
IV. RESPONSES TO COMMENTS

A. COMMENTS ON THE DRAFT EIR

The City of Los Angeles Department of City Planning received a total of 44 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and comments within each comment letter are also numbered. For example, comment letter “1” is from Aviv L. Tuchman. The comments in this letter are numbered “1-1”, “1-2”, “1-3”, etc.

Written comments made during the public review for the Draft EIR intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review. The responses reply to comments addressing points and opinions relevant for project approval, and discuss as necessary the points relevant to the environmental review. Such points are usually statements of opinion or preference regarding a project’s design or its presence as opposed to points within the purview of an EIR: environmental impact and mitigation. These points are relevant for consideration in the subsequent project approval process.

Section 15204(a) of the State CEQA Guidelines¹ (“CEQA Guidelines”) therefore encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Based on judicial interpretation of this section, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure. Furthermore, Section 15204(c) advises reviewers that comments should be accompanied by factual support (see Topical Response 1 for further details).

During and after the 61-day public review period, the following organizations/persons provided written comments on the Draft EIR to the City of Los Angeles Department of City Planning:

Commenters

1. **Aviv L. Tuchman**, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, January 19, 2005.
2. **Aviv L. Tuchman**, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, January 19, 2005.
3. **Mrs. Donald L. Keene**, 1530 Club View Drive, Los Angeles, CA 90024, January 19, 2005.

¹ *California Code of Regulations Title 14, Chapter 3, Sections 15000-15387.*

4. **Cheryl J. Powell**, IGR/CEQA Branch Chief, Caltrans, Department of Transportation, District 7, Regional Planning, 120 South Spring Street, Los Angeles, CA 90012, January 20, 2005.
5. **Aviv L. Tuchman**, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, January 25, 2005.
6. **Bonnie Grifka**, 1320 Club View Drive, Los Angeles, CA 90024, January 26, 2005.
7. **Mary Lou Rene**, 10332 Eastborne Avenue, Los Angeles, CA 90024, January 27, 2005.
8. **William J. Bratton**, Chief of Police, Los Angeles Police Department, P.O. Box 30158, Los Angeles, CA 90030, January 28, 2005.
9. **Dr. Allen L. Drapkin**, 1617 Warnell Avenue, Los Angeles, CA 90024, January 29, 2005.
10. **Louise F. Strouse**, 1501 Comstock Avenue, Los Angeles, CA 90024, February 1, 2005.
11. **Paul Marlowe**, 1417 Warhall Avenue, Los Angeles, CA 90024, February 1, 2005.
12. **Richard C. Schnell**, 1408 Club View Drive, Los Angeles, CA 90024, February 1, 2005.
13. **Bridget Friend Laurin**, 1540 Calmar Court, Los Angeles, CA 90024, February 2, 2005.
14. **Bruce Landres, MD**, 1538 Comstock Avenue, CA 90024, February 2, 2005.
15. **Marlene Morris**, 10344 Eastborne Avenue, Los Angeles, CA 90024, February 3, 2005.
16. **Debora Usher**, 1610 South Comstock Avenue, CA 90024, February 4, 2005.
17. **Jean Bushnell**, 10348 Eastborne Avenue, Los Angeles, CA 90024, February 10, 2005.
18. **Bernard Spira**, 10501 Wilshire Boulevard, #808, Los Angeles, CA 90024, February 16, 2005.
19. **Janis and Ed Horan**, The Westford #303, 10750 Wilshire Boulevard, Los Angeles, CA 90024, February 16, 2005.
20. **Don Rye**, February 17, 2005.
21. **Steve Smith**, Ph.D., South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765, February 18, 2005.
22. **Christine and Alan Duke**, 1568 Ensley Avenue, Los Angeles, CA 90024, February 21, 2005.

23. **Patricia A. Goodwin**, 1338 Club View Drive, Los Angeles, CA 90024, February 21, 2005.
24. **Aviv L. Tuchman**, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, February 28, 2005.
25. **Sandy Brown**, President, Holmby-Westwood Property Owners Association, 914 Westwood Boulevard, PMB 573, Los Angeles, CA 90024, February 28, 2005.
26. **Donald L. Wolfe**, Acting Director of Public Works, County of Los Angeles, Department of Public Works, 900 South Fremont Avenue, Alhambra, CA 91803-1331, March 1, 2005.
27. **Judy Koenig**, 1719 Comstock Avenue, Los Angeles, CA 90024, March 1, 2005.
28. **Frances A. Lewis**, 1700 Westholme Avenue, Apartment 303, Los Angeles, CA 90024, March 3, 2005.
29. **Lois Cox**, 1520 S. Beverly Glen Boulevard, Apartment 607, Los Angeles, CA 90024, March 4, 2005.
30. **Joan and Steve Little**, 1527 Club View Drive, Los Angeles, CA 90012, March 5, 2005.
31. **Steven Thompson**, March 7, 2005.
32. **Joseph Reichmann**, 1429 Comstock Avenue, Los Angeles, CA 90024, March 8, 2005.
33. **William and Marlina Morris**, William Morris & Associates, 10790 Wilshire Boulevard #1004, Los Angeles, CA 90024, March 8, 2005.
34. **Shawn Nehorai**, 10401 Wilshire Boulevard Apt 205, Los Angeles, CA 90024, March 9, 2004. [sic]
35. **Charles Edelsohn P.E.**, California Board of Registration for Professional Engineers E7224 CS 3599, 10334 Wilkins Avenue, Los Angeles, CA 90024, March 10, 2005
36. **Shirley Baskin Familian**, 10380 Wilshire Boulevard 1403, Los Angeles, CA 90024, March 10, 2005.
37. **James G. O'Callahan**, Girardi/Keese Lawyers, 1126 Wilshire Boulevard, Los Angeles, CA 90017, March 11, 2005.
38. **Caroline M. Spencer**, 10316 Wilkins Avenue, Los Angeles, CA 90024, March 12, 2005.

39. **Michael & Beta Ozar**, 1231 Club View Drive, Los Angeles, CA 90024, March 13, 2005.
40. **Aviv L. Tuchman**, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, March 14, 2005.
41. **Melvin & Judy Pollner**, 1243 Club View Drive, Los Angeles, CA 90012, March 14, 2005.
42. **Gerald F. Phillips**, The Law Offices of Gerald F. Phillips, 2020 Century Park East, Suite 1200, Los Angeles, CA 90067, March 15, 2005.
43. **Sophie and Gilbert Hakim**, 1349 Comstock Avenue, Los Angeles, CA 90024, March 17, 2005.
44. **Scott Morgan**, Senior Planner, State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, 1400 Tenth Street, P.O. Box 3044, Sacramento, CA 95812, February 18, 2005.

B. TOPICAL RESPONSES

Many of the comments submitted on the Draft EIR repeatedly focused on a particular set of issues. Accordingly, "Topical Responses" have been prepared for such issues. Each topical response provides a complete discussion of the general concern raised, and incorporates in one location the information requested from the various permutations of the comment received from the different commenters. Consequently, a particular topical response may provide more information than requested by any individual comment. The reader is referred to Topical Responses when appropriate.

Topical responses in this Final EIR address the following concerns:

1. Standards for Responses to Comments and Focus of Review of Commenters
2. Project Description
3. Hydrology
4. Lead Agency Role and Authority, EIR (voluntary verses required) and other issues regarding Environmental Review
5. West Nile Virus
6. Traffic/Transportation

7. Geology
8. Design Review Board (DRB) Role and Inclusion of Entitlements
9. Exemption from the Corridor Specific Plan and Land Use Issues

Topical Response 1: Standards for Responses to Comments and Focus of Review of Commenters

Section 15204(a) of the CEQA Guidelines (Focus of Review) helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Section 15204(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Section 15204(a) therefore encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Based on judicial interpretation of this section, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure.

Given that an effect is not considered significant in the absence of substantial evidence, Section 15204(c) advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Topical Response 2: Project Description

The rolled curb and the third driveway, as depicted in Figure III-1 in the Draft EIR, have both been removed from the project design. In addition, the proposed recreational terrace, which will include a swimming pool and a jacuzzi, has been dropped to grade level. The 277,273 square foot high-rise residential building would be 21 stories in height or 301 feet tall. 72.6 percent or 18,167 square feet of the existing vacant lot would be developed with the proposed high-rise building. The remaining 27.4 percent or 6,850 square feet of the project site would consist of open space. Please see Section III (Corrections and Additions) in this Final EIR for the revised site plans and project renderings. The proposed project is consistent in all material respects of the recorded final map.

Topical Response 3: Hydrology

Change in Surface Runoff Flow

As discussed on page IV.E-17 of the Draft EIR, runoff for the project site would flow away from the proposed building. This change diverts a portion of the total flow to the existing catch basin adjacent to the project site on Comstock Avenue. However, this catch basin connects to the existing 33-inch RCP storm drain line, which currently collects the existing site runoff.

As discussed on page IV.E-18 of the Draft EIR and according to the report titled “Wilshire Comstock Hydrology Study,” dated December 7, 2004 (found in Appendix G of the Draft EIR), there would be no net change in surface runoff flow between existing and proposed on-site conditions. The 10-year and the 25-year storm events were used as the design storms. The peak flow rates during the 10-year and the 25-year storms between the existing and proposed condition have no net change in flows. Therefore, there would be no impact to the surrounding public storm drain system, which is maintained by the City of Los Angeles Department of Public Works. As such, the assumption expressed in several comments that runoff from the proposed project “would exceed the capacity of existing or planned storm-water drainage systems” is incorrect.

Benzene

Benzene in groundwater under the project site is discussed in further detail in Section IV.E (Hydrology) of the Draft EIR. As stated on page IV.E-11, “historically, results of a groundwater sample collected from monitoring well MW-1 on August 6, 2003, which was used to provide background water quality data for NPDES permitting, indicated a benzene concentration of 2.2 mg/L.” As part of the geotechnical investigation conducted for the proposed project, groundwater samples were collected at ten locations throughout the project site and tested for benzene. At each location, benzene concentrations were below the method detection limit of 0.5 $\mu\text{g/l}$. In addition, groundwater quality monitoring would continue to be performed during future dewatering operations. Historical detection

of benzene citywide is an issue that is beyond the scope of the Draft EIR.

Historical Groundwater Levels

As stated on pages IV.E-7 through IV.E-8 of the Draft EIR, water levels measured at the project site in 29 wells determined that currently, the depth to the water table in the shallow zone onsite ranges from 24.63 feet to 30.31 feet below ground surface (BGS), while the depth to the water table in the deep zone onsite ranges from 24.58 feet to 31.62 feet BGS. Several comments inquired about historical groundwater levels at the project site and whether or not these historical levels would impact the proposed project. These comments are correct in recognizing that groundwater levels typically fluctuate as a natural result of local precipitation, irrigation, and local groundwater pumping. As discussed at length on pages IV.E-3 through IV.E-7 of the Draft EIR, historical groundwater levels in the project vicinity have indeed fluctuated significantly. In fact, data from a well previously constructed at the project site indicate that the high groundwater level at the project site was 17.7 feet BGS on August 6, 2003 (see page IV.E-5). However, historical fluctuations in the groundwater level would not adversely affect the proposed construction activities, nor would they affect the proposed project after it is completed. While plans for proposed dewatering and excavation activities are primarily influenced by current groundwater levels, historical groundwater levels have also been accounted for in the project's construction plan. As discussed below under "Groundwater Settlement and Effects of Dewatering during Construction," dewatering would occur throughout the construction period, even after the water level is lowered below the bottom of the planned excavation. In addition, a permanent subdrain system may be installed in order to account for groundwater fluctuations during the operation of the proposed project.

Groundwater Settlement and Effects of Dewatering during Construction

Because the planned excavation would extend below the groundwater level, dewatering prior to excavation would be necessary to permit excavation for the basement level and for the mat-foundation or spread footings. Several comments have requested details involving the plan to dewater the project site. Dewatering wells with pumping units placed at the bottom of the wells would be placed within and along the perimeter of the project site. The dewatering wells would extend below the bottom of the planned excavation. In addition, drainage trenches excavated at the bottom of the excavation and backfilled with crushed rock would be used to supplement the wells. The trenches would be placed in areas between the foundation locations and would drain, together with the wells, into sumps equipped with pumps. Groundwater would be pumped by either a pump from a retaining basin or tank or by gravity. Construction at the site would start when the water level is lowered below the bottom of the planned excavation, and a subdrain system would be placed beneath the lowest basement level. When the majority of the building is constructed, the dewatering wells would be shut off. Throughout this procedure, extracted groundwater would be collected by the Los Angeles Country Club. This is

discussed in further detail below under the “Groundwater Discharge” heading. Finally, the dewatering system will be designed by a competent dewatering contractor, who will determine the precise size, spacing, and depths of the dewatering wells, and the precise locations and sizes of any necessary trenches within the excavation. The reader is also encouraged to read Mitigation Measures 7 through 10 in Section IV.E (Hydrology) of the Draft EIR, all of which address dewatering details.

Several comments expressed concern that the proposed dewatering activities would cause “settlement and cracks” to occur at adjacent properties. As discussed in Section IV.E (Hydrology) of the Draft EIR, dewatering at the project site would only slightly lower the water level beneath the project site and adjacent sites. Settlement at the project site would range between 0.2 and 0.3 inch, while settlement at adjacent properties (up to a few hundred feet from the project site) would range between 0.1 and 0.2 inch at the existing grade. These figures are based on settlements computed by MACTEC after pumping tests were conducted at the project site. Settlement ranging between 0.1 and 0.2 inch does not cause distress, such as surface or wall cracks in adjacent buildings, homes, or streets (see page IV.E-14 in the Draft EIR). Consequently, settlement, subsidence and other problems resulting from dewatering would not occur on the project site or at adjacent properties.

A related concern involves the potential “collapse” of Wilshire Boulevard due to subsidence resulting from dewatering activities at the project site. As discussed above, subsidence would be very minimal and would not cause damage to the structures in the vicinity of the project, including Wilshire Boulevard. Furthermore, the excavation at the project site adjacent to Wilshire Boulevard would be shored and a basement wall would be constructed. Therefore, no collapse would occur at Wilshire Boulevard.

Permanent Dewatering and Hydrostatic Pressure

As discussed in the Section IV.E (Hydrology) of the Draft EIR, ground water was encountered above the planned lower subterranean parking level and provisions must be taken to protect the building from hydrostatic pressure. Mitigation Measures 11 and 12 on page IV.E-20 and 21 pertain to subdrain system beneath the floor slab (if spread footings are used) and beneath the mat foundation (if the mat is used) to support the building.

One of the two following alternative procedures shall 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 portions of the subterranean walls could be waterproofed and designed for the possible hydrostatic pressure. To compute the hydrostatic pressure, it may be assumed that the water level would be at a depth of 15 feet below the existing grade (this is a worst case scenario). The design of the lower floor slab or mat to

resist the possible hydrostatic pressure would require a thorough waterproofing installation and relatively thick floor slab or mat.

If a subdrain system is installed, discharge would have to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit. A water treatment system shall be required if the chemicals or pollutants within the water exceeds the allowable limits.

For a subdrain system, the lower floor or mat of the building shall be underlain by a layer of filter material approximately 1 foot thick. The filter material shall be drained by subdrain pipes leading to sump areas equipped with automatic pumping units. The filter material shall meet the requirements of Class 2 Permeable Material as defined in Section 68 of the latest edition of the State of California, Department of Transportation, Standard Specifications. If Class 2 material is not available, ¾-inch crushed rock separated from the adjacent soils by a filter fabric may be used. The crushed rock shall have less than five percent passing a No. 200 sieve. The drain lines shall consist of perforated pipe placed, with the perforations down, in trenches extending at least 1 foot below the filter material. The trenches shall be backfilled with material meeting the requirements of the Class 2 Permeable Material or lined with filter fabric and filled with ¾-inch crushed rock. The drain lines shall extend around the perimeter of the building and should be spaced approximately 40 feet apart within the interior of the building. A slope of at least 2 inches per 100 feet shall be used for the drain lines. Based on the results of a field pumping test, MACTEC suggests that the pumps and sumps be sized for a total inflow into the system of 450 gallons per minute. The actual inflow into the subdrain system is expected to be less.

In addition to the above drainage system, some means of draining the soils outside the exterior walls will be required. The means of accomplishing drainage outside the walls would depend primarily on the selected method of shoring and the method of constructing the exterior building walls. A drainage system behind the basement walls may be provided by strips of Miradrain 6000 (or equivalent). Miradrain 6000 (or equivalent), attached to the lagging and protected from the concrete placement of the walls, would provide satisfactory drainage. Continuous Miradrain may be placed at a depth starting at about 3 feet below the existing grade.

The Miradrain shall be connected to weep holes at the bottom of the excavation. The weep holes should consist of solid pipes spaced at 8 feet on centers. At the connection of the weep holes and the Miradrain, the weep holes shall be embedded in 1 cubic foot of free-drainage aggregate surrounded by a filter fabric. The weep holes shall drain into the subdrain system placed beneath the slab of the lower subterranean level or into a solid pipe placed beneath the edge of the lower floor slab. The solid pipe shall discharge into the sump.

Furthermore, if a permanent subdrain system is installed beneath the lower floor or mat of the building to maintain the water level below the subterranean level, a back-up pump system will be installed in the event of power failure.

The Department of Building and Safety will review any and all hydrogeologic issues relative to the proposed project, thereby mitigating any hazards relative to the development of the proposed project. It would be determined at this point if 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 portions of the subterranean walls could be waterproofed and designed for the possible hydrostatic pressure. Overall, the Department of Building and Safety would review as required the conclusions indicated in the most recent geological report. The role of the Department of Building and Safety is to ensure the compliance of more stringent regulations, which incorporate health and safety concerns.

Groundwater Discharge

Arrangements have been made with the Los Angeles Country Club to accept groundwater discharge from construction dewatering and the possible permanent sub drain system from the project site. The Los Angeles Country Club will pipe the water to a suitable storage facility located on their property in addition to installing a pipe, which would only carry groundwater discharge from the project site and would be separate from the existing grass drainage swale, to carry the groundwater to the City's storm drain system located on Santa Monica Boulevard. It is the intention of the Los Angeles Country Club to use the water for general irrigation purposes for the golf course. Furthermore, as stated in Section IV.E (Hydrology), any groundwater discharge from construction dewatering and/or the proposed permanent subdrain system at the site would be treated as required and discharged to the local discharge point in accordance with the discharge requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, which consists of Order No. R4-2003-011 and Monitoring and Reporting Program No. CI-8745, issued May 2, 2004.

Topical Response 4: Lead Agency Role and Authority, EIR (voluntary verses required) and other issues regarding Environmental Review

Lead Agency Concept

Per Section 15050 of the CEQA Guidelines, the Lead Agency has a duty to produce a comprehensive environmental document for consideration by the decision-making body prior to acting upon or approving a project. A Lead Agency is required to make changes to a project in order to lessen or avoid significant impacts, when feasible, or to disapprove a project to avoid significant impacts unless the project's benefits outweigh these impacts. A Lead Agency is defined per Section 15050 as follows:

15050. Lead Agency Concept

- (a) *Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or Negative Declaration for the project. This agency shall be called the Lead Agency.*
- (b) *Except as provided in subsection (c), the decision-making body of each Responsible Agency shall consider the Lead Agency's EIR or Negative Declaration prior to acting upon or approving the project. Each Responsible Agency shall certify that its decision-making body reviewed and considered the information contained in the EIR or Negative Declaration on the project.*
- (c) *The determination of the Lead Agency of whether to prepare an EIR or a Negative Declaration shall be final and conclusive for all persons, including Responsible Agencies, unless:*
 - (1) *The decision is successfully challenged as provided in Section 21167 of the Public Resources Code,*
 - (2) *Circumstances or conditions changed as provided in Section 15162, or*
 - (3) *A Responsible Agency becomes a Lead Agency under Section 15052.*

Lead Agency Role

Per Sections 15050 and 15367 of the CEQA Guidelines, a Lead Agency is the public agency with the principal responsibility for carrying out or approving a project and therefore the principal responsibility for preparing CEQA documents. The Lead Agency is responsible in determining if a Negative Declaration or an EIR will be required for determining the scope and content of that document and for the adequacy of the document. Section 15367 states:

“Lead Agency” means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared.”

Furthermore, a Lead Agency must make diligent efforts to involve the public in implementing CEQA throughout the environmental review process. As a result of CEQA (as described above) the Lead Agency implemented provisions for wide public involvement, both formal and informal, to encourage the public to react to environmental issues related to this proposed project.

Review History of the Proposed Project

On June 27, 1977, the City Planning Department adopted a Conditional Negative Declaration (“CND”) in connection with its approval of a tentative tract map for the project. Although the final map was recorded on October 31, 1979, project construction was never commenced. In June 2003, the applicant sought to move forward with the same project. As lead agency, the City Planning Department determined that an Addendum to the CND should be prepared in accordance with CEQA Guidelines Section 15164(b). Although not required to do so under CEQA, the Lead Agency required that the Addendum be circulated for public comment. Several of the comments to the Addendum expressed the desire that an EIR be prepared for the project. In response to these concerns, the applicant volunteered to prepare an EIR, and the Lead Agency agreed. This EIR was subsequently prepared and released for public review. This EIR does not rely upon the information contained in the original CND, but rather includes new analysis based on current environmental conditions.

With respect to the applicability of CEQA Guidelines Section 15162, the Lead Agency initially determined that an Addendum to the CND should be prepared pursuant to CEQA Guidelines Section 15164(b). Since the applicant subsequently volunteered to prepare a new EIR, and the Lead Agency concurred, the question of whether Section 15162 is applicable in this case is now moot.

