table which is now currently now approximately 18 feet? What about the reports from R. T. Frankian (see enclosed November 2, 2004 report) and their impact? [What about the potential collapse of Wilshire? What steps will be taken to prevent this?] [There has been no reasonable report or suggestion as to how the water issues will be dealt with when they will be pumped out. There has been no discussion regarding a bond requirement. What bond requirement will there be?] [The geology and soils section is a parroting of earlier reports but does not explore anything new. Possible ruptures and collapses are not properly addressed in the report. Even the report itself states that water was encountered at depths as shallow as 23 feet and that there have been borings to a dept of 18 feet (Page IV.D-2.)

IV. ENVIRONMENTAL IMPACT ANALYSIS

Project Impacts (Page IV.D-7 through 8)

What does it mean when the report says "Expansive soils could have a significant impact on the proposed development."? [What does it mean when it states 38,600 square feet of soil will be removed? What will the impact be on the neighboring homes? [What are the actual seismic hazards?

What were the results of the previous pumping and why were previous attempts to develop this property abandoned?

IV. ENVIRONMENTAL IMPACT ANALYSIS

MITIGATION MEASURES (Page IV.D-9 through 10)

The section regarding "Foundations" and "Bearing Values" do not make sense. The "Settlement" does not make sense. How will it affect the homes? What will the effect of the friactic collapse be?

IV. ENVIRONMENTAL IMPACT ANALYSIS

E. HYDROLOGY (Page IV.E-1)

Will there be a blow-out? What would the other geyser-like fountains that occurred at the property several years ago when there was drilling? [What will happen with the ground water? Where will the ground water go? [Where will future drainage go? [What ground water tests were conducted in other sites? [Where does the water come from? Does it bubble up? [Will the water fill in? [What is the affect on the soil when removing the water? (See other reports.)

1. Please have the developer provide profile charts and detailed maps showing exactly where, during the de-watering process, the water will be drawn from. Show distance and depths from the subject property and anticipated volumes. 40-87
2. The property requires permanent de-watering what will be the maximum daily discharge volume. 40-88
3. During the de-watering process what is the detailed route that the discharged water will take, and what is its final destination? 40-89
4. Does the developer have to compensate the Los Angeles Department of Water and Power for the ground water removed from the site? 40-90
5. Have any studies been conducted to show what effects the de-watering will have on adjacent streets and structures outside the perimeter of the subject property? 40-91
6. The DEIR does not address the DWP Stone / Hollywood trunk line that runs parallel to the Eastern boundary of the subject property. What steps will be taken to protect the trunk line from being disturbed. If there is settlement or if the earth is undermined in the vicinity of the trunk line what effect will that have on the trunk line? 40-92
7. If the Stone / Hollywood trunk line is broken or breached what would be the consequence? What is the volume of water that would be discharged into the neighborhood if the line is breached? 40-93
8. Does the developer plan to install a storm drain system to connect the subject property to the City storm drain system? 40-94
If so, where will the line be installed. What inlets will be connected to the installed line? 40-95
9. Does the developer have in his possession and/or has the developer reviewed the previous de-watering tests, from the late 1970's and the late 1980's, conducted on the subject property? 40-96
10. Why weren't the June and July, 2004 de-watering tests included in the DEIR? Specifically the technical findings from MacTec and Hydroquip. 40-97
11. What type of equipment was used to de-water the property in June and July of 2004? Please list detailed information all equipment, i.e. Size and type of filters, settlement tanks, pump size, well size etc. 40-98
12. What is the name of the company(s) that conducted the 2004 de-watering tests?. 40-99

13. What date(s) was equipment placed on the property in order to conduct the 2004 de-watering tests? 40-100
14. What date(s) was the above equipment removed from the subject property? 40-101
15. Do the plans for the de-watering and planned excavation take into account 100 year rainfalls? 40-102
16. Taking into account the recent 100+ year rainfall, how long will it take to de-water the property in order to prepare it for excavation? 40-103
17. How close to the curb on Wilshire Boulevard will the edge of the proposed excavation be? 40-104
18. What distance must be maintained between the excavation and automobile and truck traffic to insure that the sides of the excavation won't be breached? 40-105
19. During the excavation phase, and taking into account the hydrology, what is the maximum seismic load during an earthquake that the shoring of the excavation can be subjected to without experiencing a failure? 40-106
20. What is the highest water table at the site that the finished building will be designed for? 40-107
21. Will settlement tanks and filtering equipment be permanently installed in the lower levels of the garage in the event that filtering of the ground water is required due to a reoccurrence of benzene or other contaminants in the ground water at the site? 40-108
22. Will temporary or permanent de-watering result in any standing water either on site or off site? 40-109
23. Will any lanes of Wilshire Blvd, Club View Drive or Comstock Ave be closed during construction? If so please explain what lanes will be closed, what hours will they be closed, what days of the week will they be closed and for how long will they be closed. 40-110
24. Is the developer posting a bond to cover potential property damage to both private and public property adjacent to the development? If so, what is the size of the bond, and how long will it be in place for? 40-111
25. If the developer should file bankruptcy or be unable to complete the project for any reason, will a completion bond be in place to insure that funds are available to finish the project or close up the excavation and return the property to its natural state? 40-112
26. What utility lines, including but not limited to conduits, storm drains. pipes, are located within 500 feet of the boundaries of the proposed excavation? 40-113

