

### **III. Responses to Comments**

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# III. Responses to Comments

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## A. Introduction

CEQA Guidelines Section 15088(a) states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the notice comment period and any extensions and may respond to late comments.” In accordance with these requirements, this section of the Final EIR provides responses to each of the written comments received regarding the Draft EIR.

Section III.B, Matrix of Comments Received in Response to the Draft EIR, includes a table that provides a summary of the environmental issues raised by each commenter in response to the Draft EIR. A total of 76 comment letters were received. The comment letters are categorized by the type of entity (i.e., State and Regional, Organizations, and Individuals) and organized in alphabetical order. In addition, Section III.C, Responses To Comment Letters, provides a responses to each of the written comments raised regarding the Draft EIR. The comment letters are broken up by topic and each comment is followed by a response. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

### III. Responses to Comments

#### B. Matrix of Comments Received in Response to the Draft EIR

Table III-1  
Matrix of Comments Received in Response to the Draft EIR

LETTER NO.	COMMENTER	EXECUTIVE SUMMARY	PROJECT DESCRIPTION	ENVIRONMENTAL SETTING	AESTHETICS, VIEWS, LIGHT/GLARE, AND SHADING	AIR QUALITY	CULTURAL RESOURCES	GEOLOGY AND SOILS	GREENHOUSE GAS EMISSIONS	HAZARDS AND HAZARDOUS MATERIALS	HYDROLOGY, WATER QUALITY, AND GROUNDWATER	LAND USE	NOISE	PUBLIC SERVICES—FIRE PROTECTION	TRAFFIC, ACCESS, AND PARKING	TRIBAL CULTURAL RESOURCES	UTILITIES AND SERVICE SYSTEMS—WATER SUPPLY AND INFRASTRUCTURE	UTILITIES AND SERVICE SYSTEMS—WASTEWATER	UTILITIES AND SERVICE SYSTEMS—ENERGY	ALTERNATIVES	GENERAL/OTHER	SUPPORT
STATE AND REGIONAL																						
1	Scott Morgan Director, State Clearinghouse State Clearinghouse and Planning Unit Governor's Office of Planning and Research State of California 1400 Tenth St. Sacramento, CA 95814-5502																				X	

**Table III-1 (Continued)**  
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2	<p>Severin Martinez  Transportation Planner  Local Development/  Intergovernmental Review Branch</p> <p>Caltrans District 7  100 S. Main St., MS 16  Los Angeles, CA 90012-3712</p> <p>Miya Edmonson  IRG/CEQA Acting Branch Chief  District 7, Office of Transportation  Planning  Department of Transportation  100 S. Main St., MS 16  Los Angeles, CA 90012-3712</p>										X				X						X	

**Table III-1 (Continued)**  
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3	<p>Marquis Williams  Transportation Associate  Countywide Planning &amp; Devel., Joint Devel.  LA Metro  One Gateway Plaza  Los Angeles, CA 90012-2952</p> <p>Derek Hull  Manager, Trans. Planning  LA Metro  One Gateway Plaza  Los Angeles, CA 90012-2952</p>		X					X					X		X						X	

**Table III-1 (Continued)**  
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4	Jack Cheng Air Quality Specialist SCAQMD 21865 Copley Dr. Diamond Bar, CA 91765-4178  Lijin Sun, Program Supervisor CEQA Inter-Governmental Review Planning, Rule Develop. & Area Sources SCAQMD 21865 Copley Dr. Diamond Bar, CA 91765-4178					X																
5	Michael Y. Takeshita Acting Chief, Forestry Division Prevention Services Bureau County of Los Angeles Fire Department 1320 N. Eastern Ave. Los Angeles, CA 90063-3294									X				X								

**Table III-1 (Continued)**  
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6	Ali Poosti Division Manager Wastewater Engineering Services Division Bureau of Sanitation 2714 Media Center Dr. Los Angeles CA 90065-1733																	X				
<b>ORGANIZATIONS</b>																						
7	James O'Sullivan Fix The City 907 Masselin Ave. Los Angeles, CA 90036-4719		X		X							X		X	X						X	
8	Meg McComb Executive Director Greater Miracle Mile Chamber of Commerce 5858 Wilshire Blvd., Ste. 205 Los Angeles, CA 90036-4523																					X

**Table III-1 (Continued)**  
**Matrix of Comments Received in Response to the Draft EIR**

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9	David Fanarof President Le Melange Homeowner's Assn. 637 S. Fairfax Ave., Apt. 501 Los Angeles, CA 90036-5048														X							X
10	Emilia Crotty Executive Director Los Angeles Walks 830 Traction Ave., Fl. 3 Los Angeles, CA 90013-1816														X						X	
11	Ron Miller Executive Secretary Los Angeles/Orange Counties Building and Construction Trades Council 1626 Beverly Boulevard Los Angeles, CA 90026-5784																					X



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**Matrix of Comments Received in Response to the Draft EIR**

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12	Vera Sergeeva Paralegal Luna & Glushon 16255 Ventura Blvd., Ste. 950 Encino, CA 91436-2313  Robert L. Glushon Luna & Glushon 16255 Ventura Blvd., Ste. 950 Encino, CA 91436-2313				X	X	X					X	X	X	X						X	
13	Ken Hixon Vice President Miracle Mile Residential Association P.O. Box 361295 Los Angeles, CA 90036-9495  James O'Sullivan President Miracle Mile Residential Association P.O. Box 361295 Los Angeles, CA 90036-9495		X									X	X		X						X	

**Table III-1 (Continued)**  
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14	Dawn McDivitt Chief Deputy Director Administrator, Page Museum and William S. Hart Museum Natural History Museum of Los Angeles County 900 Exposition Blvd. Los Angeles, CA 90007-4057  Lori Bettison-Varga President and Director Natural History Museum of Los Angeles County 900 Exposition Blvd. Los Angeles, CA 90007-4057						X														X	X
15	Terry L. Karges Executive Director Petersen Automotive Museum 6060 Wilshire Blvd. Los Angeles, CA 90036-3605																					X

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16	Jordan R. Sisson Law Clerk Law Office of Gideon Kracov 801 S. Grand Ave., Fl. 11 Los Angeles, CA 90017-4613  Gideon Kracov Law Office of Gideon Kracov 801 S. Grand Ave., Fl. 11 Los Angeles, CA 90017-4613		X		X		X													X	X	
<b>INDIVIDUALS</b>																						
17	Eduardo Agurcia 1443 11th St., Apt. 1 Santa Monica, CA 90401-2900		X																		X	
18	Josh Albrektson 750 S. Spaulding Ave., Apt. 120 Los Angeles, CA 90036-4554																					X
19	Sharona Alperin 822 S. Densmuir Ave. Los Angeles, CA 90036-4732																					X

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20	Mehmet Berker mehmetikberker@gmail.com		X		X										X							
21	Alan Berman aldberman@yahoo.com														X							
22	Gideon Blumstein 902 S. Burnside Ave. Los Angeles, CA 90036-4743																					X
23	Michelle Buchmeier m.buchmeier@gmail.com					X									X						X	
24	Flavia Carrozzi fcarrozzi@gmail.com																					X
25	Montrese Chandler 5321 W. 8th St. Los Angeles, CA 90036-4837																				X	X
26	Robert Chernob cdila1@gmail.com		X									X			X					X	X	
27	Robert Chernob cdila1@gmail.com																				X	

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28	Karen Constine 750 S. Spaulding Ave. Los Angeles, CA 90036-4550														X						X	X
29	Tracy Cook trabot@ca.rr.com																				X	
30	Francine Dorsey francine.dorsey@gmail.com																				X	
31	Evalena Easter 5405 W. Ninth St. Los Angeles, CA 90036-4820																					X
32	Nina Brody Leonard Frayman 908 S. Dunsmuir Ave. Los Angeles, CA 90036-4730																					X
33	Craig Gartner craig@gartnergreen.com		X																			
34	Rosanne Gold artrage@sbcglobal.net		X		X									X							X	
35	Purvi Goor psgoor@gmail.com																					X

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36	Simone Gordon 1131 S. Ridgeley Dr. Los Angeles, CA 90019-2506																					X
37	Regina Griffin reginagriffin@mac.com																			X		
38	Joseph Grover 712 1/2 N. Van Ness Ave. Los Angeles, CA 90038-3108																					X
39	Martha Haight 808 S. Dunsmuir Ave. Los Angeles, CA 90036-4732																					X
40	Linda Hammonds linda@concipliant.net																					X
41	Aaron Harberts 922 S. Dunsmuir Ave. Los Angeles, CA 90036-4730																					X
42	Julie Hébert 1016 S. Hudson Ave. Los Angeles, CA 90019-1815																					X

**Table III-1 (Continued)**  
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43	Alan Hess 4991 Corkwood Ln. Irvine, CA 92612-2833						X															
44	Toby Horn 146 S. Fuller Ave. Los Angeles, CA 90036-2810		X																		X	
45	Paul Hunter paul.hunter@mac.com																					X
46	Linda Kakish 656 S. Ridgeley Dr., Apt. 301 Los Angeles, CA 90036-3840																					X
47	Scott and Georgette Kelsey 816 S. Dunsmuir Ave. Los Angeles, CA 90036-4732																					X
48	Cornelia Kiss cornelia.kiss@gmail.com																					X
49	Coley Laffoon 8124 W. Third St., Ste. 200 Los Angeles, CA 90048-4341																					X

**Table III-1 (Continued)**  
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50	Hannah Levy P.O. Box 86864 Los Angeles, CA 90086-0864																					X
51	Steven Luftman sluftman@yahoo.com		X			X														X	X	
52	Robin Menken 1208 N. Hilldale Ave. Los Angeles, CA 90069-1823														X						X	
53	Keith B. Nakata keithnakata@earthlink.net		X																	X	X	
54	Mattia Nuzzo 613 1/2 S. Dunsmuir Ave. Los Angeles, CA 90036-4096		X																			X
55	Tara A. Perry 902 S. Burnside Ave. Los Angeles, CA 90036-4743																					X
56	Tim Pollock 901 S. Sierra Bonita Ave. Los Angeles, CA 90036-4701																					X



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57	Cynthia M. Pusheck cpush@mac.com																					X
58	Ann Rubin 6524 Commodore Sloat Dr. Los Angeles, CA 90048-5314		X																			
59	Jay E. Schoenfeldt 5482 Wilshire Blvd., #1540 Los Angeles, CA 90036-4218																					X
60	Houman Sedaghat houmansedaghat@gmail.com																					X
61	Ray Simmons 821 S. Mansfield Ave. Los Angeles CA 90036-4947																					X
62	Karen Smalley 1212 S. Orlando Ave. Los Angeles, CA 90035-2514		X		X															X	X	
63	Wansun Song wsong2216@gmail.com																					X

**Table III-1 (Continued)**  
**Matrix of Comments Received in Response to the Draft EIR**

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64	Rhonda Steffen 839 S. Curson Ave. Los Angeles, CA 90036-4620																					X
65	Alex Stemkovsky 839 S. Curson Ave. Los Angeles, CA 90036-4620																					X
66	Charlie Stratton cstratton@me.com																					X
67	Armand Tatis Debra Haas 800 S. Dunsmuir Ave. Los Angeles, CA 90036-4732																					X
68	Henry van Moyland 808 S. Dunsmuir Ave. Los Angeles, CA 90036-4732																					X
69	Jennifer L. Warren jlwrising@gmail.com																					X
70	Valeri Ann Young 1887 Greenfield Ave., Apt. 109 Los Angeles, CA 90025-4416																					X

**Table III-1 (Continued)**  
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71	Lori Zimmerman 750 S. Spaulding Ave., Apt. 130 Los Angeles, CA 90036-4555		X										X								X	
<b>COMMENT FORMS</b>																						
72	Alex Israel 5030 W. Pico Blvd. Los Angeles, CA 90019-4128																					X
73	James Jacquet 505 N. Croft Ave., #5 Los Angeles, CA 90048		X																			
74	Jeannie Kwon 750 S. Spaulding Ave., Apt. 216 Los Angeles, CA 90036-4560																				X	
75	Tae Y. Kwon 750 S. Spaulding Ave., Apt. 216 Los Angeles, CA 90036-4560		X								X		X									
76	Linda Sallas lindasallas@gmail.com		X																			

# **III. Responses to Comments**

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## **C. Comment Letters**

### **Comment Letter No. 1**

Scott Morgan  
Director, State Clearinghouse  
State Clearinghouse and Planning Unit  
Governor's Office of Planning and Research  
State of California  
1400 Tenth St.  
Sacramento, CA 95814-5502

### **Comment No. 1-1**

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 15, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104( c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental

Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Enclosure (1 page): Document Details Report—State Clearinghouse Data Base

Enclosure (2 pages): Caltrans letter dated December 15, 2017

**Response to Comment No. 1-1**

This comment acknowledges receipt of the Draft EIR by the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, and compliance with State Clearinghouse review requirements for draft environmental documents, in accordance with CEQA. In addition, the Document Details Report transmitted with this letter provides a summary of the Project information the State Clearinghouse has in their data base. Furthermore, this letter transmits comments from Caltrans, which are included and responded to as part of Comment Letter No. 2, below. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 2**

Severin Martinez  
Transportation Planner  
Local Development/Intergovernmental Review Branch  
District 7  
Department of Transportation  
100 S. Main St., MS 16  
Los Angeles, CA 90012-3727

Miya Edmonson  
Acting IGR/CEQA Branch Chief  
District 7  
Department of Transportation  
100 S. Main St., MS 16  
Los Angeles, CA 90012-3727

**Comment No. 2-1**

Thank you for accepting comments from Caltrans regarding the above referenced project, we appreciate it. Our Comments will be sent to the County and State Clearinghouse. Attached is a .pdf copy for your review.

**Response to Comment No. 2-1**

This introductory comment, which provides a summary of certain aspects of the Project, does not raise any environmental issues addressed under CEQA. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 2-2**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project proposes the LACMA Building for the Permanent Collection within the eastern portion of the LACMA Campus, over a portion of Wilshire Boulevard, and within the adjacent property owned by Museum Associates. A new parking facility providing approximately 260 parking spaces is also proposed.

Upon reviewing the Draft Environmental Impact Report (DEIR), Caltrans has the following comments:

**Response to Comment No. 2-2**

This introductory comment, which provides a summary of certain aspects of the Project, does not raise any environmental issues addressed under CEQA. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 2-3**

State-level policy goals related to sustainable transportation seek to reduce the number of trips made by driving, reduce greenhouse gas emissions, and encourage alternative modes of travel. Caltrans' Strategic Management Plan has set targets of tripling trips made by bicycling and doubling trips made by walking and public transit by 2020. The Strategic Plan also seeks to achieve a 15% reduction in statewide per capita vehicle miles traveled by 2020. Similar ambitious goals are embedded in Caltrans' 2040 Transportation Plan, and Southern California Association of Governments' Regional Transportation Plan. Statewide legislation such as AB 32 and SB 375, as well as Executive Orders S-3-05 and B-16-12, echo the need to pursue more sustainable development. Such climate change goals can only be achieved through support from local partners.

**Response to Comment No. 2-3**

This comment provides a summary of State-level policy goals related to sustainable transportation included in Caltrans' Strategic Management Plan and 2040 Transportation Plan and Southern California Association of Governments' Regional Transportation Plan, as well as Statewide legislation such as AB 32, SB 375, and Executive Orders S-3-05 and B-16-12. In addition, as detailed on page IV.K-2 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, California Senate Bill 743 (SB 743) changes the way public agencies evaluate transportation impacts of projects under CEQA. Under SB 743, the focus of transportation analysis will shift from driver delay to reduction of VMT. As described on page IV.K-3 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the Project is located in a transit priority area, as defined in Public Resources Code Section 21099, and would therefore promote and encourage non-auto modes of transportation such as walking, bicycling, vanpool, and transit due to its location, proximity to transit, access to other nearby destinations, pedestrian connections and bicycle amenities. The Wilshire Bus Rapid Transit dedicated bus lane runs adjacent to the Project, with a stop for the Metro Rapid Line 720 at the intersection of Fairfax Avenue and Wilshire Boulevard. In addition, the Project is located adjacent to the future Wilshire/Fairfax Station portal for the

Metro Purple Line Extension, which is anticipated to be complete and operational by Year 2023.

The Project would support state-level policy goals related to sustainable transportation which seek to reduce the number of trips made by driving, reduce greenhouse gas emissions, and encourage alternatives modes of travel. As discussed in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, the Project represents an infill development within an existing urbanized area that would concentrate museum uses within a High Quality Transit Area (HQTa). The Project Site is located in an area well-served by public transit provided by the Los Angeles County Metropolitan Transportation Authority (Metro), Los Angeles Department of Transportation (LADOT), and the Antelope Valley Transit Authority, including the future Wilshire/Fairfax Station (as part of the Metro Purple Line Extension Project), which will be located on the south side of Wilshire Boulevard and Orange Grove Avenue, approximately 0.05 mile west of the Project Site. The Wilshire/Fairfax Station is anticipated to open concurrently with the Project as early as Year 2023. In addition, the Project Site is currently served by a total of 15 bus lines including, 13 Metro lines, one LADOT DASH bus line, and one Antelope Valley Transit Authority Commuter bus line. Bicycle parking is currently provided throughout the LACMA Campus along the site entry points off of Wilshire Boulevard, 6th Street, and within Hancock Park next to the Pavilion for Japanese Art. As part of the Academy Museum of Motion Pictures (Academy Museum), LACMA and the Academy Museum Foundation have agreed to install facilities for up to 88 bicycles at the entrance to the LACMA Campus from 6th Street. The Project would also incorporate characteristics that would reduce trips and VMT as compared to standard Institute of Transportation Engineers (ITE) trip generation rates. The Project characteristics listed below are consistent with the California Air Pollution Control Officers Association (CAPCOA) guidance document, *Quantifying Greenhouse Gas Mitigation Measures*, which provides emission reduction values for recommended measures and project features, as well as features that would reduce VMT and vehicle trips to the Project Site. These characteristics would, therefore, result in a corresponding reduction in VMT and associated GHG emissions. Measures applicable to the Project include the following; a brief description of the Project's relevance to the measure is also provided:

- **Increase Diversity of Urban and Suburban Developments (Mixed-Uses) (LUT-3):** The Project would locate a mix of museum uses in proximity to existing off-site residential, commercial, and other museum uses. Specifically, the Project is located in the area of the City of Los Angeles known as the Miracle Mile, a cultural, commercial, and residential center established during the early 1920s along Wilshire Boulevard. The Project would provide a diversity and mix of uses on the Project Site located in a cultural center of the City that would combine destinations, offer multiple transit options, and further reduce vehicle trips and VMT by encouraging walking and other non-automotive forms of



transportation (i.e., biking), which would result in corresponding reductions in transportation-related emissions.

- **Increase Destination Accessibility (LUT-4):** The Project Site is within 6 miles of Downtown Los Angeles, a primary job center, which is easily accessible by public transportation. Other major job centers identified in the City's Wilshire Community Plan as Regional Commercial Centers include the surrounding Miracle Mile Regional Commercial Center, Beverly Center-Cedars Sinai Regional Commercial Center (approximately 1.5 miles from Project Site), and Wilshire Center Regional Commercial Center (approximately 2.5 miles from Project Site). In addition, there are nearby job centers in the City's Hollywood and Century City Districts, as well as the Cities of Beverly Hills, West Hollywood, and Culver City, all of which are accessible by public transportation. Access to multiple destinations in proximity to the Project Site would reduce vehicle trips and VMT compared to the statewide average and encourage walking and non-automotive forms of transportation and would result in corresponding reductions in transportation-related emissions as a result of the Project.
- **Increase Transit Accessibility (LUT-5):** At Project buildout, the Project would be located directly adjacent to the Wilshire/Fairfax Station and along several Metro, LADOT DASH, and Antelope Valley Transit Authority Commuter bus routes. The Project would also provide adequate bicycle parking spaces for visitor and employees of the Project Site to encourage utilization of alternative modes of transportation.
- **Improve Design of Development (LUT-9):** The Project would include improved design elements including developing ground floor museum uses, increasing connectivity to Hancock Park and improving streetscape which would enhance walkability in the Project vicinity. The Project would also locate a development with a high level of street access, which improves street accessibility and connectivity.
- **Provide Pedestrian Network Improvements (SDT-1):** Project design would provide pedestrian access that minimizes barriers and link the Project Site with existing or planned external streets to encourage people to walk instead of drive. The Project would provide direct access to the existing off-site pedestrian network including existing off-site sidewalks, to encourage and increase pedestrian activities in the area, which would further reduce VMT and associated transportation-related emissions.
- **Traffic Calming Measures (SDT-2):** The Project would be located in an area with traffic calming measures that would encourage people to walk or bike instead of using a vehicle. This mode shift results in a decrease in VMT. Streets within 0.5 mile of the Project Site are equipped with sidewalks, and approximately 25 percent of the intersections include marked crosswalks and/or count-down signal timers.

The Buildout GHG annual emissions from mobile sources would result in a total of 1,742 MTCO<sub>2</sub>e in comparison to the Baseline condition of 1,430 MTCO<sub>2</sub>e for a Project total of 312 MTCO<sub>2</sub>e. The Project would also result in an approximate 56 percent reduction in GHG emissions as compared to a standard project (i.e., a similar project without implementation of the proposed project design features) within the air basin as measured by the air quality model (CalEEMod). Thus, based on the above, the Project would support state-level policy goals related to sustainable transportation.

#### **Comment No. 2-4**

Research on parking suggests that abundant car parking enables and encourages driving. While it may not be possible to reduce parking associated with the project, in order to promote public transit and reduce vehicle miles traveled it may be possible to implement Transportation Demand Management (TDM) improvement measures as part of the project. Measures can include providing plentiful and convenient bicycle parking as well as providing incentives for transit use among employees and visitors alike. Such measures can also help ensure the project is actively consistent with efforts to reduce vehicle trips, transportation-related GHG emissions while promoting public transit along transit corridors such as Wilshire Boulevard.

#### **Response to Comment No. 2-4**

As described on page II-25 in Section II, Project Description, of the Draft EIR, no additional parking beyond the current parking supply would be provided as part of the Project, as the parking spaces in the proposed Ogden Parking Structure would be a replacement for the 260 spaces that are currently provided in the Spaulding Lot. As described on page IV.K-3 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, and Response to Comment No. 2-2, above, the Project is located within a transit priority area, as defined by Section 450.322 of Title 23 of the Code of Federal Regulations. The Project would encourage non-auto modes of transportation such as walking, bicycling, carpool, vanpool, and transit due to its location, proximity to transit, access to other nearby destinations, pedestrian connections and bicycle amenities. Bicycle parking would be provided within the Ogden Parking Structure, along with the existing bicycle parking that is provided throughout the campus along the campus entry points off of 6th Street and within Hancock Park. 88 bicycle parking spaces would be provided at the entrance of the campus on 6th Street in connection with the Academy Museum. Furthermore, the Project Site is adjacent to the future Wilshire/Fairfax Station, which is currently under construction. In addition, as detailed in Appendix M of the Draft EIR, the Project's Parking and Traffic Management Plan (PTMP), required as part of Project Design Feature K-1, would include employee and visitor transportation demand management (TDM) measures such as transit incentives, employee carpooling programs, transit subsidies, etc. For these reasons, the

Project promotes public transit and reduces vehicle miles traveled as suggested by the commenter.

**Comment No. 2-5**

Note that project objectives include transportation-related elements such as: maximizing use of existing and future mass transit infrastructure; and improving the pedestrian environment and engage Wilshire Boulevard. Caltrans supports such objectives and encourages efforts to promote public transit and active transportation. The DEIR states bicycle parking will be provided within an Ogden Parking Structure along with existing bicycle parking on-site. Any new bicycle parking should be safe, pleasant, and convenient in order to promote bicycle use and make for a meaningful addition.

**Response to Comment No. 2-5**

The comment has provided a summary of the Project's transportation-related project objectives, which are detailed on pages II-15 to II-16 of Section II, Project Description, of the Draft EIR. The commenter has expressed their support for the Project's efforts to promote the use of public transit and active transportation, including improving the pedestrian environment and engaging Wilshire Boulevard by providing transparency and greater public access to art and open space areas. The comment correctly notes that bicycle parking would be provided within the Ogden Parking Structure as well as maintaining existing bicycle parking on-site. As detailed on page II-26 of Section II, Project Description, of the Draft EIR, the existing bicycle parking is provided throughout the campus along the campus entry points off of 6th Street and within Hancock Park, as well as additional bicycle parking to be provided at the entrance to the campus on 6th Street in connection with the Academy Museum. As noted by the commenter, bicycle parking would be located in safe areas near entrances to part of the Project Site, which would promote their uses.

**Comment No. 2-6**

As a reminder, be aware any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

**Response to Comment No. 2-6**

This comment notes, in general, the need for permits for oversized transport vehicles to use state highways and recommends that large truck trips be limited to off peak hours. This comment does not relate directly to the Project, nor the ability to approve or

carry out the Project. It should be noted that the Project is not anticipated to require work within a State right-of-way and it will obtain permits (if needed) for the transport of construction equipment. In addition, note that Mitigation Measure K-1 requires construction traffic to occur outside of peak travel periods to the extent feasible.

**Comment No. 2-7**

Also, storm water run-off is a sensitive issue for Los Angeles and Ventura counties. The project needs to be designed to discharge clean run-off water.

**Response to Comment No. 2-7**

As discussed in detail in Section IV.G, Hydrology, Water Quality, and Groundwater of the Draft EIR, the Project will comply with City and National Pollutant Discharge Elimination System (NPDES) requirements with regard to storm water. In particular, the Project would implement Best Management Practices (BMPs) for managing stormwater runoff in accordance with both the current Los Angeles County Low Impact Development (LID) Standards Manual and the current City of Los Angeles LID Ordinance. Given there are no existing on-site BMPs, stormwater run-off from the Project would result in improved surface water quality with the implementation of BMPs under the Project.

**Comment No. 2-8**

If you have questions regarding these comments, contact project coordinator Severin Martinez at (213)-897-0067 or [severin.martinez@dot.ca.gov](mailto:severin.martinez@dot.ca.gov) and refer to GTS# 07-LA-2016-01193.

**Response to Comment No. 2-8**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 3**

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**Comment No. 3-1**

Thank you for the opportunity to comment on the LACMA Building DEIR. Per our phone conversation, Metro will submit a comment letter for this project no later than close of business Tuesday, December 19. I appreciate your consideration.

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the LACMA Building for the Permanent Collection located at 5905 Wilshire Boulevard in the City of Los Angeles. Please find Metro's comment letter and related documents attached. If you have any questions, please contact Derek Hull (copied) or me.

Thank you for the opportunity to comment on the Notice of Completion and Availability of a Draft Environmental Impact Report for the LACMA Building for the Permanent Collection Project located at 5905 Wilshire Boulevard in the City of Los Angeles. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibility in relation to our facilities and services that may be affected by the proposed project.

**Response to Comment No. 3-1**

This comment provides correspondence with Metro regarding the transmittal of its comments on the Draft EIR for the LACMA Building for the Permanent Collection. These introductory comments do not raise any environmental issues addressed under CEQA. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 3-2**

Metro is committed to working with stakeholders across the County to support the development of transit oriented communities (TOCs). TOCs are built by considering transit within a broader community and creating vibrant, compact, walkable, and bikeable places centered around transit stations and hubs with the goal of encouraging the use of transit and other alternatives to driving. Metro looks forward to collaborating with local municipalities, developers, and other stakeholders in their land use planning and development efforts, and to find partnerships that support TOCs across Los Angeles County.

**Response to Comment No. 3-2**

This comment regarding Metro's support of TOCs is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Note that the Project supports TOCs as it is located in an area that is well-served by public transit, including the future Metro Purple Line Extension with a station that will be located near the Project Site. In addition, the Project would include numerous bicycle and pedestrian amenities. Specifically, bicycle parking would be provided within the Ogden Parking Structure, along with the existing bicycle parking that is provided throughout the campus along the campus entry points off of 6th Street and within Hancock Park. Eighty-eight bicycle parking spaces would be provided at the entrance of the campus on 6th Street in connection with the Academy Museum. In addition, the open space areas throughout the Project Site provide for a variety of pedestrian amenities. Based on the above, the Project would promote TOCs. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 3-3****Project Description**

The project would consist of one new museum building of approximately 368,300 gross square feet (Museum Building) and a new parking facility referred to as the Ogden Parking Structure. The Museum Building would replace four existing LACMA buildings collectively comprising of approximately 392,871 gross square feet: the Ahmanson building, the Hammer Building, the Art of the Americas Building, and the Bing Theater (which currently provides 600 seats). Overall, the proposed Museum Building would result in a decrease in the square footage of the existing museum buildings by approximately 24,571 square feet and a reduction in the theater size from 600 to 300 seats. The Museum Building is proposed to consist of eight semi-transparent Pavilions that would support an elevated, continuous, transparent main gallery level and extend over Wilshire Boulevard. The design of the Museum Building would include outdoor landscaped plazas, public programming and

educational spaces, sculpture gardens, and native and drought tolerant vegetation. The Ogden [sic] Parking Structure would be developed southwest of the intersection of Ogden Drive and Wilshire Boulevard on continuous parcels. The Ogden Parking structure would replace an existing surface parking lot and provide the same number of spaces.

### **Response to Comment No. 3-3**

This comment provides a summary of the Project assessed in the Draft EIR. The summary provided in this comment is accurate with the exception of the proposed gross square footage, the description of the existing buildings, and the number of Pavilions provided. The gross square footage of the Museum Building was described in the Draft EIR as 387,500 square feet, not 368,300 gross square feet as indicated in the comment. In addition, with regard to the Bing Theater, this is a component of the larger Bing Center, which includes the LACMA Café and the Dorothy Brown Auditorium (which provides 116 seats) in addition to the Bing Theater as described in the comment. Further, as described in Section II, Project Description, of the Draft EIR, the Museum Building is proposed with seven semi-transparent Pavilions, not eight semi-transparent Pavilions as indicated in the comment. As a note, and as further described in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the Project has undergone some modifications since release of the Draft EIR. The modifications are primarily related to the design of the Museum Building. Redesign and refinements include: (1) an overall square footage reduction from approximately 387,500 gross square feet to approximately 347,500 gross square feet; (2) a shift of the portion of the Museum Building crossing Wilshire Boulevard approximately 30 feet to the east; (3) a change in the geometry of the Pavilions to the Museum Building from polygonal to rectilinear forms and an alternation to the curvilinear geometry on the main exhibition level above; (4) the removal of the Chapel Galleries, with a resulting height that was shortened from a maximum of 85 feet to a maximum of 60 feet; and (5) a shift of the location of the Pavilions on LACMA East and use of more glazing in the design of the Pavilions. No modifications are proposed to the Ogden Parking Structure.