Furthermore, the Addendum was circulated as the appropriate environmental document as the proposed development would be pursuant with Section 21083.3(d) of the Public Resource Code. In summary, Section 21083.3(d) states that an effect of a project upon the environment is not considered particular to the site or to the project if uniformly applied development policies or standards have been previously adopted by the City of Los Angeles, which need not include an environmental impact report, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects (i.e. updates that include more stringent standards as mandated by the LAMC, Planning and Zoning Code, Uniform Building Code and any other recent and applicable development requirements or policies). For example, regardless of whether an EIR or other environmental document had been prepared the Department of Building and Safety’s Grading Division would eventually review any and all geologic issues relative to the proposed project, thereby mitigating any hazards relative to the development of the proposed project. Furthermore, the Department of Building and Safety development guidelines pertaining to excavation, which are mandated by law, are much more stringent verses 20 years ago. Overall, the Department of Building and Safety would review as required the conclusions indicated in the most recent geological report. The role of the Department of Building and Safety is to ensure the compliance of more stringent regulations, which incorporate health and safety concerns.

The purpose of the Final EIR is to allow the public to comment on the current project as discussed in the Draft EIR. As stated in Section 15201 of the CEQA Guidelines, public participation is an essential

part of CEQA. When reviewing a Draft EIR commenters are free to submit comments on any aspect of a proposed project. However, commenters should focus on the sufficiency of the document in identifying and analyzing possible significant environmental impacts and how they should be avoided or mitigated. In addition, commenters should disclose the basis for their comments and should support them with substantial evidence (i.e. data, references, expert opinion, or other facts). A lead agency is only required to respond to significant environmental issues and does not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (Section 15204 of the CEQA Guidelines). Furthermore, the Final EIR includes all responses to comments and any corrections, additions and clarifications of the Draft EIR (per Section 15132 of the CEQA Guidelines).

Comments and questions related to the proposed project's environmental review history, including what steps were taken in determining to prepare an EIR, are not related to the environmental issues associated with the proposed project or the adequacy of the content of the Draft EIR. Nonetheless, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Topical Response 5: West Nile Virus

West Nile Virus is a national public health and safety issue and is not a project specific impact. The WNV has spread to 46 states since 1999. Mosquito reduction and control measures nationwide have been able to slow but not stop the spread of the virus. It is expected to afflict the entire continental United States by the end of 2004. On a regional level, control of WNV and other arboviral diseases is accomplished through integrated vector management programs. Locally, the Los Angeles County West Vector Control District (LACWVCD) maintains active programs to survey the spread of WNV activity and implements appropriate mosquito control measures to reduce mosquito populations. At the Project level, the developer can help to reduce the spread of WNV by minimizing or eliminating potential breeding opportunities for mosquitoes. As discussed in the DEIR (See Section V.A, Impacts Found to be Less than Significant), the project developer will be required to comply with City of Los Angeles Ordinance No. 172,176 and Ordinance No. 173,494, which require the application of Best Management Practices (BMPs) to mitigate stormwater pollution and during grading, excavations, and fills. A Standard Urban Stormwater Mitigation Plan (SUSMP) will need to be developed and approved by the Los Angeles Regional Water Quality Control Board (LARWQCB) prior to any construction activities. Appropriate methods to minimize standing or ponding water, will be incorporated into the SUSMP to the maximum extent practicable. As such, the project will not contribute to the spread of the West Nile Virus. No further investigation of this issue is necessary. For areas within western Los Angeles County, mosquito complaints can be reported to the LACWVCD by calling (310) 915-7370. A technician will arrange a visit to investigate and locate the mosquito breeding source that is causing the problem.

Topical Response 6: Traffic/Transportation

Increase in Traffic and Site Access

The minimal increase in traffic after project construction will not significantly impact the intersection of Comstock Avenue and Wilshire Boulevard or Comstock Avenue and Club View Drive, as documented in Section IV.H (Traffic/Transportation). As shown in Table IV.H-6 on page IV.H-24 of the Draft EIR, the addition of project traffic will increase the Critical Movement Analysis (CMA) and delay value at the intersections of Comstock Avenue and Wilshire Boulevard, and Comstock Avenue and Club View Drive, respectively. The incremental project traffic will not change the Level of Service at either of these locations. Based on the City of Los Angeles criteria for significant traffic impacts at signalized and unsignalized intersections, presented as Tables IV.H-4 and IV.H-5, on pages IV.H-22 and IV.H-23 of the Draft EIR, the project will not significantly impact the aforementioned intersections. A residential street impact analysis was also conducted on Comstock Avenue and Club View Drive. As shown in Table IV.H-7 on page IV.H-27 of the Draft EIR, the incremental daily project traffic volumes will not significantly impact these residential roadway segments.

Furthermore, concern has been expressed about existing conditions at the intersection of Comstock Avenue and Wilshire Boulevard; however, based on traffic volumes obtained from manual traffic counts conducted in April 2004, the intersection currently operates at a good Level of Service B during both the morning and afternoon peak hours. With the assumptions outlined in the Future Traffic Conditions Section of the Traffic Analysis for 35-Unit Condominium Project Located at the Southeast Corner of Wilshire Boulevard and Comstock Avenue in Westwood Village, prepared by Crain & Associates, November 2004 (page 31), prior to the addition of project traffic, the intersection of Comstock Avenue and Wilshire Boulevard is expected to operate at Level of Service C during both peak hours. As shown in Figures 7(a) and (b) of the Traffic Analysis, the project is expected to generate only 2 vehicle trips during the AM peak hour and 10 vehicle trips during the PM peak hour at this intersection. The incremental addition of this project traffic will increase the Critical Movement Analysis (CMA) value by 0.4 of a percentage point during both the AM and PM peak hours. The Level of Service will remain at LOS C during both peak hours. The DEIR concludes the project will not significantly impact traffic conditions at this intersection based on the City's adopted significant criteria.

Lastly, there have been comments addressing the possibility of a site entrance on Wilshire Boulevard. As noted in the Draft EIR on page IV.H-3, Wilshire Boulevard is designated as a Major Highway. LADOT policy is to not locate new residential driveways on Major or Secondary Highways, but rather use alleyways and Local Streets.

Neighborhood Traffic Protection Programs (NTTP)

While the project does not require off-site measures to improve street system capacity or traffic calming measures, the applicant has volunteered to provide assistance to the residential neighborhoods surrounding the project site for the design and implementation of Neighborhood Traffic Protection Programs (NTTP). Potential NTTP measures may include the following:

- Traffic Signal Timing Modification - Modify the traffic signal timing at Wilshire Boulevard for the Comstock Avenue/Club View Drive approaches so that the “green time” for north-south travel is reduced. This can be accomplished by either adjusting the signal timing for each cycle or installing a “skip cycle.” Installation of this would likely shift much of the north-south through traffic to adjacent routes such as Beverly Glen Boulevard.
- Traffic Signal Modification for No “Through” - Modify the traffic signal equipment to eliminate through north-south traffic at Wilshire Boulevard. This would prohibit any north-south through traffic and would make Club View Drive into a local residential route only. Through traffic would be, as with the above example, primarily relocated to Beverly Glen Boulevard and other north-south routes.
- Speed Humps - Placement of additional speed humps on Club View Drive and Comstock Avenue would reduce speed.
- Additional STOP Signs - Additional STOP signs could be installed in the residential area along Comstock Avenue and Club View Drive between Wilshire Boulevard and Santa Monica Boulevard. This would act as impediments to through traffic and divert through traffic to Beverly Glen Boulevard.

Further details will be worked out prior to the final decision-making on the NTTP. The NTTP measures are currently in the initial planning stages, to be refined through neighborhood and Council Office participation with LADOT. As appropriate, additional analysis will be completed to determine if the NTTP measures will individually or cumulatively result in any significant impacts. While LADOT must approve the implementation of any measures, the affected community will have substantial input to the process.

Topical Response 7: Geology

Past Reports

The analyses from past reports were re-evaluated in the most current geological reports, which were incorporated into the Draft EIR. All geologic and hydrologic tests relating to the project site have been recreated in the past few years and analyzed with the most current technology.

Also, the R.T. Frankian and Associates report, dated June 15, 1977 did not conclude that the project site was not developable. Rather, the report concluded that in order for the project site to be safely

developed certain measures were required to address site specific concerns relative to subsidence (refer to page 4 of the R.T. Frankian and Associates report for a list of recommended measures discussing subsidence). For example, the statement:

“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.”

was followed with:

“Thus, we have concluded that dewatering should consist of simply diverting the perched water which will tend to enter the excavation within the finite zone some 25 to 30 feet below the present ground surface.”

As described in Appendix C (of the Draft EIR), Report of Geotechnical Investigation Proposed High-Rise Condominium Building Development, MACTEC, previous geotechnical investigations for the project site were taken into account [including the 1964 borings performed by LeRoy Crandall and Associates (currently MACTEC)]. The previous reports were used in developing the geotechnical recommendations discussed in Sections IV.D (Geology and Soils) and IV.E. (Hydrology) of the Draft EIR. The LeRoy Crandall and Associates reports (Job Numbers: A-65278 and A-72242) are attached as Appendix B.

As described in Topical Response 3, one of the two alternative dewatering procedures shall 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 portions of the subterranean walls could be waterproofed and designed for the possible hydrostatic pressure. The conclusion from the R.T. Frankian and Associates (stated above) was evaluated and a recommendation was made with the current data results from recent testing to ensure that the correct steps will be taken in the construction of the project site.

In response to the conclusions resulting in groundwater levels being 13 feet below grade (R.T. Frankian and Associates report dated April 23, 1979) as reflected in past reports and in the Draft EIR (page IV.E-3), groundwater levels in the past (and currently) have fluctuated significantly. With the recommendations described in Section IV.E (Hydrology) these fluctuations would not impact the development of the proposed project. Overall, techniques and analysis has drastically changed over the past twenty years. With the improvement of technology the results of the most current tests (taken by MACTEC) are considered to be the most accurate and conclusive results.

In response to comments requesting to see ALL past reports Section 15204(a) of the CEQA Guidelines states that "lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR". See Topical Response 1. However, the *Report of Foundation Investigation the Club View Southeast Corner Wilshire Boulevard and Comstock Avenue Los Angeles, California* by R.T. Frankian & Associates, dated July 20, 1988 (Job No.88-022-P) and the *Temporary Lagging Design Shored Excavations the Club View 10250 Wilshire Boulevard Los Angeles, California*" by R.T. Frankian & Associates, dated October 19, 1989 (Job No. 88-022-P) are a part of the administrative record as they were submitted to the City for review and can be found on file at the Department of Building and Safety.

Excavation

The construction of the three level subterranean parking structure would require the excavation and removal of approximately 38,600 square feet of soil. Total excavation would be approximately 35 to 40 feet deep. However at a few localized areas, the excavation will extend 10 feet deeper (e.g., where elevator pits, tanks, or other structures that may be placed beneath the lowest basement level are located). Based on borings, the natural soils at and below the planned level of excavation are generally stiff or dense. For this reason, no significant difficulties due to the soil conditions are anticipated in excavating the project site. In addition, shoring or sloping will be used to keep the upper 30 to 50 feet of soil from falling into the excavation area. Excavations deeper than four feet will either be sloped or shored. This is an OSHA requirement.

Anchor Design and Installation

The tie back friction anchors, which are used to resist lateral loads, will extend 50 feet beyond the property line and to a greater length if necessary to develop the desired capacities. As discussed on page IV.D (Geology and Soils) of the Draft EIR, the capacities of anchors shall be determined by testing of the initial anchors. For design purposes, it is estimated that drilled friction anchors will develop an average friction value of 500 pounds per square foot. Only the frictional resistance developed beyond the active wedge would be effective in resisting lateral loads. If the anchors are spaced at least 6 feet on centers, no reduction in the capacity of the anchors needs to be considered due to group action. Furthermore, to minimize chances of caving, the portion of the anchor shaft within the active wedge shall be backfilled with sand before testing the anchor. Prior to placing any anchors outside the property line the applicant shall obtain any and all necessary approvals, permits and/or agreements.

Topical Response 8: Design Review Board (DRB) Role and Inclusion of Entitlements

The City approved Tentative Tract Map No. 27025 for the project in 1979. The final map was recorded on October 31, 1979. The tract map approval established the project's height, density, setbacks, parking and all other pertinent features. However, the proposed project does involve a request for design review approval under the Westwood Community Design Review Board Specific Plan. This design review approval requires a public hearing before the Westwood Community Design Review Board, which will make recommendations to the Director of Planning. Both the Design Review Board and the Planning Director have the limited authority to review applications and accompanying materials in relation in compliance with the design components and criteria of the DRB Specific Plan (Section 3.C of the DRB Specific Plan). Specifically, the Design Review Board's recommendation "shall not affect any entitlement or discretionary approvals by applicable agencies and departments," including the tract approval (LAMC Section 16.50.E.3.B(2)). Therefore, the design review approval cannot change the project's height, density or other entitlements granted pursuant to the tract map.

If the project is granted design review approval, the City Department of Building and Safety and other technical departments will review the construction plans for compliance with applicable technical codes. For example, building and grading permits come after an approval and are subject to the mandated requirements of the Uniform Building Code (UBC), City of Los Angeles Fire Code, and any other related building and development codes. In addition, they are reviewed by the appropriate responsible agencies such as the Department of Building & Safety, the Los Angeles Fire Department, the Department of Public Works, and the Department of Transportation. Furthermore, a good faith effort at full disclosure is made in the Draft EIR and the NOP (per Section 15204 of the CEQA Guidelines) with regards to entitlements and permits.

Topical Response 9: Exemption from the Corridor Specific Plan and Land Use Issues

As described on page III-1 and page IV.F-13 of the Draft EIR, on June 29, 1977, the Los Angeles City Planning Department issued a CND for a condominium project at 10250 West Wilshire Boulevard (CND-213-77-SUB). The Tentative Tract Map (TTM) was recorded on October 31, 1979. Conditions for TTM 27025 provide that development on the project site be limited to no more than 35 units and a minimum of 103 parking spaces.

Although the proposed project is within the Corridor Specific Plan area, it is exempted from the Corridor Specific Plan's provisions. The Corridor Specific Plan does not apply to a project if a tract map application for the project was filed for City approval during the period of July 25, 1972 and June 5, 1980, (Ordinance 155,044, Section 14.A). The Tract Map application for the proposed project was filed in 1977 and therefore the project is exempt from the provisions of the Corridor Specific Plan.

As discussed in the Initial Study of Appendix A of the Draft EIR and Section IV.F (Land Use) of the Draft EIR, the proposed project is consistent with the land use designation and zoning guidelines (i.e. F.A.R and setbacks) for the project site. The project is consistent with the land use pattern along Wilshire Boulevard, which generally includes multi-family, high-rise apartments and condominiums. Furthermore, the proposed project would be subject to design review to assure compatibility with surrounding development in terms of design massing and architectural integrity.

Commenter 1: Aviv L. Tuchman, Tuchman & Associates, 1000 Wilshire Blvd. Suite 1600, Los Angeles, CA 90017, January 20, 2005

Comment 1-1:

In follow-up to our telephone conversation of January 14, 2004, you confirmed that the 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 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 amendment, which you will need to file to make those modifications, as they clearly represent substantial changes.

Response:

With respect to the questions raised regarding the proposed third driveway and the proposed pool, see Topical Response 2. The comment requests “a copy of the application for tract map amendment.” Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”(see Topical Response 1). Furthermore, planning applications, documents, and related items associated with City Planning cases are a public record and are available for review at the City Planning Department.

Comment 1-2:

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

Response:

With respect to the proposed third driveway and the proposed pool, see Topical Response 2. Revised graphics have been included in Section III of this Final EIR. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”. See Topical Response 1.

Comment 1-3:

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 many they will be loading/unloading.

Response:

Due to concerns expressed by area residents, the southernmost loading dock access driveway has been eliminated. See Topical Response 2. Trucks will now use Club View Drive for loading and unloading. The exact amount of trucks can not be determined. Moving trucks will be used by residents when the move into the building and when they move out the building. Delivery trucks will be comprised of delivery company trucks (i.e. FedEx, UPS, and mail service).

Commenter 2:

Aviv L. Tuchman, Tuchman & Associates, 1000 Wilshire Blvd. Suite 1600, Los Angeles, CA 90017, January 20, 2005

Comment 2-1:

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?

Response:

See Topical Response 7.

Comment 2-2:

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?

Response:

The tests performed by MACTEC in June and July 2004 were for an 'Aquifer Pumping Test'. These tests are performed to determine the hydraulic characteristics of the aquifer for the purpose of designing an appropriate dewatering system.

Commenter 3: **Mrs. Donald L. Keened, 1530 Club View Drive, Los Angeles, CA 90024, January 24, 2005**

Comment 3-1:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 3-2:

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.

Response:

LADOT policy is to not locate new residential driveways on Major or Secondary Highways, but rather to use alleyways and Local Streets. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 4: **Cheryl J. Powell, IGR/CEQA Branch Chief, Department of Transportation, Regional Transportation Planning Office, District 7, 120 S. Spring St., Los Angeles, CA 90012, January 24, 2005**

Comment 4-1:

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.

Response:

The necessary permits would be obtained by the project applicant for transport of any oversized vehicles on State Highways. Temporary construction traffic would be managed through a traffic management plan. This plan would include a haul route, hours of operation, and restrictions to on-site truck staging. A detailed haul route has not yet been developed, but would include restricted use of Comstock Avenue and Club View Drive, with time limits allowing hauling only outside of the morning and afternoon peak hours. All haul routes are reviewed by the Department of Building and Safety and the Department of Transportation prior to approval.

Commenter 5: **Aviv L. Tuchman, Tuchman & Associates, 1000 Wilshire Blvd. Suite 1600, Los Angeles, CA 90017, January 27, 2005**

Comment 5-1:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. However, the comment is noted as part of the administrative record. See also Topical Response 2 regarding the third driveway and pool.

Comment 5-2:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. However, the comment is noted as part of the administrative record. The referenced letters are included as comment letters "5-1" and "5-2", above.

Comment 5-3:

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

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. However, the comment is noted as part of the administrative record. See also Topical Response 2 regarding the third driveway and pool.

Comment 5-4:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. However, the comment is noted as part of the administrative record.

Commenter 6: **Bonnie Grifka, 1320 Club View Drive, Los Angeles, CA 90024, January 24, 2005**

Comment 6-1:

Water/storm drainage overflow behind my residence.

Response:

The commenter's statement is vague and does not provide enough detail for the EIR preparers to craft a response. See Topical Response 3 for issues related to hydrology analysis.

Comment 6-2:

Noise levels during construction.

Response:

The generation of noise during construction was analyzed in the Draft EIR in Section IV.G (Noise). It is expected that construction of the proposed project would increase the ambient noise levels by 10 dBA or more at the off-site single-family and multi-family residential units directly adjacent to the project site. However, construction activities would be temporary in nature and would be limited to between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday, and from 8:00 a.m. and 6:00 p.m. on Saturday. Nevertheless, construction of the proposed project would result in a short-term, significant and unavoidable impact, as explicated on page IV.G-12 of the Draft EIR.

Comment 6-3:

Increased traffic on our already overburdened street. The intersection of Club View, Comstock and Wilshire Blvd during rush hour has cars lined up for ½ mile.

Response:

An analysis of Club View Drive east of Comstock Avenue, which, due to the commenter's address, is assumed to be the "already overburdened street" to which the comment refers, was included in the traffic study contained in the Draft EIR. Impacts to this street segment were determined to be less than significant (see page IV.H-27 in the Draft EIR). The comment refers to "the intersection of Club View, Comstock and Wilshire Blvd," which is assumed to correspond with the intersections of Wilshire Boulevard and Comstock Avenue and/or Comstock Avenue and Club View Drive. Analyses of potential impacts to both intersections for both morning and evening peak hours were included in the traffic analysis contained in the Draft EIR. Impacts to both intersections were found to be less than significant (see page IV.H-24 in the Draft EIR).

Commenter 7:

**Mary Lou Rane, 10332 Eastborne Ave., Los Angeles, CA
90024, February 14, 2005**

Comment 7-1:

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 effect the under ground water, and the light!

Response:

The comment expresses concerns about the proposed project's potential impacts on traffic and groundwater, as well as the proposed project's aesthetic compatibility with the surrounding

environment. Each of these issues was respectively analyzed in the Draft EIR in Sections IV.H (Traffic/Transportation), IV.E (Hydrology), and IV.B (Aesthetics). Each section concluded that impacts associated with the proposed project would be less than significant. With respect to the concern expressed about “the light,” it is not clear whether the comment is suggesting that the proposed project would create excess light or obstruct desired light. Regardless, both issues are addressed in the Draft EIR under “Lighting” (see page IV.B-21) and “Shade/Shadow” (see pages IV.B-24 through IV.B-26). In both cases, impacts were determined to be less than significant.

Commenter 8: Fred Booker, Lieutenant, Office of the Chief of Police, P.O. Box 30158, Los Angeles, CA 90030, January 28, 2005

Comment 8-1:

A project of this size would have a significant impact on police services on 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.