- 27 Describe what effect will the de-watering process have on the Stone / Hollywood trunk line. 40-114
28. Does a high water table at the site, and taking into account the nature of the soil, increase the risk of liquefaction? What factors must be present for liquefaction to take place? 40-115

IV. ENVIRONMENTAL IMPACT ANALYSIS On-Site Investigation (Page IV.E-16)

- There is another inconsistency here. Why does it state that the excavation for the proposed project would be upward 45 to 50 feet? Where are these three sum-pumps going to be located? 40-116
- They say that it will be at the excavation depth of "58 feet bgs." They state that ground water level will be lowered by 18 to 20 feet. Where does this come from? Where does the calculation come from? 40-117
- How long will dewatering go for? What will happen if the dewatering needs to continue throughout the life of the building? What the effect of 30 years of dewatering have? 40-118/119
- What affect does the recent rains have on the hydrology? What affect 40-120
- Has there been an engineering report regarding the run-off problems in the neighborhood? 40-121
- 40-122

IV. ENVIRONMENTAL IMPACT ANALYSIS Loading and Off-Loading

- It should be clear in the Environmental Impact Report that there will be no loading or off-loading near the homes. One of the two driveways must be used. There must be a section which addresses how and why trucks, including garbage trucks, service trucks, delivery trucks, moving trucks will have access to the property. How much of a closure of the street will be necessary during the construction? What solutions will there be with respect to the parking of staff? 40-123
- 40-124
- 40-125

WHAT IS MISSING

- Missing Documents No. 1: The MacTech report dated August 26, 2003 refers to two previous reports dated August 25, 1965 and November 7, 1972 bearing job numbers A-65278 and A-72242 respectively. In addition, the MacTech reports stated that they were provided with a report on the foundation dated July 20, 1988, which was prepared by R.T. Frankian and Associates. Where is the reference to these reports? Why were these reports not included in the appendix? Why were these report tests not reported in the draft Environmental Impact Report? These reports should be obtained and analyzed. I wrote a letter to Mark Armbruster requesting these documents. 40-126
- 40-127
- 40-128
- Missing Documents No. 2: There was a laughable February 16, 2004 Hydro Quip Pump 40-129

- and Dewatering Corp 2-page generalized report signed by Jerry King. What is the basis for this report? Where is the data collected to prepare the Hydro Quip report? This report is so insufficient as to be reckless and endangering of the hereby property. Where is the empirical data? 40-129
- Missing Documents No. 3: There was an architect Jin Wang who worked on the property who may have access to reports, but certainly has architectural information and information regarding the aborted attempts to construct the property. Where are the reports from Jin Wang? Where is the information regarding Mr. Rosenthal's attempt to develop the property several years ago? 40-130
- Missing Documents No. 4: In the draft EIR there is a reference to 1964 borings performed by Crandall & Associates bearing job number A65-278. Where is the complete copy of this report? Where is all the information gathered in this report? Why was this report not attached to the appendix? 40-131
- Missing Documents No. 5: Where are the dewatering reports from MacTech from June and July 2004 – and not just on water quality? Neighbors saw water being pumped out in both June and July 2004. There is documentation regarding the July 2004 pumping, which is being suppressed by the developer. The developer needs to be pressed on this issue. 40-132
- Missing Documents No. 6: Where is the third quarter report which was to be sent to the Water Quality Control Board? We only have a second quarter report. These reports should be provided. 40-133
- Missing Documents No. 7: Where are any documents from the City regarding the necessity of the scoping meeting? The developer misreads *Public Resource Code* §15206 and has bamboozled the City on this issue. The scoping meeting needed to be undertaken. 40-134

FURTHER UNANSWERED QUESTIONS WHICH WERE SUPPOSED TO BE ANSWERED BY THE DEVELOPER

1. Where will the water go when it is pumped out? 40-135
2. How will the water flow be affected if there is a permanent basin structure? 40-136

- | | | | |
|-----|---|--------------------------|--------|
| 3. | Will there be a permanent pumping system? | <input type="checkbox"/> | 40-137 |
| 4. | What will the effect on adjacent properties be? | <input type="checkbox"/> | 40-138 |
| 5. | Will Wilshire collapse? | <input type="checkbox"/> | 40-139 |
| 6. | What steps will be taken to prevent the collapse of Wilshire? | <input type="checkbox"/> | 40-139 |
| 7. | Will the adjacent Los Angeles County Club be affected? | <input type="checkbox"/> | 40-140 |
| 8. | What will the effect be on trees and growth in the area if water is to be diverted? | <input type="checkbox"/> | 40-141 |
| 9. | How much settling will occur? | <input type="checkbox"/> | 40-142 |
| 10. | What will happen to the hundreds of gallons which flow through there each minute? | <input type="checkbox"/> | 40-143 |
| 11. | How does the current site plan differ from the original tract map? | <input type="checkbox"/> | 40-144 |