### **Comment No. 3-4**

#### **Metro Comments**

##### *Bus Stop Adjacency*

Metro Bus Lines 20 and 720 operate on Wilshire Boulevard, adjacent to the proposed Project. One Metro bus stop on the corner of Wilshire Boulevard and Spaulding Avenue is directly adjacent to the proposed Project. The following comments relate to bus operations and the bus stop:

1. Although the Project is not expected to result in any long-term impacts on transit, the developer should be aware of the bus facilities and services that are present. The existing Metro bus stop must be maintained as part of the final Project.
2. During construction, the stop must be maintained or relocated consistent with the needs of Metro Bus Operations. Please contact Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 at least 30 days in advance of initiating construction activities. Other municipal buses may also be impacted and should be included in construction outreach efforts.
3. Metro encourages the installation of bus shelters with benches, way finding signage, enhanced crosswalks and ramps compliant with the Americans with Disabilities Act (ADA), as well as pedestrian lighting and shade trees in paths of travel to access transit stops and other amenities that improve safety and comfort for transit riders. The City should consider requesting the installation of such amenities as part of the development of the site.
4. Driveways accessing parking and loading at the Project site should be located away from transit stops, and be designed and configured to avoid potential conflicts with on-street transit services and pedestrian traffic to the greatest degree possible. Vehicular driveways should not be located in or directly adjacent to areas that are likely to be used as waiting areas for transit.
5. Final design of the bus stop and surrounding sidewalk area must be ADA-compliant and allow passengers with disabilities a clear path of travel to the bus stop from the proposed development.

#### **Response to Comment No. 3-4**

In addition to Metro Bus Lines 20 and 720 that operate adjacent to the Project Site on Wilshire Boulevard as identified by the commenter, Metro Bus Lines 217, 218, and 780 operate along Fairfax Avenue and also stop within one-half block of the Project Site, as identified and detailed on page II-13 in Section II, Project Description, of the Draft EIR. Bus stops serving Metro transit lines are located adjacent to the Project Site at the intersections of Fairfax Avenue and Wilshire Boulevard and Spaulding Avenue and Wilshire Boulevard.

The comment confirms that the Project would not cause any long-term impacts on transit, as existing Metro facilities and service would be maintained with construction of the Project. The Project does not include plans to relocate any existing bus stops or change existing transit service.

The comment requests continued coordination between LACMA and Metro during construction of the Project. LACMA has already been in consultation with Metro to



coordinate construction efforts. As discussed in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, during construction, the existing bus stops would be maintained to the extent feasible or relocated consistent with the needs of Metro Bus Operations. With implementation of the Construction Management Plan, safe vehicular and pedestrian access would be provided around the construction area.

The suggestion that the City should consider requesting the installation of amenities that improve safety and comfort for transit riders, including benches, wayfinding signage, enhanced crosswalks, ADA compliant ramps, and pedestrian enhancements, are noted for the administrative record and will be forwarded to the decision-makers for review and consideration. As described on page II-26 in Section II, Project Description, of the Draft EIR, the Project is incorporating these measures, including a proposal to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time for pedestrians to cross Wilshire Boulevard would be reduced. Pedestrian gates would be provided along the Project Site perimeter, including along the southern portion of LACMA East and along the northern and northwestern portions of the Spaulding Lot. The Project would include a total of approximately 5.5 acres of open space that would include plazas, terraces, gardens, and pedestrian paths that would be designed to integrate the new building with existing uses within Hancock Park and LACMA West. The Museum Building would include lighting for the street segment beneath the building or the Project would provide equivalent street lighting that would provide for adequate pedestrian visibility and safety underneath the Museum Building per the Bureau of Street Lighting Department of Public Works Design Standards and Guidelines (Version: May 2007 or subsequent version).

The comment suggests that driveways be designed and configured to avoid potential conflicts with on-street transit services and pedestrian traffic, as well as for vehicular driveways not to be located in or directly adjacent to waiting areas for transit. As provided in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, vehicular access would continue to be provided via the Pritzker Parking Garage, which would continue to be accessed from 6th Street east of Fairfax Avenue, as well as the new Ogden Parking Structure, which would be accessed from Ogden Drive south of Wilshire Boulevard. In addition, access for deliveries would continue to be provided from 6th Street via a portion of the vacated Ogden Drive and through the southern portion of the existing Spaulding Lot. The proposed driveways at the Ogden Parking Structure and the Spaulding Lot would not require the removal or relocation of existing transit stops and are designed and configured to avoid potential conflicts with transit services and pedestrian traffic. All existing driveways to the Pritzker Garage would remain unchanged. Thus, driveways for the Project would avoid potential conflicts with on-street services and pedestrian traffic. Further, driveways are not proposed in waiting areas for transit. It is recognized that the Project is located in

an area with a high amount of pedestrian activity, and would therefore provide pedestrian connectivity and interaction.

The comment also indicates the need to comply with the Americans with Disabilities Act (ADA). The Project would be constructed and operated in compliance with the ADA, including the installation of ramps on the Project Site to provide access to surrounding bus stops and sidewalks. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. 3-5**

#### *Purple Line Extension (PLE) Adjacency*

Metro requests that because of the close proximity to the PLE, the project sponsor considers the following:

1. The project sponsor should be advised that upon completion, the Metro Purple Line Extension (formerly known as the Westside Subway Extension) will operate peak service as often as every four minutes in both directions and that trains may operate, in and out of revenue service, 24 hours a day, seven days a week, in the tunnel below the proposed project.

### **Response to Comment No. 3-5**

The comment requests that the Project be advised of the future operations of the Metro Purple Line Extension. The comment has been noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. 3-6**

2. When the planned building crosses Wilshire, between Stanley and Spaulding, any building structural supports in the center of Wilshire or at the curb lines could impact the existing/future tunnels. Metro requires that neither temporary Support of Excavation elements, nor permanent load bearing elements of the newly constructed building(s) and/or overpasses would impose any “surcharge loads” (Side or vertical whatsoever) on the in place tunnel concrete lining. Any needed load analysis is to be conducted by the Project and coordinated with Metro.

### **Response to Comment No. 3-6**

Metro’s tunnel profile indicates that the top of the tunnel will be approximately 60 feet to 80 feet below the existing grade. In addition, construction activities for the Project would include excavating down on the order of 28.5 feet for subterranean parking

for the Ogden Parking Structure, basement levels under the Museum Building. Considering the depths of the excavation proposed by LACMA for the foundation system of the Project, and the depth of the Metro tunnel, any substantial effect on the Metro tunnel lining is unlikely. Nevertheless, LACMA will continue close coordination with Metro regarding construction timing and activities. Further coordination is necessary to determine tolerance and complete the requested load analysis. As required by Project Design Feature D-1, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, as construction drawing efforts progress, LACMA will prepare a report with relevant geotechnical, structural and load detail as well as an appropriate instrumentation program in coordination with Metro. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. 3-7**

3. Metro encourages the Project sponsor to consider the inclusion of a second entrance/knockout panel at the Wilshire/Fairfax Station to any future LACMA development projects. To provide guidance on this matter, Metro has attached the Board Report from April 2012 with the approved defined scope of the Wilshire/Fairfax Station. It was anticipated that the second entrance would be located on the north side of Wilshire, across from the Orange Grove entrance.

### **Response to Comment No. 3-7**

The commenter's suggestion regarding the Project's consideration to include the entrance/knockout panel at the Wilshire/Fairfax Station is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. A north portal for the Wilshire/Fairfax Station is not proposed as part of the Project, nor is it required at this time or necessary to mitigate any impact of the proposed Project. However, the Project design does not preclude the North Portal from being constructed in the future.

LACMA has continued to explore a second entrance on the north side of Wilshire Boulevard across the Orange Grove entrance, in response to the April 2012 Board Report. Given the location of the Metro station box, the only potential location that could be considered for a north portal would be between the Broad Contemporary Art Museum (BCAM) building on the LACMA West campus and the May Company building, which will be the Academy Museum currently under renovation and construction. These buildings are outside of the project area and are planned to remain open during the construction of the new Museum Building farther east.

This location for a north portal provides unique challenges given the narrow frontage and the existing fire lane between the buildings. The BCAM building is located close to the

Wilshire Boulevard property line and is separated from the Academy Museum by only the narrow fire lane. These existing conditions effectively prohibit the construction of a subway portal that would meet Metro's standards in a manner that does not compromise fire safety for both institutions. However, the Metro portal on the south side of Wilshire Boulevard would be conveniently located for all institutions along Wilshire Boulevard and within the Project vicinity. The Project includes an entry on the south side of Wilshire Boulevard, facilitating easy visitor access to and from the southern portal. It would not be necessary to cross Wilshire Boulevard to enter the Museum Building. This current Project design was not fully realized at the time of the initial discussions between LACMA and Metro; however, it now provides a viable alternative to the North Portal.

The Draft EIR has evaluated pedestrian and vehicular traffic patterns and has concluded that there will be no significant impacts caused by the operations of the new Museum Building. Since the Comment does not raise any environmental issues addressed under CEQA, the Comment will be forwarded to the decision-makers for consideration outside of the CEQA process.

#### **Comment No. 3-8**

4. The planned parking structure south of Wilshire on the west side of Ogden is currently part of the WPLE Section 1 Fairfax Station construction staging area (than runs westerly to Orange Grove Ave) and property is being used by Metro under a Temporary Construction Easement (TCE) from LACMA. Any premature loss of this staging area prior to the turnover date indicated in the C1045 Contract (1/10/23) would have a major impact to the C1045 Contractor's ability to complete/open the station on time.

#### **Response to Comment No. 3-8**

This comment correctly states that the planned parking structure is currently part of the WPLE Section 1 Fairfax Station construction staging area and is being used by Metro under a Temporary Construction Easement. It is understood that any premature loss of this staging area prior to the 1/10/23 turnover date would have major impacts to the Contractor's ability to complete/open the station on time. Construction of the Ogden Parking Structure would not commence until Metro is no longer utilizing this portion of the Project Site per the Temporary Construction Easement. Therefore, construction would not result in the premature loss of the staging area and would therefore comply with the C1045 Contract.

**Comment No. 3-9**

5. Considering the proximity of the proposed project to the subway tunnel, the Metro Purple Line will produce noise and vibration that may be perceptible within the proposed project. A recorded Noise and Vibration Easement Deed in favor of Metro is required, a form of which is attached. The easement recorded in the Deed will extend to successors and tenants as well. In addition, any noise or vibration mitigation required for the project will be borne by the developers of the project and not Metro.

**Response to Comment No. 3-9**

The County and LACMA have worked closely with Metro throughout its construction of the Purple Line and have coordinated on the design and construction schedule of the Project. This comment refers to purported legal requirements between property owners and does not raise any environmental issues addressed under CEQA. As such, no further response is necessary. The comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-10**

6. Neither Metro nor its contractors have continuing, ongoing responsibility to reduce or avoid impacts, other than what is specified in the Final Environmental Impact Report/Environmental Impact Statement for the Westside Subway Extension. For additional information regarding this project please visit: <http://www.metro.net/projects/westside/>. The FIER [sic] can be accessed from the following link: <http://www.metro.net/projects/westside/final-eis-eir/>

**Response to Comment No. 3-10**

This comment states that neither Metro nor its contractors have continuing, ongoing responsibility to reduce or avoid impacts, other than what is specified in the Final Environmental Impact Report/Environmental Impact Statement for the Westside Subway Extension. This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-11**

7. The construction and operation of the proposed project must not disrupt the operation and maintenance activities of the Metro Purple Line or the structural and systems integrity of Metro's Purple Line subway tunnels.

**Response to Comment No. 3-11**

LACMA would continue to work with Metro to ensure that construction and operation of the Project would not disrupt the operation and maintenance activities of the Metro Purple Line or the structural and systems integrity of the Purple Line subway tunnels. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. In addition, refer to Response to Comment No. 3-6, above.

**Comment No. 3-12**

8. Consistent with ZI No. 1117, prior to the City issuing a building permit within 100 feet of the Metro Rail construction area, clearance shall be obtained from Metro. Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations. Please refer to the attached Metro “Design Criteria and Standards, Volume III—Adjacent Construction Design Manual” for more details regarding submitting drawings and calculations to Metro for review. Please note that Metro requires an Engineering Review Fee for evaluation of any impacts based on adjacency and relationship of the proposed building to Metro’s existing structures.

**Response to Comment No. 3-12**

This comment regarding ZI No. 1117 and review of the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations does not raise any environmental issues addressed under CEQA. LACMA will provide the necessary documents required by Metro to obtain clearance to construct the Ogden Parking Structure, as needed. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-13**

9. Metro staff shall be permitted to monitor construction activity to ascertain any impact to the subway tunnel.

**Response to Comment No. 3-13**

This comment regarding monitoring of construction activity does not raise any environmental issues addressed under CEQA. In addition, LACMA will coordinate with Metro, as needed and deemed feasible, to permit Metro staff to monitor construction of the Ogden Parking Structure. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-14**

10. The project sponsor should be advised that Metro may request reimbursement for costs incurred as a result of project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure.

**Response to Comment No. 3-14**

This comment regarding reimbursement for costs incurred as a result of project construction/operation issues does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-15**

11. The project sponsor will be required to notify Metro of any changes to the construction/building plans that may or may not impact the subway tunnel.
12. Aspet Davidian, Director, Project Engineering Facilities, should be contacted at 213-922-5258 regarding the project's potential impacts on Metro's Purple Line station and tunnels.

**Response to Comment No. 3-15**

This comment regarding notification of any changes to the construction/building plans does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-16**

13. Metro is requesting that the Project utilize the CLA TCTMC group, where in the Project is then required to submit their traffic control plans to Metro to determine if there are any potential conflicts with the PLE Project. If for some reason the Project is given permission from the CLA to not use the TCTMC, then Metro requires that the Project share their TCP's with Metro prior to implementation, so Metro can review for any potential traffic control conflicts.
14. Metro requires the Project to provide to Metro all of the proposed tie-ins for their new utility services. This will allow Metro to check for any impacts to the PLE Project and to have for future reference.
15. Please be advised that the Purple Line Extension makes use of construction staging sites as an integral part of Metro's project operations. Construction staging areas along the MPLA PLE route include:

- the Northeast corner of Wilshire Blvd/Manhattan Pl
- the Southwest corner of Wilshire Blvd/Crenshaw Blvd
- the Northwest and Southwest corners of Wilshire Blvd/La Brea Blvd
- the Northwest corner of Wilshire Blvd/Fairfax Ave
- \_the\_South [sic] side of Wilshire Blvd between Orange Grove Ave and Ogden Dr
- the Northeast corner of Wilshire Blvd/La Cienega Blvd
- the Northwest corner of Wilshire Blvd/Gale Dr

These areas will be in use until 2023 and the project sponsor should take appropriate measures to soundproof windows and walls facing the laydown area and to inform residents of that use.

16. Please contact the PLE Project Director David Mieger for further coordination regarding construction. Mr. Mieger can be reached at 213-922-3040 or [miegerd@metro.net](mailto:miegerd@metro.net). Information about the PLE Project can also be found on the Metro website at <http://www.metro.net/projects/westside/>.

### **Response to Comment No. 3-16**

The comment requests that the Project coordinate with the Metro CLA TCTMC group to review traffic control plans and details the construction staging areas for the Metro Purple Line Extension. The comment also recommends that the Project notify and further coordinate with Metro regarding construction. The Draft EIR requires proactive coordination with Metro as part of the Construction Management Plan required by Mitigation Measure K-1. LACMA has already begun consultation with Metro to coordinate construction efforts. In addition, as requested by this comment, LACMA would provide to Metro all of the proposed tie-ins for their new utility services as part of this ongoing coordination. Accordingly, Museum Associates will either coordinate through the TCTMC group or directly with Metro on construction-related traffic control plans. It is anticipated that these regular coordination meetings would continue through construction of the Project, Purple Line Extension and Wilshire/Fairfax Station.

The comment provides a summary of the Purple Line Extension construction staging areas, including the one located on the south side of Wilshire Blvd between Orange Grove Ave and Ogden Dr, which is also referenced in Comment 3-10, above. The contractor for the Project would coordinate construction activity as needed so as not to impede the use of a construction staging area on the south side of Wilshire Boulevard for the Purple Line Extension. The construction of the Ogden Lot would not begin until after the termination of



Metro's Temporary Construction Easement and turnover date indicated by the contract (January 2023).

**Comment No. 3-17***Transit Orientation*

Considering the proximity to transit, Metro would like to identify the potential synergies associated with transit-oriented development:

1. Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of the developments. Metro encourages the City and Project sponsor to be mindful of the Project's proximity to transit, including orienting pedestrian pathways toward the stops.

**Response to Comment No. 3-17**

The comment describes Metro's support of development near transit stations that is beneficial to increase ridership and enhance transportation options. As described on page II-16 in Section II, Project Description, of the Draft EIR, two of the Project's objectives are to maximize the use of existing and future mass transit infrastructure and to improve the pedestrian environment and engage Wilshire Boulevard. As described in the Parking Memo, provided in Appendix M, as part of the Project's implementation of a Parking and Traffic Management Plan, Project Design Feature K-1, LACMA would encourage alternative modes of transportation through marketing/media information. As detailed in Response to Comment No. 3-4, above, the Project is proposing to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time for pedestrians to cross Wilshire Boulevard would be reduced. The Project would include approximately 5.5 acres of open space that would include plazas, terraces, gardens, and pedestrian paths that would be designed to integrate the new building with existing uses within Hancock Park and LACMA West. The Project maintains and enhances pedestrian connectivity between the proposed portal on the south side of Wilshire Boulevard and LACMA by transforming the surface parking lot (Spaulding Lot) into a museum building that is integrated with the campus, with improved sidewalks, pedestrian wayfinding, and activation of the street frontage in close proximity to the Metro rail and bus facilities.

**Comment No. 3-18**

2. Metro would like to inform the Project sponsor of Metro's employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit

Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at 213-922-7957 or [DemingD@metro.net](mailto:DemingD@metro.net).

### **Response to Comment No. 3-18**

This comment informs LACMA of Metro's employer transit pass programs. The comment is noted for the administrative record and will be forwarded to decision-makers for review and consideration. As this comment does not reference the content of the Draft EIR, no further response is needed.

### **Comment No. 3-19**

3. Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities or parking benefit districts. These strategies could be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand.

### **Response to Comment No. 3-19**

This comment expresses Metro's general support of transit-oriented, pedestrian-oriented parking provision strategies to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand. This comment is not related specifically to the Project and does not reference the content of the Draft EIR. As such, the comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. As detailed in Response to Comment No. 2-3, above, and described on page IV.K-3 of Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the Project is located within a transit priority area, as defined by Section 450.322 of Title 23 of the Code of Federal Regulations. The Project would encourage non-auto modes of transportation such as walking, bicycling, carpool, vanpool, and transit due to its location, proximity to transit, access to other nearby destinations, pedestrian connections and bicycle amenities. Furthermore, the Project Site is adjacent to the future Wilshire/Fairfax Station of the Metro Purple Line Extension. In addition, as detailed in Appendix M, of the Draft EIR, the Project's Parking and Traffic Management Plan (PTMP) would include employee transportation demand management (TDM) measures. In addition, the PTMP would manage the use of all parking spaces within the LACMA facilities to maximize parking efficiency and avoid underutilization of parking spaces so that parking demands are met throughout the day for various weekday and weekend conditions, as well as coordinate scheduling with the Academy Museum and other nearby cultural entities, to the extent feasible, to arrange shared parking opportunities within the surrounding area.

**Comment No. 3-20**

4. With an anticipated increase in traffic, Metro encourages an analysis of impacts on non-motorized transportation modes and consideration of improved non-motorized access to the station including pedestrian connections and bike lanes/paths. Appropriate analyses could include multi-modal LOS calculations, pedestrian audits, etc.

**Response to Comment No. 3-20**

This comment encourages, but does not require, an analysis of non-motorized transportation modes and improved non-motorized access to the station, including pedestrian connections and bike lanes/paths. The traffic analyses presented in the Draft EIR and Traffic Study were prepared in accordance with the established policies and procedures of the County's *Draft Traffic Impact Analysis Report Guidelines* (2013) and LADOT's *Transportation Impact Study Guidelines* (2016). The scope of the traffic analyses was reviewed and approved by both the County and LADOT during the MOU process. As detailed on page IV.K-73 of Section IV.K, Traffic, Access, and Parking, of the Draft EIR, and page 107 of the Traffic Study, an analysis on the Project's impact on the existing transit service was conducted as part of the Congestion Management Plan analysis. As shown, the Project operation is anticipated to generate approximately 11 new transit trips during the weekday morning peak hour, 15 new transit trips during the weekday midday peak hour, 17 new transit trips during the weekday afternoon peak hour, and 18 new transit trips during the Saturday midday peak hour. In Section IV.K, Traffic, Access, and Parking, the Draft EIR, also included a discussion of bicycle networks and pedestrian routes consistent with the intent of the comment, and demonstrated that the Project would include features supportive of pedestrian activity and bicycle connections. In addition, as detailed in Appendix M, of the Draft EIR, the Project's Parking and Traffic Management Plan (PTMP) would include employee transportation demand management (TDM) measures to reduce the use of single occupant vehicles during commute hours by encouraging the use of alternative modes of transportation by providing incentives for using alternative travel modes, parking incentives, and promotion of carpool/vanpool/rideshare. The traffic and transit analyses contained in the Draft EIR were also reviewed and approved by LADOT and the County of Los Angeles Department of Public Works Traffic and Lighting Division.

**Comment No. 3-21**

5. The Project should address first-last mile connections to transit, encouraging development that is transit accessible with bicycle and pedestrian-oriented street design connecting stations with housing and employment concentrations. For reference, please view the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: [http://media.metro.net/docs/sustainability\\_path\\_design\\_guidelines.pdf](http://media.metro.net/docs/sustainability_path_design_guidelines.pdf)

**Response to Comment No. 3-21**

The comment suggests that the Project address first-mile/last-mile connections and will be forwarded to the decision-makers. As detailed on page IV.K-71 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, bicycle parking would be provided within the Ogden Parking Structure, along with existing bicycle parking that is provided throughout the campus along the campus entry points. Additional bicycle parking would also be provided at the entrance to the campus on 6th Street in connection with the Academy Museum. In addition, as part of the Project's proposed PTMP, LACMA would encourage alternate travel options through marketing/media information. As discussed in Response to Comment No. 3-4, above, the Project is proposing to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time required for pedestrians to cross Wilshire Boulevard would be reduced. Pedestrian gates would be provided along the Project Site perimeter, including along the southern portion of LACMA East and along the northern and northwestern portions of the Spaulding Lot. The Project would include approximately 5.5 acres of open space that would include plazas, terraces, gardens, and pedestrian paths that would be designed to integrate the new building with existing uses within Hancock Park and LACMA West.

**Comment No. 3-22**

6. Metro encourages the installation of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along the primary building frontage to improve pedestrian safety and comfort to access the nearby bus stops. The City should consider requesting the installation of such amenities as part of the development of the site.

**Response to Comment No. 3-22**

The comment suggests that the City consider a variety of amenities related to pedestrian safety and comfort to access the nearby bus stops, including wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, among others. The comment also encourages the City to request installation of such amenities as part of the development of the site. As discussed in Response to Comment No. 3-4, above, pedestrian gates would be provided along the Project Site perimeter, including along the southern portion of LACMA East and along the northern and northwestern portions of the Spaulding Lot. Primary pedestrian access to the Project Site would be provided from Wilshire Boulevard with secondary access from 6th Street. The Project is proposing to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at the intersection of Spaulding Avenue and Wilshire Boulevard as the length of time for pedestrians to cross Wilshire Boulevard would be reduced. As described on page IV.K-69

in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the Project would maintain all sidewalks and pedestrian crossings in the existing sidewalk system and provide a direct and safe path of travel with minimal obstructions to pedestrian movements within and adjacent to the Project Site. The Project would also include approximately 5.5 acres of open space. The outdoor open spaces would include plazas, terraces, gardens, and pedestrian paths that would be designed to integrate the new building and existing uses within Hancock Park and LACMA West. The new outdoor public space and pedestrian entries/walkways would be appropriately lit to identify a secure route.

**Comment No. 3-23***Active Transportation*

Metro encourages the Project to promote bicycle use through adequate short-term bicycle parking, such as ground level bicycle racks, as well as secure and enclosed long-term bicycle parking for guests and employees. The Project applicant should coordinate with Metro Bike Share program for potential Bike Share station at this development. Additionally, the applicant should help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations such as the future Wilshire/Fairfax Station. The project is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation.

**Response to Comment No. 3-23**

As detailed on page II-26 in Section II, Project Description, of the Draft EIR, bicycle parking would be provided within the Ogden Parking Structure, along with existing bicycle parking that is provided throughout the LACMA campus along the campus entry points off of 6th Street and within Hancock Park, and additional bicycle parking to be provided at the entrance to the LACMA campus on 6th street in connection with the Academy Museum. Refer to Responses to Comment Nos. 3-19, 3-20, and 3-22, above, for further discussion regarding bicycle parking and promotion of non-auto travel through the TDM measures.

The comment suggests that the Project coordinate with Metro Bike Share program for potential Bike Share station at the Project as well as encourage transit connections with wayfinding signage. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-24***Congestion Management Program*

Beyond impacts to Metro facilities and operations, Metro must also notify the applicant of state requirements. A Transportation Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the “2010 Congestion Management Program for Los Angeles County,” Appendix 0 (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the A.M. or P.M. weekday peak hour (of adjacent street traffic).
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
3. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the A.M. or P.M. weekday peak hour.
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1–D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

**Response to Comment No. 3-24**

As detailed on pages IV.K-65 through IV.K-67 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the CMP arterial and freeway monitoring locations were evaluated pursuant to applicable rules and requirements; and it was determined that the Project would not add more than 50 trips during either peak hour to any of the arterial intersection monitoring locations or more than 150 trips during either peak hour to any of the freeway mainline monitoring locations. Therefore, no further analysis was required. The County, City, and traffic consultant have consulted with Caltrans throughout the environmental process (i.e., through the NOP process, LADOT MOU, and public comment period for the review of the Draft EIR). Potential public CMP impacts were considered on

page IV.K-66 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, and in the Traffic Study, which concluded that the Project would not exceed regional transit capacity and impacts with respect to transit would be less than significant.

**Comment No. 3-25**

If you have any questions regarding this response, please contact Derek Hull at 213-922-3051 or by email at [DevReview@metro.net](mailto:DevReview@metro.net).

**Response to Comment No. 3-25**

This comment providing the contact information for Metro is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-26**

Attachment 1: Noise Easement Deed (4 pages)  
Attachment 2: Adjacent Construction Design Manual (8 pages)  
Attachment 3: CMP Appendix D: Transport Impact Analysis Guidelines (7 pages)  
Attachment 4: Metro Board Report: Westside Subway Extension April 18, 2012  
(127 pages)

**Response to Comment No. 3-26**

Attachment 1, Noise Easement Deed; Attachment 2, Adjacent Construction Design Manual; Attachment 3, CMP Appendix D: Transport Impact Analysis Guidelines; and Attachment 4, Metro Board Report: Westside Subway Extension April 18, 2012, all pertain to the comments addressed above. No further response is necessary. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 4**

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**Comment No. 4-1**

Attached are the SCAQMD staff comments on the Draft Environmental Impact Report (DEIR) for the proposed LACMA Building for the Permanent Collection (SCAQMD Control Number: LAC171026-03). The original, electronically signed letter will be forwarded to your attention by regular USPS mail. SCAQMD staff comments are meant as a guidance for the Lead Agency and should be reviewed for incorporation into the Final EIR. Please contact me if you have any questions regarding these comments.

**Response to Comment No. 4-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 4-2**

The South Coast Air Quality Management District (SCAQMD) staff 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 into the Final EIR.

**Response to Comment No. 4-2**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.



**Comment No. 4-3****SCAQMD Staff's Summary of Project Description and Air Quality Analysis**

The Lead Agency proposes to replace the Museum Building and construct a new parking facility. The proposed 387,500-square-foot Museum Building would replace four current buildings, totaling 392,871 square feet (Proposed Project). Implementation the Proposed Project would result in a net decrease in the square footage of the museum buildings. In the Air Quality Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's regional and localized air quality CEQA significance thresholds to determine the significance of air quality impacts. Based on the analyses, the Lead Agency found that the Proposed Project's NO<sub>x</sub> emissions during construction would be significant and unavoidable after incorporating Mitigation Measure (MM) B-1 through MM B-5<sup>1</sup>, and that the Proposed Project's operational air quality impact would be less than significant.

<sup>1</sup> Draft EIR. Section IV.B—Air Quality.

**Response to Comment No. 4-3**

While the commenter correctly states that implementation of the Project would result in a net decrease in the square footage of the museum buildings, it should be noted that as discussed in Section II, Corrections and additions of this Final EIR, subsequent to the release of the Draft EIR, the Museum Building design includes an additional square footage reduction from approximately 387,500 gross square feet to approximately 347,500 gross square feet. All other aspects of this comment remain accurate. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 4-4****SCAQMD's 2016 Air Quality Management Plan**

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board of Directors on March 23rd. The 2016 AQMP<sup>2</sup> is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to reduce an additional 45 percent reduction in nitrogen oxide (NO<sub>x</sub>) emissions in 2023 and an additional 55 percent reduction in NO<sub>x</sub> emissions beyond 2031 levels for ozone attainment.

Achieving NO<sub>x</sub> emission reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable, and the Proposed Project plays an important role in supporting SCAQMD's commitment. As such, SCAQMD staff recommends changes to the existing mitigation measure B-1 and an additional recommended mitigation measure to further reduce emissions, particularly NO<sub>x</sub> emissions. Please see the attachment for more information.