Response:

The commenter is correct. As discussed on page IV-41 of Appendix A of the Draft EIR, the proposed project would result in an increase in year round site visitors, residents, and employees within the project site, thereby generating a potential increase in the level of service calls from the project site. Responses to thefts, vehicle burglaries, and traffic-related incidents would be anticipated to increase, to some degree, as a result of the increase in on-site activity and increased traffic on adjacent streets and arterials. To some extent, it is logical to anticipate that the crime rate in a given area would increase as the level of activity or population, along with the opportunities for crime, increases. However, because a number of other factors also contribute to the resultant crime rate such as police presence, crime prevention measures, and on-going legislation/funding, the potential for increased crime rates is not necessarily directly proportional to increases in land use activity. As outlined in Appendix A of the Draft EIR the proposed project includes several mitigation measures recommending that parking facilities shall be secured and plot plans, including lighting and landscaping information, shall be submitted to the CPU for review. Implementation of the mitigation measures would reduce the potential impacts to police services to a level of insignificance.

Comment 8-2:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 9: **Dr. Allen L. Drapkin, 1617 Warnall Avenue, Los Angeles, CA 90024, February 13, 2005**

Comment 9-1:

Many houses in the surrounding area (including mine) are built on clay like earth, therefore problems with the underground water table could result in significant damages to our houses.

Response:

See Topical Response 3.

Comment 9-2:

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.

Response:

See Topical Response 6 for a discussion of increased project traffic. See Response 4-1 regarding minimizing traffic to hours outside of the peak traffic periods during construction by limiting hauling.

Comment 9-3:

Proper drainage and health hazards must be addressed.

Response:

The commenter fails to specify what proper drainage and health hazards must be addressed, thus, a response is not feasible. Refer to Section IV.E (Hydrology) in the Draft EIR for a discussion of the proposed project drainage. Refer to Topical Responses 3, 5 and 7.

Comment 9-4:

Privacy issues to the neighborhood as a matter of quality of life must be a consideration.

Response:

CEQA does not require an EIR to address the privacy issues associated with a project. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 10: Louise F. Strouse, 1501 Comstock Avenue, Los Angeles, CA 90024, February 3, 2005

Comment 10-1:

On Comstock, of course, we have the problem of exiting to Santa Monica Blvd. to the South. 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 on Wilshire & Comstock is not easy.

Response:

See Topical Response 6.

Comment 10-2:

Also the proposed height is aesthetically most distasteful blocking view in all directions. Strongly against entire project and the revocation of the so-called grandfather clause.

Response:

The proposed project's potential impact on views was addressed in Section IV.B (Aesthetics) of the Draft EIR. Impacts relative to views were determined to be less than significant (see page IV.B-20). The balance of the comment expresses opinions about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, no further response is required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See Topical Response 9 regarding the exemption from the Corridor Specific Plan.

Commenter 11: Paul Marlowe, 1417 Warnall Avenue, Los Angeles, CA 90024, February 3, 2005

Comment 11-1:

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

Response:

See Response 4-1 regarding peak hour limits on haul traffic.

Comment 11-2:

Construction noise and noise from the equipment being brought through the area neighborhoods.

Response:

See Response 6-2.

Comment 11-3:

Storm drainage overflow.

Response:

See Topical Response 3.

Comment 11-4:

Too much additional traffic and congestion.

Response:

The proposed project's potential impact on traffic was analyzed in Section IV.H (Transportation/Traffic) of the Draft EIR. The analysis contained therein concluded that the proposed project would not have a significant adverse impact on traffic in the vicinity of the project site (see pages IV.H-22 through IV.H-28).

Commenter 12:

**Richard C. Schnell, 1408 Club View Drive, Los Angeles,
CA 90024, February 3, 2005**

Comment 12-1:

Impact of water table on surrounding area.

Response:

See Topical Response 3.

Comment 12-2:

Excess density (height and floor plates) on a small site.

Response:

As discussed in Section IV.F (Land Use) in the Draft EIR, the proposed project would be designed in accordance with City of Los Angeles zoning requirements, including all applicable height and floor area standards (see page IV.F-9). The Draft EIR concluded that the proposed project would not have a significant impact with respect to density requirements.

Comment 12-3:

Impact of construction interference on streets on a corner street (Club View Drive) particularly at heavy traffic times.

Response:

See Response 4-1 regarding peak hour limits on haul traffic.

Comment 12-4:

Length of daytime construction noise including weekends.

Response:

See Response 6-2.

Comment 12-5:

Ingress & Egress from project on Wilshire, Comstock and Club View Drive.

Response:

The specific concern regarding ingress and egress from the project site is unclear. See Topical Response 6.

Comment 12-6:

Impact of high rise lighting effect on surrounding neighbors. I have not seen any studies addressing those issues.

Response:

Lighting issues are addressed in the Draft EIR under “Lighting” (see page IV.B-21) Impacts were determined to be less than significant.

Commenter 13: **Bridget Friend Laurin, 1540 Calmar Court, Los Angeles, CA 90024, February 2, 2005**

Comment 13-1:

What are the dangers/concerns being addressed of neighborhood children and others walking to and from Holmby Park? Earthquake Safety Measures?

Response:

The comment is referring to the danger/concerns of the neighborhood children and others walking to and from Holmby Park, which does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, there is a signalized cross walk across Wilshire Boulevard from the project site, which would address safety concerns of pedestrians crossing Wilshire Boulevard to get to Holmby Park. In response to the earthquake safety measures, as described on page IV.D-8 of the Draft EIR, the proposed construction would be consistent with all applicable provisions of the city of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code.

Comment 13-2:

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

Response:

With respect to construction noise, see Response 6-2. With respect to operational noise, the noise analysis in the Draft EIR concluded that implementation of the proposed project would not result in a substantial permanent, temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project (see pages IV.G-13 through IV.G-14).

Comment 13-3:

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

Response:

The analysis in Section IV.D (Geology and Soils) of the Draft EIR contains a detailed geotechnical analysis of the proposed project that is based on empirical evidence and expert opinion. This analysis supports the conclusion that the proposed project would be safe to develop from a geotechnical standpoint. Furthermore, the geology report is required to be submitted to the Department of Building and Safety for review prior to grading activities.

Comment 13-4:

We have come to rely upon our visits to the pumpkin patch and Christmas tree lot as a family tradition. That will be lost.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 13-5:

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

Response:

Construction of the proposed project would not affect water service, the safety of the water service, or the sanitation of potable water. These issues are considered in Appendix A, pages IV.48 to IV.52. Furthermore, traffic control will be provided for all access to city streets for safety and portable toilet facilities will be provided for the construction workers.

Commenter 14: **Bruce Landres, MD, 1538 Comstock Avenue, CA 90024,
February 2, 2005**

Comment 14-1:

Traffic flow-since Santa Monica Boulevard is blocked for 2 more years 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?

Response:

Regarding the proposed project's impact on traffic, see Topical Response 6. The impacts of the Santa Monica Boulevard improvement project are outside the scope of this EIR. However, the traffic analysis considered future conditions following completion of the Santa Monica Boulevard Improvement and concluded that the project would not result in any significant traffic impacts.

Commenter 15: **Marlene Morris, 10344 Eastborne Avenue, Los Angeles, CA 90024, February 3, 2005**

Comment 15-1:

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.

Response:

The conditions described in the comment are likely caused by water flowing into the basement from above the basement, such as rain water and water used for landscape irrigation. Such conditions are not caused by groundwater. The proposed project would not change the direction of the groundwater flow. The proposed project would only slightly lower the groundwater level beneath the project site, as discussed in Topical Response 3.

Comment 15-2:

The traffic down Clubview & Comstock is now at top limit and I can't see how much worse it could possibly be.

Response:

Please refer to Topical Response 6. The comment implies that the proposed project could worsen traffic on Club View Drive and Comstock Avenue. The proposed project's potential impact on traffic was analyzed in Section IV.H of the Draft EIR. The traffic analysis included analyses of intersections along both Club View Drive and Comstock Avenue, as well as analyses of two street segments respectively located on Comstock Avenue (south of Wilshire Boulevard) and Club View Drive (east of Comstock Avenue). The traffic analysis concluded that the proposed project would not have a significant adverse impact on traffic in the vicinity of the project site, including traffic along Club View

Drive and Comstock Avenue (see pages IV.H-22 through IV.H-28).

Commenter 16: **Debora Usher, 1610 South Comstock Avenue, CA 90024, February 4, 2005**

Comment 16-1:

Traffic Flow on Comstock Ave. It's too much as it is.

Response:

See Topical Response 6.

Comment 16-2:

Parking on Comstock Ave.

Response:

As noted on page IV.H-18 of the Draft EIR, parking valets will facilitate project parking. Vehicles will enter the project's motor lobby via the inbound-only driveway and exit via the outbound-only driveway. This parking operation, combined with the proposed project's parking supply of 103 spaces, 15 more spaces than required by Los Angeles Municipal Code, is expected to meet the parking needs of the project. Therefore, the project will not cause significant parking impacts to the neighboring community. In addition, as noted on pages IV.H-4 through IV.H-7 of the Draft EIR, the project site is served by a number of local and regional transit services. Employees of the project will be encouraged to utilize these public transit services, thereby reducing vehicular dependence and the potential for off-site parking impacts.

Commenter 17: **Jean Bushnell, 10348 Eastborne Avenue, Los Angeles, CA 90024, February 10, 2005**

Comment 17-1:

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 neighborhood streets. Please explain how more full size spaces can be incorporated, even if the LA City Building Code does not require it.

Response:

The commenter is expressing an opinion which is not supported by any factual analysis. As discussed on page IV.H-18 of the Draft EIR, the proposed project will provide a total of 103 parking spaces. Los Angeles Municipal Code requires a total of 88 parking spaces for the project, therefore a surplus of 15 spaces will be provided. The number of standard, compact, and accessible stalls provided is in accordance with the Los Angeles Municipal Code, which does not allow “the majority of spaces” to be compact spaces. The more than adequate parking supply, combined with the parking valet operation discussed in Response 16-2, will meet the parking needs of the project. Also see Topical Response 1.

Comment 17-2:

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 bumps. 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.

Response:

See Topical Response 6.

Comment 17-3:

Emergency Helistop. Please define “emergency” and how and when the helistop can be used.

Response:

The helistop would be used for emergency evacuation. Refueling, maintenance, repairs, or storage of helicopters would not be permitted.

Comment 17-4:

Construction and Traffic: Explain the construction schedule to residents (perhaps a website 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.

Response:

The estimated construction for the schedule includes: grading and excavation (7 months), building construction (12 months), and finishing (15 months). Overall, development of the project is estimated to occur over a 24-month period. The project applicant's representatives have stated that they would consider providing a more detailed, estimated construction schedule to be posted on an appropriate website for the benefit of the public. The project applicant would prepare a Site Logistics Plan, which would outline the logistics of some of the construction activities (among other items), including hauling soil/construction debris from the site. The haul route has not been developed at this time and would be established in consultation with City and in accordance with City haul-route requirements. All haul routes are reviewed by the Department of Building and Safety and the Department of Transportation for approval. Construction-worker parking requirements would be outlined in a Parking Management Plan that would be part of the Site Logistics Plan. Such parking would likely be limited to an off-site parking facility or via a satellite location and shuttle service. Construction "dust" (particulate matter) is addressed in Section IV.C (Air Quality) of the Draft EIR. As noted in the section, construction-related pollutant emissions, including particulate matter, would not exceed the established emissions thresholds. Construction noise is addressed in Section IV.G (Noise). As noted in the section, construction-related noise would exceed the City's noise threshold. As appropriate, construction-related issues associated with the project are addressed in the Draft EIR.

Comment 17-5:

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.

Response:

With respect to groundwater impacts during and after construction, see Topical Response 3. With respect to the conditions noted in the commenter's basement, see Response 15-1. The portion of the comment addressing bonds to cover damages does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response to this specific comment is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 17-6:

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 for 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 in the last 26 years. The future is being determined right now, by the decisions that are made now, based on real-time information.

Response:

The comment raises concerns about the proposed project's impact on several environmental issues. With respect to changed conditions, refer to Topical Response No. 4. The proposed project's impact on population density was analyzed in Appendix A of the Draft EIR (i.e., the Initial Study prepared for the project). The analysis therein concluded that the proposed project would not lead to substantial population growth within the Westwood Planning Area. With respect to "increased business density," CEQA does not require an EIR to analyze a project's economic impacts on the community. With respect to the proposed project's impact on traffic, see Topical Response 6. The proposed project's impact on air quality was analyzed in Section IV.C (Air Quality) of the Draft EIR. The analysis contained therein concluded that the proposed project would not have significant impacts to air quality during both construction and operation. With respect to the proposed project's impacts on noise, see Responses 6-2 and 13-2. With respect to the proposed project's impacts on parking, see Response 16-2. With respect to the proposed project's impacts on open space, see Responses 25-45 and 25-83. "Quality of life" impacts that are pertinent to CEQA are analyzed throughout the Draft EIR in the various environmental sections.

The balance of the comment expresses opinions about the proposed project and general growth in Los Angeles, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. See Topical Response 1.

Comment 17-7:

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.

Response:

The comment expresses opinions about Alternative B and the community, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a

response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 18: **Bernard Spira, 10501 Wilshire Boulevard, #808, Los Angeles, CA 90024, February 16, 2005**

Comment 18-1:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 18-2:

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.

Response:

The comment expresses an observation about the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 18-3:

I also wish to bring to your attention that the City of Los Angeles has been is 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 taxpayers we deserve better. Refer to Beverly Hills.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 19: **Janis and Ed Horan, The Westford #303, 10750 Wilshire Boulevard, Los Angeles, CA 90024, February 16, 2005**

Comment 19-1:

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 and Wilshire Boulevard. 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 Boulevard and surrounding properties due to hydrostatic pressure and a high water table and we must learn how potential problems can be averted.

Response:

See Topical Response 3.

Comment 19-2:

What will happen to this important Boulevard if:

- the 281 ft. luxury condo is built at the pumpkin patch?
- The Californian is finished?
- The Robinson-May property is converted into a development of condominiums with a new Robinsons-May store plus other shops and restaurants?
- If the talked-about Mosque and the plans for the new Federal Building come to fruition?
- The new buildings under construction in Century City are completed?

Response:

All potentially significant related projects that were officially known at the time the NOP was issued and within an approximate 1.5-mile radius of the project site were analyzed. The City of Los Angeles Department of Transportation (LADOT), the City of Beverly Hills, the UCLA Long-Range Development Plan (LRDP), and recent studies conducted in the project area were consulted in order to compile the list of 36 related projects presented in Table II-1 on page II-17 of the Draft (which has been revised in Section III of this Final EIR). All reasonably foreseeable projects referenced by the commenter are included in Table II-1 and highlighted below for reference.

**Table IV-1
Selected Related Projects – Los Angeles**

Map No.	Description	Location
10	Robinsons-May site	Wilshire Boulevard, btwn. Los Angeles Country Club & Merv Griffin Way
32	Condominium (The Californian)	10804 Wilshire Boulevard
34	Federal Bureau of Investigation (FBI) Office	11000 Wilshire Boulevard

**Table IV-2
Selected Related Projects – Century City**

Map No.	Description	Location
2	Century City Shopping Center	10250 Santa Monica Boulevard
3	General Office Building	10270 Constellation Boulevard
4	Fox Studio Expansion	10201 West Pico Boulevard
5	General Office Building	Constellation Boulevard and Avenue of the Stars
6	ABC Entertainment	2000 Avenue of the Stars
36	Condominium	10131 Constellation Boulevard

The “talked-about Mosque” was not known at the time of the NOP and to date no formal application had been made to the City. However, as detailed on page IV.H-18 of the Draft EIR, a traffic growth factor of 1.0 percent per year was applied to the existing traffic counts, which accounts for increase in traffic resulting from small-size projects, projects that were not reasonably foreseeable at the time of the NOP, and traffic growth from outside the study area.

Traffic generated by the 36 identified development projects was estimated and distributed to the local street network to produce an estimate of the potential cumulative “Without Project” traffic conditions within the study area. Traffic expected to be generated by the proposed project was then added to the “Without Project” traffic conditions to determine the “With Project” conditions. While the traffic impacts for each of the 36 related projects is not analyzed on an individual basis, the cumulative effect of these 36 projects on the local roadway network, including Wilshire Boulevard, is analyzed as the baseline for determining traffic impacts attributable to the proposed condominium project.

It should be noted that the analysis of cumulative traffic conditions provides a “worst case scenario.” Future conditions in the area will likely be better than those indicated for at least four reasons. First, some of the 36 projects may not actually be built and some of the projects may be reduced in size (and therefore generate fewer trips) as they proceed through the approval and construction process. Second, pass-by trips expected to occur between future projects and/or existing projects are not included as part of this analysis. Third, as some of the related projects are developed, they may be required to implement traffic mitigation improvements or trip reduction measures that would improve conditions on the future street network. Finally, the estimated traffic generated by the related projects is not adjusted to account for the trip reducing affect of the area transit system.

Comment 19-3:

We are currently in the Draft Environmental Review (DEIR) stage with the end of the comment period extended to March 14, 2005. Our analysis of the DEIR leaves many questions unanswered. Major questions are as follows:

Response:

The comment is correct in stating that the comment period for the Draft EIR was extended to March 14, 2005. With respect to the “major questions” regarding the Draft EIR, see Responses 19-4 through 19-9.

Comment 19-4:

What is the plan to protect Wilshire Boulevard from collapse or subsidence during the following construction?

Response:

See Topical Response 3.

Comment 19-5:

What is the detailed plan to dewater the site?

Response:

See Topical Response 3.

Comment 19-6:

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

Response:

See Topical Response 3.

Comment 19-7:

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?

Response:

See Topical Response 5.

Comment 19-8:

Legal issues deal with unanswered questions – Was the tract map properly recorded? Are they following the footprint of the 1979 map? Etc.

Response:

These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 19-9:

Will construction of this building increase the possibility of an earthquake problem on Wilshire?

Response:

Construction of the proposed project would not increase the potential for an earthquake to occur on Wilshire Boulevard. Earthquakes are caused by subsurface tectonic activity associated with plate margins and faults, not by construction activities on the earth's surface.

Commenter 20:

Don Rye, February 17, 2005

Comment 20-1:

I staunchly support the Wilshire Clubview Residence Project that meets all the criteria of the Westwood Community plan and all other requirements.

Response:

The comment expresses support for the proposed project but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 20-2:

I am the former C.E.O. 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.

Response:

The comment expresses support for the proposed project but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 21:

Steve Smith, Ph.D., South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765, February 18, 2005

Comment 21-1:

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.

Response:

Comment noted. This Final EIR satisfies the requirement pursuant to Section 21092.5 of the Public Resource Code.

Comment 21-2:

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 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.

Response:

The commenter implies that while estimating the amount of construction emissions generated by the proposed project, the URBEMIS2002 model did not incorporate the various project components. When estimating the emissions during construction, it was assumed that 38,200 cubic yards of soil would be excavated and exported. Emissions from approximately 48 round trip haul route truck trips per day were included in the totals for the excavation phase. In addition, due to the size of the project site, it was assumed that only a small portion of the site would be disturbed, approximately 0.2 acres per day, thus resulting in a low level of fugitive dust generated per day.² As a result, section IV.C of the Draft

² This is based on an estimate of one rubber tire dozer, one backhoe, or one tractor loader each operating one at a time for an eight hour period. The small size of the project site would make it impractical to operate additional equipment.

EIR shows that approximately 3.68 lbs of PM₁₀ would be generated per day during the site excavation and grading phase. This was considered a less than significant impact and would not exceed the thresholds outlined by the SCAQMD.

Comment 21-3:

CALINE 4: 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 admission 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.

Response:

The comment implies that while estimating the amount of operational emissions generated by the proposed project, the simplified CALINE4 model did not incorporate the most recent CO emission factors approved by the SCAQMD. The CO concentrations for the operation of the proposed project were calculated based on a simplified CALINE4 screening procedure developed by the Bay Area Air Quality Management District (BAAQMD) and utilized by the SCAQMD. The simplified model is intended as a screening analysis in order to identify a potential CO hotspot. This methodology assumes worst-case conditions and provides a screening of maximum, worst-case CO concentrations. The simplified model used for the proposed project has been updated to utilize the EMFAC2002 emission factors when calculating CO emissions. As shown in Table IV.C-6 of the Draft EIR, implementation of the proposed project would not result in CO hotspots near any effected intersections in the future, and the contribution of project traffic-related CO at these intersections would be less than significant. In addition, the simplified model is intended to be used as a screening analysis. If any potential CO hotspots were to be calculated utilizing this model, then the CALINE4 model would be used to determine the exact extent of the potential impact.

Comment 21-4:

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 CO hotspots analysis were taken from BAAQMD CEQA Guidelines. The emission factors presented in the BAAQMD CEQA Guidelines were developed using MVE17G. The emission factors used in Appendix E of the DEIR do not match those presented in the BAAQMD CEQA Guideline. 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.

Response:

See response 21-3.

Comment 21-5:

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 in Appendix D of the DEIR. The CO hotspots analysis future bid 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.

Response:

The commenter is correct in stating that the future plus project traffic CO hotspots analysis was based on the year 2005. The commenter is also correct in stating the traffic volumes were taken from the 2007 future traffic volumes in the Traffic Report in Appendix D of the DEIR. This was done in error. However, the Simplified CALINE4 model used to determine CO hotspots is based upon emission levels which were developed by the California Air Resources Board (CARB) and adopted by the South Coast Air Quality Management District (SCAQMD). These emission levels are calculated on a state-wide basis by utilizing the CARB developed EMFAC2002 model. EMFAC2002 calculates emissions based upon a variety of factors including, but not limited to, the target year of development and the average speed of vehicle entering the various study intersections. EMFAC2002 utilizes state-wide accepted assumptions as to the average percentage of operational older model vehicles, the percentage of passenger vehicles, heavy trucks, and other vehicles as well as the fuel efficiency of the internal combustion engines. For example, EMFAC2002 assumes that the average vehicle traveling at 20mph, equivalent to an intersection operating at an LOS of A, B, or C for the year 2005, would generate 6.93 grams/mile of CO. Conversely, the average vehicle traveling at 20mph through the same intersection

for the year 2007 would generate 5.93 grams/mile due to improvements in fuel efficiency and cleaner burning fuels. Therefore, the emission factors for the year 2007 would be lower than those in 2005. Therefore, if no CO hotspots were generated utilizing the higher CO emissions, it can be assumed that no CO hotspots would be generated utilizing the lower CO emission factors from 2007.