POWER GRID QUESTIONS

- The power consumption grid for the area immediately adjacent to the building is extremely sensitive. There have been power outages and there is a significantly aging power grid in the area. 40-145
- What affect will this building have on the grid? What improvements can be made to the neighborhood, including burying power lines and other lines? What affect will upgrading the system have? Should they be required to upgrade the system? What types of fire suppression will be used in the building? How will it affect water and power issues? What other street improvements can be made? What lighting improvements can be made? 40-146
- 40-147
- 40-148
- 40-149

LACK OF EMPIRICAL DATA AND INTERVIEWS WITH NEIGHBORS AND OTHER ENGINEERS

- Research on this project has been perfunctory. Where are the interviews with previous engineers? Where are the references to the City documents and applications to pull permits? Where are the discussions with other engineers? Where are the interviews with neighbors? Where is there any historical background on this site? Why is there no comparison of this site, which is at the bottom of a canyon, with the Holmby Westwood Park? Why are they not referring to the Holmby Westwood Park? 40-150
- 40-151
- 40-152/153
- 40-154

Nicholas Hendricks
Environmental Review Coordinator
March 14, 2005
Page 14

INCORPORATION BY REFERENCE

We incorporate by reference all our previous letters sent to Nicholas Hendricks, including, but not limited to, Mr. Armbruster's letters dated January 19, 2005 confirming that there will not be a third driveway and no swimming pool structure at 10250 Wilshire. This was forwarded to Nicholas Hendricks on or about January 20, 2005. In addition, this response incorporates by reference, as though fully set forth, all other responses of the WHA, Charles Edelsohn and Sandy Brown of the Holmby Westwood Property Owners Association and any other pertinent responses submitted. **We also incorporate by reference the March 11, 2005 SGH Consulting Services, Inc. report responding to the draft DEIR, which is attached hereto.**

40-155

ANTI-WAIVER LANGUAGE

This response reserves the right to be amended. This response also reserves the right to object to the proceeding for an EIR based on the grounds that no scoping meeting has taken place in October and November 2004. In addition, as stated above, there is no waiver of any of the alleged challenges to the grand-father rights. In addition, our clients are not waiving any challenges to the manner in which permits are issued for this project.

40-156

Very truly yours,

TUCHMAN & ASSOCIATES



AVIV L. TUCHMAN

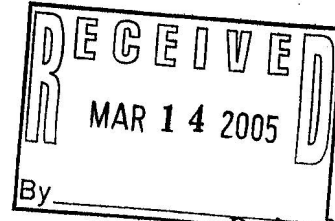
LT:rehm
enclosures
City of Los Angeles
City Hall
100 North Spring Street, Room 440
Los Angeles, CA 90012

Attention: Jack Weiss

N/C ✓

SGH CONSULTING SERVICES

A CORPORATION
CONSULTING ENGINEERS, GEOLOGISTS, HYDROLOGISTS and GEOMORPHOLOGISTS
6101 West Centinela Avenue, suite 340
Culver City, California 90230



March 11, 2005

TUCHMAN & ASSOCIATES
Attn: Aviv Tuchman, Esq.
1000 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90017

SUBJECT: Document Review and Concerns
Southeast Corner of Wilshire Boulevard and Comstock
Los Angeles, California

Dear Mr. Tuchman:

We have reviewed the documents provided to us by your firm, regarding history and development proposals for the site above. In our opinion the Draft EIR report by Christopher A. Joseph & Associates dated January 2005 is preliminary. Various research, testing, and analysis are missing or are incomplete. In order to completely evaluate the geological and geotechnical impact and effect of this development on the neighboring properties, during and after construction, the questions below should be addressed. The following are some questions and concerns from our point of view regarding the draft Environmental Impact report.

40-157

- 1) Page I-10, 2nd paragraph.... "The total excavation associated with the construction of the proposed project would be 30 to 40 feet... Therefore, no significant impact related to the soil conditions are anticipated due to the excavation of the project site."

40-158

Please explain how will the remaining upper 30 to 40 feet along the edge of the excavated boundary react to this excavation? Are the soils competent to stand and not collapse into this excavation? Where are the cross sections with the geology information? Which is the most critical cross section, please provide it. Provide slope stability analyses for the temporary excavation.

40-159

40-160

- 2) Page I-11, item number 5 "...and the weight of concrete in the footings and mat shall be taken as 50 pounds per cubic foot:"

40-161

Please explain this assumption.

- 3) Page I-11, item number 9 "... coefficient of friction of 0.5 shall be used....."