<sup>2</sup> South Coast Air Quality Management District. March 3, 2017. 2016 [Air Quality Management Plan](http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan). Available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

#### **Response to Comment No. 4-4**

The comment provides general information regarding SCAQMD's 2016 AQMP and the importance of achieving NO<sub>x</sub> emission reductions. Further consideration of AQMD's suggested changes to Mitigation Measure B-1 and an additional mitigation measure to address NO<sub>x</sub> emissions during construction are provided in Response to Comments No. 4-6 and 4-7.

#### **Comment No. 4-5**

Pursuant to Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088, SCAQMD staff requests that the Lead Agency provide SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIR. Further, when the Lead Agency makes the finding that the recommended mitigation measures are infeasible, the Lead Agency shall describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

#### **Response to Comment No. 4-5**

In accordance with CEQA requirements, responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution at least 10 days prior to any future certification of the EIR. The County, in making the findings for the Project, will comply with the requirements of Section 15091 of the CEQA Guidelines.

#### **Comment No. 4-6**

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, CEQA IGR Section, at (909) 396-2448, if you have any questions regarding the enclosed comments.

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**Response to Comment No. 4-6**

The comment provides the contact information for a SCAQMD staff member but does not address any specific issue in the Draft EIR. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 4-7****ATTACHMENT****Mitigation Measures**

1. CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts. To further reduce the significant construction emissions, particular from NO<sub>x</sub>, SCAQMD staff recommends the following mitigation measures that the Lead Agency should include in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website<sup>3</sup>.

**Recommended Changes to the Existing Mitigation Measure B-1**

2. **Mitigation Measure B-1:** During plan check, the Project representative shall make available to the lead agency ~~and the South Coast Air Quality Management District~~ a comprehensive inventory for all off-road construction equipment, equal to or greater than 50 horsepower, that will be used ~~an aggregate of 40 or more hours~~ during any portion of the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel powered equipment within the construction inventory list described shall meet ~~the~~ **or exceed** Tier ~~3-4~~ **CARB/U.S. EPA** standards ~~where commercially available~~. **In the event that all construction equipment cannot meet the Tier 4 engine certification, the Project representative must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative strategies may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips**

**to and from the Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.**

<sup>3</sup> South Coast Air Quality Management District. <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

### **Response to Comment No. 4-7**

In response to the comment that CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts, Public Resources Code Section 21004 states that, “[A] public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.”

As discussed on pages IV.B-53 and IV.B-54 in Section IV.B, Air Quality, of the Draft EIR, implementation of the Mitigation Measures B-1 through B-5 would reduce construction emissions for all pollutants. However, even with the incorporation of these identified mitigation measures, construction of the Original Project would still generate emissions that exceed the SCAQMD regional significance thresholds for NO<sub>x</sub>. With the implementation of Mitigation Measures B-1 through B-5, peak daily regional NO<sub>x</sub> emissions would be reduced by a maximum of 25 percent during construction. The duration of impacts would be short-term as impacts would occur for the nine months of demolition and grading during construction of the Museum Building and the one month of grading during construction of the Ogden Parking Structure.

In consideration of the SCAQMD recommendation, Mitigation Measure B-1 has been further strengthened in this Final EIR as shown in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, and as follows:

**Mitigation Measure B-1:** During plan check, the Project representative shall make available to the lead agency ~~and the South Coast Air Quality Management District~~ a comprehensive inventory for all off-road construction equipment, equal to or greater than 50 horsepower, that will be used ~~an aggregate of 40 or more hours~~ during any portion of construction for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit’s certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare

the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment within the construction inventory list described above shall meet the Tier 3 or exceed Tier 4 CARB/U.S. EPA standards where commercial available.

Per SCAQMD's recommendation, consideration of alternative technologies and strategies were considered in the event equipment meeting Tier 4 standards is not commercially available. Reducing the number and/or horsepower rating of construction equipment has already been considered in the Draft EIR. The analysis presented in the Draft EIR reflects the number and horsepower rating of construction equipment necessary to perform specific tasks in a proficient and safe manner. Limiting the number of daily construction haul truck trips was also considered in the analysis presented in the Draft EIR. However, to reduce significant regional NO<sub>x</sub> impacts during the excavation/export phase to less than significant would require the number of haul trucks to be reduced by 44 percent and would substantially increase the duration of these activities to the point of being infeasible and too costly.

This revised mitigation measure effectively addresses SCAQMD's concern in reducing to the extent feasible pollutant emissions from on-site heavy-duty construction equipment through the use of equipment meeting Tier 4 standards.

As discussed further in Section II, Corrections and Addition, of this Final EIR, the design of the Museum Building changed subsequent to the release of the Draft EIR. The Museum Building proposed in the Original Project was redesigned and changes include: (1) an overall square footage reduction from approximately 387,500 gross square feet to approximately 347,500 gross square feet; (2) a shift of the portion of the Museum Building crossing Wilshire Boulevard approximately 30 feet to the east; (3) a change in the geometry of the Pavilions to the Museum Building from polygonal to rectilinear forms and an alternation to the curvilinear geometry on the main exhibition level above; (4) the removal of the Chapel Galleries, with a resulting height that was shortened from a maximum of 85 feet to a maximum of 60 feet; and 5) a shift of the location of the Pavilions on LACMA East and use of more glazing in the design of the Pavilions. These changes to the Project and shortened construction duration required the air quality construction analysis to be updated. Refer to Section II, Corrections and Additions to the Draft EIR, of this Final EIR. The updated analysis shows that implementation of the revised Mitigation Measure B-1 would result in an approximate 50 percent reduction in total peak-daily regional NO<sub>x</sub> construction emissions and over a 90 percent reduction in on-site heavy-duty construction equipment NO<sub>x</sub> emissions in comparison to impacts without any mitigation. Nonetheless, peak daily regional emissions during proposed construction activities as a result of the shortened construction duration would result in approximately 161 pounds per day of NO<sub>x</sub> and similar to peak daily construction emissions under the Original Project (162

pounds per day of NO<sub>x</sub>). The duration of short-term impacts would be similar to the Original Project and would result in regional NO<sub>x</sub> impacts during approximately nine months of demolition and grading activities of the Museum Building. However, impacts under the Original Project for construction of the Ogden Parking Structure (one month of grading) would be reduced to less than significant with implementation of revised Mitigation Measure B-1 and additional Mitigation Measure B-6. Use of the more stringent mitigation measure does not change the determination in Section IV.B, Air Quality of the Draft EIR that the Project's regional construction impacts would be significant and unavoidable even with incorporation of mitigation measures.

#### **Comment No. 4-8**

##### **Additional Recommended Mitigation Measure to Further Reduce Construction Emissions**

3. **Mitigation Measure B-6:** Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if the Lead Agency determines that 2010 model year or newer diesel haul trucks cannot be obtained, the Lead Agency shall use trucks that meet EPA 2007 model year NO<sub>x</sub> emissions requirements, at a minimum.

#### **Response to Comment No. 4-8**

Use of diesel trucks meeting 2007 or 2010 model year engine standards (2007 or 2010 trucks) or alternatively fueled trucks could potentially be an effective measure to reduce air pollution for facilities that have dedicated truck fleets (e.g., distribution facilities, such as those operated by Federal Express). The CARB EMFAC2017 model indicates that trucks meeting 2010 engine standards are available in approximately 50 percent of the population. However, certain phases of Project construction such as soil export activities would require approximately 310 truck trips per day, and, in addition, soil export activities typically rely on a mix of small independent contractors and a few companies with larger fleets. Although the SCAQMD-suggested measure may be infeasible, in consideration of the SCAQMD recommendation, the following mitigation measure is included in this Final EIR.

**Mitigation Measure B-6:** During construction, the Project shall give preference to contractors for soil import/export that have haul trucks meeting EPA Model Year 2007/2010 NO<sub>x</sub> emissions levels when such trucks are reasonably available.

**Comment Letter No. 5**

Michael Y. Takeshita  
Acting Chief, Forestry Division Prevention Services Bureau  
County of Los Angeles Fire Department  
1320 N. Eastern Ave.  
Los Angeles, CA 90063-3294

**Comment No. 5-1****PLANNING DIVISION:**

The subject property is entirely within the City of Los Angeles, which is not a part of the emergency response area of the Los Angeles County Fire Department (also known as the Consolidated Fire Protection District of Los Angeles County). Therefore, this project does not appear to have any impact on the emergency responsibilities of this department.

Any questions regarding the information provided above may be directed to the Planning Division at (323) 881-2404.

**Response to Comment No. 5-1**

This comment accurately describes the location of the Project Site as not within a part of the emergency response area of the Los Angeles County Fire Department.

**Comment No. 5-2****LAND DEVELOPMENT UNIT:**

The Fire Prevention Division, Land Development Unit, has no additional comments regarding the Draft EIR for this project.

Should any questions arise regarding the above comment, please contact Juan Padilla of the Land Development Unit at (323) 890-4243 or [Juan.Padilla@fire.lacounty.gov](mailto:Juan.Padilla@fire.lacounty.gov).

**Response to Comment No. 5-2**

This comment stating that the commenter has no additional comments regarding the Draft EIR and provides the contact information for Los Angeles County Fire Department, Land Development Unit is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 5-3****FORESTRY DIVISION—OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

**Response to Comment No. 5-3**

This comment summarizes the responsibilities of the County of Los Angeles Fire Department's Forestry Division. This comment stating that the Forestry Division has no additional comments regarding the Draft EIR is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 5-4****HEALTH HAZARDOUS MATERIALS DIVISION:**

The Health Hazardous Materials Division (HHMD) of the Los Angeles County Fire Department is the Certified Unified Program Agency (CUPA) that issues permits to inspect commercial/industrial businesses that handle hazardous materials and/or generate hazardous waste. There are no CUPA permits issued for environmental site assessment or remediation oversight services. It is the HHMD Site Mitigation Unit (SMU) that oversees the assessment and cleanup of contaminated sites on a voluntary (cost recovery) basis after a property owner and/or responsible party (RP) has entered into a "Remedial Action Agreement" with SMU. The RP also has the option to pursue voluntary environmental oversight with the Cal-EPA Department of Toxic Substances Control or the Los Angeles Regional Water Quality Control Board. SMU oversight is typically not applicable for sites under current oversight by the Cal-EPA or other agencies.

If you have any questions regarding SMU voluntary environmental oversight, please email [perla.garcia@fire.lacounty.gov](mailto:perla.garcia@fire.lacounty.gov). Please reference #FFER201700130 in your email.

If you have any additional questions, please contact this office at (323) 890-4330.



**Response to Comment No. 5-4**

This comment summarizes the responsibilities of the County of Los Angeles Fire Department's Health Hazardous Materials Division. As discussed in Section IV.F, Hazards and Hazardous Materials of the Draft EIR, activities involving the handling and disposal of hazardous wastes would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. Therefore, with compliance with relevant regulations and requirements, operational activities would not expose people, including schools within a quarter mile radius of the Project Site, to a substantial risk resulting from hazardous waste, handling, and disposal. Thus, impacts during operation of the Project would be less than significant, and no mitigation measures are required.

**Comment Letter No. 6**

Ali Poosti  
Division Manager  
Wastewater Engineering Services Division  
Bureau of Sanitation  
2714 Media Center Dr.  
Los Angeles CA 90065-1733

**Comment No. 6-1**

This is in response to your October 26, 2017 Notice of Completion and Availability of a Draft Environmental Impact Report for the proposed mixed- use [sic] project located at 5905 Wilshire Boulevard, Los Angeles, California 90036. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification.

Upon review of the most recent submission, it has been determined that no additional hydraulic analysis is necessary due to no changes in either the project description or the scope that affects the wastewater conveyance system. As such, the previous response dated August 29, 2016 is still valid. Please notify our office in the instance that additional environmental review is necessary for this project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at [chris.demonbrun@lacity.org](mailto:chris.demonbrun@lacity.org)

**Response to Comment No. 6-1**

This comment stating that no additional hydraulic analysis is necessary and that the previous response dated August 29, 2016, remains valid is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. In consultation with LA Sanitation, Section IV.N, Utilities and Service Systems—Wastewater, of the Draft EIR, determined that adequate wastewater infrastructure capacity would be available to serve the Project and impacts would be less than significant. While modifications to the Museum Building occurred subsequent to the release of the Draft EIR, they do not affect the operational activities of the Project and would not increase water demand or wastewater generation as analyzed in the Draft EIR.

**Comment Letter No. 7**

James O'Sullivan  
Fix The City  
907 Masselin Ave.  
Los Angeles, CA 90036-4719

**Comment No. 7-1**

Please confirm receipt of this comment letter on the new LACMA Museum. I would appreciate someone from the Council office confirming also.

The community's concerns for this project are the same as they are for any large project seeking approvals within the Wilshire Community Plan, the Wilshire Scenic Corridor and the CDO. The EIR provides no substantial evidence of exemption from the General Plan of the City of Los Angeles. Fix the City's (FTC) concerns are noise, traffic, parking, infrastructure, and public services and substantial non-compliance with the General Plan Framework, Community Plan and CDO.

**Response to Comment No. 7-1**

This introductory comment summarizing FTC concerns is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 7-2**

Also of concern is that due process take place—that the people have a voice in a process that will have a huge impact on their neighborhood. Ordinance 159,748 and/or Ordinance 173,268:

“Planning Commission may approve a use permitted by the zoning of the lot if it finds that the proposed use at the proposed location will be proper in relation to adjacent uses, desirable to the public convenience or welfare and that the use and location will be consistent with the objectives of the various elements of the General Plan. In making a determination of consistency, the City Planning Commission shall consider whether the density, intensity, (*i.e.*, floor area), height and use of the proposed development are permitted by and compatible with the designated use, density, intensity, height (or range of uses, densities, intensities or heights) set forth for adjacent and surrounding

properties on the land use map of the applicable community or district plan and as those designations are further explained by any footnotes on the map and the text of the plan.”

The legal status of Museum Associates is as a developer/builder. No substantial evidence has been provided to prove that Museum Associates is exempt from the City General Plan because County funds support the project. The City Planning Commission may approve a use permitted by the zoning of the lot if it finds that the proposed use at the proposed location will be proper in relation to adjacent uses, desirable to the public convenience or welfare and that the use and location will be consistent with the objectives of the various elements of the General Plan. In making a determination of consistency, the City Planning Commission shall consider whether the density, intensity, (i.e., floor area), height and use of the proposed development are permitted by and compatible with the designated use, density, intensity, height (or range of uses, densities, intensities or heights) set forth for adjacent and surrounding properties on the land use map of the applicable community or district plan and as those designations are further explained by any footnotes on the map and the text of the plan.

The Spaulding site includes R-zoned property which would require a zone change and General Plan Amendment. This would be inconsistent under Ordinance 159,748 and/or Ordinance 173,268.

However, at this point due process appears to be in severe jeopardy with the announcement by the County of Los Angeles (as the lead agency for the EIR) that the Los Angeles Municipal Code, the Los Angeles Framework Element, the Wilshire Community Plan and the Miracle Mile Community Design Overlay (CDO) will not be the standards that apply to the development of the new Museum. Further, the DEIR states that the Los Angeles County General Plan has no jurisdiction over the project because it is only for the unincorporated parts of LA County.

This means that a project that has the ability to forever change the face of the Miracle Mile will not fall under the same City rules and regulations that defined the Miracle Mile throughout the years.

However the County has supplied no substantive evidence demonstrating that the project is exempt from Los Angeles City regulations as reflected by the following statement on page 11-13 (DESCRIPTION) in the DEIR: *Museum Associates manages, operates and maintains the LACMA buildings under authority from the County. As such, development of the Museum Building within LACMA East and the Spaulding Lot is not subject to the City of Los Angeles zoning or building regulations (although City zoning information for these properties is provided below for informational purposes).*

We believe that all sites associated with this project fall under the jurisdiction of the City of Los Angeles, a Charter City. We believe this project must comply with the Framework Element and all other elements of the Los Angeles General plan, including the Wilshire Community Plan which represents the LAND USE component of the general plan in this area. The Wilshire Community Plan contains multiple policies that this project must be compatible with as well as with the Framework Element. Within the Wilshire Community plan is the Miracle Mile Community Design Overlay District (CDO) which this project must comply with.

### **Response to Comment No. 7-2**

Long-standing California case law and Government Code Sections 53090 through 53095 provide that cities and counties are mutually exempt from each other's building and zoning codes. That exemption also applies to property that the County is leasing or property that the County leases to third-parties as long as the property is used for activities that further a governmental purpose.

A 1962 opinion by the California Attorney General (40 Ops Cal Atty Gen 243) explains the basic legal principle of intergovernmental immunity and concludes that county-owned property situated in a city is exempt from the zoning and building ordinances of the city, whether the property is used for governmental or proprietary purposes. The County's exemption from the City's Zoning Code also applies to the City's General Plan. (*Lawler v. City of Redding* (1992) 7 Cal.App.4th 778, 784.) In 1963, the California Court of Appeal specifically applied intergovernmental immunity to the City of Los Angeles where the Court held that the County of Los Angeles was not bound to comply with the City's zoning and building codes on property the County owns or leases. (*County of Los Angeles v. Los Angeles* (1963) 212 Cal. App. 2d 160; see also *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240.)

In 1974, the California Attorney General recognized that the intergovernmental immunity also applies to a third-party lessee, contractor or operator of County property if the use of the property is in the public interest. (57 Ops Cal Atty Gen 124 ("the immunity of a county's... activities from a city's building and zoning ordinances... will extend to the activities of a private developer lessee using the county land for the operation of a commercial enterprise, where the purpose of the lessee is to implement the public purposes and uses for which the property was granted to the county.") That reasoning was followed by the California Court of Appeal in *Board of Trustees v. City of Los Angeles* (1975) 49 Cal.App.3d 45, 49–50. (See also, 68 Ops Cal Atty Gen 114.)

Here, not only is Hancock Park and the section of Wilshire Boulevard owned by the County in fee title, but the new Museum Building itself will be owned by the County. The

County will approve a ground lease or other comparable agreement between the County and Museum Associates for the Spaulding Lot for the south portion of the new building. Moreover, Museum Associates, the non-profit applicant and operator of the County-owned buildings, is specifically designated in the County Code at Section 2.92.020 to regulate and control the County Department of Museum of Art and to manage all matters connected with the Los Angeles County Museum of Art. Thus, Museum Associates currently operates LACMA and the relevant County property, and will continue to operate the new Museum Building, in furtherance of the County's governmental purpose.

The application of intergovernmental immunity is not unique to this Project. As explained above, the City has reciprocal exemption from the County building and zoning codes in unincorporated areas of the County, as does virtually any use of property by the state or federal government no matter where it is located (e.g., West Los Angeles Veterans Affairs (VA) Campus). The County of Los Angeles often applies the exemption to parks, sheriff stations and cultural institutions (e.g., Virginia Robinson Park, Ford Amphitheater, etc.). Similarly, the Los Angeles Unified School District and the Los Angeles Community College District typically utilize an exemption from the City zoning requirements.

More importantly, the Draft EIR does not rely on the zoning exemption for its impact analysis, despite the intergovernmental immunity. Instead, the Draft EIR evaluates the Project's general consistency with the relevant objectives and policies of the City of Los Angeles General Plan Framework Element (see Table IV.A-2 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Table IV.H-2 in Section IV.H, Land Use, of the Draft EIR), relevant goals, objectives and policies of the Wilshire Community Plan (see Table IV.H-3 of the Draft EIR), and the goals of the Miracle Mile Community Design Overlay District (see Tables IV.A-4 and IV.H-4 of the Draft EIR) to conclude that the Museum Building and the Ogden Parking Structure will not result in significant impacts related to land use consistency and compatibility. In addition, as discussed on page IV.H-85 of Section IV.H, Land Use, of the Draft EIR, while the southernmost portion of the Spaulding Lot is zoned R3-1, the pavilion for the Museum Building would be located north of this area, and the featured landscaping and open space would provide an appropriate transition to the residential uses on the properties to the south of the Spaulding Lot.

When evaluating a project's consistency with the general plan, state law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. Instead, a finding of consistency requires only that the proposed project be "*compatible* with the objectives, policies, general land uses, and programs specified in" the applicable plan. (Government Code § 66473.5) The courts have interpreted this provision as requiring that a project be "in agreement or harmony with" the terms of the applicable plan, not in rigid conformity

with every detail thereof. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 718.)

### **Comment No. 7-3**

Further, we would like to bring your attention to details noted in the approval of the proposed east campus replacement building project financing concept and funding for preliminary design and planning activities, approved by the Board of Supervisors on November 5, 2014. As noted in that document (EXHIBIT A), the lease/leaseback component that much of this EIR is premised upon is not operational at this time and would only be proposed to the Board of Supervisors following the Certification of the EIR.

“Pursuant to a proposed lease-leaseback agreement with the County, which would be recommended to the Board following certification of an Environmental Impact Report (EIR) for the proposed Project, Museum Associates would lease the east campus site from the County and contract directly for the further design and for construction of the proposed building and other proposed improvements. The completed improvements would be leased back to the County for the term of the underlying financing bonds. Upon full redemption of the bonds, title to the East Campus Replacement Building would revert to the County.”

Also that document concludes that the “actions contemplated herein only approve the recommended pre-implementation feasibility and planning activities. Any future recommendations on proposed development at the site remain subject to the board’s sole discretion to disapprove or modify the proposed project and to consider feasible project mitigation and alternatives. Nothing precludes the county from denying any future development project proposed at the site or from weighing the benefits of the proposed project against any unavoidable environmental risks when determining in the future whether to approve a project at the site. We will return to the board for consideration of appropriate environmental findings and to recommend certification of an EIR if and when approval of activity, which constitutes a project under CEQA and/or other environmental laws is recommended.”

As such, the lease/leaseback provisions will not happen until the EIR is approved.

This course of action is extremely provocative and needlessly inserts controversy where none should exist. It proclaims that the land the new Museum will sit upon is sovereign and does not have to follow either County or City rules.

This contemplated process removes the motivation and ability of people of good will who may disagree with aspects of the project to come together to find common ground. It says

that the rules do not matter, the people do not matter. We are already hearing people say that it's useless to comment because the County wants the museum and wealthy donors are lining up to make it happen. That the City appears to have abdicated its responsibility under its Charter, so why bother to express their concerns?

**If this was the intent of the County and Museum Associates then the course of action is clear for all concerned. If it is not then this DEIR must be recirculated with the City of Los Angeles as the lead Agency.**

**There must also be a clear statement from the County that the project must comply with the LAMC, Framework Element, Wilshire Community plan and Miracle Mile CDO.**

We believe it is always important to comment on each project in the Miracle Mile and will do so while believing it should be recirculated with the City of LA as the lead agency.

### **Response to Comment No. 7-3**

As with all Environmental Impact Reports, the analysis evaluates the impacts of a proposed project, including a number of agency actions that would be approved only after the Final EIR is certified. The Project cannot be approved until the County Board of Supervisors has certified the Final EIR. Refer to Response to Comment No. 7-2, above. Much of the land for the Project is currently owned by the County of Los Angeles, as are the current buildings that will be demolished. The Project, if approved, will include the new Museum Building, which will be owned by the County, and a ground lease or other comparable agreement between the County and Museum Associates would be approved so that the new County building can utilize the Spaulding Lot. It is well-settled in California law that the City and the County are mutually exempt from each other's building and zoning codes. That exemption also applies to property that the County is leasing or property that the County leases to third-parties as long as the property is used for activities that further a governmental purpose. Nevertheless, the EIR analyzes potentially significant impacts from the Project compared with the current baseline, including among other things, an evaluation of the Project's consistency and compatibility with the City's General Plan.

### **Comment No. 7-4**

#### **FOUR (4) NEW MUSEUM PARTS:**

#### **NORTH OF WILSHIRE BOULEVARD**

5801–5905 Wilshire (APN) 5508016901 had its zone changed in 1996 to PF-1-D as a result of CPC 95-0148 GPC. As such, we believe it clearly falls under LAMC SEC. 12.04.09. "PF" PUBLIC FACILITIES ZONE.



The PF zone was a City of Los Angeles Planning Commission initiated change in order to approve General Plan / Zoning Consistency Program Plan amends & zone changes (Public Utilities, Open Space II & Clean Up)—Central City North, Hollywood, Silver Lake—Echo Park & Wilshire (Metro Cities).

The results can be found in Council File: 95-1904-S2 (EXHIBIT B) and ORDINANCE 171043 (EXHIBIT C). Prior to that time this property went through another change of zoning as part of AB 283. So this parcel is steeped in the City of Los Angeles zoning history.

Also the DEIR states that the County of Los Angeles Department of Public Works, Building and Safety Division will be the go-to department for this parcel. That is strange given that a check of the LA County Building and Safety website shows that the jurisdiction for this parcel is the City of Los Angeles (EXHIBIT D). Also the City of Los Angeles Department of Building and Safety (LADBS) has been the agency providing permit approval and clearance for many years regarding this parcel (EXHIBIT E).

#### **Response to Comment No. 7-4**

The Commenter is correct that LACMA East (i.e., Hancock Park) north of Wilshire Boulevard and east of the vacated Ogden Drive is zoned PF-1D by the City of Los Angeles since it is within the incorporated boundaries of the City (see p. IV.I-12 in Section IV.I, Noise, of the Draft EIR). Nevertheless, the property is owned by the County of Los Angeles, and California state law provides that cities and counties are mutually exempt from each other's building and zoning codes. (Refer to Response to Comment No. 7-2.) In addition, the proposed Museum Building will be owned by the County and located on property that is either owned or leased by the County. Accordingly, the County's Department of Public Works, Building and Safety Division, would issue the building permits for the proposed Museum Building. The Museum Building will comply with all County Building Code regulations.

The street address 5905 Wilshire Boulevard is the primary mailing address for the entire LACMA campus, including the other parcels within the broader campus. Most of the building permits in the Commenter's Exhibit E relate to the Broad Contemporary Art Museum (BCAM) and Resnick Pavilion buildings, which are located on LACMA West within the separate APN 5508017009. LACMA West is zoned by the City as C2-2-CDO-SN. The land and buildings on LACMA West are owned by the non-profit Museum Associates, not the County. Consequentially, work proposed on LACMA West was subject to review and approval by the City, not the County.

**Comment No. 7-5****BRIDGE OVER WILSHIRE**

That part of the new Museum bridging Wilshire needing entitlements and approvals.

The Wilshire Community Plan states that Wilshire Boulevard between La Brea and Fairfax is one of four Scenic Highway's described in the Wilshire Community plan. The Plan Area includes four Designated Scenic Highways:

- 1.) Highland Avenue, north-south from Rosewood Avenue to Wilshire Boulevard
- 2.) Wilshire Boulevard, east-west from La Brea Avenue to Fairfax Avenue
- 3.) Burton Way, east-west from La Cienega Boulevard to Oakhurst Drive (City of Los Angeles boundary)
- 4.) San Vicente Boulevard, southeast-northwest from Pico Boulevard to La Cienega Boulevard.

Designated Scenic Highways merit special controls and/or visual enhancement programs in order to protect scenic resources. The land contiguous to a scenic highway is known as a Scenic Corridor. It is appropriate that protective land use controls be established for these corridors, particularly with respect to signage and billboards.

While this section of Wilshire Blvd does not have a "corridor plan" like other scenic highways, we have the Miracle Mile CDO (EXHIBIT G), which discusses the historic context of Wilshire Boulevard and took great pains to address it in various ways. The CDO Community Advisory Committee was careful not only to address building standards for the corridor but the relationship of buildings to Wilshire Boulevard.

LACMA was an integral part of that process and had a member on the Committee. It is unfortunate that they have either forgotten the stellar work they contributed to the process or for the sake of expediency have chosen to ignore it.

The staff report for the CDO stated the following:

*The proposed ordinance would protect the community from potentially irreversible adverse impacts to commercial areas and the surrounding residential communities that have been the cause of numerous problems. For example, the elimination of primary entrances and windows along Wilshire Boulevard has led to a proliferation of graffiti in the Miracle Mile since few people pass by to discourage this type of activity and owners are unable to see*

*what is happening just outside their buildings. The proposed [Q] conditions were written in concert with the Miracle Mile CDO Citizen Advisory Committee, which was formed specifically to develop design guidelines and standards for the Miracle Mile CDO. This advisory committee is comprised of residents, business and property owners, who were charged with making Wilshire Boulevard a more pleasant and attractive street.*

*These restrictions are also necessary to ensure the effectiveness of the proposed Miracle Mile CDO, which is intended to address urban design, land use compatibility, and quality of life issues. Based upon the above findings, the establishment of the proposed Miracle Mile Community Design Overlay District (CDO) boundaries, design guidelines and standards, and the adoption of the proposed zone changes with permanent [Q] conditions, are deemed consistent with public necessity, convenience, general welfare, and good zoning practice.*

The Bridge across Wilshire is not consistent with the Miracle Mile CDO and should be replaced with either Alternative 2 or 4. If Alternative 2, then the building on Spaulding should contain office space and affordable/work force units.

We would also like to mention that it appears that the “bridge building” would require the removal of mature palm trees from the median. This would be an unnecessary loss for the community and neither Alternative 2 or 4 would require this loss.

### **Response to Comment No. 7-5**

The Draft EIR evaluates potential impacts of the Project on this portion of Wilshire Boulevard as a scenic highway in Table IV.A-4 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading (see, e.g., pp. IV.A.10–11, IV.A.-25, IV.A.-27, IV.A.-60, IV.A.-61, and IV.A.-91), and in Section IV.H, Land Use (see, e.g., pp. IV.H-67 and IV.H-74), of the Draft EIR. Appendix B to the City’s Mobility Plan 2035 includes an Inventory of Designated Scenic Highways that identifies corresponding scenic features and resources associated with each particular stretch of highway. The portion of Wilshire Boulevard from Sycamore Avenue to Fairfax Avenue is distinguished for the Miracle Mile and the landscaped medians. Notably, the inventory does not identify specific types of landscape, such as palm trees, as a scenic resource for this portion of highway as it does for others (e.g., Highland Avenue). Instead, it focuses more broadly on the concept of a landscaped median, which will be retained. It also does not identify the Miracle Mile CDO by Ordinance number, as it does for other designated scenic highways (e.g., Wilshire Boulevard from the Beverly Hills boundary to Malcolm Avenue). Nevertheless, as shown in Table IV.A-4 of the Draft EIR, the Project is substantially consistent with the Miracle Mile CDO.