Comment 21-6:

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.

Response:

As indicated by the comment, with respect to the source of the average cruise speeds, the text in the Draft EIR has been revised in Section III (Corrections and Additions) of this Final EIR. The source of the information is the Traffic Report generated for the proposed project by Crain and Associates, November 2004.

Comment 21-7:

While the SCAQMD CEQA Air Quality Handbook outlines various techniques for calculating CO hotspots, it does not stipulate that calculations must be made at regular intervals from the roadways. Rather, it recommends that if sensitive receptors exist within close proximity to any project affected intersection, a CO analysis shall be performed. The State and federal one- and eight-hour standards are used for any stationary existing or proposed sensitive receptor such as churches, schools, retirement homes, outdoor cafes, residences or any facility where people may stay for an extended period of time. In general, the sidewalks which provide pedestrian access for the surrounding community allow residents to move through the area quickly and would therefore not subject them to a prolonged period of CO contact. In addition, CO calculations were performed starting at a minimum distance of 25 feet from the edge of the roadways for all projects affected intersections as shown in Table IV.C-6 of the Draft EIR. This distance is the approximate center of the front yards for the surrounding single family residential units where residents may spend prolonged periods of time and would represent a realistic average use. These concentrations were found to be less than significant.

Response:

While the SCAQMD CEQA Air Quality Handbook outlines various techniques for calculating CO hotspots, it does not stipulate that calculations must be made at regular intervals from the roadways. Rather, it recommends that if sensitive receptors exist within close proximity to any project affected intersection, a CO analysis shall be performed. The State and federal one- and eight-hour standards are

used for any stationary existing or proposed sensitive receptor, such as churches, schools, retirement homes, outdoor cafes, residences, or any facility where people may stay for an extended period of time. In general, the sidewalks which provide pedestrian access for the surrounding community allow residents to move through the area quickly and would therefore not subject them to a prolonged period of CO contact. In addition, CO calculations were performed starting at a minimum distance of 25 feet from the edge of the roadways for all projects affected intersections as shown in Table IV.C-6 of the Draft EIR. This distance is the approximate center of the front yards for the surrounding single family residential units where residents may spend prolonged periods of time and would represent a realistic average use. These concentrations were found to be less than significant.

Commenter 22: **Christine and Alan Duke, 1568 Ensley Avenue, Los Angeles, CA 90024, February 21, 2005**

Comment 22-1:

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.

Response:

The comment expresses support for the proposed project but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 23: **Patricia A. Goodwin, 1338 Club View Drive, Los Angeles, CA 90024, February 21, 2005**

Comment 23-1:

Having the entrance of Club View Curve would be disastrous. All the other high rise buildings on

Wilshire Corridor have the entrance on Wilshire Boulevard. Why can't the entrance be located on Wilshire? I have never gotten a straight answer. Only that it is not possible.

Response:

See Topical Response 6.

Comment 23-2:

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 AM?

Response:

With respect concern expressed regarding the impact of project-related traffic on Club View Drive, see Response 15-2. With respect to the question raised regarding the time of the traffic counts, traffic counts were not made at 3:00 AM. Rather, as discussed on page IV.H-8 of the Draft EIR, traffic counts covered the weekday 7:00 to 9:00 AM and 4:00 to 6:00 PM peak traffic periods. For the segment analysis, the traffic counts were taken over a 24-hour period.

Comment 23-3:

Will the groundwater be discharged into existing storm drains in this area?

Response:

See Topical Response 3.

Comment 23-4:

Who will solve problems and reconstruct the storm drains if necessary?

Response:

See Topical Response 3.

Comment 23-5:

A bond or escrow holders should have money set aside to correct damage to neighbor's properties when it occurs.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 24:

Aviv L. Tuchman, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, February 28, 2005

Comment 24-1:

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 the 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 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 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.

Response:

The EIR Hydrology section is based on the Report of Geological Investigation Proposed High Rise Condominium Development, prepared by MACTEC, dated 9/23/04, and the Wilshire Comstock Hydrology Study, prepared by Psomas dated 12/7/04. These studies are attached as Appendix C and G in the DEIR, respectively.

Commenter 25: **Sandy Brown, President, Holmby-Westwood Property Owners Association, 914 Westwood Boulevard, PMB 573, Los Angeles, CA 90024, February 28, 2005**

Comment 25-1:

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 to 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 email (attached) from Nicholas Hendricks, 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.

Response:

Topical Response 4 in this Final EIR discusses the issues associated with the determination to prepare an EIR.

Comment 25-2:

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?

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?

Response:

See Topical Responses 1 and 4. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-3:

Did the CND originally issued for this project note any issue or concern relating to geology? Soil? Hydrology?

Response:

See Topical Responses 1 and 4. These comments are not relevant to the content of the current Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated.

All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-4:

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?

Response:

See Topical Responses 1, 2 and 4. The project will comply with all current pertinent City building and technical codes. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-5:

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?

Response:

The discussed on page III-2 of the Draft EIR, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. See Topical Responses 1, 2 and 4. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-6:

What conditions approved in the tract map including the modified map have not been met?

Response:

The discussed on page III-2 of the Draft EIR, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. See Topical

Response 1. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-7:

Did the advisory Agency hold a public hearing in 1990 when the tract map conditions were modified? If no, why not?

Response:

See Topical Response 1. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-8:

Why did the city, in conjunction with the developer, not hold a scoping meeting?

Response:

A public scoping meeting is not required for projects that are not of state, regional or areawide significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period and comments received before, during, and after the circulation of the Addendum to the CND were also considered with regards to the scope of the EIR.

Comment 25-9:

Did the city verify that the stated "already approved" tract map has met all conditions for such approval?

Response:

The discussed on page III-2 of the Draft EIR, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. See Topical Responses 1 and 2. These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for

the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-10:

In what year was the NOP for the draft EIR circulated? The DEIR list the dates as starting on September 9 and ending October 8.

Response:

The NOP was circulated in 2004. The year was included in the NOP itself, was published in the Los Angeles Times, and was posted on the City's web site. A copy of the NOP can also be found in Appendix B of the Draft EIR. Comments resulting from the NOP also confirm the year, including this comment. The year has been added (please refer to Section III. Corrections and Additions).

Comment 25-11:

As stated on page 1-7, "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?

Response:

The LACC is not a residential use and there are no private residences located on the property.

Comment 25-12:

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 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.

Response:

As stated on page IV.B-21 and IV.B-22 of the Draft EIR, the proposed project would incorporate building materials which would be selected and located so as to minimize the transmission of illumination from interior lighting.

Comment 25-13:

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?

Response:

See Topical Response 3.

Comment 25-14:

What is the State MCL?

Response:

A State of California Maximum Contaminant Level (MCL) represents the highest level of a contaminant that is allowed in drinking water. The comment refers to the mention of “the State MCL” on page I-21 of the Draft EIR, which is in reference to benzene. The State MCL for benzene is 1.0 $\mu\text{g/l}$.

Comment 25-15:

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.

Response:

The commenter correctly states that the project is exempt from the Corridor Specific Plan. Nonetheless, the Draft EIR examined a number of potential impact areas and concluded that the project would result in an unavoidable short term impact due to construction noise. See Topical Response 4 and Topical Response 9.

Comment 25-16:

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?

Response:

As discussed in Section IV.G (Noise) of the Draft EIR, construction activities would be limited to between the hours of 7:00 a.m. and 6:00 p.m. from Monday through Friday and between the hours of 8:00 a.m. and 6:00 p.m. on Saturday and Sunday.

Comment 25-17:

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?

Response:

The mitigation measures do not require limiting the amount of noise generated by the various pieces of equipment. Rather, the mitigation measures reduce noise by limiting the use of such equipment. However, it was determined that even with implementation of these mitigation measures, impacts from the creation of noise during the construction phases would result in a short-term, significant and unavoidable impact

Comment 25-18:

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?

Response:

Cumulative traffic impacts, including impacts from “regional traffic additions,” to the study intersections are addressed in Section IV.H (Traffic/Transportation) on page IV.H-28 of the Draft EIR. Table IV.H-6 shows that even without the project, levels of service will deteriorate at 3 of the 4 study intersections due to cumulative traffic. However, as discussed in that section, cumulative impacts would be less than significant.

Comment 25-19:

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?

Response:

See Response 1-3.

Comment 25-20:

II. Environmental Setting

Regarding the photos (Views of the Project Site) used in the SEIR, 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).

Response:

The photos were not altered in any way and were purposely taken during off-peak hour times so that viewers of the photos could see the site. The purpose of the photos is to show site conditions and not traffic conditions.

Comment 25-21:

III. Project Description

How are the housekeeping “suites” priced?

How many beds are in each suite?

Are the beds priced separately or with a condo unit?

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?

Could a suite be sold?

Response:

Each housekeeping unit would have four bedrooms. The question regarding how a bed would be disposed of should it no longer be needed is beyond the scope of this EIR. The remaining questions in the comment address cost details associated with the proposed project. CEQA does not require an EIR to analyze a project’s economic impacts, therefore, further response is not required.

Comment 25-22:

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.

Response:

See Topical Response 2.

Comment 25-23:

Have the number of parking spaces changed? What is the new number? How many are compact?

Response:

As discussed on page IV.H-18 of the Draft EIR, the proposed project will provide a total of 103 parking spaces. Los Angeles Municipal Code requires a total of 88 parking spaces for the project, therefore a surplus of 15 spaces will be provided. The number of standard, compact, and accessible stalls provided is in accordance with the Los Angeles Building Code, which does not allow “the majority of spaces” to be compact spaces. The more than adequate parking supply, combined with the parking valet operation discussed in Response 16-2, will meet the parking needs of the project. Also see Topical Response 1.

Comment 25-24:

As depicted in Figure III-1, what is a rolled curb? How will it be used? Is it consistent with the approved tract map?

Response:

Figure III-1, on page III-4, of the Draft EIR has been revised (see Section III. Corrections and Additions). The rolled curb, which was a part of the third driveway, has been removed from the project design. See Topical Response 2.

Comment 25-25:

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?

Response:

Figure III-1, on page III-4, of the Draft EIR has been revised (see Section III. Corrections and Additions). The southerly portion of the project site is shown in the revised Figure III-1 and it depicts transformer pads.

Comment 25-26:

Does this site plan differ in any way from the approved tract map?

Response:

Figure III-1, on page III-4, of the Draft EIR has been revised (see Section III. Corrections and Additions). The third driveway has been removed from the project design. See Topical Response 2. The proposed project is consistent with the approved tract map.

Comment 25-27:

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?

Response:

Figures III-13, on page III-16, and Figure III-14, on page III-17, of the Draft EIR have both been revised (see Section III. Corrections and Additions). The recreational terrace has been dropped to grade level. See Topical Response 2.

Comment 25-28:

What is an accessible stall as it relates to parking? How many such stalls will there be under the most recent plan?

Response:

Accessible stalls as it relates for parking are designated handicapped parking spaces. As depicted in Table III-1, on page III-12 of the Draft EIR, the proposed project will include 5 accessible stalls.

Comment 25-29:

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 act? Does the DRB and 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?

Does a discretionary action on a project open up CEQA review? Explain.

Response:

See Topical Response 4. Design Review approval is a discretionary action under CEQA. The approval is granted by the Director based on the recommendation of the DRB. This EIR serves as the environmental document for the Design Review approval.

IV. Environmental Impact Analysis

A. Impacts Found To Be Less Than Significant

Comment 25-30:

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?

Response:

Topical Response 5 in this Final EIR discusses the issues associated with West Nile Virus (including the possible health issues associated with pools of standing water).

Comment 25-31:

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?

Response:

The Draft EIR mistakenly identifies Coldwater Park, Greystone Park, and West Hollywood Park as the park and recreational facilities within a 2-mile radius of the project site. Therefore, Page IV.A-16, first full paragraph, second sentence of the Draft EIR has been revised as follows:

The park and recreation facilities that are within ~~two and a half~~ 2.5 miles of the project site include: ~~Coldwater Park, Greystone Park, and West Hollywood Park~~ De Neve Square Park,

Irving Schachter Park, Palms Park, Cheviot Hills Recreation Center, Palms Recreation Center, and the Westwood Recreation Center.¹

¹—City of Los Angeles Recreation and Parks Department,
<http://gis.lacity.org/recandpark/recandpark.htm>, queried by CAJA staff on April 1, 2005.

Comment 25-32:

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)?

Were Quimby fees reduced for the project? If so, why?

Response:

A total of \$83,373.77 was paid on October 17, 1979 toward Quimby fees prior to the tract map being recorded on October 31, 1979. The comment requests “proof of payment” and questions if the Quimby fees were reduced. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”. See Topical Response 1.

Comment: 25-33:

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 the related Projects List, Table II-1, pages II-17, 18 and 19.

Response:

The reference to the “350 million gallons per day” is the average dry weather flow that is treated at the Hyperion Treatment Plant (HTP) and does not consider the wastewater flows from the related projects in Table II-1. The HTP was upgraded to accommodate future growth and has a design capacity of 650 million gallons per day. Cumulative sewage generation for the proposed project and the related projects (as listed in Table II-1) would increase the HTP’s daily effluent treatment. These increases would be within the excess treatment capacity currently available and projected to be available at the HTP.

Comment 25-34:

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?

Response:

The factors that are considered by the Bureau of Engineering in determining whether a sewer availability study include, but are not limited to the age and capacity of the sewer system serving the project site and area, size of the project, and existing remaining capacity of the system.

Comment 25-35:

IV. Environmental Impact Analysis

B. Aesthetics

1. Views

Does the City of Los Angeles maintain that this project is exempt from CEQA?

Response:

The City of Los Angeles never maintained that the project is exempt from CEQA. The CND, Addendum, NOP, and Draft EIR represent application of CEQA.

Comment 25-36:

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.

Response:

As stated on pages IV.B-13 and IV.B-21 of the Draft EIR, the project site itself is vacant. Ambient nighttime lighting in the vicinity of the project site is generated by streetlights along Comstock Avenue, Wilshire Boulevard, and Club View Drive surrounding the project site, as well as by the mix of surrounding high-rise and low-rise residential land uses and automobile traffic on Wilshire Boulevard and other nearby streets..

Comment 25-37:

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?

Response:

Figures IV.B.1-11, on page IV.B-16, of the Draft EIR has been removed (see Section III. Corrections and Additions). Figure IV.B.1-12, on page IV.B-17, of the Draft EIR has been revised (see Section III. Corrections and Additions). The recreational terrace has been dropped to grade level. See Topical Response 2.

Comment 25-38:

IV. Environmental Impact Analysis

C. Aesthetics

2. Shade/Shadow

Where are residential units located on the Los Angeles Country Club property?

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

Response:

The LACC is not a residential use and there are no private residences located on the property.

Comment 25-39

IV. Environmental Impact Analysis

C. Air Quality

Response:

The comment does not state a question or concern about this Draft EIR section.

Comment 25-40

IV. Environmental Impact Analysis

D. Geology and Soils

Response:

The comment does not state a question or concern about this Draft EIR section.

Comment 25-41

IV. Environmental Impact Analysis

E. Hydrology

Where is there not sufficient space for sloped embankments where shoring would be required?

Response:

At present, the exact locations of the areas that may possibly be shored have not been determined. The exact locations will be determined once the dewatering and shoring contractor are selected during the design phase of the project. See Topical Response 1 regarding focus of review.

Comment 25-42:

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?

Response:

At this time, it is not expected that any roadways would be closed, even temporarily, due to movement of construction vehicles and equipment to and from the site. No equipment or construction-worker vehicles would be stored/parked in the roadways in any manner that would require closure of the roadways. All equipment would be stored on the project site. The Site Logistics Plan that would be prepared by the project applicant would outline the way in which construction equipment and vehicles would be stored/parked, any potential lane closures, and an estimated timeline for the potential closure. The project applicant would also be required to obtain and comply with the requirements of a road-use (including lane closures) permit from the City. Potential lane closure would be short-term and temporary and would not significantly affect traffic conditions.

Comment 25-43:

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?

Response:

While construction activities occur, most construction equipment/vehicles would be stored/parked on the project site. However, some could temporarily be parked on public right-of-ways. All potential

use of public right-of-ways would be subject to permit. No construction equipment/vehicles would be stored on the roadways during non-construction hours. These items will be covered by the site logistics plan.

Comment 25-44:

IV. Environmental Impact Analysis

F. Land Use

How does the proposed project meet the objective of affordability 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.

Response:

Objective 1-4 of the Westwood Community Plan is to promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population. The policies adopted to fulfill this objective are to promote greater individual choice in type, quality, price and location of housing and to insure that new housing opportunities minimize the displacement of residents. The proposed project would be consistent with these policies in that it will promote individual housing choice by providing additional homeownership opportunities, including unit sizes which are larger than typical condominium developments along the Wilshire Corridor. Moreover, the proposed project does not displace residents because the site is currently vacant and undeveloped. Therefore, the proposed project is consistent with Community Plan Objective 1-4 and its implementing policies.

Comment 25-45

With regard to the objective of open space, the discussion of a spa, swimming pool, and a 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?

Response:

The Open Space Objectives in the Community Plan pertain to those lands designated as Open Space, such as the Westwood Memorial Park Cemetery. As the project site is designated as residential, the Open Space Objectives and policies do not apply..

Comment 25-46

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?

Response:

The LACC is not a residential use and there are no private residences located on the property.

Comment 25-47:

Is Architectural Design considered in compliance prior to a decision by the DRB and the Director of Planning?

Response:

As discussed on page IV.B-20 of the Draft EIR the proposed project would be subject to design review approval which would assure, among other things that the building would be compatible in terms of design, massing, and architectural integrity. Furthermore, the project is consistent with the permitted density and building height for the site (as discussed in Section IV.F. Land Use). However, these comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-48:

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?

Response:

As described in the Plant Legend in Figure III-18, on page 23 of the Draft EIR, specific trees (i.e. Italian Cypress and Canary Island Date Palm) would reach an approximate maturity height of 60 feet. Refer to the legend for specific planting sizes, maturity size, and the approximate time to reach maturity.

Comment 25-49:**IV. Environmental Impact Analysis****G. Noise**

Long-term noise as a result of this project would not contribute to a significant impact. However, the noise exposure already 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.

Response:

As discussed in the Environmental Setting in Section IV.G (Noise), increases in noise levels of less than 3.0 dB(A) are not perceptible. Noise-level increases associated with the proposed project are well below this threshold. As such, regardless of the existing noise environment, noise-level increases associated with the project would not be noticeable and would not be significant.

Comment 25-50:

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?

Response:

The City's regulations regarding scheduling of construction activities are associated primarily with construction noise. These regulations are described in the Thresholds of Significance in Section IV.G (Noise) on page IV.G-10 of the Draft EIR.

Comment 25-51:**IV. Environmental Impact Analysis****H. Traffic/Transportation**

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?

Response:

The traffic analysis in the Draft EIR does not mean to imply that traffic is not heavy during times outside the AM peak-hour of the roadway (the heaviest traffic volume hour between 7:00 AM and 9:00

AM) and the PM peak-hour of the roadway (the heaviest traffic volume hour between 4:00 PM and 6:00 PM). Rather, these two time periods represent the heaviest volumes for each of the two directions on most roadways. While other times may have very heavy volumes, they usually are not as high as these two time periods. Therefore, these two time periods are generally analyzed to represent the worst case. Moreover, the project trip generation is at its highest during the weekday peak hours.

Comment 25-52:

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 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?

Response:

Although the analysis was conducted on Friday, November 12, 2004, the manual intersection and 24-hour automated traffic count data was collected Wednesday, April 28, 2004, a typical, non-summer day when UCLA classes were in session and Century City office buildings were open, as documented on page 10 of the Traffic Analysis for 35-Unit Condominium Project Located at the Southeast Corner of Wilshire Boulevard and Comstock Avenue in Westwood Village, prepared by Crain & Associates, November 2004, provided as Appendix D of the DEIR. The manual intersection and 24-hour automated traffic count data sheets are provided in Appendix A of the Traffic Analysis.

Comment 25-53:

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?

Response:

See Topical Response 6.

Comment 25-54:

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?

Response:

See Topical Response 2.

Comment 25-55:

Page IV.H-19 discusses the ATSAC and the 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?

Response:

Although not specific to the Westwood area, the City of Los Angeles Department of Transportation (LADOT) has conducted before and after studies for both the ATSAC and ATCS implementations. Based on these studies, LADOT has determined that the 7 percent and 10 percent capacity increase values are appropriate for use throughout the City of Los Angeles.

Comment 25-56:

When was the last deficiency plan prepared by the City of LA or the local jurisdiction (I assume they’re one of the same) when LOS standards deteriorated?

Response:

The comment does not contain a specific question about the impact of the project.

Comment 25-57:

Note Introduction/Summary questions regarding mitigations measures #17.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA.

Comment 25-58:

V. General Impact Categories

Response:

The comment does not state a question or concern about this Draft EIR section.

Comment 25-59:

VI. Alternatives To The Proposed Project

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.