40-162

Please explain this assumption. Should a more conservative value be used?

- 4) Page I-12, item number 11 "...Where excavations are deeper than 4 feet, the sides of the excavation shall be sloped back at 1:1 or shored for safety."

40-163

It seems from the statement above that a 1:1 cut is applicable to a 40 feet excavation. If this is so, it may not be conservative enough in view of low blow counts in the upper 40 feet. Please provide the slope stability analyses?

- 5) Page I-13, item number 15 "...Where retained soils are partially sloped at 1:1 above the shoring, it shall be assumed that the soils will exert lateral pressure equal to 60 pounds per cubic feet."

40-164

Please demonstrate how the hydrostatic pressure will be accounted for?

- 6) Page I-22 , item 2, under Excavation Slopes and Dewatering, "...Excavation up to about 35 to 40 feet deep.....temporary unsurcharged embankment shall be sloped back at 1:1 without shoring."

40-165

Is it safe in view of low blow counts in the upper 40 feet? Please provide slope stability analyses?

- 7) Page IV.D-2 third paragraph under Soil Conditions, "The upper natural soils are medium stiff or medium dense...."

How deep are the UPPER natural soils? Boring log 1 by Leroy Crandall shows blow counts ranging from 4 to 9 in the upper 30 feet, Boring log 3 by MACTEC shows blow counts ranging from 3 to 7 in the upper 20 feet , Boring 4 by MACTEC shows blow counts ranging from 5 to 7 in the upper 30 feet. Do these blow counts imply that the soil is medium dense? We understand that standard penetration tests categorize 0 to 10 blow counts as loose soils, it seems to be an inconsistency.

40-166

- 8) Page IV.D-2 third paragraph under Soil Conditions, "....soils....become stiffer and denser with an increase in depth"

Please explain how conditions as found in boring 5 at 43 feet depth be handled? The log of boring 5 by Leroy Crandall reads "Heavy caving occurred between 43 and 48 feet (to 4 feet in diameter) during drilling". Please explain this caving up to 4 feet in diameter at a depth of 43 to 48 feet, in an 18 inches diameter bucket auger bore hole.

40-167

- 9) Page IV. D-2, Liquefaction, first paragraph, "Liquefaction potential is greatest where the groundwater level is shallow, and loose, fine sands occur in the shallow areas."

According to the logs, Boring log 1 by Leroy Crandall shows blow counts ranging from 4 to 9 in the upper 30 feet, Boring log 3 by MACTEC shows blow counts ranging from 3 to 7 in the upper 20 feet, and Boring log 4 by MACTEC shows blow counts ranging from 5 to 7 in the upper 30 feet. Groundwater was encountered at 26 feet in boring 1, 23 feet in boring 2, and 18 feet in boring 4. Are there other indications that groundwater could rise above those reported? The logs seem to indicate that loose soils and shallow groundwater are present. Can this have liquefaction potential? Please explain. Boring logs by Frankian indicate even lower blow counts at this site. Have these logs been reviewed as part of this report?

40-168

- 10) Page IV. E-1, last paragraph, "...project site, which is comprised of at least seven distinct soil layers."

Provide the geologic cross sections for this site showing the distinct soil layers and the proposed construction.

40-169

11) Page IV. E-3, under Historic Groundwater Levels, 2nd paragraph, "...soils at the project site and in the immediate vicinity have already experienced multiple cycles of loading and unloading based on variations of groundwater...".

40-170

All of the tabulated records in Figure IV. E-2 for well numbers 15, 16, 17, 20, and 21, are on the other side of a nearby fault, such faults form groundwater barriers. The data from the other side of the fault may not represent conditions at this site.

12) Page IV.E-5, last paragraph, "Table IV.E-1 contains a brief summary of groundwater levels encountered in borings that were advanced at nearby properties.....
Based on the review of the geotechnical reports of these properties, the excavation at these properties **did not** extend below the water table."

40-171

How does this information from excavations at other sites, that did not go below the ground water table, provide knowledge for the subject site that will be excavated below the water table?

13) Page IV.E-7, 3rd paragraph under Groundwater beneath the Project site, "Two relatively permeable zones have been identified; a shallow zone that occurs up to depth of approximately 30 feet below ground surface (bgs), and a deep zone that occurs between approximately 40 to 55 feet bgs."

40-172

Excavation at the site is proposed to extend to 40 feet below the ground surface. It seems that this excavation is going to remove the impermeable zone between the two permeable zones containing water. How is this going to affect the groundwater table and the surrounding soils? Is the consultant going to try to seal the communication between the two permeable zones? How will this puncture be sealed?

14) Page IV.E-7, 2nd paragraph, "Groundwater generally moves southeast."

40-173

Figure IV.E-4 shows the path of ground water flow to southwest. Is the flow for the shallow ground water zone to the southeast or southwest? Would that make a difference in establishing the dewatering system required at this site?