The Project would retain the median, which will be designed to continue the landscaping theme established by Metro and the Miracle Mile community, and the plant palette would be determined in collaboration with the Miracle Mile Civic Coalition (see pp. IV.A-60 and IV.A-91). In addition, the plant palette would be reviewed and approved by the City of Los Angeles.

The Project also conforms with relevant guidelines for Scenic Highways and Scenic Corridors outlined in Appendix B of the City's Mobility Plan 2035. These guidelines address roadway design, earthwork/grading, planting/landscape, signs/outdoor advertising, and utilities for designated Scenic Highways and Scenic Corridors that lack Scenic Corridor Plans (such as the portion of Wilshire Boulevard between Sycamore Avenue and Fairfax Avenue). To ensure conformance, the Project complies with the relevant guidelines for Scenic Highways and Scenic Corridors, as shown in Table IV.A-2a, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

As noted in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the Applicant has proposed several modifications to the Project as described in the Draft EIR, which are primarily related to the design of the Museum Building. Modifications include a shift of the portion of the Museum Building crossing Wilshire Boulevard approximately 30 feet to the east. Analysis of the impacts to aesthetics, views, light/glare and shading under this Modified Project is provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR. As analyzed therein, aesthetics, views, light/glare and shading impacts under Modified Project would be less than significant and similar to the less-than-significant impacts of the Original Project. No new impacts would occur.

### **Comment No. 7-6**

#### **SPAULDING LOT**

The northern portion of the Spaulding Lot is zoned [Q]C4-2-CDO (Qualified Condition, Commercial, Height District 2, Community Design Overlay), and the smaller southern edge of the Spaulding Lot is zoned R3-1 (Multiple Dwelling zone, Height District 1) under the LAMC. The entire lot is clearly under the jurisdiction of the City of Los Angeles and must comply with (EXHIBIT F) the Wilshire Community Plan and the Miracle Mile CDO (EXHIBIT G).

Also see Ordinance 176,332 (EXHIBIT H), which describes the conditions associated with the permanent [Q] condition on the Spaulding lot. Of particular interest would be Site Planning and Architecture. This is in addition to the other requirements of the CDO.

Additionally, there is no mention that the CDO is a supplemental use district that must comply with LAMC Section 13.08.

While the DEIR makes the claim that the Spaulding lot is not subject to the Framework Element, Wilshire Community Plan and Miracle Mile CDO we disagree and reserve our right to challenge this assertion.

There is also the question of how the parcels (C4-2 and R3-1) will be combined. One map in the DEIR shows the entire lot depicted as Regional Center Commercial. It would seem in order to do that a general plan amendment would be required.

### **Response to Comment No. 7-6**

Refer to Response to Comment No. 7-2, above. California law provides that County property situated in a city is exempt from the zoning and building ordinances of the city, including the city's general plan, whether the property is owned or leased by the County. Under the Project, the new Museum Building would be owned by the County, as are the current buildings proposed for demolition. The southern portion of the Museum Building would be located on the Spaulding Lot, which would be leased to the County by the non-profit Museum Associates. Although the Museum Building would be exempt from City zoning and building codes, the Draft EIR nevertheless evaluated the Project's consistency with the City's zoning classifications and General Plan designations and the relevant objectives and policies of the City of Los Angeles General Plan Framework Element (see Table IV.A-2 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Table IV.H-2 in Section IV.H, Land Use, of the Draft EIR), relevant goals, objectives and policies of the Wilshire Community Plan (see Table IV.H-3 in Section IV.H, Land Use), and the goals of the Miracle Mile CDO (see Table IV.A-4 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Table IV.H-4 in Section IV.H, Land Use) to conclude that the Museum Building will not result in significant impacts related to land use consistency and compatibility. The Additions and Corrections Section of this EIR includes a consistency analysis with the [Q] conditions for the Spaulding Lot, which also concludes the Museum Building is generally consistent. The portion of the Project on the Spaulding Lot would not require a general plan amendment in any event because all of the parcels are currently designated as Regional Center Commercial under the City's General Plan. (See <http://planning.lacity.org/complan/central/PDF/wilplanmap.pdf>.)

**Comment No. 7-7****OGDEN LOT**

It has been acknowledged that the Ogden lot falls under the Framework Element, Wilshire Community Plan and Miracle Mile CDO. That means it also must comply with LAMC Section 13.08.

The DEIR states that the Ogden Parking structure would be consistent with Goal 15 from the Wilshire Community plan.

**Response to Comment No. 7-7**

LAMC Section 13.08 includes the rules to establish a CDO. It also includes the procedures for a project to demonstrate substantial compliance with a CDO through a Design Overlay Plan. It does not contain the CDO goals, design principals, guidelines, or standards. Design guidelines and standards for the Miracle Mile CDO were established through Ordinance No. 176,331, effective January 16, 2005. As shown in Table IV.A-4 of the Draft EIR, the Project is substantially consistent with these CDO guidelines and standards.

Goal 15 of the Wilshire Community Plan states the aim to “provide a sufficient supply of well-designed and convenient off-street parking lots and facilities throughout the plan area.” The Ogden Parking Structure would provide 260 parking spaces, replacing the 260 parking spaces currently provided on the Spaulding Lot. Please refer to Response to Comment No. 7-8, below, regarding the detailed parking demand analysis that was provided in the Draft EIR, which concluded that the parking supply is sufficient to accommodate the demand for the combined uses of the LACMA Campus. With the opening of the Metro Purple Line station at Wilshire/Fairfax anticipated to coincide with the opening of this new museum facility, it is expected that a significantly lower portion of museum visitors would arrive by private automobile, and, thus, parking demand would decrease.

**Comment No. 7-8**

This parking structure is simply a replacement for the Spaulding lot and does nothing to provide for parking that will be necessary for a successful Museum. No code parking has been identified to replace Historical Parking for the Museum. See photo (EXHIBIT I) and minutes from 4/11/61 to provide parking and other site requirements (EXHIBIT J). These minutes are only one example of required parking mentioned in minutes throughout the years.

**Response to Comment No. 7-8**

As detailed in Appendix M, of the Draft EIR, like the existing County buildings that would be demolished under the Project, the proposed Museum Building would be a County-owned building located on land that is either owned by the County or leased by the County from Museum Associates (in the case of Spaulding Lot). As such, under State law, the Museum Building is not subject to the City's General Plan, zoning regulations, or building codes, including parking requirements. (Refer to Response to Comment No. 7-2.)

Parking for the LACMA Campus is currently provided within the Pritzker Garage and the Spaulding Lot. As described on page II-25 in Section II, Project Description, of this Draft EIR, no additional parking beyond the current parking supply would be provided as part of the Project, as the parking spaces in the Ogden Parking Structure would be a replacement for the 260 spaces that are currently provided in the Spaulding Lot.

These 260 replacement parking spaces in the Ogden Parking Structure would include the parking covenants for the Code-required parking for the uses on LACMA West. The Ogden Parking Structure is located within 750 feet of the LACMA West parcel, and would therefore meet the requirements of Section 12.21.A.4(f) of the Code. Moreover, because the Project does not alter or expand the uses of the structures of LACMA West, there would be no change to the Code-required parking for LACMA West. Accordingly, the parking supply under the Project would continue to meet the existing Code parking requirement for the LACMA Campus based on the Code.

Nevertheless, in order to support the analysis in the Draft EIR, an analysis was conducted to evaluate the parking demand and available parking supply for the combined uses on the LACMA Campus, including the proposed Museum Building. As detailed in Appendix M.6, Parking Memorandum, of the Draft EIR, the combined parking demand of LACMA operations with the Project and the Academy Museum could be accommodated within the available on-site parking supply provided in the Pritzker Garage and Ogden Parking Structure, which would replace the 260 spaces that are currently provided in the Spaulding Lot. The Project's Parking and Traffic Management Plan would include a selection of parking strategies intended to effectively manage and direct parking demand during peak attendance for the Project as required by Project Design Feature K-1 and would be enforced through the Mitigation Monitoring and Reporting Program. Such parking management measures shall include use of attendant parking during peak times to accommodate stacked parking within the parking facilities, parking validation programs, employee parking programs, updated parking technological measures, off-site parking arrangements, among others. Based on the parking demand analysis provided in Appendix M.6, with the implementation of the Parking and Traffic Management Plan, the parking demands of the LACMA Campus could be met throughout the day for both

weekday and weekend conditions. Furthermore, the number of visitors arriving via transit will increase once the station portal for the future Metro Purple Line Wilshire/Fairfax Station is open and operational. Thus, the parking demand would be further reduced for the combined uses on the LACMA Campus.

### **Comment No. 7-9**

While there are no sketches that I can find in the DEIR of the Ogden Parking structure it does not seem to comply with the CDO. Please see below from the CDO:

#### *B. Parking Structures*

*Guideline 2: Integrate a parking structure into the overall design of a development through compatible materials, color and architectural defining features.*

*Standard 2a: Parking should be located underground where possible.*

*Standard 2b: Parking structures should be compatible with the main building through a consistency in building material, color and design.*

#### *B. Building Continuity*

*Guideline 2: Maintain building openings that enhance building design and continuity, as well as the pedestrian experience.*

*Standard 2: Buildings should generally be designed to maintain a continuous street wall along the length of a block except to accommodate building articulation pursuant to Guideline 1.*

### **Response to Comment No. 7-9**

As described in Table IV.A-4 on page IV.A-106, the Ogden Parking Structure would be located on a separate lot from the Museum Building, and accordingly has been designed to be compatible with the multi-family residential uses that are located adjacent to the parking structure on the south and east. The articulation of its street facing façade, exterior finish materials, landscaping, and massing would be compatible with the surrounding uses. Color renderings of the Ogden Parking Structure can be found in Figure IV.A-14 on page IV.A-56 of Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR.

The parking structure would locate some of the parking underground. Two below grade parking levels were excavated by a previous property owner for a previously approved development at this location. Additional underground parking levels are not proposed in part due to the high ground water, the presence of tar in the soil, and the potential disturbance of paleontological finds. The proposed structure would offer a dedicated pedestrian entrance, and would include a required 5-foot-wide landscape buffer



setback from the sidewalk with the required fifteen-gallon tree for every lineal foot of parking frontage. These façade elements and design features would help to maintain a continuous street wall along Ogden Drive. The street wall along Ogden Drive would be primarily comprised of façade screens that include vertical articulation. It should be noted that, as this lot currently sits vacant, it is not contributing to building continuity, the pedestrian experience, or the maintenance of a street wall. It is also noted that existing [Q] Conditions established through Ordinance No. 177,483 (effective May 5, 2002) specifically identify parking as a permitted use on the Ogden Lot.

### **Comment No. 7-10**

Additional questions and comments:

- Please analyze the impacts of the project on the Wilshire Scenic Highway and disclose that the project is inconsistent with provisions of the Scenic Highway.

### **Response to Comment No. 7-10**

Analysis of the Project's potential impacts on the Wilshire Boulevard Scenic Highway is provided in Section IV.A, Aesthetics, Views, Light/Glare, and Shading of the Draft EIR. As discussed therein, the Project would support the policy related to scenic highways and associated relevant scenic highways design guidelines included in Appendix B of Mobility Plan 2035, specifically, those relevant to the landscaped median and the location within the Miracle Mile. Appendix B, Inventory of Designated Scenic Highways and Guidelines, of Mobility Plan 2035 includes guidelines for scenic highways in the City that address roadway design, earthwork and grading, planting and landscaping, signs and outdoor advertising, and utilities within scenic highways. The design guidelines that address roadway design, earthwork, and grading design would not be applicable to the Project since the Project would not be modifying Wilshire Boulevard and no earthwork along Wilshire Boulevard is proposed. The Project would retain the landscaped median along Wilshire Boulevard, which is the primary feature that contributes to the scenic value of this portion of Wilshire Boulevard. This median has undergone many alterations over time with modifications to its landscape scheme. The Project would replace any impacted landscaping within the median with compatible new landscaping, in accordance with the planting and landscaping design guidelines included in Appendix B of Mobility Plan 2035. Landscaping would include various materials, including groundcover materials, grasses, and trees, and would be designed to continue the landscaping theme established by Metro and the Miracle Mile community, with species modifications to reflect the overall landscape of the Project Site. In addition, the plant palette would be determined in collaboration with the City and Miracle Mile Civic Coalition to ensure it meets and maintains the identity of the neighborhood while trying to introduce more drought tolerant and native species. Thus, the

scenic nature of Wilshire Boulevard, which is a City-designated Scenic Highway, would be maintained and enhanced.

**Comment No. 7-11**

- Please analyze under Section IX Land Use of CEQA Appendix G, the impacts of the proposed project on policies and plans adopted to protect the adjacent community, including but not limited to the Scenic Corridor and the CDO.
- Please analyze significant land use conflicts using the City's CEQA Threshold Guide.

**Response to Comment No. 7-11**

As set forth on pages IV.H-24 and IV.H-25 of Section IV.H, Land Use, of the Draft EIR, potential land use impacts have been evaluated using the L.A. CEQA Thresholds Guide. As discussed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Section IV.H, Land Use, of the Draft EIR, the Project substantially conforms with policies and plans adopted to protect the adjacent community, including the Scenic Highway and Scenic Corridor along Wilshire Boulevard and the CDO. Project conformance with relevant guidelines for Scenic Highways and Scenic Corridors outlined in Appendix B of the City's Mobility Plan 2035 is discussed in Response to Comment No. 7-5. As shown in Table IV.A-4 of the Draft EIR, the Project is substantially consistent with design principles of the Miracle Mile CDO.

**Comment No. 7-12**

- What impact will the proposed project have on the operation and boundaries of the Page Museum?

**Response to Comment No. 7-12**

The development of the Project would in no way affect the operation of the Page Museum, which was recently renamed the Natural History Museum (NHM) La Brea Tar Pits & Museum. The Project's boundaries, which remain the same between the publication of the Draft EIR and this Final EIR, are approximately 355 feet from the entrance of the NHM La Brea Tar Pits & Museum. LACMA has worked closely with the NHM La Brea Tar Pits & Museum to determine that the boundary will enable their successful operation through the construction period. Once the Museum Building is complete, the NHM La Brea Tar Pits & Museum will be more visible from the west side of the Project Site and the NHM La Brea Tar Pits & Museum and excavation sites will be more visible from the elevated meander galleries. This creates more opportunities for visitors to see the work being done by the

NHM La Brea Tar Pits & Museum and encourage visitors to traverse between both LACMA and the NHM La Brea Tar Pits & Museum.

**Comment No. 7-13**

- Please analyze the impacts of the proposed project on the General Plan Framework of Los Angeles, particularly the GPF's FEIR mitigations for Police and Fire including Policy 3.3.2. Provide substantial evidence the Police and Fire Resources are adequate and not threatened by providing response times within 90% of the time, using for Fire service the performance standard used by LAFD (NFPA 1710) and not average response time, which is not the metric used to determine the adequacy of response time.

**Response to Comment No. 7-13**

The Project's impacts to police protection and fire protection during construction and operation of the Project were determined to be less than significant. With regard to police protection, as discussed further in the Initial Study, provided as part of Appendix A of the Draft EIR, the Project may temporarily increase the daytime population within the Wilshire Community Police Station's service area when the Project is initially complete. Notwithstanding, to help reduce any on-site increase in demand for police services, the Project would implement comprehensive safety and security features to enhance public safety and reduce the demand for police services. This is further elaborated in the Security Risk Assessment Memorandum, provided in Appendix L of the Draft EIR. As discussed therein, electronic systems security measures would be implemented to augment physical and operational security measures. Such measures may include security access control and intrusion detection hardware and software, video surveillance systems, radio communication systems, close-circuit-television systems, alarms, and vehicle barrier systems in the form of fencing and landscaping. In addition, LACMA has coordinated and would continue to collaborate closely with LAPD with regard to potential extreme event incidents, including natural disasters, accidental incidents, and events of a malicious nature, to implement an incident command structure, employee training and annual drills, and design and operational security recommendations based on LAPD guidance. Therefore, the Project would not have a significant impact on police protection.

With regard to fire protection, the existing uses within LACMA East and the Spaulding Lot (parking) would be relocated to the new Museum Building and the Ogden Parking Structure. Therefore, the improvements to LACMA that would be implemented as part of the Project are not anticipated to increase the average amount of programming, hours, or the daily or annual attendance levels that have been experienced at LACMA. Since the overall programming would be maintained, the Project is also not expected to generate any new employees which could generate an indirect demand for fire protection

and emergency medical services. Furthermore, while operation of the Project may increase the daytime population when the Project is initially complete and generate an increased demand for LAFD fire protection and emergency medical services, such increase in the demand for fire protection and emergency medical services would be temporary and would be expected to stabilize over time such that the demand for fire protection and emergency medical services is comparable to existing conditions. In addition, Fire Station No. 61, which would serve as the “first-in” fire station to the Project Site, is located approximately 1.4 miles from the Project Site and is equipped with one engine, one truck, one pump and two ambulances. Therefore, the Project would fall within LAFD’s maximum prescribed response distances from a fire station with an engine company and a truck company. Furthermore, existing emergency access to the Project Site and surrounding uses would be maintained during operation of the Project and the Project would not generate traffic that would exceed the significance thresholds. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection and emergency medical services.

#### **Comment No. 7-14**

- Please provide plotted elevations with sections showing the bridge/building crossing Wilshire. Please also provide Surveyed and Benchmarked drawings in elevation and sections for the entire length and width of the structure. Sidewalk to sidewalk.
- Please provide drawings or renderings showing the building crossing Wilshire. Views should be from Wilshire and Curson looking West, from Fairfax and Wilshire looking East, from 8th and Spaulding looking North in order for the public to and decision makers to properly judge the impact on the Wilshire Scenic Highway and also the Miracle Mile CDO.

#### **Response to Comment No. 7-14**

An exhibit and section of the airspace vacation and elevations and renderings of the Museum Building were provided throughout the Draft EIR, including Figures II-7 and II-8, provided in Section II, Project Description, and Figures IV.A-4 through IV.A-14, provided in Section IV.A, Aesthetics, Views, Light/Glare, Shading, of the Draft EIR, respectively. The elevations and renderings provided in the Draft EIR were sufficient for analysis of the Project. As discussed further in Section II, Corrections and Addition, of this Final EIR, the design of the Museum Building was refined subsequent to the release of the Draft EIR. Refinements include: (1) an overall square footage reduction from approximately 387,500 gross square feet to approximately 347,500 gross square feet; (2) a shift of the portion of the Museum Building crossing Wilshire Boulevard approximately 30 feet to the

east; (3) a change in the geometry of the Pavilions to the Museum Building from polygonal to rectilinear forms and an alternation to the curvilinear geometry on the main exhibition level above; (4) the removal of the Chapel Galleries, with a resulting height that was shortened from a maximum of 85 feet to a maximum of 60 feet; and (5) a shift of the location of the Pavilions on LACMA East and use of more glazing in the design of the Pavilions. Consequently, the elevations and renderings provided in the Draft EIR have been revised. Refer to Revised Figures II-7 and II-8, added Figure 7a, and Revised Figures IV.A-4 through IV.A-14, as provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR. No additional elevations or renderings are necessary.

**Comment No. 7-15**

- Please provide any and all documents from the County (minutes, letters, etc.) showing that required parking for the LACMA East campus was no longer required or needed.

**Response to Comment No. 7-15**

The existing buildings on the LACMA East Campus are County-owned buildings on County property. Similarly, the proposed Museum Building on LACMA East campus, would be a County-owned building located on land that is either owned by the County or leased by the County from Museum Associates (in the case of Spaulding Lot). As previously explained in Response to Comment No. 7-2, under State law, neither the existing County buildings nor the proposed Museum Building are subject to the City's General Plan, zoning regulations, or building codes, including parking requirements.

Nevertheless, a comprehensive parking demand analysis was conducted and is provided in Appendix M.6 of the Draft EIR. As detailed in Appendix M.6, Parking Memorandum, of the Draft EIR, the combined parking demand of LACMA operations with the Project (both LACMA East and LACMA West), as well as with the Academy Museum, could be accommodated within the available on-site parking supply provided in the Pritzker Garage and Ogden Parking Structure. In addition, the number of visitors arriving via transit will increase once the station portal for the future Metro Purple Line Wilshire/Fairfax Station is open and operational. Thus, the parking demand would be further reduced.

**Comment No. 7-16**

- Please provide any and all documents that add to, expand or in any way change the December 9, 1958 and March 4, 1960 contracts between the County of Los Angeles and Museum Associates to regulate and control the management, operation and maintenance of the Los Angeles County Museum of Art.

**Response to Comment No. 7-16**

The comment is a document request, but provides no specific comment on the environmental analysis or conclusions in the Draft EIR; therefore, no response is required under CEQA. The request will be forwarded to appropriate personnel at the County.

**Comment No. 7-17**

- Is the applicant Museum Associates? If so, what legal authority exempts Museum Associates from the Los Angeles General Plan? The lines between Museum Associates and the County appear confusing and a shell game. Please clarify who the applicant is, not who is funding it or in the future possibly leasing it.

**Response to Comment No. 7-17**

Refer to Response to Comment No. 7-2, above.

**Comment No. 7-18**

- The Spaulding Property is not owned by the County. To include this property into the Museum requires several undisclosed discretionary approvals: A Specific Plan Exception or Amendment for the CDO, a zone change for the residentially-zoned property south of Wilshire, a General Plan Amendment to permit additional height, and the bridge. Please also clarify whether there is FAR on the bridge and if it is included in the FAR total.

**Response to Comment No. 7-18**

Refer to Response to Comment Nos. 7-2 and 7-4, above, regarding the application of City zoning ordinances (including FAR requirements) to the Museum Building. Based on the information in these Responses, the specified City entitlements in Comment No. 7-18 are not required for the Museum Building.

Also, as discussed in Response to Comment No. 7-2, although the Museum Building would be exempt from City zoning and building codes, the Draft EIR nevertheless evaluated the Project's consistency with the City's zoning classifications and General Plan designations and the relevant objectives and policies of the City of Los Angeles General Plan Framework Element (see Table IV.A-2 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Table IV.H-2 in Section IV.H, Land Use, of the Draft EIR), relevant goals, objectives and policies of the Wilshire Community Plan (see Table IV.H-3 of the Draft EIR), and the goals of the Miracle Mile Community Design Overlay District (see Tables IV.A-4 and IV.H-4 of the Draft EIR) to conclude that the Museum Building and the Ogden Parking

Structure will not result in significant impacts related to land use consistency and compatibility. In addition, as discussed on page IV.H-85 of Section IV.H, Land Use, of the Draft EIR, while the southernmost portion of the Spaulding Lot is zoned R3-1, the pavilion for the Museum Building would be located north of this area, and the featured landscaping and open space would provide an appropriate transition to the residential uses on the properties to the south of the Spaulding Lot.

Moreover, as explained on Page IV.H-85 of the Draft EIR, the height districts for the C2, C4, and PF Zones have no height limit. With regard to FAR, area figures presented for the Museum Building do account for the portion of the Museum Building that would span Wilshire Boulevard. Even if City FAR requirements were applicable, the Museum Building would be well within the City's FAR limit.

As discussed in Section IV.H, Land Use, of the Draft EIR, the northern portion of the Museum Building is within the lot containing Hancock Park, which is zoned PF-1D (Public Facilities, Height District 1, Development Limitation). While Height District 1 in the PF zone typically allows for 3:1 FAR, the Development Limitation would restrict the FAR at Hancock Park to 1.5:1. Hancock Park encompasses approximately 1,004,099 square feet of lot area. Accordingly, a 1.5:1 FAR would permit up to approximately 1,506,148.5 square feet of floor area for the Hancock Park property lot alone.

The northern portion of the Spaulding Lot is zoned [Q]C4-2-CDO (Qualified Condition, Commercial, Height District 2, Community Design Overlay) and encompasses approximately 64,400 square feet of lot area. Height District 2 within the C4 zone establishes a 6:1 FAR, which would permit approximately 386,400 square feet of floor area on this portion of the Spaulding Lot.

Based on the above, more than 1.8 million square feet of floor area would be permitted on Hancock Park and the Spaulding Lot. At approximately 347,500 gross square feet (including the portion spanning Wilshire Boulevard) the Museum Building is well within this limit, even when taking into account the small portions of Hancock Park (which is predominantly landscaped open space) that contain existing floor area (including the Pavilion for Japanese Art, Observation Pit building, and NHM La Brea Tar Pits and Museum building).

### **Comment No. 7-19**

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EXHIBIT E City of Los Angeles Department of Building and Safety (27 pages)  
EXHIBIT F Wilshire Community Plan (79 pages)  
EXHIBIT G Miracle Mile CDO (48 pages)  
EXHIBIT H Ordinance 176,332  
EXHIBIT I Historical Photo of Parking (1 page)  
EXHIBIT J Minutes regarding parking (24 pages)

[Note: Exhibit H was not included in the letter submitted.]

**Response to Comment No. 7-19**

Exhibit A, Board of Supervisors minutes on November 5, 2014, includes minutes for the minutes for the Chief Executive Office meeting regarding the Project and approval of financing concept and funding for the Project. Exhibit B, Council File: 95-1904-S2, includes the file history for Ordinance 171043. Exhibit C, Ordinance 171043, includes a copy of Ordinance 171043. Exhibit D, County Building and Safety website, includes a screenshot of the County Building and Safety website with information regarding the Project Site's jurisdiction highlighted. Exhibit E, City of Los Angeles Department of Building and Safety, includes a print out of the permit and inspection report for the Project Site from the City of Los Angeles Department of Building and Safety website. Exhibit F, Wilshire Community Plan, include a copy of the Wilshire Community Plan. Exhibit G, Miracle Mile CDO, includes a copy of the Miracle Mile CDO. Exhibit H, Ordinance 176,332, was not provided in by the commenter. Exhibit I, Historical Photo of Parking, includes a photo of the Project Site. Exhibit J, Minutes regarding parking, includes scanned pages of minutes from a meeting regarding the Project Site. However, it is unclear when this meeting was held and with whom. These attachments are addressed in the comments provided above. No additional response is necessary. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 8**

Meg McComb  
Executive Director  
Greater Miracle Mile Chamber of Commerce  
5858 Wilshire Blvd., Ste. 205  
Los Angeles, CA 90036-4523

**Comment No. 8-1**

Thank you for the opportunity to comment on LACMA's proposal for a new building. The Greater Miracle Mile Chamber of Commerce welcomes this project for several reasons. We are very pleased to see that the museum is making such a tremendous investment in our community, improving Hancock Park and creating an entirely new approach to engaging arts and culture.

The Miracle Mile has always been the site of innovation and the advancement of new approaches to commerce and culture. LACMA's new building will continue that tradition, joining its transformed neighbors to firmly establish our credentials as the cultural center of the region. With the soon to open Purple Line Station at Wilshire and Fairfax, we believe that the Miracle Mile will be an attractive and accessible destination for visitors to all of our businesses and museums, and a walkable inviting neighborhood for our residents.

As you are reviewing the LACMA project we hope you will consider the very positive economic impact of the plan, as visitors and neighbors spend more time on Wilshire Boulevard. LACMA's investment supports its future, and contributes to the economic security of our community.

We hope this project advances quickly, and we appreciate your consideration.

**Response to Comment No. 8-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 9**

David Fanarof  
President  
Le Melange Homeowner's Association  
637 S. Fairfax Ave., Apt. 501  
Los Angeles, CA 90036-5048

**Comment No. 9-1**

I am President of Le Melange Homeowner's Association. Our community is located directly adjacent to the new Academy Museum currently under construction on the West end of the LACMA campus. As one of the closest neighbors to LACMA, I'm writing to comment on the proposal for a new building to replace some of their current structures. The design is nothing short of stunning and will be a welcome addition to the neighborhood when it is hopefully completed. The fact that it will also be accompanied by new open space that will be created on the Spaulding property is an added benefit to a metro area in short supply of public park area.

**Response to Comment No. 9-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 9-2**

Our community understands that there will have to be a traffic and noise plan to coincide with construction, and we hope that you will carefully consider the best ways to mitigate the impacts so that those of us who live and work nearby will be as inconvenienced as is reasonable to expect for a project of such size and scope.

**Response to Comment No. 9-2**

The Project includes mitigation that will address both noise and traffic impacts during construction of the Project. Specifically, with regard to noise, the Project would implement Mitigation Measure I-1, which includes installation of temporary sound barriers, or equivalent noise reduction feature, to address the Project's potential to result in significant noise impacts at the off-site sensitive receptor locations from on-site construction activities. However, even with implementation of Mitigation Measure I-1, construction noise impacts associated with on-site noise sources would remain significant and unavoidable. In addition, the Project would implement Mitigation Measure I-2 to address Project-related on-site construction activities, which would have the potential to result in significant

vibration impacts with respect to building damage at the multi-family residential building adjacent to the Ogden Lot. Implementation of Mitigation Measure I-2 would reduce Project-level vibration impacts from on-site construction activities with respect to building damage to a less than significant level. With regard to traffic, the Project would implement Mitigation Measure K-1, which requires the preparation of a detailed Construction Management Plan. However, Project-level construction-related traffic impacts would remain significant and unavoidable after mitigation. As discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the overall duration of construction was reduced by one year, with construction activities commencing in 2019, rather than 2018. This shortened construction schedule would minimize the duration of construction impacts.

**Comment No. 9-3**

I can confidently speak for my Association, that we look forward to the improved park, the new world class building and the many ways the project will enhance the museum's programs and stature all the while returning some sparkle to Los Angeles's Miracle Mile.

Thank you for your consideration.

**Response to Comment No. 9-3**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 10**

Emilia Crotty  
Executive Director  
Los Angeles Walks  
830 Traction Ave., Fl. 3  
Los Angeles, CA 90013-1816

**Comment No. 10-1**

Please accept the attached comment letter, which outlines Los Angeles Walks' recommendations regarding LACMA's new building.

Please don't hesitate to reach out to me with any questions. We appreciate your consideration.

**Response to Comment No. 10-1**

This introductory comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 10-2**

Los Angeles Walks advocates for people walking in the City of Los Angeles, and promotes infrastructure and public policies that make walking SAFE (safe, accessible, fun, and equitable) for all Angeleños. While the proposed new Los Angeles County Museum of Art building is to be constructed on L.A. County land, and the County is the lead agency, the LACMA campus, located in the heart of Los Angeles, is of importance to us.

We are writing today with recommendations that, we believe, will make walking safer, more pleasant, more convenient, and more of a natural choice for people who visit, live near, or simply pass by LACMA.