Response:

As stated on page VI-3 of the Draft EIR, the purchasing of the Los Angeles Country Club maintenance yard was considered as an addition to the project site, to be serve as an alternative ingress/egress point proving access for delivery trucks, trash trucks, and other service vehicles associated with the proposed project. This alternative was not considered as an alternative site. This alternative was rejected based on inconsistency with the approved Tract Map as well as inconsistency the Los Angeles Planning and Zoning Code (the subject property is zoned for A1-1XL Agricultural uses) which would be inconsistent with the proposed residential development.

Comment 25-60:

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?

Response:

CEQA requires analysis of a reasonable range of alternatives which can feasibly accomplish most of the basic project objectives. As stated on Page IV-3, this potential alternative was rejected as it would not be feasible or safe to provide a drive-up circle access to the project site along the south side of Wilshire Boulevard. This alternative was further rejected as is would be inconsistent with the approved Tract Map and was not recommended by LADOT.

Comment 25-61:

VII. Additional Questions And Concerns

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?

Response:

As stated on page VI-10, Alternative B (Reduced Density Alternative) would not satisfy the project objectives as it would not build out the project site out with the number of residential units permitted per Tentative Tract Map (TTM) 27025, would generate fewer construction jobs, and would provide less additional housing in the Westwood Community Area.

As stated on page VI-13, Alternative C (Wilshire-Westwood Scenic Corridor Consistency Alternative) would result in greater significant environmental impacts than the proposed project. Furthermore, Alternative C would not satisfy the project objectives as it would not develop the site consistent with Tentative Tract Map (TTM) 27025.

Comment 25-62:

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?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-63:

What discretionary actions are determined by the Director of Planning?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-64:

Is it necessary to revise the tract map for this project in order to accommodate the guest suites? Explain. Why?

Response:

As discussed on page III-2 of the Draft EIR, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. The accessory housekeeping space has been accounted for as two guest suites and has been included in the total unit count. Therefore, the proposed project is compliant with the existing TTM and will not exceed 35 units.

Comment 25-65:

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?

Response:

The original tract map provided for a "low roof" recreation area approximately 18 feet from Comstock Avenue. The applicant deleted this feature out of a concern that neighbors would object to the low roof recreation area based on noise and privacy issues. The applicant deleted the proposed raised pool recreational area depicted in the Draft EIR terrace for the same reason. See Topical Response 2.

Comment 25-66:

How are the housekeeping suites counted toward the total number of 35 allowable units?

Response:

Each of the housekeeping suites will be comprised of four bedrooms and one kitchen. As discussed on page III-2 of the Draft EIR, the project is designed pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. Therefore, the proposed project is compliant with the existing TTM and will not exceed 35 units.

Comment 25-67:

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?

Response:

See Topical Response 4.

Comment 25-68:

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.

Response:

Shoring design would accommodate construction equipment and would determine location of equipment from excavation. A site logistic plan will be developed that will outline location of construction equipment. With regard to parking/storing of construction equipment/vehicles, refer to Response 25-42.

Comment 25-69:

Describe the location where trash will be collected. Will the truck back into the driveway?

Response:

Due to community opposition to the presence of large trucks on Club View Drive or Comstock Avenue, trash trucks would park somewhere in the close vicinity of the project site and the actual trash bins would be brought up above grade and shuttled from the site using smaller trucks.

Comment 25-70:

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.

Response:

The comment confuses discharge from the potential subdrain system with stormwater runoff from the surface of the project site. The comment's reference to the "recommendation that sumps and pumps be

sized for 450 gallons of water per minute” refers to Mitigation Measure 11 in Section IV.E (Hydrology) of the Draft EIR. This Mitigation Measure pertains to the subdrain system that could be required as part of the proposed project, as groundwater was encountered above the planned lower subterranean parking level. The sumps and pumps would be sized for a total inflow of 450 gallons per minute of groundwater into the subdrain system. This potential inflow would be attributable to project-related dewatering activities, not storm-related surface runoff.

See Topical Response 3 for a discussion relating to stormwater runoff.

Comment 25-71:

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?

Response:

Figure III-1, on page III-4, of the Draft EIR has been revised (see Section III. Corrections and Additions). The third driveway has been removed from the project design. See Topical Response 2. No conclusions in the Draft EIR were based on the 3rd driveway, curb-cut or rolled curb.

Comment 25-72:

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?

Response:

As shown in Section III (Corrections and Additions) in this Final EIR, the site plan has been revised according to the TTM. See Topical Response 2. However, these comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, the commenter’s participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers. See Topical Response 1.

Comment 25-73:

Where is the 1990 LADOT modified site plan and decision letter? This is an important request. Please provide a copy in the FEIR.

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-74:

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?

Response:

The construction equipment/trucks must adhere to the California Vehicle Code (CVC) standard weight restrictions. As for access to the Wilshire Comstock construction site, as stated in CVC Section 35703, the construction equipment/trucks are exempt from any weight restrictions which may apply to Club View Drive (underlined below).

“No ordinance adopted pursuant to Section 35701 shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.”

Shoring design would accommodate construction equipment and would determine location of equipment from excavation. Furthermore, the necessary permits would be obtained by the project applicant for transport of any oversized vehicles on State Highways. Temporary construction traffic would be managed through a traffic management plan. This plan would include a haul route, hours of operation, and restrictions to on-site truck staging. A detailed haul route has not yet been developed, but would include restricted use of Comstock Avenue and Club View Drive, with time limits allowing hauling only outside of the morning and afternoon peak hours. All haul routes are reviewed by the Department of Building and Safety and the Department of Transportation for approval.

Comment 25-75:

In an email 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?

Response:

A public scoping meeting is not required for projects that are not of regional significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period.

Comment 25-76:

In the same email (#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?"

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 email 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?

Response:

With regard to concern about the project's environmental review history and decision to prepare an EIR, refer to Topical Response 4.

Comment 25-77:

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?

Response:

Refer to Topical Response 4 for a discussion of the irrelevance of the proposed project's environmental review history and decision to prepare an EIR to the Draft EIR.

Comment 25-78:

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?

Response:

The decision to not conduct a scoping meeting and the City's initial determination to not prepare an EIR for the proposed project are not related. See Topical Response 4. See Response 25-8.

Comment 25-79:

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? Will the hearing examiner or a representative of Director of Planning issue a report before the Director's Determination on Project Permit Compliance?

Will the hearing examiner or Planning Director's representative's report be considered in the Director's Determination?

Response:

What would or could have occurred if the CEQA-review process for the proposed project had taken a different direction is speculative and is not relevant to the environmental issues associated with the project or the content of the Draft EIR. See Topical Responses 4 and 8.

Comment 25-80:

Is the Director's Determination appealable eventually to the PLUM committee?

Is a hearing Examiner's report appealable to the PLUM Committee?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-81:

Con Howe stated in his email (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 not required by the City? Explain.

Response:

These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR. However, your participation in the CEQA-review process for the proposed project is appreciated. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 25-82:

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?

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.

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 it paid and where was it paid? What information enables the developer or lead agency to reach an informal decision?

When a project on this site was abandoned in the 1980’s, did the developer request a refund on Quimby fees? Show proof.

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?

If the Quimby fee was repaid to the developer, when was the fee repaid to the City by the developer for the proposed project?

Response:

In response to the first paragraph of this comment, per Section 17.12.A.1. of the LAMC, a proposed project has the option of dedication of land or payment of the Quimby Fee.

“No final subdivision map shall be approved nor shall it be recorded unless in connection therewith land within the subdivision has been dedicated to the City of Los Angeles for park or recreational purposes as may be determined by the Advisory Agency in accordance with the standards and in the manner set forth or a fee in lieu thereof has been paid or guaranteed to be paid within one year after Council approves the final map, or a combination of dedication and payment or guarantee of fees has occurred. The guarantee of payment of fees is to be to the satisfaction of the Department of Recreation and Parks and is to be by a deposit with the Department of Recreation and Parks of an irrevocable deposit instrument issued by a bank, savings and loan association or other depository whose deposits are insured by an instrumentality of the federal government. The deposit must be fully insured by such instrumentality. The deposit instrument must be in a form that permits collection by the City of Los Angeles at maturity without further consent of any other party. (Amended by Ord. No. 156,916, Eff. 8/7/72.)”

Therefore, it can be determined that for this Tract Map, per Section 17.12 of the LAMC, a Quimby Fee was paid according to the number of dwelling unit permitted to be constructed (i.e. 35 units). A total of \$83,373.77 was paid on October 17, 1979 toward Quimby fees prior to the tract map being recorded on October 31, 1979. The comment requests “proof of payment”, questions if the Quimby fees were reduced, and if Quimby fees were refunded. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”. See Topical Response 1.

Comment 25-83:

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?

Response:

See Response 25-82.

Comment 25-84:

If the project does not meet the threshold guidelines under CEQA or LADOT (per attached email from Jimmy Liao 21/1/04), how can it be required to mitigate significant impacts?

Response:

It is unclear what the commenter is asking. The CEQA Guidelines Section 15206 and the LADOT Threshold Guidelines have nothing to do with determining possible project related significant impacts or implementation of mitigation measures. Further, as stated in Section IV.H (Traffic/Transportation), on page IV.H-28, no significant traffic impacts have been identified for the proposed project. Therefore, no traffic mitigation measures are required.

Comment 25-85:

Can a vested right to construct a building be secured BEFORE a building permit is issued?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-86:

Was any building permit issued for this project between July 25, 1972 and June 5, 1980, inclusive? (SPECIFIC PLAN APPLICATION, Section 14.A)

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-87:

If no building permit was issued above (#26), would the provisions of this Wilshire-Westwood Scenic Corridor Specific Plan apply to this project?

Response:

Topical Response 9

Comment 25-88:

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.

Response:

What would or could have occurred if the CEQA-review process for the proposed project had taken a different direction is speculative and is not relevant to the environmental issues associated with the project or the content of the Draft EIR.

Comment 25-89:

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?

Response:

See Topical Response 4.

Comment 25-90:

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?

Response:

See Topical Response 4.

Comment 25-91:

Were all potential environmental impacts analyzed in the existing CND?

Response:

See Topical Response 4.

Comment 25-92:

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?

Response:

The Design Review Board approval is a discretionary action subject to CEQA. This EIR is being prepared in connection with such approval.

Comment 25-93:

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 EXEMPTS from the provisions of the Specific Plan.

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.

Response:

See Topical Response 9. The Tract Map was used as a basis for the Draft EIR Project Description and is part of the public record. The Tract Map is available for public review at the City Planning

Department. In addition, all maps recorded in the County of Los Angeles are also on record in the County Recorder's Office.

Comment 25-94:

Would a covenant bond performance that went into default in the 1980's be a basis to invalidate the tract map approval?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-95:

The Wilshire-Westwood Scenic Corridor Specific Plan states: *The provisions of the 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?

Response:

See Topical Response 9.

Comment 25-96:

When did or when does the building permit of the original tract map application expire? Two building permit application expire? Two building permit applications were filed in 1979 for 10250 Wilshire Blvd., which appear to have met the Specific Plan exemption requirement.

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-97:

What was the statute of limitation applicable to a building permit issued in the mid 1980's?

What happens to the exemption if those tract map building permits issued between '72 and '80 are

subsequently voided?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-98:

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?

Response:

See Topical Response 9.

Comment 25-99:

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.*

Response:

This states that any tract map filed between the period of July 25, 1972 and June 5, 1980, (Ordinance 155,044, Section 14.A) is exempt from the Specific Plan. See Topical Response 9.

Comment 25-100:

What is the difference between a “Subdivider’s Statement” and a “Developer’s Application” for a tract map?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-101:

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 exemption. The current proposed project must exactly replicate the original application and statement and cannot be compared without both documents in hand.

Response:

The Tract Map is available for public review at the City Planning Department.

Comment 25-102:

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?

Response:

The commenter is correct in that a new site plan has been incorporated into this project. Please refer to Section III (Corrections and Addition) of this Final EIR. However, per Section 15088.5 of the CEQA Guidelines:

"A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

As the revisions to the proposed project (See Topical Response 2) would not cause any new impacts and would only create minor site plan adjustments.

Comment 25-103:

Why did the City believe it was necessary to publish to publish CEQA clearance in the Los Angeles Times for “grandfathered” project? (October 16, 2003 and October 23, 2003)

Response:

Although the Addendum and the NOP were not required to be published, the Planning Department felt that it was in the best interest of the public to do so given the amount of interest in the project.

Comment 25-104:

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?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-105:

What were the expiration dates for building permits that would have applied in 1979 which may not be the sunset periods in use today?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-106:

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.

Response:

Any previous building permits are part of the public record and are available for public review at the City Planning Department. This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-107:

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?

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-108:

Has the city confirmed a legally vested tract map, irrespective of whether or not a *final* map was recorded?

Response:

Any previous documents which were issued are not considered as part of the current project as discussed in the Draft EIR. Any previous documents are part of the public record and are available for public review at the City Planning Department. This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 25-109:

Could a map be recorded in 1979 without every required sign-off?

Response:

As discussed on page III-1, the Tentative Tract Map (TTM) was recorded on October 31, 1979.

Comment 25-110:

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:

Response:

Comment noted.

Comment 25-111:

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.

Response:

The comment is correct.

Comment 25-112:

2. A 35-unit residential project does not considered [sic] as a Statewide, Regional, or Areawide significant project under CEQA guidelines Sec. 15206 (b)(2)(A) *Threshold: more than 500 units).

Response:

The comment is correct.

Comment 25-113:

3. A 35-unit residential condominium project also [sic] exempt from traffic study requirements under LADOT threshold guidelines. (Threshold: more than 75 units).

Response:

The comment is correct.

Comment 25-114:

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 [sic]. It does not matter wether [sic] an EIR is required or volunteered, it needs to follow the same procedures and requirements under CEQA.

Response:

The comment is correct.

Comment 25-115:

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.

Response:

These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR.

Comment 25-116:

I think you are aware that by a letter dated May 4, 2004 (from Mark Armbruster) 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 this 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 in preparing and reviewing the EIR. If problems arise, let me know. Thanks.

Response:

These comments are not relevant to the environmental issues associated with the project or the content of the Draft EIR.

Commenter 26:

Donald L. Wolfe, Acting Director of Public Works, County of Los Angeles, Department of Public Works, 900 South Fremont Avenue, Alhambra, CA 91803-1331, March 1, 2005

Comment 26-1:

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 landfills.

Response:

As discussed in the Initial Study that was prepared for the proposed project (see Appendix A to the Draft EIR), construction waste generated by the project would be recycled in compliance with AB 939, which would substantially reduce this waste stream that would otherwise go to a local landfill. Additionally, as discussed in the Initial Study, cumulative impacts to the local landfill capacity were found to be less than significant.

Comment 26-2:

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.

Response:

As discussed on page IV-17 of Appendix A, the proposed project would have not impacts with regards

to the disposal of hazardous materials. The proposed project would use, at most, minimal amounts of hazardous materials for routine cleaning and therefore would not post any substantial potential for accident conditions involving the release of hazardous materials.

Commenter 27: **Judy Koenig, 1719 Comstock Avenue, Los Angeles, CA 90024, March 1, 2005**

Comment 27-1:

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

Response:

The comment expresses support for the proposed project but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 28: **Frances A. Lewis, 1700 Westholme Avenue, Apartment 303, Los Angeles, CA 90024, March 3, 2005**

Comment 28-1:

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.

Response:

The comment expresses support for the proposed project and the Draft EIR, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 29: **Lois Cox, 1520 S. Beverly Glen Boulevard, Apartment 607,
Los Angeles, CA 90024, March 4, 2005**

Comment 29-1:

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.

Response:

The comment expresses support for the proposed project, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 30: **Joan and Steve Little, 1527 Club View Drive, Los Angeles,
CA 90012, March 5, 2005**

Comment 30-1:

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, Fifield 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.

Response:

See Topical Response 6 and 7.

Comment 30-2:

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 north on Club View Drive and more of a backup at the entrance to the proposed project.

Response:

As documented in the Draft EIR on page IV.H-23, the Santa Monica Boulevard Transitway project will provide additional intersection capacity south of the project site. The analysis of future (2007) traffic conditions assumes completion of the Santa Monica Boulevard Transitway project and therefore takes into consideration the increased “traffic flow on that street.” As noted on page IV.H-23 of the Draft EIR, southbound and eastbound left-turn movements were assumed prohibited at the intersection of Club View Drive and Santa Monica Boulevard. Prior to the addition of project traffic, the intersection of Club View Drive and Santa Monica Boulevard is expected to operate at Level of Service B and Level of Service D during the AM and PM peak hours, respectively. The addition of project traffic will minimally increase the Critical Movement Analysis value and will not result in a change in the Level of Service at this location during either peak hour.

Although the project will not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required, the project will participate with local residents to address existing and cumulative “cut thru” traffic issues. See Topical Response 6.

Comment 30-3:

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.

Response:

Upon completion of the Santa Monica Boulevard Transitway project westbound vehicles will be permitted to make U-turns within approximately 300 feet west of Club View Drive, on Santa Monica Boulevard at Century Park West, thereby permitting eastbound residents to continue to use Santa Monica Boulevard. Therefore, the diversion of eastbound traffic to Wilshire Boulevard is not expected to be significant. The Santa Monica Boulevard Transitway project was assumed to be completed for the analysis of future (2007) traffic conditions, as documented on page IV.H-23 of the Draft EIR.

Comment 30-4:

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.

Response:

These Century City projects were included as related projects in the analysis of future (2007) traffic conditions in Table II-1 on page II-17 of the Draft EIR (which has been revised in Section III of this Final EIR). The projects referenced by the commenter, as well as other Century City projects, are listed as related projects 2 through 6 in Table in Table II-1 on page II-17 of the Draft EIR. See Response 19-2.

Comment 30-5:

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.

Response:

See Topical Response 6.

Comment 30-6:

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.

Response:

See Topical Response 6. As documented Section IV.H (Traffic/Transportation) of the Draft EIR, the project will not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required. However, the project will participate with local residents in the preparation of a Neighborhood Traffic Protection Plan (NTPP) to address “cut thru” traffic issues.

Comment 30-7:

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 Ensley Ave., Warnall 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.

Response:

Comment noted. This recommendation will be considered during development of the Neighborhood Traffic Protection Plan (NTPP). See Topical Response 6.

Comment 30-8:

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 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 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 renegeing 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.

Response:

Comment noted. This recommendation will be considered during development of the Neighborhood Traffic Protection Plan (NTPP). See Topical Response 6.

Comment 30-9:

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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 31:**Steve Thompson, March 7, 2005****Comment 31-1**

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.

Response:

The comment expresses support for the proposed project and the Draft EIR, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 32: **Joseph Reichmann, 1429 Comstock Avenue, Los Angeles, CA 90024, March 8, 2005**

Comment 32-1

The DEIR concerns the impact upon transportation after the project is completed.

Response:

See Topical Response 6.

Comment 32-2:

The EIR should address the identical concerns upon transportation during the construction of the project.

What are the traffic problems during construction and will [sic] be done to reduce or eliminate those problems?

Response:

Traffic issues that could arise during the proposed project's construction period include delays due to slow moving construction vehicles and potential lane closures. However, construction-related traffic issues would be short-term and temporary and would not significantly affect traffic conditions. See also Response 4-1.

Commenter 33: **William and Marlina Morris, William Morris & Associates, 10790 Wilshire Boulevard #1004, Los Angeles, CA 90024, March 8, 2005**

Comment 33-1:

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.

Response:

The comment expresses support for the proposed project and the Draft EIR, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 34: **Shawn Nehorai, 10401 Wilshire Boulevard Apt 205, Los Angeles, CA 90034, March 9, 2004 [sic]**

Comment 34-1:

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.

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

Response:

The comment expresses support for the proposed project and the Draft EIR, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 35: **Charles Edelson P.E., California Board of Registration for Professional Engineers E7224 CS 3599, 10344 Wilkins**

Avenue, Los Angeles, CA 90024, March 10, 2005

Comment 35-1:

My primary concern with the Draft EIR, as a Professional Engineer, is its inadequacy in addressing the safety issues of 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. My questions are in **bold** type and are sequentially numbered for ease of response.

Response:

This Draft EIR has been prepared in correspondence with the CEQA Guidelines. Per Section 15126.2 of the CEQA Guidelines a Draft EIR is required to include analysis based on changes in the existing physical conditions in an affected project area, including relevant health and safety problems caused by the physical changes. All safety issues were analyzed in the Draft EIR and mitigated to less than significant (see Sections IV.D. Geology and Soils and IV.E. Hydrology).

Comment 35-2:

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.

Response:

See Response 25-102. See Topical Response 2 for a description of the revised project.

Comment 35-3:

2. Does this not require republication of the DEIR and a further comment period?

Response:

See Response 25-102.

Comment 35-4:

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.

Response:

Comment noted.

Comment 35-5:

I raise the following primary substantive question: **3. How will the developer insure the safety of 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 soil 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 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 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 means to work below the friactic surface.” The “friactic surface” mentioned refers to the cut surface of the aquifer at the edge of the excavation or construction. The cut surface is friactic, 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 [sic] 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 ground water 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.

Response:

The site will be permanently dewatered, and the aquifer will not be resealed. See Topical Responses 3 and 7.

Comment 35-6:

5. If the soils engineers were unable to reseat 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?

Response:

MACTEC drilled borings at the project site to a depth of 100 feet and did not encounter any artesian water conditions. At present, the excavation depth is expected to extend into the lower aquifer. Hence, resealing the aquifer would not be necessary as there are no artesian water conditions.

Comment 35-7:

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.

Response:

See Response 35-6 and Topical Response 3. The life of the building is speculative.