40-174

15) Page IV. E-14, 2nd paragraph, "To compare settlement..... lines of equal drawdown were established...."

40-175

Provide the plots with lines of equal drawdown. How far away from the project site is the ground affected? This information is not included as part of this report.

16) Page IV.E-14 2nd paragraph, "The settlements at the project site and adjacent sites.....were computed by lowering the groundwater level below the bottom of the planned excavation , approximately 46 feet bgs...."

40-176

How deep is the excavation? 30 to 40 feet as mentioned earlier, or 40 to 50 feet as mentioned here now? Settlement calculations are not provided as part of this report. How was the settlement range arrived at for the site and adjacent to the site? What soil parameters were used for settlement calculations? The consolidation curve for boring 3 at 39 ½ feet indicates a large potential for settlement under load; was this test considered in the settlement calculations? The consolidation curve for boring 2 at 32 feet indicates a large potential for settlement under load, was this test considered in the settlement calculations? The consolidation curve for Boring 1 at 22 feet shows large potential for settlement under load, was this test considered in the settlement calculations?

40-177

17) Page IV.E-16, first bullet, "The project site has experienced at least as much groundwater-level fluctuation than would occur when the project site is dewatered..."

The water table in the late 70's at this site was found at 23 feet and in 2003 was 18 feet. This is site specific. How can extrapolation from other wells to the east of the fault be applied to a site west of the fault? The change in groundwater has been a rise in water table and not a lowering of the water table.

40-178

Are there any indications for this site that the water table ever went below the level of anticipated excavation depth? How can dewatering have no effect on settlement of the surrounding soils? Please demonstrate with appropriate testing and analysis.

40-179

40-180

18) Page IV.E-17, 1st paragraph under Future water runoff and drainage patterns conditions, "Runoff for the project site would flow away from the proposed building,...catch basin connects to the existing 33-inch RCP storm drain line, which currently collects the existing site runoff."

40-181

When the site is developed, the storm water runoff will be more than before. Where will the pumped ground water be discharged? If the permanent dewatering flow is added to the storm water flow in this same 33-inch-diameter pipe, can the combination of runoff and dewatering flow be handled by the same 33-inch pipe? Is the system capable of carrying additional water? Evaluate and explain the quantified condition.

40-182/183

- 19) What was the catastrophic failure at Santa Monica and Comstock? Was the reported 1990 blow-out investigated for causation? This may prove to be very important for the site buildability and avoidance of disaster. 40-184
- 20) Please show in detail the anticipated behavior of Wilshire Boulevard with regards to stability during construction and resulting settlement? Can Wilshire Boulevard experience a similar disaster as Santa Monica Boulevard and Comstock? 40-185
- 21) The anticipated contours for the drawdown cone are very important. This is especially important to see if Wilshire boulevard would be affected or not. There is a 60-inch-diameter water trunk line east of the intersection of Wilshire and Comstock. Could it be affected? Will the surrounding sites close to the dewatering zone settle or not? Please provide this analysis. 40-186

40-187
- 22) Which past geotechnical reports by other consultants have been reviewed by Mactec regarding the specific site? Have their borings and sub-surface investigation been integrated into this study? Were reports by Frankian and J. Byer incorporated in this report? Are there additional Le Roy Crandall reports available for this site? Please provide copies of ALL geotechnical references REVIEWED by Mactec. 40-188
- 23) What is the depth of excavation, 30 to 40 feet, 40 to 50 feet, 58 feet, or a different value? This may have a very large impact on the stability of the site. 40-189
- 24) August 26, 2003 report of Mactec , page iv, "... a permanent subdrain system would be necessary beneath the floor slab or beneath the mat foundation". We presume this system will have a back up in the event of a power failure. In the event of gradual clogging of the subdrain system are the subterranean walls designed for hydrostatic pressure? How far back will the dewatering cone go? Please provide cross sections demonstrating the excavation, construction and the phreatic line due to the dewatering activity/system? 40-190

40-191

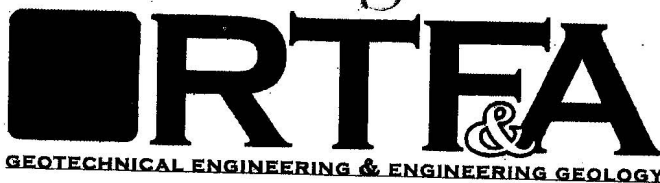
40-192
- 25) What are the sizes, lengths, and elevations for the tie back system? Please provide a geological cross section showing the tiebacks and inclinations. Will the tie backs penetrate the ground below other properties? 40-193
- 26) Please provide ALL hydrological reports and investigations for this site? Have the past reports by other consultants for this site been studied? 40-194
- 27) Please clarify as to which alternative will be used for the sub-drainage system? A permanent dewatering system or waterproofed subterranean floor slab? 40-195

If I can be of further assistance to you or if you have any questions, please do not hesitate to call.