- 1. No new parking should be built. If parking must be built, only enough parking to satisfy the existing covenants should be constructed.**

We encourage the use of the Ogden parcel for museum operations or something other than parking, considering a new transit station will soon be located near the museum. Especially since the construction of the Pritzker Parking Garage, no additional parking should be built.

If parking must be constructed to service the covenanted spaces currently at the Spaulding lot, we hope that only those that need to be built are. If this is the case, the Ogden Parking Structure could be smaller, or could replace a level or more of parking with other uses.

### **Response to Comment No. 10-2**

The proposed Museum Building would replace existing buildings with similar programming and function but would result in a reduction of more than 45,000 gross square feet. No additional parking would be provided with development of the Project. As detailed in Appendix M, the Ogden Parking Structure would be a replacement for the existing 260 parking spaces that are currently provided in the Spaulding Lot. With completion of the Project, the LACMA parking supply would remain at 910 parking spaces. Some of the parking spaces on the Spaulding Lot are used to meet Code-required parking for the uses on LACMA West, and these covenanted spaces would be replaced within the Ogden Parking Structure.

### **Comment No. 10-3**

- 2. The LACMA/AMPAS campus should be open to pedestrian traffic during the same daily hours of operation that the future Metro Wilshire/Fairfax subway station will be operating.**

The new Metro station will be an important hub for the entire neighborhood. If the LACMA/AMPAS campus does not allow pedestrian access during operating hours of the subway station, users would have to walk indirect routes to point north and northeast.

### **Response to Comment No. 10-3**

The comment suggests that the LACMA Campus should be open to pedestrian traffic during the same daily hours of operation of the future Metro Wilshire/Fairfax Station to limit pedestrians from taking indirect route to travel north and northeast. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. The Metro Wilshire/Fairfax Station will be located on the southeast corner of the Orange Grove Avenue and Wilshire Boulevard intersection. Pedestrian paths to travel along Fairfax Avenue and Wilshire Boulevard from the station would not be impeded by the Project. As noted in Section II, Project Description, of the Draft EIR, the museum's regular hours of operation are 11:00 A.M. to 5:00 P.M. on Monday, Tuesday, and Thursday, 11:00 A.M. to 8:00 P.M. on Friday, and 10:00 A.M. to 7:00 P.M. on Saturday and Sunday. In addition, the Smidt Welcome Plaza would continue to accommodate pedestrian traffic by providing a pedestrian path between 6th Street and

Wilshire Boulevard during the same hours that Hancock Park is open to the public. These would not change with the Project.

#### **Comment No. 10-4**

##### **3. The Spaulding Lot should not be fenced.**

Since there are no scientific operations set to occur on the Spaulding Lot, there seems to be no need to construct fencing around the lot. The building security should suffice for that entrance. Eliminating the fence on the Spaulding Lot would enable the open space to be of use to the community more readily and more freely.

#### **Response to Comment No. 10-4**

LACMA intends to provide fencing on the perimeter of the Spaulding Lot primarily for security purposes of protecting the art collection and to address security and noise concerns raised by the residential uses directly south of the Project Site. The Spaulding Lot would have generous openings into the Project Site allowing for the community to access the Spaulding Lot more readily. As shown in Revised Figure II-5, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the Spaulding Lot would include pedestrian gates along the northern and northwestern portions of the Spaulding Lot. These gates would be in proximity to the numerous building access points and would activate the café that would be provided on the northern boundary of the Spaulding Lot, facing Wilshire Boulevard. Further, the hours for Spaulding Lot would match the current hours of the museum and public programming hours.

#### **Comment No. 10-5**

##### **4. LACMA should work with Metro, the City of Los Angeles, and JC Decaux to move the current Metro 20 line bus stop on the corner of Curson and Wilshire to Spaulding and Wilshire.**

Currently, the westbound Metro 20 line stops at Masselin, Curson, and Fairfax on the north side of Wilshire. With the proposed entrance to be near Spaulding on the north side of Wilshire, LACMA should work with Metro to re-locate the stop currently at Curson to Spaulding to be as close as possible to the new entrance. This would also help to space stops more efficiently, as Masselin and Curson are only one block from one another. Ideally, the stop could be placed on the near side of Spaulding (the east side), where there is currently a red curb. This would enable the bus to stop in the current peak hour bus lane, without needing to pull into a curb cut, which lowers dwell times and improves rider experience and transit efficiency.

LACMA should work with the City of Los Angeles and Metro to site the stop, and should work with JC Decaux to provide a shelter with seating for the stop. LACMA could have an opportunity to make an artistic, or aesthetically unique bus stop.

#### **Response to Comment No. 10-5**

The comment suggests that LACMA coordinate with Metro to re-locate bus stops in the vicinity of the LACMA Campus. The Project does not include any plans to permanently relocate any existing Metro bus stops. However, bus stops along Wilshire Boulevard may be affected by the Purple Line Extension construction. It is noted that LACMA, as well as other local stakeholders, including Metro and the Los Angeles Department of Transportation (LADOT), participate in regular coordination meetings regarding construction activities, including such issues as relocation of bus stops. This comment regarding coordination with Metro has been noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 10-6**

- 5. LACMA should work with Metro, the City of Los Angeles, and JC Decaux to improve the current Metro 20 line stop on the south side of Wilshire at Wilshire and Spaulding.**

Currently, the bus stop at Spaulding and Wilshire, on the south side of Wilshire, consists of a trash can and two benches. LACMA should seek to improve the bus stop with the addition of a shelter. Furthermore, this corner offers a great opportunity for expanded pedestrian space as it is one of the two pedestrian site access points to the Spaulding Lot. An improved bus stop would therefore improve the pedestrian experience.

#### **Response to Comment No. 10-6**

The existing bus stop at the intersection of Spaulding Avenue and Wilshire Boulevard would be maintained with the development of the Project. The sidewalks along Spaulding Avenue and Wilshire Boulevard would be improved and widened to meet the standards established in Mobility Plan 2035. In addition, the Museum Building would include lighting for the street segment beneath the building or the Project would provide equivalent street lighting that would provide for adequate pedestrian visibility and safety underneath the Museum Building per the Bureau of Street Lighting Department of Public Works Design Standards and Guidelines (Version: May 2007 or subsequent version). This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 10-7**

- 6. The southeast corner of Spaulding and Wilshire should be expanded to create a pedestrian plaza that leads into the pedestrian access point from that corner into the Spaulding lot.**

In figure II-5 (Conceptual Site Plan), the southeast corner of Spaulding and Wilshire is shown as having a pedestrian access point with the fencing around the Spaulding Lot nearly extending all the way to the curb. This corner should be a large, more spacious, more welcoming space that would better bridge the gap between the public right-of-way and the museum's Spaulding Lot open space, and new building entrance. This can most readily be achieved by pushing the fencing in towards the center of the lot by 20'–30' (roughly the disabled blue hash travel space in place currently). The space could also be slightly expanded through a curb extension across Spaulding.

**Response to Comment No. 10-7**

As discussed above in Response to Comment No. 10-4, the Spaulding Lot would have generous openings into the Project Site allowing for the community to access the Spaulding Lot more readily. As shown in Revised Figure II-5, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the Spaulding Lot would include pedestrian gates along the northern and northwestern portions of the Spaulding Lot. These gates would be in proximity to the numerous building access points and activate the café that would be provided on the northern boundary of the Spaulding Lot, facing Wilshire Boulevard. In addition, as discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, several design changes to the Museum Building were proposed subsequent to the publication of the Draft EIR. Design changes include shifting the Museum Building approximately 30 feet to the east, which would open the corner of Spaulding Avenue and Wilshire Boulevard for more pedestrian activities.

**Comment No. 10-8**

- 7. All street corners within the project scope should receive the following improvements to the extent feasible for pedestrian safety and comfort:**

**a. Perpendicular ADA-compliant curb ramps.**

Currently, the curb ramps on the south side of Wilshire [sic] at Spaulding and Ogden are diagonal, or in other words they direct users into the middle of the intersection. They should, rather, have curb ramps that direct users to the other side of the crosswalk, perpendicular to the street they are crossing. See



examples at: <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/crosswalks-and-crossings/conventional-crosswalks/>

**b. Curb extensions or corner radius tightening.**

Currently the corners of Ogden and Wilshire, and Spaulding and Wilshire, have relatively well designed corners as it pertains to pedestrian safety. LACMA should make sure that they either maintain those good dimensions (mainly in not having large corner radii to facilitate automobile turns) or improve it for heightened pedestrian safety and comfort. Curb extensions, for example, could likely be placed at the corners of Wilshire/Ogden and Wilshire/Spaulding across Ogden and Spaulding, respectively. If curb extensions are not feasible, it may be feasible to tighten the corner radii to induce automobiles to make slower, safer, turns. See examples at: <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/corner-radii/> and <https://nacto.org/publication/urban-street-design-guide/street-design-elements/curb-extensions/>

**Response to Comment No. 10-8**

The intersections of Wilshire Boulevard and Spaulding Avenue and Wilshire Boulevard and Ogden Drive, including the corners, pedestrian crossings, and curb ramps are within the public right-of-way controlled by the City of Los Angeles and not within LACMA's control. As such, the design and maintenance of the intersection, curb ramps, signage, pavement markings, and pedestrian crosswalks are based on and subject to the *City of Los Angeles Complete Streets Design Guide*. The intersections and curb ramps currently meet the design standards established by the City of Los Angeles Department of Public Works, Bureau of Engineering, and LADOT.

The comment requesting that the existing diagonal curb ramps on the south side of Wilshire Boulevard and Spaulding Avenue be updated to be perpendicular to the crossings is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. As detailed on page II-26 of Section II, Project Description, of the Draft EIR, the Project would maintain the existing pick-up/drop-off area that is located on the northern portion of Wilshire Boulevard, between Ogden Drive and Spaulding Avenue, via an existing fire lane. However, the Project is proposing to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time required for pedestrians to cross Wilshire Boulevard would be reduced. Accommodations for supplemental visitor pick-up/drop-off would also be provided for the building entrances south of Wilshire Boulevard within a designated pick-up/drop-off area accessed along the south side of Wilshire Boulevard adjacent to the Spaulding Lot.

The suggestions for curb extensions (bulb-outs) to provide shorter crossing distances across Ogden Drive and Spaulding Avenue, which are both designated Local Streets in the City's *Mobility Plan 2035*, are noted for the administrative record and will be forwarded to the decision-makers for review and consideration. It should be noted that curb extensions at these locations may require the removal of on-street parking spaces on either side of the roadway. Ogden Drive and Spaulding Avenue currently provide parking on both sides of the street. Based on the examples provided by the commenter, the required width of the curb extension would narrow the roadway width by approximately seven feet on both sides, resulting in a total roadway width of approximately 38 feet on Ogden Drive and 23.5 feet on Spaulding Avenue.

As detailed in the City's Complete Street Design Guide, larger vehicular uses including emergency vehicles, delivery trucks, and maintenance vehicles should be considered when determining smaller curb radii. The turning radius should also consider other factors such as the presence of on-street parking and the width of travel lanes. Nonetheless, the suggestion to tighten the corner radii to induce automobiles to make slower, safer turns is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 10-9**

##### **8. Pedestrian refuge islands should be placed at appropriate medians at Ogden and Spaulding intersections**

Currently, there are no pedestrian refuge islands at the intersections of Ogden/Wilshire and Spaulding/Wilshire, even though there are medians present on Wilshire at both intersections. The existing three crosswalks across Wilshire at those two intersections should receive pedestrian refuge islands. In practical terms, that would mean building "noses" on the side of the crosswalk across from the existing median, as well as installation of ADA-compliant truncated domes and pedestrian signal request stanchions. See example at: <https://nacto.org/publication/urban-street-design-guide/intersectiondesign-elements/crosswalks-and-crossings/pedestrian-safety-islands/>

#### **Response to Comment No. 10-9**

The comment suggests constructing additional median areas on the other side of the crosswalks across Wilshire Boulevard, as well as ADA-compliant truncated domes and pedestrian signal request stations. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. The existing pedestrian crosswalks are designed according to the City of Los Angeles and LADOT design standards. Each of the listed signalized intersections provides pedestrian phasing,

crosswalk striping, and Americans with Disabilities Act (ADA) wheelchair ramps. As described on page II-26 of Section II of the Draft EIR, the Project is proposing to shorten the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time required for pedestrians to cross Wilshire Boulevard would be reduced.

#### **Comment No. 10-10**

**9. The east leg of the Ogden/Wilshire intersection should receive a crosswalk.**

Currently there is no crosswalk on the east side of Ogden at Wilshire. To the extent possible, LACMA should work with LADOT and other City of Los Angeles agencies to install a crosswalk there.

#### **Response to Comment No. 10-10**

The comment suggesting that LACMA work with LADOT and other City of Los Angeles agencies is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. The comment correctly notes that currently there is not a crosswalk across Wilshire Boulevard on the east leg of the intersection. The crosswalk on the east leg of the intersection was previously removed by LADOT to provide safer pedestrian crossings. It should be noted that a crosswalk on the east side of Ogden Drive at Wilshire Boulevard would travel directly through the vehicular pick-up and drop-off area on the north side of Wilshire Boulevard. A crosswalk on the east side is not desirable as it would create safety issues due to the vehicular and pedestrian conflicts at the vehicle pick-up/drop-off area.

#### **Comment No. 10-11**

**10. The drop off lane on the north side of Wilshire between Ogden and Spaulding should be shortened so that it exists between any crosswalks across Wilshire.**

Currently, the crosswalks across Wilshire at Spaulding also have to cross the drop off lane on the north side of Wilshire, which adds about another 11' to the distance it takes to cross Wilshire for a pedestrian. It is good that, according to the DEIR and testimony from LACMA representatives at a public meeting held on 12/5/2017 at the Mid City West Community Council Planning & Land Use Committee special meeting on LACMA, the drop off lane is to be shortened to begin west of the west leg crosswalk at Spaulding. However, the western end of the drop off lane, as per Figure II-5 (Conceptual Site Plan), is proposed to remain as is, extending west, past the west leg crosswalk at Ogden. The drop off lane should rather terminate east of the east leg crosswalk at Ogden (if installed) or the east edge of the Ogden intersection in order to facilitate a shorter, and safer pedestrian crossing of Wilshire

as well as expanded pedestrian space in front of LACMA's most popular attraction, Urban Lights.

### **Response to Comment No. 10-11**

Refer to Response to Comment No. 10-8, above, for details regarding the Project's proposed shortening of the length of the existing pick-up/drop-off area in order to provide a safer crossing for pedestrians at Spaulding Avenue and Wilshire Boulevard as the length of time required for pedestrians to cross Wilshire Boulevard would be reduced. The comment suggesting the pick-up/drop-off lane also be shortened at the intersection of Ogden Drive and Wilshire Boulevard is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. The intersection of Ogden Drive and Wilshire Boulevard is beyond the extent of the Project boundary, and therefore, improvements to the intersection have not been proposed as part of the Project. As discussed above in Response to Comment No. 10-10, above, it should be noted that the crosswalk on the east leg of the intersection was previously removed by LADOT to provide safer pedestrian crossings and to minimize vehicular-pedestrian conflicts in the pick-up/drop-off area on the north side of Wilshire Boulevard.

### **Comment No. 10-12**

#### **11. Lighting under the span crossing Wilshire should not be merely "adequate", it should be plentiful and, if possible, artistic.**

According to the DEIR, the lighting to be placed under the span proposed to cross over Wilshire will be "adequate." Adequate lighting is not sufficient to make the space safe and inviting for pedestrians during hours of darkness. The space under the span should be brightly lit in such a way as to reduce glare and reflectivity, drown out car headlights, as well as present a safe and inviting space. LACMA should look to install a permanent piece of lighting art to invite more people into the space and thus provide more "eyes on the street" at night, as well as provide another artistic element available to the public outside of the museum building---one of the goals of the project (*"Provide a sense of transparency with a new museum building where artwork is visible from the exterior and the City and its surrounding environment are visible from the interior."*).

### **Response to Comment No. 10-12**

As discussed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading of the Draft EIR, the lighting included beneath the Museum Building or equivalent street lighting would provide for adequate pedestrian visibility and safety underneath the Museum Building per the Bureau of Street Lighting Department of Public Works Design Standards

and Guidelines (Version: May 2007 or subsequent version). The Bureau of Street Lighting Department of Public Works Design Standards and Guidelines would require sufficient lighting to make the space under the Museum Building safe and inviting for pedestrians.

**Comment No. 10-13**

Thank you for considering these recommendations. Please reach out to me at [emilia@losangeleswalks.org](mailto:emilia@losangeleswalks.org) with any questions.

**Response to Comment No. 10-13**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 11**

Ron Miller  
Executive Secretary  
Los Angeles/Orange Counties Building and Construction Trades Council  
1626 Beverly Blvd.  
Los Angeles, CA 90026-5784

**Comment No. 11-1**

On behalf of more than 100,000 skilled men and women in 48 local unions for the Building and Construction Trades in LA & Orange Counties, We [sic] express our strong support for Building [sic] the LACMA project. The project is in the EIR process now, and we urge you to move forward on all its steps toward approval in a timely way.

Although we represent all construction trades in the city, I come from the plumbing trade and had the privilege of working on a LACMA project in the 1980s. Now, many years later, it is time for LACMA to remake itself again. We believe the new project incorporates a design that is more inclusive to the community. We in the Building Trades are proud of our skills and our ability to meet any building challenge. We also are building the Academy of Motion Picture Museum and the Metro Purple Line nearby. The LACMA project will complete the revitalization of this area, and be served by public transit, cutting down on car trips. It will also have the opportunity to create many new careers in the construction industry for individuals who live in the local community and help contribute to the local economy. It is a great way to bring Los Angeles into the future.

We strongly support Building LACMA.

**Response to Comment No. 11-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 12**

Vera Sergeeva  
Paralegal  
Luna & Glushon  
16255 Ventura Blvd., Ste. 950  
Encino, CA 91436-2313

Robert L. Glushon  
Luna & Glushon  
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**Comment No. 12-1**

At the request of Rob Glushon and Kristina Kropp, please see the attached correspondence regarding the above referenced matter.

Hard copy to follow via U.S. mail.

If you have any questions or concerns regarding this, please contact Rob Glushon or Kristina Kropp directly (both are cc here).

**Response to Comment No. 12-1**

This introductory comment does not raise any environmental issues addressed under CEQA. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 12-2**

We submit this letter in response to the Draft Environmental Report prepared pursuant to State Clearing House Case No. SCH 2016081014 ("DEIR") for the proposed expansion of the LACMA campus ("Project"). This letter is submitted on behalf of the Wilshire Galleria Homeowners' Association, the Homeowners' Association for the 118-unit building located at 750 S. Spaulding Ave., immediately next to the existing Spaulding Lot which will be replaced by the portion of the proposed Museum Building where the Museum Building will cross Wilshire onto the Spaulding Lot.

**Response to Comment No. 12-2**

This introductory comment does not raise any environmental issues addressed under CEQA. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 12-3****I. Prefatory Statement**

The California Legislature enacted the California Environmental Quality Act ("CEQA") to protect the environment of California, *Cal. Pub. Res. Code* § 21000(a); to protect the environmental health of Californians, *Cal. Pub. Res. Code* §§ 21000(b), 21000(6), 21404(9); to prevent the elimination of plant and animal species due to man's activities, *Cal. Pub. Res. Code* § 21001(b); to create and maintain ecological and economic sustainability, *Cal. Pub. Res. Code* § 21001(8); and to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State." *Cal. Pub. Res. Code* § 21001(a).

The purpose of an Environmental Impact Report ("EIR") is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a).

**Response to Comment No. 12-3**

This comment accurately defines the purpose of CEQA and of an EIR. In accordance with CEQA, the EIR provides a thorough analysis of potential impacts associated with the Project.

**Comment No. 12-4**

A sufficient discussion of possible significant Environmental impacts requires a flexible determination involving a careful balancing of the many CEQA goals and policies and of the significant aspects of the proposed Project. Specificity and use of detail in EIR's is favored since conclusory statements that are unsupported by empirical or experimental data, scientific authorities, or explanatory information afford no basis for comparison of the problems involved with a proposed project and the difficulties involved in the alternatives. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411. **Specific data must be presented in an EIR for a meaningful analysis of all significant impacts.** *Berkeley Keep Jets Over the Bay v. Bd. Of Port Comm'n's* (2001) 91 Cal.App.4th 1344, 1381.



The standard that must be achieved is the gathering of all that critical information necessary for informed decision making by both the public and decision makers. *Laurel Heights Improvement Association v. Regents of the University of California*, 47 Cal.3d page 409, fn. 12. An EIR must provide the decision-makers, and the public, with all relevant information regarding the Environmental impacts of a project. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391–92 (the preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account). If an EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision making cannot occur and a final EIR is inadequate as a matter of law. *Karlson v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804 (in reviewing an EIR, a *paramount* consideration is the right of the public to be *informed* in such a way that it can intelligently weight Environmental consequences of any action).

Here, the DEIR, as presented, plainly fails in its essential role as an informational document under CEQA. As set forth below, it not only fails to provide the relevant empirical data and technical evidence necessary to adequately support its conclusions, it even fails to identify the complete scope of the Project. It defers environmental analysis and identification of impacts, based thereon regurgitates boilerplate, vague and unenforceable mitigation measures, and precludes intelligent weighing of the environmental consequences posed by the Project. It leaves the public and decision makers asking questions rather than apprising them of answers. It lacks the specificity and use of detail required for intelligent decisionmaking and is, therefore, inadequate as a matter of law.

#### **Response to Comment No. 12-4**

The Draft EIR provides a detailed analysis of the Project’s potential environmental impacts in accordance with CEQA. The impact conclusions are based on substantial evidence, analysis, and technical studies. As demonstrated in the responses to comments below, the Draft EIR adequately analyzed the impacts of the Project based on specific thresholds. In addition, the Draft EIR does not propose deferred mitigation.

#### **Comment No. 12-5**

### **II. Aesthetics**

The DEIR erroneously misleads the public and decision makers that aesthetic impacts of the Project are not to be considered significant under *Public Resources Code* §21099 (SB

743). Indeed, nothing can be further from the truth. *Public Resources Code* §21099(d)(1) provides that aesthetic and parking impacts of only a “residential, mixed-use residential, or employment center project” on an infill site within a transit priority area shall not be considered significant impacts on the environment. Undoubtedly, here, the Project is neither a residential nor a mixed-use residential one. It also does not qualify as an employment center (as the DEIR claims) because an employment center is defined as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area. *Public Resources Code* §21099(a)(1). Here, the Project is not wholly located on commercially zoned properties. The Project also sits on lots which are zoned “PF” (public facilities zone which only permits such public uses as farming and nurseries, public parking facilities, fire and police stations, public libraries, etc., see Los Angeles Municipal Code §12.04.09), and “R3” (multiple dwelling zone which only permits residential and certain associated uses). Accordingly, the aesthetic impacts of the Project, which the DEIR Initial Study admits are all potentially significant as to all thresholds, must be evaluated and considered fully, they cannot be swept under the rug as “provided for informational purposes solely.”

#### **Response to Comment No. 12-5**

As explained on pages IV.A-1 and 2 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project meets all of the qualifications described within Public Resources Code § 21099, including its characterization as an employment center project. Public Resources Code § 21099(a)(1) defines an employment center project as a project that is “located on property zoned for commercial uses.”

The language of Public Resources Code § 21099 does not state that the Project must be “wholly” located on property zoned for commercial uses, as Comment No. 12-4 suggests. The definition of an employment center project does not require that the entirety of the Project be located on property zoned for commercial uses. In fact, the definition of an employment center project intentionally omits the term “Lot,” which is defined in Public Resources Code § 21099(a)(5) as “all parcels utilized by the project.” Rather than state that an employment center project must be located on a “Lot” zoned for commercial uses, which would include all parcels within the project, the Code requires that the Project be located “on property zoned for commercial uses.” There is no requirement that each and every portion of the Project must be located on such property.

As described in detail on pages IV.H-9 through 12 in Section IV.H, Land Use, of the Draft EIR, the Project is located in part on property that is zoned as [Q]C4-2-CDO and [Q]C2-1-CDO by the City of Los Angeles and identified as Regional Center Commercial by the City’s General Plan. Many commercial uses are allowed in the C4 zone, including retail stores, office space, restaurants and cafés. Because the Project is located on property

which is zoned for commercial uses and meets the other obligations, it qualifies as an employment center project.

The Project is also located on “property zoned for commercial uses” with regard to Hancock Park to the north of Wilshire Boulevard. The commenter is incorrect that the “PF” zoning for this property does not permit commercial uses. The uses allowed within this zone are articulated within the Los Angeles Municipal Code and detailed on page IV.H-12 in Section IV.H, Land Use, of the Draft EIR. Commercial uses are permitted within PF zones, including arenas, stadiums and golf courses, as well as joint public and private commercial developments. Government buildings, with no specific limitations on the commercial activity permitted therein, are also allowed. Such structures may have retail components, such as gift shops and cafés. One example is the historic Olvera Street marketplace located in downtown Los Angeles—home to various shops, restaurants, museums and a variety of commercial activity, all on land zoned as “PF.”

Nevertheless, regardless of the fact that a qualifying project is not considered to have a significant aesthetic impact under Public Resources Code § 21099(d)(1), the Draft EIR still provides a full analysis of such impacts and concludes that any impacts are less than significant. There was no attempt to obfuscate or hide the aesthetic impacts of the Project. Rather—without legal obligation—this information was presented in the same manner as it would have had the Project not qualified for exemption. The reiteration on page IV.A-2 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR that the analysis was provided solely for informational purposes was accurate considering the Project’s exempt status under Public Resources Code § 21099.

Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR provides a full and complete analysis of the aesthetic impacts of the Project. Section IV.A, Aesthetics, Views, Light/Glare, and Shading consists of 112 pages and assesses potential impacts on views of valued visual resources, effects of light and glare resulting from nighttime illumination, and the shading effects imposed by the potential new structures. State, County and City regulations are used in connection with the assessment, as well as thresholds of significance within the L.A. CEQA Thresholds Guide and other sources. Together with descriptions of the various aesthetic impacts are photographs of the Project area and other visual aids which compare the existing conditions against the conditions upon completion of the Project. As detailed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, all aesthetic impacts would be less than significant and require no mitigation measures – without regard to Public Resources Code § 21099.

**Comment No. 12-6**

Furthermore, the DEIR is inherently contradictory with regard to its aesthetics analysis. As noted above, in the Initial Study it admits that the Project will have a substantial adverse effect on scenic vistas (Hancock Park—a registered National Natural Landmark and California Historical Landmark, and the Hollywood Hills); will substantially damage scenic resources; will substantially degrade the existing visual character and quality of the site and its surroundings; and will create a new source of substantial light/glare which will adversely affect views in the area. Yet, in the body of the aesthetics section, the DEIR determines that all of these impacts would be less than significant and imposes absolutely no mitigation measures to mitigate these aesthetic impacts identified in the Initial Study.<sup>1</sup>

Such “analysis” is unacceptable under CEQA. Once identified in the Initial Study, the County cannot simply change its mind and downplay the aesthetic impacts of the Project for the purpose of limiting or avoiding mitigation measures. In order to be adequate under CEQA, the EIR must, with detail and specificity, explain the impacts of all identified environmental impacts and propose adequate mitigation measures to such impacts. *Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683,724 (an agency preparing an EIR cannot acknowledge a significant impact and approve the project after imposing a mitigation measure not shown to be adequate by substantial evidence).

Here, the aesthetic impacts of the Project area [sic] clearly significant, as the Initial Study found. First, the Project will substantially degrade the existing visual character and quality of the site and its surroundings. Instead of analyzing this aspect in complete detail, the DEIR instead relies almost exclusively on the Project’s “consistency” with the buildings along Wilshire Boulevard.<sup>2</sup> But such “analysis” omits from its purview the entirety of the R-3 and R-1 residential neighborhood to the south of the Project. The Project will introduce a height into this residential neighborhood that will overwhelm and overpower the airspace, sunlight and views from this *residential* neighborhood. It will replace a surface parking lot with a 260-parking space, 85-foot building. What’s more, this 85-foot building, *per the DEIR itself*, will introduce light and glare from headlights during the evening hours as well as security lighting on the roof.<sup>3</sup> The DEIR concludes, without any evidence whatsoever, that these impacts are “typical for the area.” This statement is provided in a conclusory manner and is completely unsubstantiated. Again, the Project will replace a surface parking lot with 260 above ground spaces and rooftop security lighting which will be glaring into the homes of the surrounding *residential* neighbors (as the DEIR itself admits). As such, it will undoubtedly degrade the existing visual character and quality of the site and its *residential* surroundings.

The County cannot simply ignore these impacts, including the identified “light and glare” impacts from headlights. These aesthetic impacts must be analyzed in detail and with empirical data as to glare and light, and mitigated, as necessary and appropriate.

- <sup>1</sup> The DEIR provides the same inconsistent analysis with regard to Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning.
- <sup>2</sup> The DEIR admits that the Project has been designed to create a visually appealing and interesting site that would contribute to the cultural identity of the Miracle Mile. Its analysis concludes, over and over, that “the scenic nature of *Wilshire Boulevard*... would be maintained and enhanced.”
- <sup>3</sup> Most notably, no adequate analysis of glare and light is conducted or provided with regard to the impacts on the 750 Spaulding Building.

### **Response to Comment No. 12-6**

This comment incorrectly states that the Initial Study found that the Project would have a substantial adverse effect on scenic vistas; would substantially damage scenic resources; would substantially degrade the existing visual character and quality of the site and its surroundings; and would create a new source of substantial light/glare which will adversely affect views in the area. Rather, the Initial Study, provided in Appendix A of the Draft EIR states that these impacts have the potential to be significant and that analysis of these environmental issues will be included in a Draft EIR. The Draft EIR provided further analyses with regard to these aesthetic impact areas in Section IV.A, Aesthetics, Views, Light/Glare, and Shading of the Draft EIR. The comment correctly states that the Draft EIR determined that the aesthetic impact areas would be less than significant without mitigation. Therefore, the comment is wholly incorrect when the commenter states that the County cannot “simply change its mind and downplay the aesthetic impacts of the Project for the purpose of limiting or avoiding mitigation measures”. This statement is not factual as the Initial Study never provided a significance determination. The cited court case (*Woodward Park Homeowners Ass’n, Inc. v. City of Fresno*) is also not applicable in the context of an Initial Study but rather pertains to the adequacy of mitigation based on conclusions in the EIR.