Comment 35-8:

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 reseat 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 soil and silt without becoming clogged over the life of the building?**

Response:

With respect to resealing the aquifer, see Response 35-6. With respect to hydrostatic pressure, see Topical Response 3.

Comment 35-9:

8. Another is whether the seals above and below the aquifers will hold?

Response:

See Response 35-6.

Comment 35-10:

9. Still another is whether the membrane will degrade or disintegrate or become clogged over the life of the building?

Response:

Assuming that the commenter is referring to the membrane beneath and around the proposed building, the membrane that will be selected during the design phase will not degrade, disintegrate or clog during the lifetime of the building.

Comment 35-11:

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.

Response:

See Topical Response 3. In addition, the basement walls of the building will be thickened to withstand any hydrostatic pressure. This will be done during the design phase of the building.

Comment 35-12:

Another solution might be to seal the sandy aquifers with a chemical grout, forcing 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?**

Response:

See Response to 35-6.

Comment 35-13:

12. Of further concern is the extent of the aquifer at this site and whether it is large enough to flow around the building.

Response:

See Response to 35-6. In addition, if a sub-drain system is installed at the site, the groundwater will not flow around the building as it will flow beneath the building. If the other alternative for permanent dewatering is adopted, the groundwater will flow around and beneath the building.

Comment 35-14:

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 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.

Response:

See Topical Response 3 for details regarding the temporary and permanent dewatering systems. The dewatering contractor with the help of the geotechnical engineer can develop a functioning dewatering system.

Comment 35-15:

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 [sic] undisclosed construction technologies?

Response:

See Topical Response 3 regarding review by the Department of Building and Safety.

Comment 35-16:

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 [sic] 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:

Response:

It is not expected that the proposed project will block the groundwater from flowing beneath or around it. Any permanent design will assure that groundwater will flow without any impediments to its natural flow. Hence, any suggestion of damming or an increase in groundwater levels on the upgradient side is not relevant as the design of the permanent dewatering system will assure continuous flow. See also Topical Response 3.

Comment 35-17:

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?

Response:

See Response 35-16.

Comment 35-18:

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?

Response:

See Response 35-16. The water level is expected to be lowered slightly during dewatering (see Topical Response 3).

Comment 35-19:

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?**

Response:

See Topical Response 7.

Comment 35-20:

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?

Response:

The heavy rains will have a minor effect on the level of the groundwater. The majority of the rainwater is drained into storm drains. The heavy rain will not change the recommendations presented in the EIR.

Comment 35-21:

18. What changes in the design should be made to take into account the higher water levels of

1979?

Response:

See Topical Response 3 for a discussion of historical groundwater levels.

Comment 35-22:

As with the section on settlement, 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.

Response:

As discussed on page IV.D-3, the project site is not in a liquefaction zone. See Topical Response 1.

Comment 35-23:

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:

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR.

Comment 35-24:

19. What is the fine scale resolution and accuracy of the maps the developer is relying on?

Response:

The scale of these maps is 1 inch = 4000 feet. These maps are obtained from the State of California Seismic Hazard Zones – Beverly Hills Quadrangle – 1999.

Comment 35-25:

20. What other information is available or should be determined defining the liquefaction potential of the surrounding area?

Response:

The information that the EIR relied upon, the CGS map, is adequate to determine liquefaction potential. These maps are widely used to determine such potential. The CGS maps are used as a general guide to the conditions of the specific geographic area. A project that is located within an area designated as a liquefaction hazard is not necessarily prone to liquefaction. The site-specific conditions are demonstrated through the required Geology study and report. See Topical Response 1.

Comment 35-26:

21. If water tables as high as 13 feet below the surface have existing 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?

Response:

The liquefaction map was prepared by extensive research by the State of California. See Response 35-25. See Topical Response 1.

Comment 35-27:

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 [sic] that the flow he expected to pump might be about 600 gallons per minute. The real questions are:

Response:

The expected flow rate during the dewatering activities and after completion of construction is expected to be approximately 450 gallons per minute (at the high end). However, during the initial dewatering of the project site prior to commencement of construction activities, the pumping rate could be much higher (approximately 700 gpm).

Comment 35-28:

22. How much water will flow through the cut ends of the aquifers, during and after

construction?

Response:

See Response 35-27.

Comment 35-29:

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?

Response:

Yes. The subdrain system will be designed to prevent sand and silt from being eroded away.

Comment 35-30:

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)?

Response:

The relevance of this question to the site is not understood. See Topical Response 1. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” Refer to Topical Response 3 and 7 for concerns with groundwater issues.

Comment 35-31:

25. How much has the velocity of the ground water increased since the original tests were conducted?

Response:

The velocity of the groundwater does not change due to increase in groundwater or other factors. Groundwater velocity is a function of the hydraulic conductivity and the gradient. If none of them change, velocity does not change. Increase or decrease in groundwater levels does not change the hydraulic gradient, as the change in water levels is felt all over the site. Also, the hydraulic

conductivity remains the same. Hence, there is no change in the velocity of the groundwater.

Comment 35-32:

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 [sic] 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 withheld and when will they be released to the City and the public?**

Response:

See Topical Response 7.

Comment 35-33:

27. What other engineering and geotechnical reports have been withheld from the City and the public and when will they be released?

Response:

See Topical Response 7.

Comment 35-34:

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

Response:

Comment noted.

Comment 35-35:

One of the most important other issues is the interactions 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 [sic], is posted as a West Nile infested area. The Fifield Company proposed to discharge groundwater into the storm

drain on Comstock Avenue very near Wilshire Boulevard, both during and after construction. This storm drain, 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 County 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 [sic], 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?**

Response:

Topical Response 5 in this Final EIR discusses the issues associated with West Nile Virus.

Comment 35-36:

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.

Response:

See Topical Response 3 with regards to groundwater discharge. The commenter's statement about potential public health hazards is vague and does not provide enough detail for the EIR preparers to prepare a response. See Topical Response 5 for a discussion on West Nile Virus.

Comment 35-37:

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 County 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?**

Response:

The project site is located in a developed area of the City of Los Angeles and the type of vegetation that exists in the project vicinity is limited to ornamental trees and vegetation that are supported by public

and private irrigation systems. Due to the level of development in and around the project site, the trees and shrubs in adjacent to the project site do not rely on natural water bodies or groundwater to survive. As described on page IV.E-7 of the Draft EIR, the proposed project site has two relatively permeable water zones; a shallow zone that occurs up to a depth of approximately 30 feet below ground surface (bgs) and a deep zone that occurs between approximately 40 and 50 feet bgs. Because dewatering activities would be isolated to the project site and would occur at depths greater than 30 feet below the ground surface, there would not be any alteration to the soil hydrology at root level on adjacent properties. Thus, the project will not result in any indirect impacts to adjacent vegetation or landscaped areas.

Comment 35-38:

31. Has the developer done an ecological study of the potential damage to the trees and to the wildlife population they support?

Response:

The commenter is incorrect in stating that there would be damage to a natural forest area. As described in Appendix A, page IV-9, the project site or surrounding area is not located within a riparian or other sensitive habitat area.³ Please refer to Response 35-37 for a discussion on water impacts to local vegetation.

Comment 35-39:

32. If so, what were the results?

Response:

No study is necessary. Please refer to Response 35-37 for a discussion on water impacts to local vegetation.

Comment 35-40:

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?

³ Los Angeles City Planning Department, Environmental and Public Facilities Maps: Significant Ecological Areas, September 1, 1996.

Response:

Please refer to Response 35-37 for a discussion on water impacts to local vegetation.

Comment 35-41:

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 transmissions 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 listed makes 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?

Response:

As the commenter has identified, the project would incorporate a variety of building materials, which would be selected and located so as to minimize the transmissions of illumination from interior lights. As these project features have already been incorporated into the design of the proposed project, interior lighting impacts would not be potentially significant and no mitigation measures would be warranted.

Comment 35-42:

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 not stated. 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?**

Response:

See Responses 1-3 and 25-69.

Comment 35-43:

36. Will trucks be expected to park on the street?

Response:

See Responses 1-3 and 25-69.

Comment 35-44:

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?**

Response:

The proposed project would have a maximum total of 35 units. Two of the units would be housekeeping suites. Each of the housekeeping suites will be comprised of four bedrooms and one kitchen. As discussed on page III-2 of the Draft EIR, the project is designed pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. Therefore, the proposed project is compliant with the existing TTM and will not exceed 35 units. Furthermore, as discussed on page III-1 of the Draft EIR, although the proposed project is within the Corridor Specific Plan area, it is exempted from the Corridor Specific Plan's provisions. See Topical Response 9.

Comment 35-45:

40. What provision has been made for parking for the occupants of these units and other service personnel who will be required for the operation of a luxury condominium building?

Response:

The proposed project's parking supply of 103 spaces, 15 more spaces than required by Los Angeles Municipal Code, is expected to meet the parking needs of the project. Los Angeles Municipal Code requires a total of 88 parking spaces for the project. The number of standard, compact, and accessible stalls provided is in accordance with the Los Angeles Building Code, which does not allow "the majority of spaces" to be compact spaces. The more than adequate parking supply will meet the parking needs of the project.

Comment 35-46:

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?

Response:

See Response 35-45. In addition, as noted on pages IV.H-4 through IV.H-7 of the Draft EIR, the project site is served by a number of local and regional transit services. Employees of the project will be encouraged to utilize these public transit services, thereby reducing vehicular dependence and the potential for off-site parking impacts.

Comment 35-47:

42. Will residents and service personnel be eligible for permits in parking District 6?

Response:

The residents of the project could petition the City for permit parking. However, this is not anticipated since the project will provide ample parking. See Response 35-45. In addition, as noted on pages IV.H-4 through IV.H-7 of the Draft EIR, the project site is served by a number of local and regional transit services. Employees of the project will be encouraged to utilize these public transit services, thereby reducing vehicular dependence and the potential for off-site parking impacts.

Commenter 36: **Shirley Baskin Familian, 10380 Wilshire Boulevard 1403,
Los Angeles, CA 90024, March 10, 2005**

Comment 36-1:

Traffic as it exists today is a nightmare.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 36-2:

Now add add [sic] the bunch of vehicles due to construction, followed by the impact of another high rise condominium, the completion of the Californian on the west end of the "Corridor" – the possibility of the Robinson-May being converted into another condominium project – when will this nightmare lead us?

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. The Californian and the possible redevelopment of the Robinsons-May are listed as related projects in Table 4-1.

Comment 36-3:

There are many other concerns which I am sure you know about such as the underground water situation. How is that being resolved?

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 36-4:

How will traffic flow on the narrow strip of Club View Drive as it feeds into Wilshire Blvd.?

Response:

See Topical Response 6.

Comment 36-5:

Please know, as a resident of Wilshire Boulevard, I am most concerned and would like an expression from you on the above mentioned questions.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 37: **James G. O’Callahan, Girardi/Keese Lawyers, 1126 Wilshire Boulevard, Los Angeles, CA 90017, March 11, 2005**

Comment 37-1:

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 the 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 [sic].

Response:

See Topical Response 6.

Comment 37-2:

- (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.)

Response:

See Topical Response 6.

Comment 37-3:

- (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.

Response:

As discussed in Topical Response 6, the traffic analysis in Section IV.H (Traffic/Transportation) of the Draft EIR concluded that project-related traffic would not change the Level of Service (LOS) at any of the analyzed intersections. LOS definitions are directly related to queue lengths and traffic flow. Therefore, the proposed project would not exacerbate “traffic back up” beyond anticipated future conditions without the project, and would not cause police, fire, and emergency vehicles to be unable to

access Club View Drive or the project site. Furthermore, mitigation measures were included in the Initial Study prepared for the proposed project that would further ensure that emergency access would not be significantly impacted. See Mitigation Measures 13-2, 13-3, 13-4, 13-6, 13-8, and 13-10 in Appendix A to the Draft EIR.

Comment 37-4:

- (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.

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 37-5

- (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.

Response:

See Topical Response 6.

Comment 37-6:

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.

Response:

As stated on page IV.F-9 of the Draft EIR, the proposed project is consistent with the Height District 3 designation that the total floor area not exceed ten times the buildable area of the lot. In addition, there are numerous condominium buildings of similar height and scale along Wilshire. See also Topical

Response 9.

Comment 37-7:

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.

Response:

Setback requirements for the project site are governed by the City of Los Angeles Municipal Code (LAMC), particularly Chapter 1, General Provisions and Zoning. See Topical Response 9 for a discussion of the proposed project's consistency with the adopted City zoning classifications and requirements for the project site.

Comment 37-8:

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.

Response:

The comment contains opinions about the proposed project and the project developer, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 37-9:

5. A meaningful EIR cannot be done 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.

Response:

See Response 29-2. Also note that traffic control plans have been implemented along Santa Monica Boulevard so that similar through capacity applies to pre-project conditions.

Comment 37-10:

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.

Response:

See Responses 29-2 and 37-9.

Comment 37-11:

6. The need for parking during construction and after completion must be studied.

Response:

See Responses 25-42 and 16-2.

Comment 37-12:

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.

Response:

With respect to the demand for parking that would be created by the proposed project, see Response 16-2. With respect to increased traffic, see Topical Response 6. With respect to the concern raised regarding the safety of children, this issue is beyond the scope of the EIR. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 37-13:

7. The noise, dangers and inconvenience of construction must be analyzed and addressed to shift the burden and impact from local residents.

Response:

Impacts related to the project's construction-related noise are addressed in Section IV.G (Noise) of the Draft EIR. Other construction-related issues associated with the project are addressed as needed in the other sections of the Draft EIR. The reader is referred to the Environmental Impact analysis in Sections IV.A through IV.H.

Comment 37-14:

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.

Response:

The Initial Study concluded that the project would not result in any significant impacts on recreation facilities.

Comment 37-15:

Children should not be forced to cross Wilshire Boulevard to get to a playground.

Response:

The comment contains a general opinion regarding the neighborhood around the project site, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 37-16:

Mitigation should include the creation of public open space similar in size and character to the 10250 property.

Response:

A total of \$83,373.77 was paid on October 17, 1979 toward Quimby fees prior to the tract map being recorded on October 31, 1979. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See also Topical Response 1.

Comment 37-17:

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.

Response:

See Response 19-2. The Westfield Shopping Center expansion and Schubert Complex are referenced as related projects 2 and 6, respectively, in Table II-1 of the Draft EIR.

Comment 37-18:

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 development.

Response:

The comment does not include data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the contention that the traffic study referenced in Section IV.H (Traffic/Transportation) of the Draft EIR is inadequate. Therefore, a response is not required pursuant to CEQA. However, the traffic study was prepared in accordance with LADOT methodologies and was reviewed and approved by LADOT.

Comment 37-19:

Crain and Associates has a history of working with Mark Armbruster supporting development and business interests regardless of community and residential concerns.

Response:

The comment contains an opinion about the project traffic consultant and the project applicant, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 37-20:

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.

Response:

See Topical Response 6.

Comment 37- 21:

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

Response:

The comment contains general opinions about the project developer and the EIR, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Commenter 38: **Caroline M. Spencer, 10316 Wilkins Avenue, Los Angeles, CA 90024, March 12, 2005**

Comment 38-1:

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.**

Response:

See Topical Response 3.

Comment 38-2:

1-What are appropriate methods for dewatering the site?

Response:

See Topical Response 3.

Comment 38-3

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

Response:

See Topical Response 3.

Comment 38-4:

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

Response:

See Response 19-4 and Topical Response 3.

Comment 38-5:

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

Response:

See Response 19-6 and Topical Response 3.

Comment 38-6:

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?

Response:

See Response 35-37.

Comment 38-7:

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

Response:

See Topical Response 5.

Comment 38-8:

- 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.”...

***Please explain how the upper 30 to 50 feet along the edge of the excavated boundary will react to the excavation?**

Response:

See Topical Response 7.

Comment 38-9:

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

Response:

See Topical Response 7.

Comment 38-10:

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

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 38-11:

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

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” Furthermore, as discussed in Topical Response 4, the Department of Building and Safety will review the project prior to grading.

Comment 38-12:

- 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.”

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

Response:

The above mitigation measure would be safe from a geotechnical standpoint, as soil conditions in the upper 40 feet were taken into account when formulating the analyses of the sloped or shored excavation.

Comment 38-13:

***Please provide slope stability analyses?**

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” Furthermore, as discussed in Topical Response 4, the Department of Building and Safety will review the project prior to grading.

Comment 38-14:

- 3) 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?**

Response:

There would be no special handling requirements for these soils because they consist of well graded sand with large amounts of gravel.

Comment 38-15:

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?**

Response:

The soils between the two stated depths consist of well graded sand with large amounts of gravel. Caving in vertical excavation is normal in such soils and will not pose risks to the proposed project or adjacent properties.

Comment 38-16:

- 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.”

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

Response:

The borings on the adjacent sites where the borings did not extend below the water table provides project geologists with more information on the soil conditions above the water level.

Comment 38-17:

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

Response:

“Knowledge for the subject site” that is relevant to the proposed excavation is provided throughout the analysis contained in Section IV.D (Geology and Soils) in the Draft EIR.

Comment 38-18:

- 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 depth of approximately 30 feet below ground surface (bgs), and a deep zone that occurs between approximately 40 to 50 feet bgs.”

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

Response:

The proposed excavation would involve the partial removal of the impermeable zone between the two permeable zones in some locations at the site.

Comment 38-19:

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

Response:

No. Partial removal of the impermeable zone would not have any adverse effects on the groundwater table or the surrounding soils as there are no artesian water conditions found of on the project site.

Comment 38-20:

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

Response:

No. The geotechnical consultant does not anticipate resealing any zone as the excavation bottom in most areas will likely be in the deeper zone.

Comment 38-21:

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

Response:

See Response 38-20.

Comment 38-22:

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

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

The commenter appears to mistake the flow of groundwater in the shallow and deeper sand zones. The shallow zone occurs up to a depth of 30 feet below ground surface (bgs), and the deep zone occurs between approximately 40 and 55 feet bgs. These two zones are separated by an impermeable zone. Figure IV.E-5 (Elevation of Water-Table and Generalized Direction of Groundwater Flow) in the Draft EIR shows the horizontal component of groundwater flow in the shallow zone. This figure shows that the groundwater in the shallow zone generally moves south-southeast, along a flowpath roughly parallel with the eastern boundary of the project site. A minor southwesterly component to the flow in the shallow zone can be attributed to the difference in lengths of the screen/gravel packs intervals in the nested wells. Figure IV.E-4 (Water Level Elevations in the Deep Zone and Generalized Direction of Groundwater Flow) in the Draft EIR, which provides the horizontal component of groundwater flow in the deep zone, shows that groundwater moves from north to south with a minor westerly component.

Comment 38-23:***Would that make a difference in establishing the dewatering system required at this site?****Response:**

As stated in Response 38-22, the direction of groundwater flow is predominantly towards the southeast. Changes in the groundwater flow direction may only affect the placement of dewatering wells and trenches during the temporary dewatering activities. It will not have any affect on the permanent dewatering system suggested for the project site.

Comment 38-24:

- 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.

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

Response:

Settlement calculations were performed at the project site and for adjacent sites (up to a few hundred feet from the project site) based on the geotechnical consultant's evaluation of the drawdowns. See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that "lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

Comment 38-25:

- 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.

***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.**

Response:

It is true that wells to the west of the fault may exhibit different characteristics than wells that lie east of the fault. However, there are enough wells in the vicinity of the project site that lie on the same side of the fault as the project site, that show a fluctuation in ground water levels during the course of a number of years.

Comment 38-26:

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

Response:

See Topical Response 3.

Comment 38-27:

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

Response:

Appropriate testing and analysis are presented throughout Section IV.E (Hydrology) of the Draft EIR. See Topical Response 1 regarding focus of review.

Comment 38-28:

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

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

Response:

See Topical Response 3.

Comment 38-29:

***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?**

Response:

See Topical Response 3.

Comment 38-30:

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

Response:

See Topical Response 3.

Comment 38-31:

***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?**

Response:

See Topical Response 3.

Commenter 39: **Michael & Beta Ozar, 1231 Club View Drive, Los Angeles, CA 90024, March 13, 2005**

Comment 39-1:

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.

Response:

The balance of the comment expresses an opinion about living in the vicinity of the project site, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See Topical Response 1.

Comment 39-2:

We are most particularly apprehensive about the effect of noise levels, traffic congestion and, most significantly the likelihood of radical excavation activity to create a geological disturbance that would structurally & cosmetically damage our house which has stood securely on this site since 1949.

Response:

Please refer Sections IV.D (Geology and Soils), IV.G (Noise), and IV.H (Traffic and Transportation) of the Draft EIR for a discussion of the potential impacts of the proposed project with relation to those respective concerns expressed by the Commenter. As discussed in the Draft EIR, Geology and Soils impacts would be reduced to a less-than-significant level with the incorporation of required mitigation measures. Noise impacts during construction would be significant and unavoidable even after required mitigation, while operational noise impacts would be less than significant. Traffic and Transportation impacts would be less than significant prior to mitigation; nonetheless, mitigation measures have been recommended to further reduce impacts.

Comment 39-3:

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 8AM to 5PM & 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 helisport [sic] on this site. [sic])

Response:

With respect to construction noise, mandatory mitigation measures have been incorporated to reduce the proposed project's impacts. These mitigation measures are listed in Section IV.G (Noise) of the Draft EIR, as well as Section V. (Mitigation Monitoring and Reporting Program) of this Final EIR. With respect to the helistop proposed on the tower roof, as discussed on page III-2 and III-3 (Project Description) of the Draft EIR, and in Response 17-3, this helistop would be for emergency use only.