Sincerely,

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

Ella Kheirkhahi, P.E.
Principal Engineer
Civil Engineer C50251
Licensed by the California Board for
Professional Engineers and Land Surveyors



November 2, 2004

Tuchman & Associates
1000 Wilshire Boulevard, Suite 1600
Los Angeles, California 90017

Job No. 2004-034-60

Attention: Mr. Aviv Tuchman

Subject: Revised Report of Geotechnical Comments
Proposed Development
10250 Wilshire Boulevard
Los Angeles, California

Dear Mr. Tuchman:

This revised submittal provides our comments regarding geotechnical matters concerning the construction and maintenance of a proposed residential development planned by others for the site southeast of the intersection of Wilshire Boulevard and Comstock Avenue in Los Angeles. These matters include excavation for a subterranean parking garage, temporary dewatering of the excavation/garage, and issues pertaining to groundwater flow and water disposal. The purpose of our comments is to provide you with guidance in ascertaining that properties adjacent to the proposed development will be protected from damage that would be caused by the construction and maintenance of the development.

40-196

The basis of our comments is the soil investigations our firm made for the subject site in 1977 to 1979 and in 1988 for two different, but similar, proposed residential projects. The earlier development was to have an excavation about 36 feet

40-197

Tuchman & Associates
 November 2, 2004
 2004-034-60

in depth, whereas the 1988 project was to have an excavation of about 36 to 41 feet in depth. Neither of these previously proposed developments were constructed. We have not reviewed any other geotechnical documents pertaining to the subject site. 40-198

We understand that the currently proposed development will be larger and deeper than the two previously planned projects. It will be 21 stories in height, plus four levels of subterranean parking garage. The lowest garage floor slab will be about 46 feet below the ground surface. The footprint of the building will be about 115 feet square. It has been reported to us that the excavation for the garage will be 70 feet below the ground surface. We presume that such a great depth will be required for a very thick mat foundation to resist hydrostatic pressure whenever no permanent dewatering is performed. 40-199

The historically high groundwater level at the site is "20 feet or less" below the ground surface (according to Open-File Report 98-14, Seismic Hazard Evaluation of the Beverly Hills Quadrangle, 1998, by the State Department of Conservation). One of the dewatering wells in 1979, however, found the groundwater level at a depth of 13 feet below the ground surface. 40-200

Our boring logs and groundwater level measurements in 1977 to 1979 indicated that there was a perched groundwater table above a silty clay layer and a true groundwater table under an artesian head of water below the clay layer. 40-201

In our borings the silty clay layer had a maximum thickness of about 6 or 7 feet, and extended from a shallowest depth of about 28 feet to a deepest depth of about 37 feet (in different borings). Since the planned garages for the previous projects were shallower, there was concern that removal of overburden pressure weight of soil) with excavation for a garage would allow the artesian water pressure 40-202

to break through the remaining portion of the silty clay layer and seek its elevation head. Thus, the quantity of dewatering would have vastly increased over that required for the shallow perched water table alone. We believe that the lower, true groundwater table has seeped through the 18- to 24-inch diameter test borings (backfilled with both sand and silty clay) and found its elevation head of about 25 to 30 Feet below ground surface in 1977. Two years later in 1979, and subsequently, this elevation was about 13 to 18 feet below the ground surface. 40-202

The foregoing discussion of a breakthrough of the artesian pressure is of no particular concern for the presently planned development, since the deeper excavation will penetrate through the silty clay layer. It is likely that an artesian condition has ceased to exist at the site, combining the true, lower groundwater table with the perched groundwater table at a relatively shallow groundwater level. A determination as to whether an artesian groundwater condition currently exists at the site probably has been made in recent times, and could be made with the use of casing in the clay layers of the borings. 40-203

We understand that your concerns are for the safety and prevention of damage to the surrounding properties as a result of the proposed development. The project is a challenging one from a geotechnical standpoint. A full Environmental Impact Report (EIR), with emphasis on geotechnical matters, is warranted; we understand that such an EIR is being performed. The project Geotechnical Engineer must fully address all geotechnical, geologic, and hydrogeologic matters, with particular emphasis on the following: 40-204

Tuchman & Associates
 November 2, 2004
 2004-034-60

DEWATERING

The relatively deep planned excavation will require temporary dewatering to lower the groundwater level below the bottom of excavation, so that all excavating will be performed in the dry. The sands at the site, and presumably below adjacent properties, will transmit relatively large quantities of water when temporarily dewatered, if some form of peripheral shield such as sheet piling or chemical grouting is not used. Otherwise, the excavation depth will require dewatering which may extend appreciable distances outside the site into adjacent properties. Drawdown of the groundwater level on surrounding properties will increase the overburden pressure. Such increase may have a detrimental effect on these properties in the form of subsidence. The geotechnical work should include an estimate of the magnitude of subsidence of surrounding properties in terms of distance from the excavation. Consolidation tests on soil samples of the type in which dewatering may occur, and from below the dewatering zone, ought to be used in estimating this magnitude. Dewatering wells, the quantities of flow, and the resulting dewatering should be monitored on an on-going basis. We suggest that a party experienced in dewatering be consulted for the project. Prior to dewatering, a surveyor should establish monitoring points on surrounding properties, including buildings, streets and other features, and these points should be monitored periodically during the course of the dewatering operation.