As provided on pages IV.A-63, IV.A-86, IV.A-88 of Section IV.A, Aesthetics, Views, Light/Glare, and Shading, the Draft EIR does indeed address the residential uses to the south of the Project. Specifically, with regard to the Ogden Parking Structure, the Draft EIR concludes that while the Ogden Parking Structure would represent a visual change, the parking structure would generally align with the façades of the multi-family residential structures on the west side of Ogden Drive and would be similar in scale and height. In addition, while headlights from vehicles entering and exiting the Ogden Parking Structure would be visible during the evening hours, such lighting sources would be typical for the area and would not be anticipated to result in a substantial adverse impact. Vehicles and security lighting on the roof level of the Ogden Parking Structure would also emit light and

glare. However, the structure would be designed with a solid parapet wall along the perimeter of the building to reduce the level of light and glare. Thus, the Project would not result in glare that would impact glare-sensitive uses in the Project area, including motorists traveling along surface roadways in the Project vicinity.

### **Comment No. 12-7**

#### **III. Air Quality**

The DEIR fails to provide for the impacts on air quality caused by the Project being in a Methane Hazard Zone (the lack of adequate methane gas analysis is further discussed in the attached report from Wilson Geosciences, Inc. and Geo-Dynamics, Inc.—Exhibit 1).<sup>4</sup>

<sup>4</sup> Notably, the City of Los Angeles maintains an Ordinance regulating methane which provides that methane mitigation is required for all sites located in a Methane Zone or a Methane Buffer Zone, regardless of results obtained in a methane investigation.

### **Response to Comment No. 12-7**

There are no state or national ambient air quality standards for methane. In addition, methane is not listed by the California Air Resources Board as a toxic air contaminant. Furthermore, the SCAQMD does not provide air quality significance thresholds for methane. As a result, methane was not discussed in Section IV.B, Air Quality, of the Draft EIR. Instead, methane was appropriately addressed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR.

As discussed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, the subsurface conditions at the Project Site and vicinity are known to include naturally-occurring methane and hydrogen sulfide gases associated with underlying and nearby oil and gas fields. Thus, during demolition and construction activity at the Project Site, subsurface methane and hydrogen sulfide gas may be encountered. During all excavation and demolition, any confined spaces are potential areas where hazardous gas can be trapped. Specifically, basement areas with no natural ventilation are particularly hazardous. As such, during the demolition of the existing buildings' basement slab, construction workers, occupants and the public may be exposed to potential hazardous gas. These would represent continuous potential hazards up to, and during, the installation of the sub-slab methane mitigation system. However, as set forth in Project Design Feature F-1, construction activities would be conducted in accordance with relevant health and safety requirements, including OSHA Safety and Health Standards and Cal/OSHA requirements to address risks to workers and the public in the event that elevated levels of subsurface gases are encountered during grading and construction. As part of this compliance, the Project would implement a Health and Safety Plan that includes continuous control systems

to prevent potential methane and hydrogen sulfide hazards. Such control systems would include safety training for all workers, monitoring devices, ventilation of enclosed or confined spaces, limited exposure to contaminated soil and groundwater, and use of construction fencing to limit access to construction areas. In addition, the Project would be required to comply with relevant regulations and requirements regarding contaminated soils and groundwater. In particular, in accordance with Project Design Feature F-2, a Soil Management Plan would be implemented that would provide for the sampling and testing of excavated soils as well as the removal, transport and disposal of contaminated soil in accordance with regulatory requirements. In addition, in accordance with Project Design Feature G-2, groundwater vapors would be monitored and extracted groundwater would require treatment prior to discharge into the storm drain system. Dewatering, treatment and disposal of groundwater would occur in accordance with LARWQCB's requirements. Thus, compliance with regulatory requirements and the project design features above would reduce the chance of exposure of people, including schools within a 0.25-mile radius of the Project Site, to a substantial risk resulting from the release or explosion of an oil or methane gas, or from exposure to a health hazard, in excess of regulatory standards. Therefore, as concluded in the Draft EIR, impacts associated with oil wells and methane gas during demolition and building construction would be less than significant, and no mitigation measures are required. Comments provided in the the attached report from Wilson Geosciences, Inc. and Geo-Dynamics, Inc. are addressed below in Responses to Comment Nos. 12-29 to 12-39.

#### **Comment No. 12-8**

The DEIR further fails to provide a Health Risk Assessment (HRA) to assess potential construction impacts to nearby residential sensitive receptors, or an analysis of dust levels at night (given the proposed hours of operation and anticipated "special events," air quality at night is a serious potential impact that must be assessed). This information and analysis must be included and analyzed in order to comply with the CEQA informational requirements.

#### **Response to Comment No. 12-8**

As discussed on page IV.B-33 in Section IV.B, Air Quality, of the Draft EIR, the City of Los Angeles provides the following guidance pertaining to potential air quality impacts associated with toxic air contaminants. In the context of the questions from Appendix G of the CEQA Guidelines, the *L.A. City CEQA Thresholds Guide* sets forth the following factors for consideration on a case-by-case basis in making a determination of significance:

- The regulatory framework for the toxic material(s) and process(es) involved;
- The proximity of the toxic air contaminants to sensitive receptors;

- The quantity, volume, and toxicity of the contaminants expected to be emitted;
- The likelihood and potential level of exposure; and
- The degree to which project design will reduce the risk of exposure.

Potential TAC impacts during proposed construction activities were evaluated by identifying potential sources of TAC emissions and the likelihood of potential exposure. Contrary to the commenter's assertion, page IV.B-38 in Section IV.B, Air Quality, of the Draft EIR identified the greatest potential for TAC emissions during construction would be from diesel particulate (DPM) emissions associated with heavy equipment operations. DPM has no acute exposure factors (i.e., no short-term effects) and, therefore, the discussion appropriately focused on long-term exposure that could lead to carcinogenic risk. The SCAQMD Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately 35 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions, as disclosed on page IV.B-39 of the Draft EIR. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (39 out of 840 months of a 70-year lifetime), the Draft EIR correctly concluded construction TAC emissions would result in a less-than-significant impact.

Mitigation Measure B-1 in the Draft EIR required the use of heavy-duty construction equipment that meets CARB/U.S. EPA Tier 3 standards and reduces DPM emissions. Furthermore, in Response to Comment No. 4-6, above, Mitigation Measure B-1 is revised to require use of equipment that meets CARB/U.S. EPA Tier 4 standards, and would further reduce DPM emissions by approximately 90 percent. This supporting information is used consistent with *L.A. City CEQA Thresholds Guide* in determining on a case-by-case basis a conclusion of level of less than significance. Therefore, the commenter is incorrect in asserting that cancer risk was not assessed.

Recognizing the correlation of potential project impacts to human health, SCAQMD developed localized significance thresholds which are based on compliance with the NAAQS and CAAQS. The NAAQS and CAAQS for pollutants are established at



concentration levels to provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly.<sup>1</sup> Potential human health impacts during operation of the Project (including air quality impacts at night) were evaluated using a screening level analysis using SCAQMD’s LST methodology followed by a detailed analysis for any pollutants exceeding the LSTs. As presented in Table IV.B-7 in Section IV.B, Air Quality, of the Draft EIR, maximum localized construction emissions for off-site sensitive receptors would not exceed any of the SCAQMD-recommended localized screening thresholds. Therefore, potential operational impacts including dust levels (PM<sub>10</sub> and PM<sub>2.5</sub>) to human health would result in a less-than-significant air quality impact. No further analysis is necessary or required.

### **Comment No. 12-9**

Furthermore, the DEIR identifies, but fails to adequately mitigate, construction impacts on air quality. The DEIR confirms that construction emissions resulting from the Project would result in significant short-term impact (NO<sub>x</sub> would exceed the SCAQMD-recommended significance threshold) and concludes that implementation of B-1 through B-5 would reduce NO<sub>x</sub> impacts and localized impacts to a less than significant level. But mitigation measures B-1 and B-2 are nothing more than requirements to “check in” with the SCAQMD to provide an inventory of all off-road construction equipment (B-1) and to make sure that construction equipment is “tuned and maintained” (B-2). As such, they do not actually mitigate anything. Mitigation measures B-3 through B-5, furthermore, are nothing more than vague, boilerplate conditions to “minimize” exhaust emissions and “to the extent possible” utilize electricity from power poles.

### **Response to Comment No. 12-9**

The Draft EIR correctly identified that the Project would result in a significant regional construction NO<sub>x</sub> impacts and included feasible mitigation measures. Mitigation Measure B-1 goes well beyond just a “check in” measure. The last sentence of the measure clearly states that “off-road diesel-powered equipment within the construction inventory list described above shall meet the Tier 3 standards where commercially available.” As discussed on page IV.B-54 in Section IV.B, Air Quality, of the Draft EIR, with implementation of this measure construction emissions would be reduced from 177 pounds per day to 132 pounds per day during Year 2018, 184 pounds per day to 162 pounds per day during Year 2019, and 124 pounds per day to 105 pounds per day during Year 2022 of construction. Mitigation Measures B-2 through B-5 are SCAQMD recommended measures. Furthermore, as discussed above in Response to Comment No. 12-7, above,

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<sup>1</sup> United States Environmental Protection Agency. *National Ambient Air Quality Standards*, [www.epa.gov/air/criteria.html](http://www.epa.gov/air/criteria.html), accessed February 12, 2015.

Mitigation Measure B-1 was further strengthened in this Final EIR to require use of Tier 4 equipment. Use of Tier 4 equipment would reduce on-site equipment emissions by 88 percent in comparison to use of Tier 3 equipment. In addition, the following mitigation measure (Mitigation Measure B-6) has been incorporated into this Final EIR based on SCAQMD comments and requires the Project to give preference to contractors for soil import/export that have haul trucks meeting EPA Model Year 2007/2010 NO<sub>x</sub> emissions levels when such trucks are reasonably available. Also refer to Response to Comment No. 4-7, above.

### **Comment No. 12-10**

CEQA requires that mitigation measures be both feasible and “fully enforceable.” *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2007) 155 Cal.App.4th 425 (the purpose of monitoring and reporting requirements for enforcement of mitigation measures is to ensure that a feasible mitigation measure will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded); *CEQA Guidelines*, § 15126.4 (a)(2) (mitigation measures must be “fully enforceable”). And certainly there is a requirement for a nexus between the mitigation measures and the actual impact. See *CEQA Guidelines*, §15126.4(a)(4)(A); *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)(there [sic] must be an essential nexus (i.e. [sic] connection) between the mitigation measure and a legitimate governmental interest). For all of the reasons set forth above, “mitigation measures” B-1 through B-5 fail these requirements.

### **Response to Comment No. 12-10**

All mitigation measures recommended by the EIR have been included in the Mitigation Monitoring and Reporting Program (“MMRP”) provided as Section IV of this Final EIR. The MMRP will be adopted by the County and/or the City and incorporated into project approvals as appropriate. (See Cal. Pub. Res. Code § 21081.6(b); *CEQA Guidelines* § 15091(d).) For each mitigation measure, the MMRP identifies the timing, agency or party responsible for implementation, and monitoring agency or party. As set forth in the MMRP, the monitoring agency for Mitigation Measures B-1 through B-5, as well as Mitigation Measure B-6, added as part of this Final EIR will be the Los Angeles County Chief Executive office with regard to the Museum Building, and the City of Los Angeles Department of Building and Safety and Department of City Planning with regard to the Ogden Parking Structure. The Commenter has not indicated why it believes there is no required nexus for these particular mitigation measures. However, Section IV.B, Air Quality, of the Draft EIR, clearly indicates how and why these measures are needed to reduce construction emissions for all pollutants, which is a legitimate governmental interest as it pertains to the potentially significant impacts of the Project. Moreover, these measures do not require any dedication or exaction of property.

**Comment No. 12-11****IV. Geology and Soils/Hazards and Hazardous Materials**

As set forth in the attached report from Wilson Geosciences, Inc. and Geo-Dynamics, Inc. the Geology and Soils and the Hazards/Hazardous Materials (Exhibit 1), the DEIR fails to provide sufficient data and information to adequately evaluate and confirm the conditions at the proposed Project site and the environmental impacts of the Project with regard to geology and soils and hazards/ hazardous conditions. Indeed, (and presumably because no such tests were done), the DEIR even fails to discuss field subsurface explorations such as the drilling of borings and/or Cone Penetration Test (CPT) soundings and fails to address the very serious potential impacts caused by the hydrocarbon and tar in the groundwater below the LACMA East and Spaulding Lot (the geotechnical report fails to provide *any* data about the percentage of tar in the soil). Without such information, it is impossible to evaluate the significant impacts of the Project, including the Project site's susceptibility of soils liquefaction, on Geology and Soils and the Hazards/Hazardous Materials. For this reason alone the DEIR fails as an informational document.

**Response to Comment No. 12-11**

As indicated in Section 5, Reference, of the Geotechnical Evaluation prepared by AECOM, provided in Appendix E of the Draft EIR, available geotechnical reports and geologic studies within close vicinity to the Project Site were reviewed and utilized to develop the conclusions to support the Draft EIR. These references are public records and provide sufficient data available to the general public to perform geotechnical and geologic evaluations to address potential environmental impacts related to geology and soils. In addition, due to the unique geologic conditions at the Project Site, known potential hazards have been studied and documented by numerous researchers and consultants. Such studies generally derived similar conclusions regarding the geologic and seismic hazards as identified in the Draft EIR based on the aforementioned public information prepared by qualified geotechnical and engineering geologic professionals. Even though the available referenced public information is sufficient to address the environmental impacts related to geology and soils as documented in the Draft EIR, a project-specific geotechnical investigation was performed in October and November of 2015, including subsurface explorations and geotechnical laboratory testing. The field investigation included four geotechnical exploratory borings and four seismic cone penetration tests (SCPTs). The site-specific geotechnical data collected in 2015 is consistent with the findings presented in the Geotechnical Evaluation that was included in the Draft EIR. The Geotechnical Evaluation has been updated and is provided in updated Appendix E, of this Final EIR, to include a summary of the field investigation findings.

**Comment No. 12-12**

What's more, instead of adequately conducting such scientific analysis, the DEIR simply includes "mitigation measures" D-1 through D-4, for a *future* "site-specific, design-level geotechnical, and seismic hazard investigation report;" a *future* chemical analysis; and the *future* implementation of an instrumentation program. But such *future* analysis and environmental review is plainly against the CEQA statute. It is well settled that under CEQA, adoption of mitigation measures from a *future* study is impermissible. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306–07 (requiring applicant to submit a future hydrology study and soils study subject to review by County found deficient for improperly deferring environmental assessment to a later date); *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 (deferral is impermissible when agency "simply requires a project applicant to obtain a biological report and then comply with recommendations that may be made in the report").

All site-specific, design-level geotechnical, and seismic hazard investigations and analyses must be completed and provided now so that the decisionmakers and public are apprised of the true scope and impacts of the proposed Project on Geology and Soils.

**Response to Comment No. 12-12**

Based on the Amendment and Additions to the State CEQA Guidelines, that was released on January 26, 2018, the California Natural Resources Agency proposes to clarify Section 15126.4 consistent with case law. Specifically, based on *Oakland Heritage Alliance v. City of Oakland* (2011), 195 Cal.App.4th 884, deferral may be permissible when it is impractical or infeasible to fully formulate the details of the mitigation measures at the time of project approval and the agency commits to this mitigation. As provided in Section IV.D, Geology and Soils, of the Draft EIR, Mitigation Measures D-1 through D-4 and added Mitigation Measures D-5 and D-6, as discussed in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, provide adequate performance standards recommended by and updated in the Geotechnical Evaluation included in Appendix E, of the Draft EIR. The final site-specific, design-level geotechnical, geologic, and seismic hazard investigation report required under Mitigation Measure D-1 is required post-design to confirm the preliminary findings that were included in the Draft EIR and updated in the Final EIR. In addition, the excavation soils analysis is intended to be conducted on the actual soils excavated as part of Project construction and is needed to ensure the safe disposal of any potentially contaminated soils. Furthermore, refer to Response to Comment No. 12-10, above, for information regarding the project-specific geotechnical investigation.

**Comment No. 12-13****V. Land Use****a. Land Use Consistency**

CEQA requires strict compliance with the procedures and mandates of the statute. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118. In the context of “land use and planning,” in order to be legally adequate, the EIR must identify and discuss, as part of its substantive disclosure requirements, any inconsistencies between the Project and applicable general plans and regional plans, including relevant environmental policies in other applicable plans. See CEQA Guidelines §15125(d).

Here, the DEIR, as drafted, has made a thorough land use consistency analysis impossible because it has completely failed to identify what entitlements will be necessary for the Project, and the Ogden Parking Structure, which the DEIR admits is subject to all City of Los Angeles regulations, in particular. Instead, it vaguely provides that the Ogden Parking Structure will require “zoning approvals, *if necessary* (*possible* variances or adjustments, etc.);” provides that the spanning of the Museum Building over Wilshire Boulevard will require “vacation of airspace and related City grants, approvals, or agreements, *as necessary*,” states that termination of existing parking covenants on the Spaulding Lot and recordation of a new parking covenant for the Ogden Lot (including a variance, *if necessary*) may be needed; and ends each agency’s entitlements list with “other approvals and permits as needed and as may be required” catchall.

**Response to Comment No. 12-13**

This comment purports to recite legal principles and standards under CEQA. The comment is noted for the administrative record and will be forwarded to decision-makers for review and consideration.

Pages II-30 and II-31 of Section II, Project Description, and pages IV.H-32 through IV.H-33 of Section IV.H, Land Use, of the Draft EIR, clearly describe the list of discretionary actions necessary for the Project. In addition, Section II, Corrections and Additions to the Draft EIR, of this Final EIR, includes minor refinements to this list of actions. Furthermore, a detailed analysis of the Project’s consistency with applicable land use plans and zoning requirements is provided on pages IV.H-33 through IV.H-90, of the Draft EIR. The analysis is thorough and fully complies with CEQA.

**Comment No. 12-14**

What's more it has deferred and punted analysis of the impacts of the necessary street/airspace vacation in the very manner warned against in the recent California Supreme Court case of *Banning Ranch Conservancy v. City of Newport Beach* (2017). As the City of Newport Beach argued in the *Banning Ranch* case, the DEIR here argues that through the eventual process of the street vacation, "the City would ensure that the requested airspace vacation would comply with the purpose, intent and provisions of the General Plan and the California Streets and Highways Code." But as the Supreme Court specifically disagreed in *Banning Ranch*, such deferring runs afoul of the CEQA policies requiring local agencies to "integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively." *Public Resources Code* §21003(a).

**Response to Comment No. 12-14**

The sentence that the commenter extracted from the Draft EIR was not intended to imply that the analysis of the potential environmental impacts of the airspace vacation would be deferred, but rather to identify the subsequent approval process and the City's role in that process. Indeed, the discussion in the Draft EIR goes on to say:

*...the Museum Building would not exceed the dimensions of the airspace parcel being vacated. The airspace vacation only accounts for the air rights over Wilshire Boulevard and no portion of the street or sidewalk at the ground level beneath the building span or immediately adjacent to [it] would be vacated for private use. Therefore, environmental effects associated with the airspace vacation would be coextensive with the environmental effects of the Museum Building itself.*

(Draft EIR, page IV.H-89, emphasis added.)

Because the effects of the Museum Building have been thoroughly addressed, including but not limited to its general conformity with the City's General Plan, so have the potential environmental effects of the airspace vacation. The commenter has not identified any unique impacts of the airspace vacation that were not analyzed as part of the potential impacts of the Museum Building.

**Comment No. 12-15**

The *CEQA Guidelines* specify that "to the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by each

public agency.” *CEQA Guidelines* §15080. For this reason, an EIR project description must include “a list of related environmental review and consultation requirements found in federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.” *CEQA Guidelines* §§15124(d)(1)(C), §15006(i). Toward that end, agencies are encouraged to “consult with state and local responsible agencies before and during preparation of an environmental impact report so that the document will meet the needs of all the agencies which will use it.” *CEQA Guidelines* §15006(g).

Here, it is clear that the County has failed in its obligation to integrate CEQA review with the requirements arising from the City of Los Angeles, including all zoning, general plan and street/air vacation regulations which are admittedly necessary for the Project. The document is completely devoid of specific identification of what zoning approvals, variances, and City grants/approvals will be necessary. The County needs to further consult with the City of Los Angeles, put together a list of environmental land use impacts (and in particular the Ogden Parking Structure which will be subject to all City of Los Angeles regulations<sup>5</sup> and the impacts of the street/ airspace vacation) and integrate all of this specificity into the EIR in order to comply with CEQA. Otherwise it is impossible for decisionmakers, and the public to identify what, if any, land use impacts are posed by the proposed Project.

<sup>5</sup> It is, for instance, unclear whether the parking structure, as proposed, is even allowed in the R3 zone and whether it would comply with Los Angeles Municipal Code §12.21.A, as required.

### **Response to Comment No. 12-15**

The comment incorrectly states that the “document is completely devoid of specific identification of what zoning approvals, variances, and City grants/approvals will be necessary.” The necessary zoning, approvals, variances, and City grants/approvals are provided on page II-31 in Section II, Project Description, of the Draft EIR, consistent with *CEQA Guidelines* §15080. Section IV.H, Land Use, of the Draft EIR provides a comprehensive analysis of the Project’s land use impacts from development of the Museum Building and Ogden Parking Structure. Furthermore, the Draft EIR was prepared in coordination with the City of Los Angeles, a Responsible Agency for the Project.

Pages IV.H-20 and 21 of Section IV.H, Land Use, of the Draft EIR, explain the current zoning and general plan designations for the Ogden Lot as follows:

*The northern portion of the Ogden Lot is zoned [Q]C4-2-CDO (Qualified Condition, Commercial, height District 2, Community Design Overlay), and the southern portion of the Ogden Lot is zoned [Q]C2-1-CDO (Qualified*

*Condition, Commercial, Height District 1, Community Design Overlay) under the LAMC. The entire Ogden Lot has a regional Center Commercial land use designation under the Wilshire Community Plan.*

Pages IV.H-85 and 86 then specifically explains that the proposed parking structure is a permitted use in these zones:

*The Ogden Parking Structure is zoned C2 and C4, which permits parking buildings. Additionally, the “Q” Condition on the Ogden Lot expressly permits parking lot uses at this location.*

### **Comment No. 12-16**

Furthermore, in order to get around the requirement to discuss land use *inconsistencies* as set forth in the CEQA Guidelines, the EIR *assumes* land use consistency based upon the projected approval of the Project (“with the approval of the requested entitlements, impacts related to land use would be less than significant”).

This approach is not only incorrect, it obscures the language and intent of the CEQA statute. It is inherently against the CEQA mandates to simply state that once the entitlements are approved, the Project will be consistent with the zoning restrictions on-site, and therefore with all applicable land use regulations and policies. If such were the standard, any and all zone changes, general plan amendments, and variances would be inherently “consistent” with applicable land use plans. If such argument were accepted, the entirety of the “conformance with applicable land use plans” findings, both under the CEQA and the County’s and City’s Codes, would be eviscerated.<sup>6</sup>

To the contrary, under CEQA, the threshold question that must always be answered is what Environmental effects the project will have on the existing (pre-Project) environment. Projected, future, conditions may only be used as the baseline for impact analysis if their use in place of measured existing conditions, a departure from the norm, is justified by some unusual aspects of the project or the surrounding conditions. However, even in such unusual circumstances, an agency still does not have the discretion to completely omit an analysis of impacts on existing conditions, unless inclusion of such an analysis would detract from an EIR’s effectiveness as an informational document, either because an analysis based on existing conditions would be uninformative or because it would be misleading to decision makers and the public. *Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 508–09.

Here, there are simply no “unusual” circumstances which would in any way render the “existing” conditions baseline required inapplicable. And, again, even if there were, there is



still a burden on the County to include the impacts on the *existing* land use policies and regulations (pre-Project), and, if appropriate, present the facts warranting the use of the projected future conditions as the baseline.

<sup>6</sup> And again this *assumes* that consistency will be found. The DEIR cannot make any such assumption without data, analysis or evidence to back this up. What if during the street vacation process, it is determined that the vacation request is inconsistent with land use policies?

### **Response to Comment No. 12-16**

As discussed above, the Project includes a specific list of discretionary actions that are anticipated to be included as part of the Project. The analysis of potential land use impacts is not based on whether such actions are needed. Rather, the analysis is based on whether the Project would be generally consistent with applicable land use plans or regulations and whether the Project would physically divide an established community. As discussed in Response to Comment No. 12-12, above, a detailed analysis of the Project's consistency with applicable land use plans and zoning requirements is provided on pages IV.H-33 through IV.H-90 in Section IV.H, Land Use, of the Draft EIR. The analysis demonstrates that the Project would be generally consistent with applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site. The analysis is thorough and fully complies with CEQA. In addition, an analysis of the existing physical conditions relative to each environmental topic, including land use, is included within the Draft EIR.

The comment is mistaken where it implies the analysis assumes the discretionary actions are granted. The Draft EIR uses the existing conditions of the site and surrounding properties as a baseline upon which to measure any potential changes caused by the Project. In fact, the Land Use Section clearly identifies the current zoning and general plan designations for the property and evaluates the Project's consistency with those requirements, without regard to the County's exemption under state law. (see, e.g., Tables IV.H-1 through IV.H-4.) Moreover, it should be noted that when evaluating a project's consistency with land use regulations, state law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. Instead, a finding of consistency requires only that the proposed project be "*compatible* with the objectives, policies, general land uses, and programs specified in" the applicable plan. (Government Code § 66473.5) The courts have interpreted this provision as requiring that a project be "'in agreement or harmony with'" the terms of the applicable plan, not in rigid conformity with every detail thereof. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 718.)

**Comment No. 12-17**

Finally, the EIR fails as an informational document and under CEQA Guidelines §15125(d) because it fails to identify, consider or analyze any of the following City of Los Angeles land use regulations and policies with which the Ogden Parking Structure is inconsistent:

- Parking structures and areas should form an *integral* part of the project and be well landscaped, so as not to detract from the pedestrian experience and maintain visual interest. (p. 28, Miracle Mile CDO).
- Parking *should be located underground* where possible. (p. 28, Standard 2a, Miracle Mile CDO).
- Need to *preserve the existing character of residential neighborhoods* while accommodating more affordable housing and child care facilities. (Wilshire Community Plan, p. I-5).
- *Improved land use transitions* are needed between commercial uses and single family and multiple family areas. (Wilshire Community Plan, p. I-5).
- *Preserve and enhance* the varied and distinct *residential character* and integrity of existing residential neighborhoods. (Wilshire Community Plan, p. III-3).
- *Apply the Urban Design Chapter*<sup>7</sup> guidelines for parking facilities. (Wilshire Community Plan, p. III-3).
- The design guidelines of Ordinance No. 176, 332.<sup>8</sup>

All of these issues and land use inconsistencies need to be further reviewed and analyzed under CEQA.

<sup>7</sup> Except for mentioning the existence of the Urban Design Chapter, the DEIR completely fails to analyze the parking lot's compliance therewith.

<sup>8</sup> The DEIR makes zero effort to analyze the parking structure's consistency with the [Q] conditions imposed by Ordinance No. 176,332.

**Response to Comment No. 12-17**

The Draft EIR does not fail as an informational document. See Response to Comment No. 12-15, above for further detail. The Draft EIR is comprehensive and provides a detailed analysis of consistency with applicable plans and regulations including the primary goals of the Miracle Mile CDO, primary policies of the Wilshire Community Plan, and the "Q" condition applicable to the southerly two lots of the Ogden Lot, which

expressly permits parking lots. In addition, an analysis of the Project's consistency with the additional plan excerpts included in the comment is provided below.

- Parking structures and areas should form an *integral* part of the project and be well landscaped, so as not to detract from the pedestrian experience and maintain visual interest. (p. 28, Miracle Mile CDO).

As described in Table IV.A-4 on page IV.A-106 of the Draft EIR, the Ogden Parking Structure would be located on a separate lot from the Museum Building, and has, thus, been designed to be compatible with the multi-family residential uses that are located adjacent to the parking structure on the south and east. The articulation of its street facing façade, exterior finish materials, landscaping, and massing would be compatible with the surrounding uses. Its materials and design features will also relate to the existing and proposed new buildings on the LACMA Campus. Moreover, the purpose of this guideline is to avoid detracting from the pedestrian experience and to maintain visual interest. The Ogden Parking Structure is located on a lot separated from the proposed Museum Building and is set back from Wilshire Boulevard, so there would be no detracting that might occur from lack of continuity with the Museum Building or any other features of the LACMA Campus. The street-facing side of the structure would be landscaped to provide a pleasant pedestrian experience walking to and from the Museum Building and other LACMA buildings, and enhance compatibility with surrounding residential uses. The Ogden Parking Structure would offer a dedicated pedestrian entrance, and would include a required five-foot wide landscape buffer between the sidewalk and the parking structure, with the required 15-gallon tree for every 20 lineal feet of parking frontage.

- Parking should be located underground where possible. (p. 28, Standard 2a, Miracle Mile CDO).

In keeping with the CDO, the Ogden Parking Structure would locate two levels of parking underground. Two below grade parking levels were excavated by a previous property owner. Additional subterranean levels are not proposed in part due to high ground water, presence of tar in the soil, and potential disturbance of paleontological finds.

- Need to *preserve the existing character of residential neighborhoods* while accommodating more affordable housing and child care facilities. (Wilshire Community Plan, p. I-5).

This text, referenced from page I-5 of the Wilshire Community Plan, comes from the Residential Issues section of the Plan. It refers to residentially-zoned land, while the parking structure is located on commercially-zoned land (C2 and C4), so these guidelines are not directly applicable to the Project.