Comment 39-4:

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.

Response:

Regarding the proposed project's impact on traffic, please see Topical Response 6. The impacts of the Santa Monica Boulevard improvement project are outside the scope of this EIR.

Commenter 40:

Aviv L. Tuchman, Tuchman & Associates, 1000 Wilshire Boulevard, Suite 1600, Los Angeles, CA 90017, March 14, 2005

Comment 40-1:

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.

Response:

The balance of the comment expresses opinions about the proposed project in general, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See Topical Response 1.

Comment 40-2:

Since the draft Environmental Impact Report does not necessarily deal with land use issues and grandfathering, 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.

Response:

Comment noted.

Comment 40-3:

The Wilshire-Westwood Scenic Corridor Specific Plan specifically states that there is a 75 foot limit, and this limit should apply to this structure.

Response:

Please see Response 25-87 and Topical Response 9 regarding the exemption of the proposed project from the Wilshire-Westwood Scenic Corridor Specific Plan.

Comment 40-4:

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 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.

Response:

This is not a CEQA issue beyond the listing of entitlements and permits. See Topical Responses 4 and 8.

Comment 40-5:

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.

Response:

The comment expresses opinions about the development in general, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 40-6:

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.

Response:

Please see Topical Response 2 regarding the removal of the third driveway and the relocation of the recreational terrace (including the pool) to grade level. See also Section III (Corrections and Additions) of this Final EIR for the revised site plans and project renderings. See Comment 25-102 for a discussion pertaining to re-circulation of a Draft EIR.

Comment 40-7:**COMMENTS:**

- I. INTRODUCTION/SUMMARY**
 - A. INTRODUCTION (Page I-1)**
 - Notice of Preparation (Page I-4)**

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.

Response:

Per Section 15082 of the CEQA Guidelines, in response to the NOP Responsible Agencies must submit responses regarding the scope of the EIR within 30 days of issuance of the NOP. The NOP period consisted of 30 days. A public scoping meeting is not required for projects that are not of regional significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period. The comments received during the Addendum phase were also considered with regards to the scope of the Draft EIR.

Comment 40-8:

**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 inconsistencies regarding curbs and rolled curbs.

Response:

See Topical Response 2.

Comment 40-9:

There have also been certain variations regarding the maid's units and vehicle parking spaces.

Response:

The accessory housekeeping space has been accounted for as two guest suites and has been included in the total unit count. Refer to Comment 16-2 with regards to vehicle parking spaces.

Comment 40-10:

There have also been inconsistencies regarding curbs and rolled curbs.

Response:

See Topical Response 2.

Comment 40-11:

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.

Response:

As discussed in the Draft EIR on page I-4, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979.

Comment 40-12:

There are internal consistencies within the reports relative to drafting and relative to design.

Response:

The commenter's question is vague and does not provide enough detail for the EIR preparers to prepare a response. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-13:

The graphic on the cover of the project is different from the proposals on the inside.

Response:

The proposed project renderings have all been revised. See Topical Response 2.

Comment 40-14:

In addition, site maps are also off.

Response:

The proposed project site plans have all been revised. See Topical Response 2.

Comment 40-15:

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.

Response:

See Topical Response 2.

Comment 40-16:

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.

Response:

See Topical Response 2.

Comment 40-17:

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.

Response:

A public scoping meeting is not required for projects that are not of regional significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period. With regard to noticing, all appropriate noticing that is required under CEQA has been and will be conducted for the proposed project.

Comment 40-18:

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.

Response:

See Topical Responses 4 and 8.

Comment 40-19:

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.

Response:

The balance of the comment expresses opinion regarding the mass of the proposed structure, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 40-20:

I. INTRODUCTION/SUMMARY

E. Alternatives (Page I-6)

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

Response:

The comment expresses an opinion about Alternative A, but does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 40-21:

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.

Response:

Alternative C, as identified in Section VI (Alternatives to the Project) of the Draft EIR is development of a structure that would comply with the Wilshire-Westwood Scenic Corridor Specific Plan. As discussed in Response 25-61, Alternative C would result in greater significant environmental impacts than the proposed project. Furthermore, Alternative C would not satisfy the project objectives as it would not develop the site consistent with Tentative Tract Map (TTM) 27025.

Comment 40-22:**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.

Response:

CEQA does not require an EIR to address the privacy issues associated with a project. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment 40-23:

In addition, driveways should be placed away from homes. It should also be noted, the initial tract map shows ingress and egress along Wilshire Boulevard. Where is the Wilshire ingress/egress?

Response:

See Topical Response 6.

Comment 40-24:**I. INTRODUCTION/SUMMARY*****Mitigation Measures (Page I-10 through I-20)***

The summary found at these pages regarding alleged mitigation do not make sense [sic]. There is discussion regarding tie-backs and cantilevered shoring. The instability of this soil and the continuous rising of the water table due to 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 probably 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 adjoining streets, including Wilshire Boulevard, the Country Club and homes nearby. How far do these tie backs go? How far cantilevered are they? Have any rights to adjoining neighbors been granted?

Response:

Excavation would only extend to the property line, and would not occur under Comstock Avenue, Club

View Drive, the Country Club, or Wilshire Boulevard. The question regarding “rights to adjoining neighbors” does not address an environmental concern and is therefore beyond the scope of the EIR. The balance of the comment is addressed in Topical Response 7.

Comment 40-25:

Has the Department of Transportation given permission to excavate under the streets, i.e. Club View Drive, Wilshire Boulevard and Comstock?

Response:

See Response 40-24.

Comment 40-26:

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

Response:

See Topical Response 3.

Comment 40-27:

**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.

Response:

The comment asserts that a determination presented in the Draft EIR regarding groundwater settlement is “ludicrous.” However, the comment does not include data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts that support this claim. Thus, pursuant to Section 15204(c) of the CEQA Guidelines, a response is not required.

Comment 40-28:

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 neighbor’s yard across the street.

Response:

CEQA does not require an EIR to analyze the environmental conditions at properties adjacent to a project site. Furthermore, the comment does not include any evidence that “constant water leaks” on Wilshire Boulevard and “water bubbling up in the neighbor’s yard;” if such events did indeed occur, they would not be affected by construction of the project. See Topical Response 3.

Comment 40-29:

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.

Response:

CEQA does not require an EIR to analyze the environmental conditions at properties adjacent to a project site. In addition, the comment asserts that statements in the Draft EIR are “conjectural,” “counter-intuitive,” and do “not even make sense.” However, the comment does not include data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts that support such assertions. Thus, pursuant to Section 15064 of the CEQA Guidelines, a response is not required. The statements in the EIR are based on a study by MACTEC, an expert in soil condition and groundwater issues. See Topical Response 3.

Comment 40-30:

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 effects with other projects?

Response:

The comment does not state a concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. The commenter is also referred to Topical Response 3, which addresses proposed dewatering details and feasibility.

Comment 40-31:**I. INTRODUCTION/SUMMARY**

Benzene in Groundwater (Page I-4)

The developer seems to be on again and off again with respect to Benzene. How much Benzene is in the water?

Response:

See Topical Response 3.

Comment 40-32:

What affect will it have pumping it out into the neighborhood?

Response:

See Topical Response 3.

Comment 40-33:

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

What does the membrane consist of?

Response:

The membrane will be made up of polyethylene or similar products with similar chemical compositions.

Comment 40-34:

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

Response:

The membrane will be installed by a competent contractor that has the requisite experience in performing similar tasks at similar project sites. Furthermore, the Department of Building and Safety will review all plans prior to the start of grading.

Comment 40-35:

III. 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 garages?

Response:

See Topical Response 7.

Comment 40-36:

If the water level is already at 18 feet below grade, how will the excavation go forward?

Response:

The water level will be lowered below the bottom of the excavation by dewatering the site. See Topical Response 3.

Comment 40-37:

How will the shoring take place?

Response:

Shoring will take place by placing soldier piles (H-beams), wood lagging, and tie-backs around the perimeter of the site to support the excavation.

Comment 40-38:

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?

Response:

The dewatering contractor, who has not been selected at this time, will have the requisite experience in dewatering at similar project sites. See Topical Response 3. Furthermore, the Department of Building and Safety will review all geology and hydrology reports prior to the start of grading.

Comment 40-39:

**IV. 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.

Response:

As discussed on the pages referenced by the commenter and in Section IV.H (Transportation/Traffic) of the Draft EIR, the proposed project would not result in any significant traffic impacts. Recommendations to further reduce project traffic impacts are listed on page I-30 and on IV.H-29 of the Draft EIR. Also, see Topical Response 6.

Comment 40-40:

Clearly there will be an additional on-flow of cars. Will there be a stop sign? Will there be a guard?

Response:

The project will not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required, as documented in Section IV.H (Transportation/Traffic) of the Draft EIR. See Response 17-2 regarding possible installation of additional STOP signs as a part of the voluntary Neighborhood Traffic Protection Program (NTTP) to be implemented by the project.

Comment 40-41:

What type of lighting will exist?

Response:

The project will not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required, as documented in Section IV.H (Transportation/Traffic) of the Draft EIR. See Response 17-2 regarding potential traffic signal modification as a part of the voluntary Neighborhood Traffic Protection Program (NTTP). No new traffic signal would be part of the NTTP.

Comment 40-42:

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.

Response:

Refer to Topical Response 2.

Comment 40-43:

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.

Response:

Refer to Topical Response 2.

Comment 40-44:**FIGURE III-2****PROPOSED SITE PLAN: 2nd FLOOR**

The pool structure should be eliminated.

Response:

The commenter's opinion that the pool from the project description is not relevant to the adequacy or content of the Draft EIR and does not provide evidence that the proposed project would result in significant environmental impacts. See Topical Response 1. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-45:**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.

Response:

As discussed on page III-2 of the Draft EIR, the project applicant proposes to develop the project site with no more than 35 condominium units (with accessory housekeeping space) pursuant to a previous Tentative Tract Map (TTM) approval granted in 1979 and recorded on October 31, 1979. The accessory housekeeping space has been accounted for as two guest suites and has been included in the total unit count. Therefore, the proposed project is compliant with the existing TTM and will not exceed 35 units.

Comment 40-46:

FIGURE III-10

PROPOSED SITE PLAN: PARKING LEVEL 1

What affect will a Comstock exit have?

Response:

The proposed project does not include an egress on Comstock Drive.

Comment 40-47:

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?

Response:

An analysis of an ingress/egress on Comstock Drive has not been conducted because no such ingress/egress has been proposed. As discussed in Section IV.H (Transportation/Traffic) of the Draft EIR, project impacts related to traffic would be less than significant.

Comment 40-48:

Furthermore, what contacts have been made with the Department of Transportation with respect to the driveway on Wilshire?

Response:

See Topical Response 6.

Comment 40-49:

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?

Response:

The project will not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required on Wilshire Boulevard or elsewhere, as documented in Section IV.H

(Transportation/Traffic) of the Draft EIR. See Response 3-2 and Topical Response 6 regarding project access on Wilshire Boulevard.

Comment 40-50:

FIGURE III-11

PROPOSED SITE PLAN: PARKING LEVEL 2

Where are the pumps?

Response:

See Topical Response 3.

Comment 40-51:

Where will the water go?

Response:

See Topical Response 3.

Comment 40-52:

How will it be pumped out?

Response:

See Topical Response 3.

Comment 40-53:

FIGURE III-12

PROPOSED SITE PLAN: PARKING LEVEL 3

Where are the pumps?

Response:

See Topical Response 3.

Comment 40-54:

Where will the water go?

Response:

See Topical Response 3.

Comment 40-55:

How will it be pumped out?

Response:

See Topical Response 3.

Comment 40-56:

FIGURE III-13 through FIGURE III-17

PROPOSED ELEVATIONS AND DETAIL

Architecturally this building looks like an office building. Why does it look like an office building? Why can't this be designed in the 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.

Response:

The design of the proposed building is similar to other condominium structures in the project area and has been designed to comply with various design elements as a measure to maximize visual compatibility (refer to page IV.B-21 of the Draft EIR) of the proposed structure with the surrounding development. Additionally, the project is consistent with the permitted density and building height for the project site, as discussed in Section IV.F (Land Use). The ultimate design will be subject to design review approval under the Westwood Community DRB Specific Plan. The commenter's opinion regarding the ugliness of the building design, question regarding the "top structure," and statement regarding the inconsistency of Figures III-13 through III-17 with other drawings that are more preferable are not relevant to the adequacy of the Draft EIR and do not provide evidence that the proposed project would result in significant environmental impacts. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-57:**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.

Response:

The commenter's opinion that the project should include as much landscaping as possible is not relevant to the adequacy or content of the Draft EIR and does not provide evidence that the project would result in significant environmental impacts. See Topical Response 1. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers. The description of the proposed landscaping as discussed in Section III (Project Description) includes as much detail as is known at this time.

Comment 40-58:

What steps will be taken for the neighbors?

Response:

The commenter's question is vague and does not provide enough detail for the EIR preparers to craft a response. Additionally, the question is not relevant to the adequacy or content of the Draft EIR and does not provide evidence that the project would result in significant environmental impacts. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers. See Topical Response 1.

Comment 40-59:**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 of 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.

Response:

See Topical Response 4.

Comment 40-60:

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.)

Response:

See Topical Response 2.

Comment 40-61:

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 actually been paid? The developer has not produced an actual receipt for these fees. Absent payment of these fees, the tract map is not effective.

Response:

A total of \$83,373.77 was paid on October 17, 1979 toward Quimby fees prior to the tract map being recorded on October 31, 1979. The comment requests “proof of payment”. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”. See Topical Response 1.

Comment 40-62:

IV. ENVIRONMENTAL IMPACT ANALYSIS

B. AESTHETICS (Page IV.B-1)

As stated above the 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.

Response:

Refer to Response 40-56.

Comment 40-63:

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.

Response:

The commenter's objections to the existing zoning, building height, and design review regulations are not relevant to the adequacy or content of the Draft EIR and do not provide evidence that the project would result in significant environmental impacts. See Topical Response 1.

Comment 40-64:

IV. ENVIRONMENTAL IMPACT ANALYSIS

B. Light and 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.

Response:

With respect to interior lighting, please see response to Comment 25-12. With respect to exterior lighting, page IV.B-22 of the Draft EIR identifies a mitigation measure to ensure that outdoor lighting be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses. This mitigation measure would ensure that potential impacts related to exterior lighting be reduced to less-than-significant levels.

Comment 40-65:

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 indicated in the cubed drawings.

Response:

Figures IV.B-1 through IV.B-9 do not depict post-project views of the project site. Post-project views of the project site are shown only in Figures IV.B-10 through IV.B-14. The post-project views shown in these figures are meant to depict the conceptual conditions of the project site only and not the development surrounding the site. The “cubed drawings” surrounding the project site as shown in the figures are included for scale purposes only. No specific land use is attached to the “cubed drawings.”

Comment 40-66:

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.

Response:

With regard to the comment, “...the building is aesthetically distressing,” refer to Response 40-56. With regard to the comment, “[t]he pool structure should not be allowed,” refer to Response 40-44. What promises have been made to the commenter regarding inclusion or exclusion of the pool are not relevant to the adequacy or content of the Draft EIR and do not provide evidence that the project would result in significant environmental impacts. See Topical Response 1. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-67:

IV. ENVIRONMENTAL IMPACT ANALYSIS

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

All of the engineers from MacTech who worked on this project apparently have been terminated. What is the effect of the channel-like ditch which abuts the property at the maintenance shed area of the club?

Response:

The channel ditch does not have any effect on the proposed project.

Comment 40-68:

What about the escarping in this area?

Response:

Escarping at the project site is not required because the excavation will be supported by shoring.

Comment 40-69:

What about the Stone Canyon trunk line, which traverses immediately adjacent to the property line?

Response:

The excavation will be shored and the shoring will be designed to support the trunk line.

Comment 40-70:

What about the high water table which is now currently now [sic] approximately 18 feet?

Response:

See Topical Response 3.

Comment 40-71:

What about the reports from R.T. Frankian (see **enclosed November 2, 2004 report**) and their impact?

Response:

See Topical Response 7.

Comment 40-72:

What about the potential collapse of Wilshire? What steps will be taken to prevent this?

Response:

See Topical Response 3.

Comment 40-73:

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?

Response:

With respect to where groundwater will be pumped, see Topical Response 3. The question regarding bond requirements does not involve an environmental question or concern, therefore, it is beyond the scope of the EIR.

Comment 40-74:

The geology and soil 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 [sic] of 18 feet (Page IV.D-2)

Response:

See Topical Responses 3 and 7.

Comment 40-75:**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.”?

Response:

Expansive soils could shrink and swell as a result of moisture changes and could cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. If soils are not properly prepared during project construction and if foundations, retaining walls, and roadways are not appropriately designed and constructed, damage to property could potentially occur. However, as stated on page IV.D-7 in Section IV.D (Geology and Soils), with the mitigation measures included in the section, project impacts related to expansive soils would be less than significant. See Topical Response 7.

Comment 40-76:

What does it mean when it states 38,600 square feet of soil will be removed? What will the impact be on neighboring homes?

Response:

In order to construct the proposed subterranean parking and foundation, approximately 38,600 square feet of soil would be excavated and removed from the project site. As discussed in the relevant sections of the Draft EIR, impacts related to the project's construction activities, including excavation, include increases in noise and pollutant emissions.

Comment 40-77:

What are the actual seismic hazards?

Response:

Seismic hazards as they relate to the proposed project are discussed in Section IV.D (Geology and Soils) of the Draft EIR and include seismically-induced ground shaking.

Comment 40-78:

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

Response:

See Topical Response 7.

Comment 40-79:

**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?

Response:

See Topical Response 3.

Comment 40-80:

**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 [sic]?

Response:

There is no evidence of a “blow-out” that may have happened at the project site previously. Furthermore, the comment does not offer any evidence to support this contention. If the “blow-out” suggested here is referring to artesian conditions, see Response 35-6.

Comment 40-81:

What will happen with the ground water? Where will the ground water go? Where fill future drainage go?

Response:

See Topical Response 3.

Comment 40-82:

What ground water tests were conducted in other sites?

Response:

CEQA does not require an EIR to analyze the environmental conditions at properties adjacent to a project site. Therefore, a response is not required.

Comment 40-83:

Where does the water come from?

Response:

The groundwater is initially recharged through rainfall.

Comment 40-84:

Does it bubble up?

Response:

Groundwater does not “bubble up.” See also Response 40-80.

Comment 40-85:

Will the water fill in?

Response:

Extracted groundwater will not “fill in” any part of the proposed structure. See Topical Response 3.

Comment 40-86:

What is the affect on the soil when removing the water?

Response:

See Topical Response 3.

Comment 40-87:

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.

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 40-88:

2. The property requires permanent de-watering what will be the maximum daily discharge volume.

Response:

See Mitigation Measure 11 on page IV.E-21 in the Draft EIR. See Response 35-27.

Comment 40-89:

3. During the de-watering process what is the detailed route that the discharged water will take, and what is its final destination?

Response:

See Topical Response 3.

Comment 40-90:

4. Does the developer have to compensate the Los Angeles Department of Water and Power for the ground water removed from the site?

Response:

CEQA does not require an EIR to analyze the financial details associated with a proposed project. Therefore, the comment is beyond the scope of the EIR.

Comment 40-91:

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?

Response:

See Topical Response 3.

Comment 40-92:

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?

Response:

See Response 40-69.

Comment 40-93:

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?

Response:

See Response 40-69.

Comment 40-94:

8. Does the developer plan to install a storm drain system to connect the subject property to the City storm drain system?

Response:

See Topical Response 3.

Comment 40-95:

If so, where will the line be installed. What inlets will be connected to the installed line?

Response:

See Topical Response 3.

Comment 40-96:

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?

Response:

See Topical Response 7.

Comment 40-97:

10. Why weren't the June and July, 2004 de-watering tests included in the DEIR? Specifically the technical findings from MacTec and Hydroquip.

Response:

The test performed by MACTEC in June and July 2004 were an 'Aquifer Pumping Test'. These tests are performed to determine the hydraulic characteristics of the aquifer. These characteristics are then used to estimate dewatering flow volumes and rates, and in helping the dewatering contractor design an appropriate dewatering system.

Comment 40-98:

11. What type of equipment was used to de-water the property in June and July of 2004? Please list detailed information all equipment [sic], i.e. Size [sic] and type of filters, settlement tanks, pump size,

well size etc.

Response:

The test performed by MACTEC in June and July 2004 were an 'Aquifer Pumping Test'. These tests are performed to determine the hydraulic characteristics of the aquifer. These characteristics are then used to estimate dewatering flow volumes and rates, and in helping the dewatering contractor design an appropriate dewatering system. See Topical Response 1.

Comment 40-99:

12. What is the name of the company(s) that conducted the 2004 de-watering tests?. [sic]

Response:

The test performed by MACTEC in June and July 2004 were an 'Aquifer Pumping Test'. These tests are performed to determine the hydraulic characteristics of the aquifer. These characteristics are then used to estimate dewatering flow volumes and rates, and in helping the dewatering contractor design an appropriate dewatering system.

Comment 40-100:

13. What date(s) was equipment placed on the property in order to conduct the 2004 de-watering tests?

Response:

See Topical Responses 1.

Comment 40-101:

What date(s) was the above equipment removed from the subject property?

Response:

See Topical Responses 1 and 7.

Comment 40-102:

15. Do the plans for de-watering and planned excavation take into account 100 year rainfalls?

Response:

Plans for dewatering and excavation do take the 100-year rainfall event into account.

Comment 40-103:

16. Taking into account the recent 100+ year rainfall, how long will it take to dewater the property in order to prepare it for excavation?