40-205

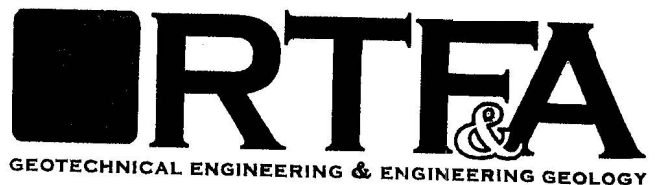
40-206

40-207

EXCAVATION AND SHORING

Since streets and a water main surround the project site, the sides of the excavation will be essentially vertical, with tieback anchor or raker-braced shoring.

40-208



Tuchman & Associates
November 2, 2004
2004-034-60

Of particular concern is the five-foot diameter water trunk line located parallel to the east property line of the site. We don't know the depth of the line or its distance from the property line. Precautionary steps should be taken to prevent any detrimental movement of the water line, either from excavation and shoring or from dewatering. 40-208

GROUNDWATER FLOW

With mountains and higher ground to the north of the site, the groundwater presumably flows southward beneath the site. With a current artesian groundwater condition apparently in question at the site, and with what was formerly known to be a zone of groundwater flowing under an artesian condition, several questions arise as to the groundwater conditions which will prevail with construction of the proposed development. Can a lower groundwater zone be resealed to maintain an artesian condition following completion of the development? Does the narrow strip of younger alluvium (as shown in the aforementioned Open File Report 98-14) in which the site is located concentrate the flow of groundwater beneath the site? Will the construction of the garage of the proposed development block the groundwater flow in this narrow strip of younger alluvium? Will such blockage create a detrimental rise in the groundwater level to the north of the proposed subterranean garage? If unacceptable groundwater conditions are likely to occur, what mitigation measures, such as the creation of flow channels around the subterranean garage, will be required? We suggest that these and other such questions be addressed by a hydrogeologic consultant. 40-209 40-210 40-211

Tuchman & Associates
November 2, 2004
2004-034-60

-6-

WATER DISPOSAL

Proper disposal of water from the dewatering will, of course, be required. It is our understanding that only temporary dewatering during construction will be performed. If permanent dewatering will be used for the project, our concerns would be as set forth for temporary dewatering. If disposal is allowed into public storm drains, the disposal water should stay in the storm drains. An open basin at a storm drain is located south of the site at the north side of a nearby golf course. The storm drain shows evidence of being plugged in the past, and that the basin has overflowed, spilling discharge into an open channel that crosses the golf course. Such a means of disposal and discharge is an environmental detriment to surrounding property, should be corrected, and not allowed in the future.

40-212

We presume that the concerns expressed in this submittal have been or are being addressed fully by the Project Geotechnical Engineer, the Project Engineering Geologist, and/or the Project Hydrogeologist. If they have not been so addressed, they should be, for the success of the proposed development.

-oOo-

Melvin & Judy Pollner
1243 Club View Drive
Los Angeles, CA 90024

RECEIVED
CITY OF LOS ANGELES
MAR 14 2005
ENVIRONMENTAL
UNIT

March 14, 2005

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

Reference: ENV-2003-5313
Address: 10250 Wilshire Boulevard

Dear Mr. Hendricks:

We reside across the street from the proposed project and will be directly affected by any adverse consequences of its design and construction. Serious concerns regarding the project and the draft EIR have been registered at meetings with the builders and, most recently, in letters to you from Charles Edelson, Aviv Tuchman and Steve Kaufman. These problems include the woefully under specified plans pertaining to dewatering, intergranular stress and the underground aquifer; the vaguely specified procedures to be used during the construction process; the impact of lighting and noise; and the number and placement of driveways and their impact on traffic flow.

41-1

While we will bear the brunt of the failure to adequately address the many foreseeable problems, their impact will reverberate to the neighborhood and, indeed, West Los Angeles. For the sake of the safety and quality of life of a significant segment of the community, we urge you to review these issues with the utmost care and to hold the builders accountable to demonstrating (not merely assuring) in exacting detail whether, that and how these concerns are to be addressed and remedied. In fact, we would urge you to consider whether the scale, persistent problems and uncertainties of the project render it completely inappropriate for the site.

41-2

Sincerely,



Melvin & Judy Pollner

THE LAW OFFICES OF
GERALD F. PHILLIPS
MEDIATION/ARBITRATION

2029 CENTURY PARK EAST
SUITE 1200
LOS ANGELES, CALIFORNIA 90067

(310) 277-7117
FAX (310) 286-9182
E-MAIL gphillips@pillaw.com

RECEIVED
CITY OF LOS ANGELES
MAR 16 2005
ENVIRONMENTAL
UNIT

March 15, 2005

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

Reference: ENV-2003-5313
Address: 10250 Wilshire Blvd.