Moreover, the addition of the Ogden Parking Structure would not have an adverse impact on the residential character of its surrounding neighborhood. Throughout the Miracle Mile area, major arterial streets, including Wilshire Boulevard, are lined with higher-intensity commercial uses, often with parking structures behind such uses, while local streets off of the major arterials tend to be comprised of lower-intensity residential uses. The Ogden Lot is currently surrounded by and in the vicinity of the Peterson Automotive Museum, future Academy Museum of Motion Picture Arts and Sciences (under construction), Broad Contemporary Art Museum at LACMA, 5900 Wilshire office building, and Natural History Museum La Brea Tar Pits & Museum. The lot adjacent to the Ogden Parking Structure, that fronts along Wilshire Boulevard, until recently, contained a 5-story office building, and will soon be the location of a subway portal. The Ogden Parking Structure is a use consistent with its site's zoning, including the "Q" Conditions which specifically identify parking as a permitted use on the Ogden Lot, and the existing development pattern of its surroundings. This Project would not substantively change the intensity of uses fronting Wilshire Boulevard.

The Ogden Parking Structure appropriately addresses the residential uses to the south and east with design elements that are compatible with the existing character of the adjacent residential neighborhood to the south. The property to the west of the Ogden Parking Structure is currently used as the staging area for the Metro station. The property to the south is improved with a five-story multi-family residential building that is approximately 45 feet tall and includes a 7'-6" side yard setback. The Ogden Parking Structure is proposed to include five levels above grade with a building height that is primarily 55 feet and includes a 10-foot high elevator tower at the north end of the building. The first level would include the main pedestrian entry and the vehicular driveway and entry. While the [Q]C2-1-CDO and [Q]C4-2-CDO Zones do not require yard setbacks or vertical height limits for parking structures, the Ogden Parking Structure would include an approximately 7'-6" side yard setback at the south property line to voluntarily provide a side yard setback similar to the existing residential side yard setback to the south. Despite the current zoning for the Ogden Lot which has an unlimited height restriction, the Ogden Parking Structure building height at the south property line would be compatible with the building height of the adjacent residential building and other residential buildings in the vicinity.

- Improved land use transitions are needed between commercial uses and single family and multiple family areas. (Wilshire Community Plan, p. I-5).

This text, referenced from page I-5 of the Wilshire Community Plan, comes from the Residential Issues section of the Plan. It refers to residentially-zoned land, while the Ogden Parking Structure is located on commercially-zoned land, so these guidelines are not directly applicable.

Moreover, the Ogden Parking Structure would be set back over seven feet from its property line abutting the R3 Zone. The structure would be of a similar height and massing to its surrounding multi-family residential buildings, and it would be significantly smaller than the more intensive commercial and institutional uses to its north, west, and east. The Ogden Parking Structure driveway would have the same location on the Ogden Lot as the current driveway to the Metro staging area and the driveway to the previous surface parking lot for LACMA. It would also be landscaped in a manner that would extend the shaded residential portion of the Ogden Drive sidewalk northward. Thus, the Ogden Parking Structure would serve as an effective transition and buffer between the more intensive commercial uses to its north and the middle-intensity multi-family residential uses to its south.

- *Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.* (Wilshire Community Plan, p. III-3).

This text comes from the Residential Land Use Policies and Programs section of the Community Plan. The Ogden Parking Structure would be located on commercially-zoned land and the Ogden Lot is not currently improved with residential uses. As noted previously, the Ogden Parking Structure would not have a substantive impact on residential areas in the vicinity.

The Ogden Parking Structure would be compatible with the existing multi-family residential neighborhood to the south by providing similar landscaped setbacks, massing, and building height. The Ogden Parking Structure driveway would have the same location on the Ogden Lot as the current driveway to the Metro staging area and the driveway to the previous surface parking lot for LACMA.

- *Apply the Urban Design Chapter guidelines for parking facilities.* (Wilshire Community Plan, p. III-3).

It is assumed that this Comment refers to the Wilshire Community Plan p. III-33, as p. III-3 does not contain guidelines for parking facilities while p. III-33 does. The Ogden Parking Structure is in conformance with these guidelines.

Goal 15 calls for the provision of convenient off-street parking facilities in the Plan area. The development of the Ogden Parking Structure is in line with that goal. See Response to Comment No. 7-7.

Community Plan Transportation Policies call for the minimization of parking ingress and egress points from all Boulevards II and Avenues (Policy 15-1.1). The Ogden Parking Structure would provide access via Ogden Drive, a designated Local Street – Standard, as opposed to access from Wilshire Boulevard, a designated Avenue I. These guidelines also call for the development of off-street parking resources, including parking structures and underground parking (Policy 15-1.2). This Project would add such a parking structure, including a portion of the parking located underground. The other

parking-related policy (Policy 15-1.3) is not relevant to this Project, as it relates to on-street parking.

The Ogden Parking Structure would locate some of the parking underground. Five above-grade parking levels and two below-grade parking levels are proposed. Excavation for the two below-grade parking levels was completed by a previous property owner for a previously approved development. Additional underground parking levels are not proposed in part due to the high ground water, the presence of tar in the soil, and the potential disturbance of paleontological finds. The Ogden Parking Structure would offer a dedicated pedestrian entrance, and its required landscaped setback from the street would help maintain a continuous street wall along Ogden Drive. The street wall along Ogden Drive would primarily comprise façade screens that include vertical articulation. It should be noted that, as this lot is currently being used as a staging area for the Metro Purple Line Extension, it does not contribute to building continuity, the pedestrian experience, or the maintenance of a street wall. Furthermore, the Ogden Parking Structure's south wall would be a solid decorative wall, to improve compatibility with adjacent residential uses.

Guidelines for CDOs can be found on page V-2 of the Wilshire Community Plan. These guidelines specify that a CDO "is limited to urban design concerns" and "may not be used to prohibit the type of land uses otherwise allowed by right."

- The design guidelines of Ordinance No. 176,332.

Ordinance No. 176,332 contains provisions governing the development of parking structures within the area defined by the Ordinance's [Q] Conditions. Certain provisions apply only to structures fronting Wilshire Boulevard, and those [Q] Conditions do not apply to the Ogden Parking Structure. Consistency of the Ogden Parking Structure with relevant [Q] Conditions is evaluated in Table IV.H-3a, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

## **Comment No. 12-18**

### **b. Land Use Compatibility**

In finding that the Project would have a less than significant impact on land use compatibility, the EIR completely fails to analyze compatibility with respect to the entire *residential* community immediately to the south of the Project Site. Focusing, if not almost exclusively, on the development along Wilshire Boulevard, the EIR intentionally distorts the land use patterns in the area in order to conclude that there is a less than significant impact.<sup>9</sup>

What's more, the DEIR's incredibly abbreviated compatibility "analysis" with regard to the Ogden Parking Structure (and therefore, the residential neighborhood) is nothing more than a list of conclusory statements completely devoid of substantial evidence:

The Ogden Parking Structure would be located on a lot separated from the Museum Building and would, thus, be designed to be generally compatible with the neighborhood surrounding the structure. This would be achieved through the incorporation of building articulation, compatible finish materials, and compatible height and massing. In addition, the Ogden Parking Structure would generally align with the facades of the multi-family residential structures on the west side of Ogden Drive. Furthermore, the Ogden Parking Structure would be designed to substantially screen automobiles in the garage and would include perimeter landscaping along Ogden Drive, including trees and shrubs, which would provide additional screening.

How does the fact that the Ogden Parking Structure will be located on a lot separated from the Museum Building ensure that such structure will be generally compatible with the neighborhood surrounding the structure? (It does not). What building articulation, compatible finish materials, and compatible height and massing elements will be incorporated mitigate the Project's land use impacts? What landscaping is proposed to mitigate the Parking Structure's impacts? Again, specificity and use of detail must be used in EIR's since conclusory statements that are unsupported by empirical or experimental data, scientific authorities, or explanatory information afford no basis for comparison of the problems involved with a proposed project and the difficulties involved in the alternatives. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411. Here, the DEIR's lack of specificity on the compatibility of the Ogden Parking Structure is shocking.

<sup>9</sup> The DEIR also makes an absurd argument that the Project site is surrounded by a "variety of land use designations and zones" and, therefore, the Project would be compatible with these "various" types of land uses and zones. Such vagueness and lack of analysis with actual, specific land uses surrounding the Project is prohibited under CEQA.

### **Response to Comment No. 12-18**

The zoning on the lot where the Ogden Parking Structure is proposed illustrates how this use is entirely appropriate for the site. The Ogden Lot is zoned for commercial uses and has a [Q] Condition for Subarea 'A' (Sub-Area No. 951 of Ordinance 174,483), which states, "the use of the property shall be limited to parking lots or residential development up to R3 densities." The lots in the Miracle Mile CDO with this type of [Q] Condition either front along Wilshire or would be part of a development that fronts along Wilshire in the C4 zone. They are consistent with the development pattern of mixed-use or commercial buildings fronting along Wilshire. They are designated with this [Q] Condition specifically

because it was intended that they be developed as parking and vehicular entries on side streets to the rear of Wilshire-fronting buildings. Therefore, the Ogden Parking Structure proposed land use is consistent with the corresponding zoning regulations.

Additionally, the Ogden Parking Structure is designed to improve its impact on its residential neighbors by providing a 5-foot wide landscaped and tree-filled strip along its frontage on Ogden Drive, as well as a landscaped setback between the parking structure and the residential building to its south. Currently the site is being used as a staging area for the Metro Purple Line Extension, and no such landscaping exists. The structure would be of a similar height and massing to its surrounding multi-family residential structures, and it would be significantly smaller than the more intensive commercial and institutional uses to its north, west, and east. The Ogden Parking Structure driveway has the same location on the Ogden Lot as the current driveway to the Metro staging area and the driveway to the previous surface parking lot for LACMA. Ogden Drive. It would also be landscaped in a manner that would extend the shaded residential portion of the Ogden Drive sidewalk northward. Thus, the Ogden Parking Structure serves as an effective transition and buffer between the more intensive commercial uses to its north and the middle-intensity multi-family residential uses to its south.

#### **Comment No. 12-19**

To add insult to injury, the DEIR again provides that the “discretionary actions required for the Project would not promote development that is incompatible with the surrounding community.” But, again, as set forth above, such “punting” of impact analysis is specifically prohibited by CEQA. All discretionary processes involved, and their impacts, must be integrated with the CEQA process. The DEIR cannot simply *assume* that the discretionary actions will ensure compatibility, there is no such guarantee (especially here where the DEIR cannot even identify what specific discretionary actions are going to be required).

For all of these reasons, the DEIR’s analysis of land use compatibility is woefully lacking.

#### **Response to Comment No. 12-19**

As discussed in Response to Comment No. 12-15 above, the analysis of potential land use impacts is based on whether the Project would be generally consistent with applicable land use plans or regulations and whether the Project would physically divide an established community. A detailed analysis of the Project’s consistency with applicable land use plans and zoning requirements and compatibility with the surrounding community is provided on pages IV.H-33 through IV.H-103 in Section IV.H, Land Use, of the Draft EIR. To the extent the commenter is again suggesting that the analysis relies on the discretionary approvals in order to find the Project is compatible with the surrounding community, the commenter is mistaken. See Response to Comment No. 12-15 above.



The analysis thoroughly evaluates the physical and operational aspects of the Project and does not represent “punting” of any necessary impact analysis. The analysis is thorough and fully complies with CEQA.

### **Comment No. 12-20**

#### **VI. Transportation/Traffic**<sup>10</sup>

Relying narrowly on thresholds, the DEIR fails to address critical impacts of construction and operational traffic on the surrounding residential properties. This is in error. The fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant, and the use of the Guidelines’ thresholds does not necessarily equate to compliance with CEQA. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108–09.

Here, the Project proposes two main entrances, one north of Wilshire and one south. As the south entrance abuts the property located at 750 S. Spaulding, it will bring additional traffic impacts on residents moving in and out of the building, especially during construction. By looking solely at the temporary impacts on travelers on roadways, visitors, bus travelers and parkers, the DEIR completely ignores such impacts, both on the 750 Spaulding building and on the whole of the residential units surround the Project. These impacts must be analyzed in order to meet the informational requirements of CEQA and adequate mitigation measures must be imposed in order to adequately mitigate the impacts on the 750 Spaulding building. Where an agency fails to abide the informational requirements of CEQA by omitting material necessary to informed decisionmaking and informed public participation, as it has here, harmless error analysis is inapplicable and the agency is deemed to have erred and abused its discretion. *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645.

<sup>10</sup> As noted above, the DEIR makes the same erroneous argument regarding SB 743 in the transportation section as it does in the aesthetics section.

### **Response to Comment No. 12-20**

The Draft EIR and Traffic Study provide a comprehensive analysis of the potential traffic impacts associated with the Project, including potential impacts from construction traffic relative to surrounding streets. The traffic analyses presented in the Draft EIR and Traffic Study were prepared in accordance with the established policies and procedures of the County’s *Draft Traffic Impact Analysis Report Guidelines* (2013) and LADOT’s *Transportation Impact Study Guidelines* (2016). The scope of the traffic analyses was reviewed and approved by both the County and LADOT during the MOU process. As detailed in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, and the Traffic Study, an analysis on the Project’s impacts were conducted for both the Project operations,

as well as during construction. The existing traffic analysis conditions were based on existing traffic volumes conducted at intersections and street segments throughout the study area, which included traffic associated with the 750 Spaulding building and other uses surrounding the Project. As described in the Draft EIR and Traffic Study, the Project, while operational, is not anticipated to result in a significant traffic impact at any of the study intersections nor street segments

As detailed on page IV.K-47 of the Draft EIR, it is anticipated that the haul trucks would travel on approved truck routes designated within the City. Subject to the City's approval, it is likely that construction trucks would utilize arterial streets such as La Cienega Boulevard, Fairfax Boulevard, La Brea Avenue, 6th Street, and Wilshire Boulevard to access the Project Site from I-10 and/or US-101. Construction trucks would be prohibited from traveling along residential streets to access the Project Site. Therefore, construction trucks would not result in traffic impacts in the residential areas. As outlined in Mitigation Measure K-1, Construction Management Plan, construction workers would be prohibited from parking on adjacent residential streets and would be scheduled to arrive to and depart from the Project Site outside the commuter peak hours. Parking for construction workers during construction would be provided within on-site facilities (e.g., the Pritzker Garage and or North Lawn), as well as off-site parking facilities within walking distance of the Project Site to the extent feasible, and not within the Spaulding Lot. However, as detailed in the Draft EIR, construction activities of the Museum Building would reduce capacity on Wilshire Boulevard to one lane in each direction during the erection and removal of the falsework structure over Wilshire Boulevard. These lane closures would be temporary and would take place during the week and possibly on Saturdays within the permitted hours of construction outside of the peak traffic hours in two segments over the course of one week. Therefore, the potential temporary construction-related traffic impacts on the surrounding street system were analyzed based on LADOT guidelines and are detailed in Table IV.K-6 of the Draft EIR. Temporary construction impacts were identified at four intersections along Wilshire Boulevard. Therefore, the Project would implement a Construction Management Plan to formalize how construction will be carried out and identify specific construction activities and identify specific actions that would be required to reduce effects on the surrounding community.

The commenter is correct that the Project proposes two main entrances for the Museum Building, with one on the north side of Wilshire Boulevard and the other on the south side of Wilshire Boulevard. Vehicular access to the parking facilities will be provided via the existing entrance to the Pritzker Garage along 6th Street and the proposed entrance to the new Ogden Parking Structure along Ogden Drive. A residential street segment analysis was also conducted, and is shown in Table IV.K-9 and Table IV.K-10 of the Draft EIR. The driveway of the Ogden Parking Structure would limit Project-related traffic from traveling within the residential neighborhood south of 8th Street by restricting right-turn egress movements. Therefore, the addition of Project traffic is not anticipated to result in a

significant residential street segment impact per the established LADOT significance thresholds. In addition, the passenger loading zones would continue to be provided along the north side of Wilshire Boulevard between Ogden Drive and Spaulding Avenue, as well as along a new loading area along Wilshire Boulevard adjacent to the southern portion of the Project Site on the Spaulding Lot. The commenter's claim that the DEIR looked solely at the temporary impacts of travelers on roadways, visitors, bus travelers and parkers is incorrect. Although the increase in attendance resulting from the Project would be temporary and is anticipated to normalize once operations stabilize, for the purposes of providing a conservative worst-case analysis, the significance of traffic impacts on the surrounding transportation system was evaluated based on the increase in visitor vehicle trips associated with the completion of the Project. This includes the evaluation of the Project's impacts on intersections, transit service, and residential street segments. The Project impacts were evaluated in accordance with County and LADOT's guidelines and methodologies.

#### **Comment No. 12-21**

Furthermore, the DEIR finds that the Project does not substantially increase hazards due to a design feature or incompatible uses. This is blatant error and completely unsubstantiated by the requisite substantial evidence. The Project will include a 260-parking space, 85-foot building immediately next to (within five feet of a five-story multi-family residential building) a multi-family residential zone where residents enter and exit to get to their homes and where a surface parking lot currently exists. It will introduce a south entrance *immediately next to* a multi-family residential building. The impacts of increased hazards on such residential traffic are not analyzed in order to adequately conclude that the Project does not substantially increase hazards due to a design feature or incompatible uses.

#### **Response to Comment No. 12-21**

As detailed in Response to Comment No. 12-19, the driveway of the Ogden Parking Structure would limit Project-related traffic from traveling within the residential neighborhood by restricting right-turn egress movements. In addition, the residential street segment analysis presented in Table IV.K-10 and Table IV.K-11 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, shows that Project traffic is not anticipated to result in a significant residential street segment impact per the defined LADOT thresholds. Based on comments received during the public scoping process, the driveway for the Ogden Parking Structure was relocated so as to not align with Genesee Avenue thereby limiting Project vehicles utilizing residential streets. In addition, this driveway has the same location on the Ogden Lot as the current driveway to the Metro staging area and the driveway to the previous surface parking lot for LACMA.

**Comment No. 12-22**

What's more, in order to mitigate the impacts that the DEIR does identify on construction traffic, it imposes one mitigation measure, the submission of a future Construction Management Plan. There is no way to gauge the adequacy of such future construction management plan or whether it adequately mitigates the identified impacts. For that reason it is well settled that under CEQA, adoption of mitigation measures from a future study is impermissible, as set forth above. See *Sundstrom v. County of Mendocino*; *Defend the Bay v. City of Irvine*. The DEIR must identify, in specific detail, the aspects of the Construction Management Plan which will mitigate the construction traffic impacts on all road arteries and surrounding uses, and in particular with regard to the 750 S. Spaulding Building which is immediately next door. Without such detail and specificity, it cannot be determined whether the construction transportation impacts are adequately mitigated or enforceable.

**Response to Comment No. 12-22**

As detailed on page IV.K-46 to IV.K-48 of the Draft EIR, the trips generated by the construction workers and haul trucks would not result in a significant traffic impact at any of the study intersections, as nearly all of these trips would occur outside of the commuter peak hours. As detailed on page IV.K-49 of the Draft EIR, temporary significant construction impacts are anticipated at the four identified intersections along Wilshire Boulevard as a result of the temporary lane closures during the erection and removal of falsework for the structure over Wilshire Boulevard. These impacts would not remain once the Project is operational. The Construction Management Plan would contain various strategies that would be implemented, including street closure information, a detour plan, haul routes, and a staging plan, as well as specific actions that would be required to reduce effects of the surrounding community. As detailed on page IV.K-47 of the Draft EIR, haul trucks would travel on approved truck routes designated within the City and would be prohibited from utilizing local streets within the adjacent neighborhoods. The Construction Management Plan would be based on the nature and timing of specific construction activities and other project activities in the vicinity of the Project Site, such as scheduling construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible. The Construction Management Plan would contain performance criteria that ensure elements would be implemented to reduce impacts, and the Mitigation Monitoring Program ensures the performance elements will be applied by the City with quarterly reporting and compliance certification report requirements. The Construction Management Plan would be prepared and submitted to the City for review and approval prior to the start of any construction work.

**Comment No. 12-23**

The DEIR also evaluates existing traffic conditions based upon traffic studies conducted on weekdays. But the highest volume of attendance to the Project historically has been and is anticipated to be on the weekends. Accordingly, the DEIR's analysis is skewed and, in order to adequately analyze traffic levels at such peak times, further analysis and study is necessary.

**Response to Comment No. 12-23**

The inference in the comment that the Draft EIR only evaluated existing traffic conditions based on traffic studies conducted on weekdays is incorrect. In addition to the evaluation of weekday morning, midday, and afternoon peak hours, the Draft EIR also included the analysis of Saturday midday conditions, when, as the commenter noted, LACMA experiences the higher level of attendance. Details of the analysis are presented in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. As detailed in Table IV.K-7 and Table IV.K-8 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the Project would not result in a significant traffic impact at any of the 22 study intersections during the weekday morning, midday, afternoon, or Saturday midday peak hours. Therefore, the Draft EIR provides a comprehensive analysis of the Project during weekday and weekend conditions and no further analyses are required.

**Comment No. 12-24**

Finally, the DEIR provides no discussion whatsoever of an additional Metro Purple Line Subway entrance on the north side of Wilshire Boulevard which has been identified in previous public hearings as necessary to accommodate the increase in visitors coming to Project site (for more, see comments and concerns presented by METRO), and no analysis regarding cumulative traffic/transportation impacts arising from the ongoing METRO construction which plans to close the intersection of La Brea and Wilshire. These omissions renders the scope of Project and the Project description deficient under CEQA, and bars the DEIR's utility as an adequate informational document.

**Response to Comment No. 12-24**

Refer to Response to Comment Nos. 3-3 and 3-9, above, in regards to LACMA's continued coordination with Metro in the preparation of conceptual designs in response to the April 2012 Board Report. The North Portal is not required at this time as part of Metro's Purple Line extension project, nor is it included as part of the Project.

The Draft EIR and Traffic Study include the analysis of the potential Project construction-related traffic impacts, as detailed on pages IV.K-45 to IV.K-53 in Section

IV.K, Traffic, Access, and Parking, of the Draft EIR, as well as the cumulative impacts during construction activities, as detailed on pages IV.K-71 to IV.K-73. The construction activities of the Project include the reduction in lane capacity on Wilshire Boulevard between Fairfax Avenue and Curson Avenue, and would result in temporary traffic impacts at four study intersections, as detailed in Table IV.K-6 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. The construction activities of the Project would not affect the intersection of La Brea Avenue and Wilshire Boulevard. All construction related trips would occur outside of the weekday commuter peak hour, as specified in the Construction Management Plan. As detailed in the Construction Management Plan, coordination of construction activities with Metro and other nearby development projects would be required. The Draft EIR identified significant and unavoidable cumulative traffic impacts associated with the construction of the Project and nearby related projects.

#### **Comment No. 12-25**

#### **VII. Public Services**

Compounding the detrimental impacts caused by the admitted, anticipated construction transportation impacts, the DEIR completely ignores this condition with regard to public services, fire and police impacts. Common sense dictates that traffic impacts will hinder police and fire vehicles in the same manner as they do all other vehicles. By failing to provide any data or analysis to the contrary, the DEIR has patently failed to evaluate these impacts on public services. Again, as discussed hereinabove, the DEIR cannot rely on thresholds of significance to ignore these impacts. See *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno*; *Protect the Historic Amador Waterways v. Amador Water Agency*.

#### **Response to Comment No. 12-25**

The comment incorrectly states that the Draft EIR failed to evaluate police and fire protection impacts related to traffic during construction of the Project. As evaluated in Section IV.J, Public Services—Fire Protection, of the Draft EIR, with the removal of the existing uses in the buildings being demolished, the traffic generated by construction activities would be somewhat offset with the temporary reduction in vehicle trips to the Project Site. In addition, as discussed in Section IV.K, Traffic, Access, and Parking, of this Draft EIR, given the permitted hours of construction and nature of construction projects, most of the construction worker trips and haul truck trips would occur outside the typical weekday commuter morning and afternoon peak periods, thereby reducing the potential for traffic-related conflicts. Furthermore, any lane closures resulting from construction of the Museum Building spanning Wilshire Boulevard would be temporary and only occur for several days during the setup and removal of the falsework. Also, the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using

sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, construction of the Project would not cause substantial delays and disruption to emergency access during construction.

**Comment No. 12-26****VIII. Noise**

Similar to traffic, in order to avoid a detailed analysis of noise impacts, the EIR simply concludes that because operational Project-related noise would not exceed established thresholds, impacts are less than significant. But, as discussed above, the use of the Guideline's thresholds does not necessarily equate to compliance with CEQA. In order to provide the requisite detail/information necessary for informed decisionmaking, the EIR must address why and how the thresholds being used for this particular Project, where the Project not only proposes to construct a 260-parking space, 85-foot parking structure immediately next to residential uses, but a main south entrance next to a multi-family residential building, are appropriate.

There is no adequate analysis completed of the noise impacts relating to the Ogden Parking Structure when that structure will be most impactful to the surrounding residential neighborhood in terms of noise impacts. There is not even a discussion of allowed uses and considerations to mitigate operational noise impacts from that location. What's more, the DEIR fails to analyze, with the specificity required by law, the noise and vibration impacts to the 750 Spaulding Building which will be immediately next to the south end of the proposed Project and particularly impacted as a result of the Project's unique design and size.

**Response to Comment No. 12-26**

The noise and vibration analysis, as provided in Section IV.I, Noise, of the Draft EIR, was prepared in accordance with the State's CEQA Guidelines (Appendix G). The significance thresholds for noise impacts were established based on standards provided by the local general plan or noise ordinance, or applicable standards of other agencies. Specifically, relevant regulations and standards from local (County and City of Los Angeles), state (California), and federal (Federal Transit Administration) were utilized in establishing the Project's thresholds of significance.

Contrary to what the commenter claims above, a detailed noise impact analysis, including noise impacts associated with the Ogden Parking Structure, was prepared with supporting data provided in Appendix K of the Draft EIR. As provided in Table IV.I-18 of the Draft EIR, the estimated noise level from the operation of the Ogden Parking Structure to the nearest receptor (Draft EIR receptor Location R5) would be below the Project's

significance threshold. In addition, analysis was also conducted for the 750 Spaulding Building (Draft EIR receptors Locations R1 and R2), which included Project-related on-site and off-site noise sources (i.e., traffic, mechanical equipment, parking, loading/trash compactor, outdoor spaces, and special events). As presented in Table IV.I-18, the estimated noise levels from the Project-related noise sources at the nearest receptor to the Spaulding Site (receptor Locations R1 and R2) would be below the Project's significance threshold. Therefore, as concluded in the Draft EIR, noise impacts associated with the Project's operation would be less than significant at the receptor Locations R1 and R2 (representing the 750 Spaulding Building) and no mitigation measures are required. As described in Section IV.I Noise (page IV.I-22), of the Draft EIR, the primary sources of vibration associated with the operation of the Project would include passenger vehicle circulation within the proposed parking structure, which would be similar to the existing vibration levels at the existing surface parking lot. In addition, mechanical equipment for the Project would incorporate vibration devices to reduce the vibration transmission to the building. As described in the Draft EIR, ground-borne vibration attenuates rapidly as a function of distance from the vibration source. As concluded in the Draft EIR, the Project would not increase the existing vibration levels in the immediate vicinity of the Project Site, and as such, vibration impacts associated with the Project operations would be less than significant.

#### **Comment No. 12-27**

The DEIR further provides that existing ambient noise levels were monitored on only *two* days—November 16 and 17, 2016. This is a distressingly small sample from which to conclude ambient noise levels and does not constitute “substantial evidence” in support of the DEIR's analysis of ambient noise levels. It fails to measure ambient noise levels on the weekends, when the Museum is busiest. What's more, it does not take into account the ongoing METRO construction which has altered the ambient noise levels,<sup>11</sup> or the noise levels that will exist at night (given the proposed hours of operation and anticipated “special events,” noise at night is a serious potential impact that must be assessed).

#### **Response to Comment No. 12-27**

As described in Section IV.I, Noise, of the Draft EIR, the baseline ambient noise levels were conducted on November 16–17, 2016. The ambient noise measurement represents typical ambient noise levels for a typical day and includes the existing conditions of an operating museum. As indicated by the commenter, the museum would be busiest during the weekends, which would generate higher ambient noise levels in the immediate vicinity of the museum. As discussed in the Draft EIR, the significance thresholds for noise are based on the measured baseline ambient noise levels; which likely are lower than the weekend ambient sound levels. The Project's significance thresholds would be more conservative based on a lower ambient noise level, as compared to a



higher ambient noise level. In addition, the Project would not have events in the nighttime hours (i.e., after 10:00 P.M.) As described in Section II, Project Description, of the Draft EIR, the outdoor events would occur within the museum's regular hours of 11:00 A.M. to 5:00 P.M. on Monday, Tuesday, and Thursday, 11:00 A.M. to 8:00 P.M. on Friday, and 10:00 A.M. to 7:00 P.M. on Saturday and Sunday. There would be some events outside of the museum's regular hours, with most of the events ending at 10:00 P.M. In addition, the ambient noise measurements were conducted with minimal Metro construction activities at the Ogden Lot staging yard. Furthermore, the Ogden Lot staging yard has erected a noise barrier around the Ogden staging yard. The Metro noise barrier minimizes the Metro related construction noise emission to the adjacent environment. Therefore, the site ambient noise measurements were not affected by the Metro construction activities.

#### **Comment No. 12-28**

It must also be noted that the side of the Project along Spaulding site will be designed to attract visitors. Yet the noise impacts from this design element in particular on all of the residential uses on the Spaulding site arising therefrom are completely unidentified, unanalyzed and unmitigated. This is [sic] error. Once identified, the DEIR cannot ignore Project impacts, it must mitigate them fully. *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 724.

#### **Response to Comment No. 12-28**

As provided in Section IV.I, Noise, of the Draft EIR, a detailed noise impact analysis was performed for the Project's operation-related on-site noise sources. On-site noise sources at the Spaulding site include: mechanical equipment, outdoor uses (an outdoor café seating and gathering areas), and loading. Noise analysis for each of the on-site sources at the Spaulding site was analyzed and provided in Table IV.I-17 (Mechanical Equipment), Table IV.I-19 (Outdoor Areas), and Table IV.I-21 (Loading). As presented in the noted Tables, the estimated noise levels from the Project operation-related noise sources at the nearest receptor to the Spaulding Lot (i.e., receptor Locations R1 and R2) would be below the Project's significance threshold. Therefore, as concluded in the Draft EIR, noise impacts associated with the Project's operation, including the Spaulding Lot site, would be less than significant and no mitigation is required.

#### **Comment No. 12-29**

### **IX. Conclusion**

In conclusion, we request that the County address all of the inadequacies of the DEIR as set forth herein.