Response:

It will take approximately five to six weeks to dewater the project site and prepare it for excavation.

Comment 40-104:

17. How close to the curb on Wilshire Boulevard will the edge of the proposed excavation be?

Response:

The excavation will extend to the property line and will be the width of the sidewalk from Wilshire Boulevard (which is a requirement that must be maintained, unless the City requires setbacks).

Comment 40-105:

18. What distance must be maintained between the excavation and automobile traffic and truck traffic to insure that the sides of the excavation won't be breached?

Response:

A distance the width of the sidewalk must be maintained, unless the City requires setbacks.

Comment 40-106:

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 failure?

Response:

The temporary shoring system could be designed to withstand seismic loads, if necessary. The design of such a system will be conducted during the design phase of the project.

Comment 40-107:

20. What is the highest water table at the site that the finished building will be designed for?

Response:

The proposed project is designed for the historical water level stated in Draft EIR (23 feet below existing grade).

Comment 40-108:

21. Will settlement tanks and filtering equipment be permanently installed in the lower levels of the garage in the event that filtering of ground water is required due to a reoccurrence of benzene or other contaminants in the ground water at the site?

Response:

See Topical Response 3.

Comment 40-109:

22. Will temporary or permanent de-watering result in any standing water either on site or off site?

Response:

Temporary and permanent dewatering would not result in any standing water either on the project site or off-site.

Comment 40-110:

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 they will be closed, what days of the week they will be closed and for how long they will be closed.

Response:

With regard to potential lane closure during construction, refer to Response 25-42.

Comment 40-111:

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?

Response:

The commenter's questions regarding a bond to cover potential property damage are not relevant to the adequacy or content of the Draft EIR and do not provide evidence that the project would result in significant environmental impacts. See Topical Response 1. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-112:

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?

Response:

The commenter's questions regarding a bond to cover potential property damage are not relevant to the adequacy or content of the Draft EIR and do not provide evidence that the project would result in significant environmental impacts. See Topical Response 1. However, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 40-113:

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?

Response:

The commenter is referred to civil drawings that can be obtained from the City of Los Angeles.

Comment 40-114:

27. Describe what effect will the de-watering process have on the Stone/Hollywood trunk line.

Response:

See Response 40-69.

Comment 40-115:

28. Does a high water table at this 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?

Response:

The presence of liquefiable soils below the water level may result in liquefaction. However, the project site does not lie within any liquefiable zone, as discussed in the Draft EIR.

Comment 40-116:

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?

Response:

See Topical Response 7.

Comment 40-117:

Where are these three sum-pumps going to be located?

Response:

The proposed three sump pumps will be located below the bottom of the lowest basement level. See also Topical Response 3.

Comment 40-118:

They say that it will be at the excavation depth of “58 feet bgs.”

Response:

See Topical Response 7.

Comment 40-119:

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?

Response:

This is the difference between the depth to groundwater and the depth to the bottom of the excavation.

Comment 40-120:

How long will dewatering go for? What will happen if the dewatering needs to continue throughout the life of the building? What the effect [sic] of 30 years of dewatering have?

Response:

See Response 40-103 and Topical Response 3.

Comment 40-121:

What affect does the recent rains have on the hydrology.

Response:

See Response 40-121.

Comment 40-122:

Has there been an engineering report regarding the run-off problems in the neighborhood?

Response:

CEQA does not require an EIR to analyze the environmental conditions at properties adjacent to a project site. The comment does not include data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts that support such assertions. Thus, pursuant to Section 15064 of the CEQA Guidelines, a response is not required. See Topical Response 3.

Comment 40-123:

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.

Response:

See Responses 1-3 and 25-69.

Comment 40-124:

How much of a closure of the street will be necessary during construction?

Response:

With regard to potential lane closure during construction, refer to Response 25-42.

Comment 40-125:

What solutions will there be with respect to the parking of staff?

Response:

The proposed project's parking supply of 103 spaces, 15 more spaces than required by Los Angeles Municipal Code, is expected to meet the parking needs of the project. Los Angeles Municipal Code requires a total of 88 parking spaces for the project. The number of standard, compact, and accessible stalls provided is in accordance with the Los Angeles Building Code, which does not allow "the majority of spaces" to be compact spaces. The more than adequate parking supply will meet the parking needs of the project.

Comment 40-126:

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.

Response:

See Topical Response 7.

Comment 40-127:

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?

Response:

See Topical Response 7.

Comment 40-128:

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.

Response:

See Topical Response 7.

Comment 40-129:

Missing Documents No. 2:

There was a laughable February 16, 2004 Hydro Quip Pump and Dewatering Corp 2-page generalized report signed by Jerry King. What is the basis for this report? This report is so insufficient as to be reckless and endangering of the hereby property. Where is the empirical data?

Response:

The letter cited by the commenter is not a technical study or report but a general overview of certain dewatering techniques. A copy of this letter can be found in Appendix C. See Topical Response 7.

Comment 40-130:

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?

Response:

See Topical Response 7.

Comment 40-131:

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?

Response:

See Topical Response 7.

Comment 40-132:

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 of 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.

Response:

The test performed by MACTEC in June and July 2004 were an ‘Aquifer Pumping Test’. These tests are performed to determine the hydraulic characteristics of the aquifer. These characteristics are then used to estimate dewatering flow volumes and rates, and in helping the dewatering contractor design an appropriate dewatering system.

Comment 40-133:

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.

Response:

See Topical Response 7.

Comment 40-134:

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.

Response:

A public scoping meeting is not required for projects that are not of regional significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period.

Comment 40-135:

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

1. Where will water go when it is pumped out?

Response:

See Topical Response 3.

Comment 40-136:

2. How will the water flow be affected if there is a permanent basin structure?

Response:

See Topical Response 3.

Comment 40-137:

3. Will there be a permanent pumping system?

Response:

See Topical Response 3.

Comment 40-138:

4. What will the effect on adjacent properties be?

Response:

See Topical Response 3.

Comment 40-139:

5. Will Wilshire collapse?

6. What steps will be taken to prevent the collapse of Wilshire?

Response:

See Topical Response 3.

Comment 40-140:

7. Will the adjacent Los Angeles Country Club be affected?

Response:

See Topical Response 3.

Comment 40-141:

8. What will the effect be on trees and growth in the area if water is to be diverted?

Response:

Please see Response 35-37 with respect to indirect impacts to adjacent vegetation or landscaped areas.

Comment 40-142:

9. How much settling will occur?

Response

See Topical Response 3.

Comment 40-143:

10. What will happen to the hundreds of gallons which flow through there each minute?

Response:

See Topical Response 3.

Comment 40-144:

11. How does the current site plan differ from the original tract map?

Response:

Figure III-1, on page III-4, of the Draft EIR has been revised (see Section III. Corrections and Additions). The third driveway has been removed from the project design. See Topical Response 2. The revised Figure III-1 does not differ in any material respect from the approved tract map.

Comment 40-145:

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. What effect will this building have on the grid?

Response:

As explained on page I-2 (Introduction/Summary) of the Draft EIR, the City of Los Angeles Department of City Planning required that the Draft EIR analyze the following environmental impact areas: Aesthetics; Air Quality; Geology and Soils; Hydrology; Land Use; Noise; and Transportation/Traffic. The Initial Study determined that project impacts on utilities, including electrical utilities, would be insignificant.

Comment 40-146:

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?

Response:

Please see Response 40-145.

Comment 40-147:

What types of fire suppression will be used in the building? How will it affect water and power issues?

Response:

The proposed project would be required to implement those mitigation measures listed on page IV.A-13 (Impacts Found to be Less Than Significant) of the Draft EIR and included in Section V. (Mitigation Monitoring and Reporting Program) of this Final EIR which would reduce potential impacts related to fire protection services (including water availability issues) to a less-than-significant level.

Comment 40-148:

What other street improvements can be made?

Response:

Please see Topical Response 6 and Response 30-2. The proposed project would not result in any significant off-site traffic impacts and therefore no off-site roadway improvements are required. Nonetheless, the project volunteers to participate with local residents to address existing and cumulative “cut through” traffic issues.

Comment 40-149:

What lighting improvements can be made?

Response:

See Responses 25-12 and 40-64.

Comment 40-150:

LACK OF EMPIRICAL DARA AND INTERVIEWS WITH NEIGHBORS AND OTHER ENGINEERS

Research on this project has been perfunctory. Where are the interviews with previous engineers?

Response:

As stated in Topical Response 1, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure.

Comment 40-151:

Where are the references to the City documents and applications to pull permits?

Response:

As stated in Topical Response 1, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure.

Comment 40-152:

Where are the discussions with other engineers? Where are the interviews with the neighbors?

Response:

As stated in Topical Response 1, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure.

Comment 40-153:

Where is there any historical background on this site?

Response:

Please refer to page I-4 (Introduction/Summary) of the Draft EIR for background of the project site as it pertains to the proposed project. Other than a disclosure of any potential environmental impacts related to Cultural Resources and Hazardous Materials (please see Section IV.A, Impacts Found to be Less Than Significant, of the Draft EIR), extensive discussion of the historical background of the project site is not required under CEQA.

Comment 40-154:

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?

Response:

As stated in Topical Response 1, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure. The development of the proposed structure would be expected to involve

substantially different geologic/hydrologic impacts than an existing park facility.

Comment 40-155:

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 Edelson 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.**

Response:

Comment noted.

Comment 40-156:

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 back 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.

Response:

Comment noted. A public scoping meeting is not required for projects that are not of regional significance. The proposed project does not meet the definition of a regionally-significant project. The public's input regarding the scope of the EIR was solicited through the NOP period.

Comment 40-157:

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.

Response:

Comment noted.

Comment 40-158:

1) Page I-20, 2nd paragraph... “The total excavation associated with the construction of the proposed project would be 30-40 feet... Therefore, no significant impact related to the soil conditions are anticipated due to the excavation of this project.

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?

Response:

See Topical Response 7.

Comment 40-159:

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

Response:

Soils conditions at the project site are discussed on page IV.D-1 (Geology and Soils) of the Draft EIR. With respect to the inclusion of a cross section, as explained in Topical Response 1, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure.

Comment 40-160:

Provide slope stability analyses for the temporary excavation.

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all

information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” Furthermore, as discussed in Topical Response 4, the Department of Building and Safety will review the project prior to grading.

Comment 40-161:

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:...”

Please explain this assumption.

Response:

The concrete has a density of 150 pounds per cubic foot and the soils have an average density of 100 pounds per cubic foot. The concrete will replace the soils and the net increase is 50 pounds per cubic foot.

Comment 40-162:

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

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

Response:

The friction used is site specific as it was computed based on the results of the lab testing of the soil samples obtained at the project site.

Comment 40-163:

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.”

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.

Response:

See Response 38-11. The above mitigation measure would be safe from a geotechnical standpoint, as soil conditions in the upper 40 feet were taken into account when formulating the analyses of the sloped or shored excavation. However, although the 1:1 was provided and applicable for the upper 40 feet,

space for such a slope excavation is not available. In such a case where no space is available, the excavation will be shored appropriately.

Comment 40-164

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.

Please demonstrate how the hydrostatic pressure will be accounted for?

Response:

The water level will be lowered below the bottom of the excavation and hydraulic pressure will not develop against the shoring or sloped excavations.

Comment 40-165:

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."

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

Response:

See Responses 38-11 and 40-163.

Comment 40-166:

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.

Response:

The lithology for the boring logs at the project site suggests that the upper natural soils are medium dense and not loose soils. It's possible that the blow counts shown are for a hammer heavier than the

standard hammer used. Based on MACTEC's evaluation of the site lithology, MACTEC's statement that the upper natural soils are medium dense or stiff at some locations is accurate.

Comment 40-167:

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 can be handles? 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.

Response:

Caving occurred because of low cohesion in granular soils. For the excavation, shoring will be provided. This will prevent the excavation from caving in.

Comment 40-168:

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?

Response:

As discussed in the Draft EIR on page IV.D-3, the project site is not within a liquefaction zone.

Comment 40-169:

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

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

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 40-170:

11) Page IV. E-3, under Historic Ground Water 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...”

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.

Response:

See Response 38-25.

Comment 40-171:

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.

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?

Response:

See Response 38-16.

Comment 40-172:

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.”

Excavation at this 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 and seal the communication between the two permeable zones? How will this puncture be sealed?

Response:

See Response 38-20.

Comment 40-173:

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

Figure IV.E-4 shows the path of ground water flow to the southwest. Is the flow for the shallow ground water zone to the southeast or southwest?

Response:

See Response 38-22.

Comment 40-174

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

Response:

See Responses 38-22 and 38-23.

Comment 40-175:

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

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.

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 40-176:

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....”

How deep is the excavation? 30 to 40 feet as mentioned earlier, or 40 to 50 feet as mentioned here now?

Response:

See Topical Response 7.

Comment 40-177:

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?

Response:

Since the project site has experienced historic groundwater fluctuations in the past, the rebound curve of these consolidation tests were used in computing the settlement analyses.

Comment 40-178:

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.

Response:

See Response 38-25 and Topical Response 3.

Comment 40-179:

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

Response:

See Topical Response 3.

Comment 40-180:

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

Response:

See Topical Response 3. “Appropriate testing and analysis” is found throughout Section IV.E (Hydrology) in the Draft EIR.

Comment 40-181:

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-ing RCP storm drain line, which currently collects the existing site runoff.”

When the site is developed, the storm water runoff will be more than before.

Response:

See Topical Response 3.

Comment 40-182:

Where will the pumped groundwater be discharged?

Response:

See Topical Response 3.

Comment 40-183:

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 handles by the same 33-inchdiameter pipe? Is the system capable of carrying additional water? Evaluate and explain the quantified condition.

Response:

See Topical Response 3.

Comment 40-184:

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.

Response:

See Response 40-80 and Topical Response 3.

Comment 40-185:

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?

Response:

See Topical Response 3. No disaster would occur at Wilshire Boulevard as a result of the proposed development.

Comment 40-186:

21) The anticipated contours for the drawdown cone are very important. This is especially important to see if Wilshire boulevard [sic] 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?

Response:

See Response 40-69 and Topical Response 3.

Comment 40-187:

Will the surrounding sites close to the dewatering zone settle or not? Please provide this analysis.

Response:

See Topical Response 3. Analysis of settlement conditions is provided throughout Section IV.E (Hydrology) of the Draft EIR.

Comment 40-188:

22) Which past geotechnical reports by other consultants have been reviewed by Mactec regarding the specific site? Have there 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 [sic] Crandall reports available for this site. Please provide ALL geotechnical references REVIEWED by Mactec.

Response:

See Topical Response 7.

Comment 40-189:

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.

Response:

See Topical Response 7.

Comment 40-190:

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 power failure. In the event of gradual clogging of the subdrain system are the subterranean walls designed for hydrostatic pressure?

Response:

See Topical Response 3.

Comment 40-191:

How far back will the dewatering cone go?

Response:

Adequate requirements will be provided during construction and dewatering. A qualified dewatering contractor will perform the dewatering at the site.

Comment 40-192:

Please provide cross sections demonstrating the excavation, construction and the phreatic line due to the dewatering activity/system?

Response:

See Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 40-193:

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?

Response:

See Topical Response 7 regarding the tie back system. In response to the request of geological cross sections see Topical Response 1 regarding focus of review. Section 15204(a) of the CEQA Guidelines states that “lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Comment 40-194:

26) Please provide ALL hydrological reports and investigations for this site? Have the past

reports by other consultants for this site been studied?

Response:

See Topical Response 7.

Comment 40-195:

27) Please clarify as to which alternative will be used for the sub-drainage system? A permanent dewatering system or water proofed subterranean floor slab?

Response:

See Topical Response 3.

Comment 40-196:

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 ground water 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.

Response:

Comment noted.

Comment 40-197:

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 in depth, whereas the 1998 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:

Response:

Comment noted.

Comment 40-199:

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 foot print of the building will be about 115 square feet. 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.

Response:

See Topical Responses 3 and 7.

Comment 40-200:

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.

Response:

Comment noted. Section IV.E (Hydrology and Water Quality) of the Draft EIR provides extensive discussion of existing and historic groundwater levels on the project site and in the project area.

See Topical Response 7.

Comment 40-201:

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.

Response:

See Topical Responses 3 and 7.

Comment 40-202:

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 a concern that removal of overburden pressure (weight of soil) with excavation for a garage would allow the artesian water pressure 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 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.

Response:

See Topical Response 7.

Comment 40-203:

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 ground water 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.

Response:

See Topical Response 7.

Comment 40-204:

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:

Response:

Comment noted.

Comment 40-205:**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.

Response:

Adequate requirements will be provided during construction and dewatering. A qualified dewatering contractor will perform the dewatering at the site. See also Topical Response 3 for details regarding proposed dewatering activities.

Comment 40-206:

Drawdown of the groundwater level on surrounding properties will increase 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.

Response:

Adequate requirements will be provided during construction and dewatering. A qualified dewatering contractor will perform the dewatering at the site. See also Topical Response 3 for details regarding proposed dewatering activities.

Comment 40-207:

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.

Response:

As discussed on Page IV.E-20, mitigation measure 7 states that a few monitoring well shall be placed at the site prior to monitor the water level. Adequate requirements will be provided during construction and dewatering. A qualified dewatering contractor will perform the dewatering at the site. See also Topical Response 3 for details regarding proposed dewatering activities.

Comment 40-208:**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. 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.

Response:

See also Topical Response 7 for details regarding the 60-inch trunk line proposed excavation and shoring activities.

Comment 40-209:**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?

Response:

According to the geotechnical subconsultant, the project site is not located in an Artesian water area. See Response 35-6.

Comment 40-210:

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?

Response:

No it does not.

Comment 40-211:

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 through the subterranean garage, will be required? We suggest that these and other such questions be addressed by a hydrogeologic consultant.

Response:

The construction of the garage of the proposed development will not block the groundwater flow in this narrow strip of younger alluvium. The narrow strip of younger alluvium will not concentrate the flow of underground water beneath the site. See Topical Response 3.

Comment 40-212:

WATER DISPOSAL

Proper disposal of water from 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.

Response:

See Topical Response 3.

Commenter 41: **Melvin & Judy Pollner, 1243 Club View Drive, Los Angeles, CA 90012, March 14, 2005**

Comment 41-1:

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.

Response:

Thank you for taking the time to participate in the CEQA process for the proposed project. However, these comments and statements of concern are not relevant to the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 41-2:

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 [sic] 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.

Response:

Thank you for taking the time to participate in the CEQA process for the proposed project. However, these comments and statements of concern are not relevant to the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Commenter 42:

**Gerald F. Phillips, The Law Offices of Gerald F. Phillips,
2020 Century Park East, Suite 1200, Los Angeles, CA
90067, March 15, 2005**

Comment 42-1:

Wilshire Comstock Condominium Association operates two twin towers with 217 unites [sic] 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 had transpired in the intervening years which now makes it completely safe to build the contemplated building.

Response:

It is assumed that the commenter is asking “What ha[s] transpired in the intervening years which now make it completely safe to build the contemplated building?” What the commenter believes was told to the prior owners of the project site regarding the ability to develop the project site is not a comment regarding the Draft EIR. Nonetheless, all comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 42-2:

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 Edelson, 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 there communications as if we were making the same.

Response:

Thank you for taking the time to participate in the CEQA process for the proposed project. However, these comments are not relevant to the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 42-3:

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 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 underneath the property may cause catastrophic damage to our building, the neighborhood and to Wilshire Blvd.

Response:

The commenter's participation in the CEQA-review process for the proposed project is appreciated, and the commenter's concerns are noted. However, statements of concern are not relevant to the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. Refer to Topical Response 3 for a discussion of groundwater settlement in relation to adjacent properties.

Comment 42-4:

We urge you to study this problem most carefully do [sic] you in all good conscience believe that the plans submitted answer all of the difficult and vital questions that have been raised, Can [sic] 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.

Response:

Thank you for taking the time to participate in the CEQA process for the proposed project. However, these comments are not relevant to the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. All comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 42-5:

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 the effect of the buildings now contemplated in the

area, at the Pumpkin, the new buildings now being built on Wilshire Blvd.. [sic] and the construction now taking place in Century City. [sic] This certainly was not considered in 1977-9.

Response:

Cumulative traffic impacts are discussed on page IV.H-28 of the Draft EIR. As stated in the Draft EIR, cumulative traffic impacts would be less than significant.

Commenter 43: **Sophie and Gilbert Hakim, 1349 Comstock Avenue, Los Angeles, CA 90024, March 17, 2005**

Comment 43-1:

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

Response:

The commenter's participation in the CEQA-review process for the proposed project is appreciated, and the commenter's concerns are noted. However, statements of concern are not comments on the adequacy of the Draft EIR and are not evidence that the proposed project would result in a significant environmental impact. Nonetheless, all public comments received during the CEQA-review process for the proposed project are part of the public record and will be considered by the decision makers.

Comment 43-2:

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

Response:

With regard to potential lane closure during construction, refer to Response 25-42.

Comment 43-3:

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

Response:

With regard to construction-worker parking, refer to Response 17-4.

Comment 43-4:

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

Response:

The commenter's suggestion to make the project site a dog park, playground, or a garden will be submitted to the decision maker's for consideration.

Commenter 44: Scott Morgan, Senior Planner, State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, 1400 Tenth Street, P.O. Box 3044, Sacramento, CA 95812, February 18, 2005

Comment 44-1:

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.

Response:

Letter 44 is a notice to extend the public comment period for the Draft EIR and does not contain comments relevant to the adequacy or content of Draft EIR.