Dear Mr. Hendricks,

I am the president of the Wilshire Comstock Condominium Association located diagonally opposite the property referred to as the Pumpkin Patch on which Fifield Realty Corporation proposes to develop the vacant project site with 35 condominium units.

Wilshire Comstock Condominium Association operates two twin towers with 217 unites and approximately 450-500 people. The towers were built in 1963 and 1964. I have lived at 865 Comstock Ave. in one of the twin towers for approximately 15 years. When I and many of the other condo owners bought our apartments we believed that no large building would ever be built on the site of the Pumpkin Patch because in prior years engineers had advised the prior owners of the property that water flowing below the property made it unsafe to build on this site. What has transpired in the intervening years which now makes it completely safe to build the contemplated building.

42-1

The purpose of this letter is not meant to respond to the environmental notice or to repeat the comments and questions that have been raised by Charles Edelsohn, speaking for the Westwood Homeowners Association and the letter of Sandy Brown, President of Holmby-Westwood Property Owners Association. In addition I will not repeat the arguments and the many comments that have been forwarded to you by Tuchman & Associates, which represents Wilshire Comstock Condominium Association in this matter. They have done an excellent job of raising questions of vital concern to all. We accept and adopt their communications as if we were making the same.

42-2

I write to express the great concern and fear that our condo owners have as a result of the thought that a 35 unit condominium is contemplated to be built on the site of the Pumpkin Patch. In discussions with my neighbors the comments have been made that we fear another earthquake. We were lucky not to have had serious injuries or property damage as a result of the last earthquake. Some property damage was sustained. We are fearful as are most of those who live in

42-3

*

March 15, 2005

Page 2

California of fire, floods and mud slides. Now we are faced with the thought that the new building contemplated to be built on the Pumpkin Patch could cause serious damage to our buildings. Our home owners live in greater fear. The papers that have been filed by the developer do not give us any peace of mind. We are concerned that our safety will not be protected, that the water which flows under the property may cause catastrophic damage to our building, the neighborhood and to Wilshire Blvd.

42-3

We urge you to study this problem most carefully do you in all good conscience believe that the plans submitted answer all of the difficult and vital questions that have been raised, Can the city advise our neighbors that they have no reason whatsoever to fear. Consider whether you would want to live close to this site with the new contemplated condo.

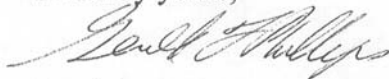
42-4

I drive every day to and from Century City and the Wilshire Comstock. The traffic on Club View and Wilshire Blvd. is already unbearable. What will be the effect of the buildings now contemplated in the area, at the Pumpkin, the new buildings now being built on Wilshire Blvd.. and the construction now taking place in Century City. This certainly was not considered in 1977-9.

42-5

We thank you for considering our fears,

Sincerely yours,



Gerald F. Phillips

Received
March 18, 2005
Friday
[Signature]

To: Nicholas Hendricks, Environmental Review Coordinator
City of Los Angeles, Environmental Review Section
200 N. Spring St., Rm. #750
Los Angeles, CA 90012

RE: Notice of Preparation Environmental Impact Report.

EAF NO.: ENV-2003-5313.

Project Location/Address: 10250 Wilshire Blvd

Planning Area: Westwood

Council District #5.

Due Date for Public Comments: October 8, 2004 ?

we did not receive this until March 10, 2005

I am a resident of the area that will be greatly affected by the above-proposed building, Wilshire Blvd. to Santa Monica Blvd., and Club View Drive to Beverly Glen Blvd.

I have the following concerns that must be addressed in the EIR:

We are extremely concerned about the safety issues involved in the gridlock that will be exacerbated by the construction. 43-1

: about the lanes that ~~the~~ will be closed at the light on Wilshire and along Club View and Comstock for the heavy loading and unloading of heavy equipment and supplies which will be constant. 43-2

: where will they park all of the private vehicles of the workers? will there be a shuttle system? 43-3

: why not make the area a dog park and/or playground and/or garden 43-4

Very truly yours,

Name/Print Sophie and Gilbert Hakim Date: March 17, 2005

Name/Signature [Signature]

Address 1340 Comstock Ave

City/State/Zip LA, CA 90024

Telephone Number 310-553-5218



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

Memorandum

RECEIVED
CITY OF LOS ANGELES
FEB 25 2005
CITY PLANNING
ZONING ADMINISTRATION

Date: February 18, 2005
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 2004091031
Wilshire Comstock Project

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to March 14, 2005 to accommodate the review process. All other project information remains the same.

44-1

cc: Nicholas Hendricks
City of Los Angeles
Department of City Planning
200 North Spring Street, Rm. 763
Los Angeles, CA 90012-4801