Recirculation of the DEIR is necessary under CEQA.

### **Response to Comment No. 12-29**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. See Response to Comment No. 16-39, below, regarding recirculation.

### **Comment No. 12-30**

#### **Exhibit 1**

As indicated herein, the geotechnical report to the above mentioned Draft EIR does not provide sufficient data or information to adequately evaluate or confirm the site conditions at the proposed Project site or the environmental impacts of the Project, especially with regard to geology and soils and hazards/hazardous conditions. Accordingly, we are commenting generally on the 2017 AECOM geotechnical report and the Eyestone Draft EIR (2017). The following comments have been prepared by the undersigned.

### **Response to Comment No. 12-30**

Available geotechnical and geologic information referenced in the Geotechnical Evaluation, provided as part of Appendix E of the Draft EIR, was accessible to the general public and is considered to provide sufficient data to perform adequate geology and soils and hazards/hazardous evaluations. The additional site-specific information collected as mentioned above in Comment No. 12-10, which are included in the updated Geotechnical Evaluation, as provided in updated Appendix E, of this Final EIR, simply confirmed the conclusions related to geology and soils and hazards/hazardous impacts for the Draft EIR.

### **Comment No. 12-31**

#### **AECOM Geotechnical Report (September 6, 2017)**

*Lack of Site-specific Data*—AECOM indicates that its bases for the data and conclusions presented are “Review of readily available aerial photographs, topographic and geologic maps, published geotechnical literature, geologic and seismic data, soil data, groundwater data, and the geologic/geotechnical data obtained during recent and previous geotechnical investigations in the near-vicinity of the subject site.” Considering the geologic/geotechnical data aspect there are numerous geotechnical reports listed in the SECTION 5 REFERENCE portion of the report (numbers 1,18-21,24–28,30, 31, 34, and 36–39). From what we can determine, a few of these reports refer to the 731 Ogden site (numbers 18–21). but apparently after the excavation had been abandoned and was being

refilled/repaved. The other reports enumerated above are at sites ranging between 700-feet and 1.75-miles away from the proposed Spaulding Parking structure. There apparently are no geotechnical reports or data for the LACMA East or Spaulding sites. Borings B-3 and B-4 are shown as boring/well locations, but are not discussed. Without such information it cannot be known if there are significant effects that are not discussed in the Draft EIR.

The importance of having site-specific geotechnical data at this location is to understand that 1) conditions of Level V methane (AECOM, 2017, page 3-3) are the highest rated hazard, 2) the underground geologic layers (stratigraphy) in this Pleistocene alluvial environment are not continuous over large distances, even a few hundred feet, and 3) preliminary design for excavations of underground parking and/or basement structures in heterogeneous geologic materials require up-to-date geotechnical information at the structure locations. Lacking this site-specific information, it is not possible to define potential significant effects on the environment or evaluate the feasibility of the project in the EIR. Aspects related to the geotechnical data and findings are discussed below.

Though the referenced reports would provide a generalized description of materials within 700-feet to 1.75-miles away, since they are not provided with the geotechnical report it is not possible for the public to make an educated evaluation of the conditions at the proposed museum facilities and potentially significant effects that the project may have on the environment. Subsurface condition descriptions are not based on AECOM site investigations since none are presented. It appears other investigations were performed on or near areas of the site, but these are not specifically referred to.

### **Response to Comment No. 12-31**

The geotechnical studies referenced in the Geotechnical Evaluation (Nos. 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, and 37) were performed either within the footprint of the proposed improvement discussed in DEIR, or for the adjacent LACMA structures and the improvements in Hancock Park. The data used were significantly less than 700 feet to 1.75 miles as claimed by the commenter. As such, the subsurface conditions presented in the Geotechnical Evaluation, provided as part of Appendix E of the Draft EIR, were based on the on-site (i.e., site-specific) data.

As indicated in the Response to Comment No. 12-10, additional site-specific investigation was performed to collect additional geotechnical design information to supplement the aforementioned referenced data. The additional information was summarized in an AECOM Report entitled "Geotechnical Investigation, Design Development Phase, Phase III Transformation Project, Los Angeles County Museum of Art, 5905 Wilshire Boulevard" dated December 19, 2016, and such findings adequately

supported the conclusions developed based on the aforementioned referenced reports cited in the Geotechnical Evaluation, provided as part of Appendix E of the Draft EIR. The relevant site-specific data collected by AECOM are included in the updated Geotechnical Evaluation, as provided in updated Appendix E, of this Final EIR.

### **Comment No. 12-32**

The potential for methane gas seepage and accidents resulting from this phenomenon are well known (Bilodeau and others, 2007; Dolan and others, 1997; Hamilton and Meehan, 1992). While the potential for methane gas issues are discussed, the report fails to discuss the potential impacts of hydrogen sulfide gas. However, hydrogen sulfide gas is recognized in the Alternatives section of the Draft EIR as a hazard alongside methane. In this general regard, there is no mention that could be found of the use of impermeable membranes beneath structures to help lessen the impact of methane and hydrogen sulfide gasses. Such membranes are considered in other nearby projects, such as Wilshire Crescent Heights at 6245 Wilshire Boulevard (City of Los Angeles, 2010). Even with the City methane mitigation requirement that have been in place since 1986, it is reported (FOX News LA, 2015) that in early 2015 a methane gas explosion occurred “on Wilshire Boulevard near Hauser Boulevard despite monitors and vent pipes being in place.

### **Response to Comment No. 12-32**

The Methane Report, prepared by Methane Specialists and referenced in the Geotechnical Evaluation as Reference No. 31, was also included in Appendix F of the Draft EIR. The Methane Report analyzed impacts from potential methane and hydrogen sulfide gas seepage. Based on recommendations provided in the Methane Report, Project Design Features F-1, F-3, and F-4 would be implemented by the Project. These project design features are discussed in further detail in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. Specifically, Project Design Feature F-1 requires construction activities to be conducted in accordance with relevant health and safety requirements, including OSHA Safety and Health Standards and Cal/OSHA requirements to address risks to workers or the public in the event that elevated levels of subsurface gases are encountered during grading and construction. In addition, during construction, the Project would be required to implement a Health and Safety Plan that includes continuous control systems to prevent potential methane and hydrogen sulfide hazards. Furthermore, Project Design Feature F-3 would require the methane mitigation systems for the Museum Building and the Ogden Parking Structure to meet Level V Methane Zone Requirements as identified by the City of Los Angeles Ordinance No. 175,790 or equivalent. As described in Appendix F, Methane Report, of the Draft EIR, Level V is the most stringent “active” methane mitigation. As described further in the Methane Report, a specified impervious membrane would be installed and would serve as a methane gas barrier as well as a waterproofing membrane on the exterior of the subterranean walls and beneath the concrete basement slab. The

membrane thickness would be doubled beneath all elevator and sump pits. Additionally, Project Design Feature F-4 would require the Applicant to prepare an Operations and Maintenance Plan, which would: (1) outline the respective manufacturers' required service procedures for the gas detection and mechanical ventilation systems; (2) include the required frequency of calibration of alarm system components; (3) identify a contingency plan that includes specific guidelines for future work and repairs that may impact the integrity of the methane mitigation systems; and (4) identify the LAFD's Regulations, alarm testing requirements, system certification checklist, and annual inspection requirements. With implementation of the project design features above and compliance with relevant regulations, standards, and requirements, including stringent requirements related to methane mitigation design, impacts from potential methane and hydrogen sulfide gas seepage would be less than significant during construction and operation of the Project. Therefore, the Draft EIR adequately analyzed potential impacts from methane and hydrogen sulfide gas seepage.

### **Comment No. 12-33**

*Lack of Clear References to Critical Reports*—In addition to the lack of critical data, the report also does not often cite a specific report(s) where descriptions of subsurface materials are presented. In general the REFERENCES listed are not noted with attribution in the text so that one cannot evaluate the legitimacy of the descriptions and therefore the conclusions drawn. For example, no direct site or area-specific references are provided for descriptions on pages 2-1 through 2-3 (Section 2.1.3 describes artificial fill, alluvium, shallow marine sediments, and bedrock with specific depth, thicknesses, and nomenclature, but provides no specific references for the information). groundwater (Section 2.2), and Sections 3.2.2, 3.2.4 through 3.2.7 (oil wells, tar sands and methane discussions). Again without the cited reports and specific references it is not possible for the public to evaluate the adequacy of 1) the data and recommendations presented and 2) the mitigations mentioned in the RECOMMENDATIONS TO HAZARDS section.

### **Response to Comment No. 12-33**

As indicated in Section 5, Reference of the Geotechnical Evaluation, provided as part of Appendix E of the Draft EIR, referenced documents (Nos. 16, 17, 18, 19, 22, 23, 24, 25, 26, 34, 35, 36, and 37) were used to develop the subsurface conditions provided in Section 2.1.3 of the Geotechnical Evaluation. Since the Geotechnical Evaluation referenced geotechnical studies were performed for the previous on-site or adjacent improvements within the same campus, the data were considered site-specific and the intent was to provide an overview to the reader.

For groundwater conditions, references were provided for regional/area information (Reference Nos. 4 and 7 of the Geotechnical Evaluation).

Similar to Section 2.1.3, data from the previous geotechnical studies were used to develop the findings for Sections 3.2.2 and 3.2.5, as well as the site-specific methane studies for Section 3.2.7 (Reference Nos. 28 and 29 of the Geotechnical Evaluation).

Further information regarding Section 3.2.4 is provided in a report entitled “Phase I Environmental Site Assessment Los Angeles County Museum of Art (LACMA), 5905 Wilshire Boulevard, Los Angeles, California 90036” dated July 2016 by AECOM.

The relevant site-specific data collected by AECOM for the design development phase geotechnical investigation report dated December 19, 2016, are included in the updated Geotechnical Evaluation, as provided in updated Appendix E, of this Final EIR.

#### **Comment No. 12-34**

**Active Faulting**—In the AECOM report it is noted that the San Vicente fault is 0.1 mile from the site (Schneider and others, 1992)<sup>1</sup> but it is not shown on a site-map scale so that its proximity to the site can be properly judged. Categorized as a major fault, the San Vicente fault is considered an active blind thrust fault that could cause differential uplift in the area of the proposed development. Because the fault is buried, its exact location is not known and it could be much closer to, or under, the proposed museum sites. There is no discussion of potential impacts if inches or feet of differential uplift were to be experienced for the likely maximum 6.17 magnitude earthquake indicated for the San Vicente fault.

#### **Response to Comment No. 12-34**

The San Vicente fault is a west-striking, north-dipping, roughly 9-km-long reverse fault in the northern Los Angeles basin (e.g., Wright, 1991; Schneider et al., 1996).<sup>2</sup> This blind fault does not extend to the ground surface and has no geomorphic expression. Thus, information regarding the fault’s location, geometry, slip history, and magnitude potential come from subsurface data, primarily an extensive set of oil-well data.

Tsutsumi (1996)<sup>3</sup> suggests that the Santa Monica and San Vicente faults initiated in Miocene time as a continuous left-oblique normal fault. With the onset of compressional

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<sup>2</sup> Wright, T.L. 1991. *Structural Geology and Tectonic Evolution of the Los Angeles Basin, California*, in K.T. Biddle (Ed.), “Active Margin Basins.” *American Association of Petroleum Geologists (AAPG) Memoir 52*, Tulsa Oklahoma, pp. 35–134.

Schneider, C.L., Hummon, C., Yeats, R.S., and Huftile, G.S. 1996. “Structural Evolution of the Northern Los Angeles Basin, California, Based On Growth Strata.” *Tectonics*, v. 15, pp. 341–355.

<sup>3</sup> Tsutsumi, H. 1996. “Evaluation of Seismic Hazards from the Median Tectonic Line, Japan and Blind Thrust Faults in the Los Angeles Metropolitan Area, California.” *Ph.D. Dissertation, Oregon State University, March 7, 1996, 144 p.*

and transpressional tectonics in early Pliocene time, these and other faults in the Los Angeles basin were reactivated in a reverse or reverse-oblique sense. Many Pliocene structures became inactive by the middle Pleistocene, and deformation in the middle to late Pleistocene is taken up by new active structures. Well data suggest that reverse slip on the western portion of the San Vicente fault (south of the San Vicente oil field) persisted through early Pliocene time (Hummon, 1994; Tsutsumi, 1996; Dolan et al., 1997).<sup>4</sup> Evidence for reverse slip on the eastern portion of the San Vicente fault nearer the LACMA site (north of the Las Cienegas oil field) is either lacking (Tsutsumi, 1996) or suggests only a relatively small amount of reverse separation (Dolan et al., 1997). Tsutsumi (1996, see his Figure 3.5) interprets that reverse faulting on the San Vicente fault ceased by sometime around 3.5 million years before present.

These observations indicate that the San Vicente fault may not be a Quaternary-active structure. In fact, documentation for the Uniform California Earthquake Rupture Forecast model version 3 (UCERF3), indicates that the San Vicente fault likely will be removed as a seismic source from future versions of the model (see “Review Comments” tab of Fault Section Data Table from Field et al., 2013).

Even if the San Vicente fault is Quaternary-active, its magnitude potential, and thus coseismic displacement, is limited. In the UCERF3 model, the San Vicente fault is 8.8 km long, and extends from 17 km depth upward to 1.6 km below the ground surface, with an average dip of 66° north (Field et al., 2013).<sup>5</sup> Given this geometry, and using the average of the three empirical magnitude-scaling relationships for rupture area used in UCERF3 (i.e., Hanks and Bakun, 2008;<sup>6</sup> “EllsworthB” (WGCEP, 2003);<sup>7</sup> and Shaw, 2009),<sup>8</sup> yields a

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<sup>4</sup> Hummon, C. 1994. “Subsurface Quaternary and Pliocene Structures of the Northern Los Angeles Basin, California.” M.S. Thesis, Oregon State University, March 8, 1994, 119 p.

Dolan, J.F., Gath, E.M., Grant, L.B., Legg, M., Lindvall, C., Mueller, K., Oskinn, M., Ponti, D.F., Rubin, C.M., Rockwell, T.K., Shaw, J.H., Trieman, J.A., Walls, C., and Yeats, R.S. (compiler). 1997. “Active Faults in the Los Angeles Metropolitan Region.” Southern California Earthquake Center (SCEC) Group C report, 47 p.

<sup>5</sup> Field, E.H., Biasi, G.P., Bird, P., Dawson, T.E., Felzer, K.R., Jackson, D.D., Johnson, K.M., Jordan, T.H., Madden, C., Michael, A.J., Milner, K.R., Page, M.T., Parsons, T., Powers, P.M., Shaw, B.E., Thatcher, W.R., Weldon, R.J., II, and Zeng, Y. 2013. “Uniform California Earthquake Rupture Forecast, Version 3 (UCERF3)—The Time-Independent Model.” U.S. Geological Survey Open-File Report 2013–1165, California Geological Survey Special Report 228, and Southern California Earthquake Center Publication 1792.

<sup>6</sup> Hanks, T.C., and Bakun, W.H. 2008. “M-Log A Observations for Recent Large Earthquakes.” *Bulletin of the Seismological Society of America*, v. 98, pp. 490–494.

<sup>7</sup> Working Group on California Earthquake Probabilities (WGCEP). 2003. “Earthquake Probabilities in the San Francisco Bay Region: 2002–2031.” U.S. Geological Survey Open-File Report 02-214, 235 p.

moment magnitude (M) of 6.2 for the San Vicente fault. Using this magnitude and the magnitude-displacement regressions of Wells and Coppersmith (1994)<sup>9</sup> for all slip types yields 0.3 m (average) to 0.4 m (maximum) coseismic displacement. However, these displacement estimates are calculated for slip on the fault plane, which at its shallowest is approximately 1.6 km below the ground surface. Coseismic deformation of the ground surface, if any, would be a small fraction of this amount and would be distributed as folding or tilting of the ground surface over a broad area above the surface projection of the fault plane. The fact that there is no geomorphic expression of the San Vicente fault in the landscape is consistent with very minor to no coseismic deformation in the Quaternary Period.

### **Comment No. 12-35**

Geotechnical Issues—

Based on a review of the above referenced AECOM geotechnical report for the proposed Los Angeles County Museum of Arts (LACMA), the report does not provide the basis for most of the conclusions regarding some of the geotechnical hazards that could pertain to the site. Specifically, the conclusion by the consultant regarding the low impact for the potential hazards is not substantiated as discussed below:

### **Response to Comment No. 12-35**

This comment introduces the commenter's issue with the conclusions of the Geotechnical Evaluation. Specific comments on the conclusions of the Geotechnical Evaluation are discussed below.

### **Comment No. 12-36**

Liquefaction: The site IS located in Southern California; therefore is expected to experience medium to severe ground shaking during the lifetime of the project. The site is underlain by alluvial deposits, some of which are predominantly sandy and silty in composition. Historical-high groundwater at the site is near the ground surface. Saturated sandy and silty soils are typically susceptible to liquefaction if subjected to medium to high ground shaking. Hence, the potential for liquefaction and related hazards at the site needs

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<sup>8</sup> Shaw, B.E. 2009. "Constant Stress Drop from Small to Great Earthquakes in Magnitude-Area Scaling." *Bulletin of the Seismological Society of America*, v. 99, pp. 871–875.

<sup>9</sup> Donald L. Wells and Kevin J. Coppersmith, 1994, *New Empirical Relationships among Magnitude, Rupture Length, Rupture Width, Rupture Area, and Surface Displacement*, *Bulletin of the Seismological Society of America*, Vol. 84, No. 4, pp. 974-1002.



to be evaluated. Hazards related to the liquefaction phenomenon include seismic settlement, lateral spreading and surface manifestation in the form of fissures, sand boils and loss of bearing. The consultant concluded that liquefaction potential and related hazards at the site are “remote” due to the dense to very dense fine-grained underlying materials, and due to the “tar-impregnated sands with low liquefaction-susceptibility.”

The engineering characteristics/indices that would determine the susceptibility of soils for liquefaction include soil type/classification and consistency (compactness of soils). This information is usually obtained from field subsurface explorations such as drilled borings and/or Cone Penetration Test (CPT) soundings and laboratory testing of samples obtained from borings. For example, logging the recovered soil samples and soil cuttings from drilled borings would provide information regarding the soil type. Also, counting the number of blows required for a hammer to drive a sample into the soil is directly related to the compactness of the soil. Laboratory testing on samples of underlying materials helps in verifying the soil type, and in determining the percentages of sand, silt and clay, liquid limit and plasticity index, as well as other indices and parameters needed to evaluate the potential for liquefaction at a site. The consultant did not provide any field or laboratory data to substantiate/verify the conclusion that liquefaction potential at the site is low. The consultant did not also provide any data about the percentage of tar in the soil. The report also did not provide any reference that would relate the cyclic mobility of soils (that is susceptibility to liquefaction) with the presence of tar in soils. Were a severe earthquake to occur in the basin area and liquefaction-lateral spreading occurred, the potential for neighboring properties to be impacted by lateral movement toward the two-story basements appears possible should their foundations be compromised.

#### **Response to Comment No. 12-36**

As indicated in Section 3.3.3 of the Geotechnical Evaluation, the Project Site is not within potential liquefiable zone as defined by State of California (Reference No. 7). As the current geotechnical practice, the Project Site is considered to have very remote liquefaction potential based on screening investigation (Reference No. 8).

In addition to the aforementioned screening investigation, liquefaction potential at the Project Site was revisited during the design-development level geotechnical engineering investigation based on the site-specific standard penetration test (SPT) and cone penetration test (CPT) data. It was concluded based on this data that potential for liquefaction at the Project Site is remote, which is the same as the finding identified in the Draft EIR. The site-specific liquefaction evaluation is included in the updated Geotechnical Evaluation, as provided in updated Appendix E, of this Final EIR.

With the properly-designed earth retaining structure to be supported by deep foundation system for the proposed basement, adverse impact to the nearby existing improvements due to liquefaction/lateral spreading is unlikely.

**Comment No. 12-37**

**Settlement Due to Dewatering:** Temporary dewatering for the construction of underground basements will be needed. The report did not discuss or evaluate the impact of dewatering on existing improvements/structures at and immediately adjacent to the sites. For example, dewatering would change (increase) the effective pressure, which could cause settlement to occur. In other words, if dewatering at the site causes changes to groundwater level on adjacent sites, settlement of foundations of structures on adjacent sites may occur.

**Response to Comment No. 12-37**

Temporary dewatering during construction will change the groundwater conditions and the reduction of pore pressure will change the effective stress within soils. However, the magnitude of construction dewatering induced settlement, if any, is highly dependent on the drawdown shape from the water extraction point(s), and the location and type of the foundations to be impacted for the adjacent existing improvements. Therefore, construction dewatering can be designed to minimize any potential settlement impact as long as the consistent effective stress under the foundations of the adjacent structures can be maintained. Construction dewatering evaluation was not performed in the subject Draft EIR since the detailed basement construction scheme and sequence were not available. However, the engineering control to minimize change in effective stress can be incorporated in the project specification so that the construction dewatering design can be developed accordingly. Section II, Corrections and Additions to the Draft EIR, of this Final EIR provides for added Mitigation Measure D-6, which would require implementation of an instrumentation program during construction to monitor any potential impact due to dewatering. This would ensure no significant impacts would occur due to the temporary dewatering performed during construction of the Project.

It should also be noted that currently Metro Purple Line construction has been implementing temporary dewatering for the Fairfax station construction, and there are monitoring data associated with the operation. Based on the experience from this adjacent operation, major dewatering effort is judged to be less likely after the initial removal of perched groundwater due to the high tar content; and therefore, the adverse impact to the adjacent existing improvements is considered less than significant.

**Comment No. 12-38**

Tar Sands: The consultant indicates that soils from below 10-feet and below groundwater will likely contain hydrocarbon from natural soils and tar at the LACMA East and the Spaulding Lot. The consultant did not provide any site-specific data or referenced any source to substantiate this statement.

**Response to Comment No. 12-38**

Refer to Response to Comment No. 12-10, above, for information regarding the project-specific geotechnical investigation.

**Comment No. 12-39**

Hydrocollapse: Hydrocollapse refers to the compression of soils when inundated by subsurface water under normal pressure. The ASTM D5333 provides a testing procedure for the evaluation of the hydrocollapse potential of soils. The consultant did not provide any testing to evaluate the hydrocollapse potential of underlying materials, or to delineate the distribution of such materials if present at the site.

**Response to Comment No. 12-39**

The hydro-collapse potential is low due to presence of shallow groundwater table at the Project Site. In addition, the slight swelling potential shown at inundation of the consolidation test and the medium expansion from the expansion index test both indicated the remote potential for hydro-collapse.

**Comment No. 12-40****Eyestone Environmental Draft EIR (October 2017)**

Technical discussions in Section 2.b of the Draft EIR Geology and Soils (Section D) are based on the AECOM geotechnical report. Due to the conditions outlined above with regard to the geotechnical report, the public cannot properly evaluate the existing conditions, analysis of impacts, potential significant effects, or mitigation measures without a clearer, more complete presentation and explanation of the data used to analyze the conditions within the boundaries of the proposed development.

With regard to references, aside from a general reference to the AECOM geotechnical report, there are very few specific references within the Geology and Soils section to back up the analysis of impacts and the proposed mitigations. Without these specifics the

public's ability to evaluate the potential significant effects and adequacy of the mitigations proposed is severely hampered.

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Please contact the undersigned if you have any questions.

Attachments:

Résumés (4 pages)

GeoDynamics, Inc. Statement of Qualifications (15 pages)

**Response to Comment No. 12-40**

This comment provides a list of references cited in Exhibit 1 of the comment letter, which is a memo prepared by GeoDynamics, Inc to the commenter. In addition, this comment provides the resumes and Statement of Qualifications for GeoDynamics, Inc. Refer to Response to Comment No. 12-10, above, for information regarding the project-specific geotechnical investigation. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 13**

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**Comment No. 13-1**

On behalf of the Board of Directors of the Miracle Mile Residential Association attached below is a letter with our comments on the LACMA DEIR [SCH No. 2016081014, LACMA Building for the Permanent Collection, 5905 Wilshire Blvd. LA CA 90036 ].

Please acknowledge receipt of this letter via email.

Thank you for the opportunity to comment on this DEIR on behalf of the Board of Directors of the Miracle Mile Residential Association (MMRA).

**Response to Comment No. 13-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 13-2**

This project is enormously complex, not only because it bridges Wilshire Boulevard, but because it also bridges legal jurisdictions between Los Angeles County and the City of Los Angeles. The project appears to “cherry pick” jurisdictions to its advantage. The end result of this artful ambiguity is that the DEIR frequently implies two contradictory positions: that neither County or City rules apply to aspects of this project, but—on the other hand—if the rules do apply the project meets them.

Although the existing historic LACMA campus is on property owned by the County of Los Angeles, its western portion (known as LACMA West) is situated on property under the jurisdiction of the City of Los Angeles—as is all of the surrounding commercial and residential areas, including the Spaulding Lot which will anchor the southern leg of the project. The project proposes to exploit air rights over Wilshire Boulevard which belong to the City of Los Angeles as well as construct a new parking garage on property located in the City, too. Common sense would have it that the rules and regulations of the City of Los Angeles should prevail over those of the County of Los Angeles on this project.

For these reasons the MMRA firmly believes that the project must comply with the Los Angeles Municipal Code (LAMC), the City’s Framework Element, the Wilshire Community Plan, and the Miracle Mile Community Design Overlay (CDO); hence, this DEIR must be recirculated with the City of Los Angeles as the lead agency.

Despite this lack of clarity on which rule book this project plays by, there are issues and questions raised in the DEIR that we would like addressed.

#### **Response to Comment No. 13-2**

The Project does not “cherry pick” jurisdictions to its advantage. The Draft EIR is clear with regard to the jurisdiction of the Project. For example, Section II, Project Description, of the Draft EIR specifically states:

*Although the Project Site is located within the City of Los Angeles, LACMA East is on property owned by the County of Los Angeles (Hancock Park). The existing buildings on LACMA East are also owned by the County. Similarly, the proposed Museum Building would be a County-owned building located on land that is either owned by the County or that would be leased by the County from Museum Associates (in the case of the Spaulding Lot), and would be developed in partnership with the County. Additionally, as explained above, Museum Associates manages, operates and maintains the LACMA buildings under authority from the County. As such, development of the Museum Building within LACMA East and the Spaulding Lot is not subject to the City of Los Angeles zoning or building regulations (although City zoning information for these properties is provided below for informational purposes). With regard to the portion of the Museum Building that would extend over Wilshire Boulevard to the Spaulding Lot, it would occupy the airspace portion of a public street easement that is under the supervision and control of the City. The Ogden Lot is separately owned by Museum Associates, and the proposed Ogden Parking Structure would be owned by Museum Associates.*

*Accordingly, development of the Ogden Lot would be subject to City of Los Angeles zoning and building regulations.*

Refer to Section IV.H, Land Use, of the Draft EIR, for a detailed discussion of the Project's consistency with City of Los Angeles plans and regulations including the LAMC, the General Plan Framework Element, the Wilshire Community Plan and the Miracle Mile CDO.

**Comment No. 13-3**

**The construction of a second Metro Purple Line Subway entrance on the north side of Wilshire Boulevard must be included in this project:**

The MMRA strongly concurs with METRO that the DEIR should have included approvals for a second Metro Purple Line Subway entrance on the north side of Wilshire Boulevard, as requested by Metro in their scoping letter dated September 28, 2016—a request that was not addressed in the DEIR.

The MMRA also raised this matter in our scoping letter dated August 25, 2016.

The MMRA unsuccessfully opposed LACMA's efforts to shift the Wilshire/Fairfax subway station from that actual intersection one block east to Orange Grove Drive and Wilshire Boulevard. To counter arguments against relocating the subway station LACMA made repeated public promises to construct (at their expense) a second entrance to the station on the north side of Wilshire Boulevard. The absence of this additional subway entrance in the DEIR is conspicuous and suggests that LACMA intends to renege on this promise.

The importance of including of a second subway entrance as part of this project is made readily apparent in METRO's scoping letter:

*With a greater number of visitors coming to LACMA as a result of the subway and the new buildings and facilities, Metro notes that the LACMA Project Description does not include the environmental clearance of a second Metro Purple Line Subway entrance on the north side of Wilshire Boulevard. In 2012, LACMA publically stated the museum's intention to "commit, subject to the approval of our Board of Trustees, to raising the funds necessary to pay for the construction of a second entry portal to be located on the north side of Wilshire Boulevard, directly across from the Orange Grove entrance." LACMA further stated, "It is anticipated that this LACMA entry portal will be constructed concurrent with the Wilshire/Fairfax subway station and would not result in any increase in cost to the project." This is evidenced in the staff report and presentation to the Metro Board of Directors and LACMA's letter to Metro dated April 16, 2012 (all three documents are attached).*



*Considering the breadth and timing of the changes to the LACMA campus anticipated in the Notice of Preparation, it is strongly recommended that the DEIR include the second, northern Purple Line Fairfax Station entrance previously committed to by LACMA for further evaluation and consideration.*

### **Response to Comment No. 13-3**

A north portal at the Wilshire/Fairfax Station is not part of the Project, nor is it necessary to mitigate any potentially significant impacts from the Project. Given the location of the Metro station box, the only potential location that could be considered to locate a north portal would be between the Broad Contemporary Art Museum building on LACMA West and the May Company building, which will be the Academy Museum currently under renovation and construction. This location provides unique challenges given the narrow frontage and the existing fire lane between the buildings. Further, these buildings are outside of the project area and are planned to remain open during the construction of the new Museum Building on LACMA East.

A possible north portal was discussed many years ago before the current design of the proposed Museum Building was designed with an above-ground Wilshire crossing and a second entrance on the south side of Wilshire Boulevard. The current design now provides direct access to LACMA to and from the south portal of the Metro station without requiring subway riders to cross the street at ground level. The Draft EIR has evaluated pedestrian and vehicular traffic patterns and has concluded that there will be no significant impacts caused by the operations of the new Museum Building. Moreover, the Final EIR for the Westside Subway Extension Project also did not identify a north portal at the Fairfax Station as necessary mitigation for pedestrian or vehicular traffic related to the subway. As the Comment does not raise any deficiencies in the Draft EIR related to a north portal, the Comment will be forwarded to the decision-makers for consideration outside of the CEQA process.

### **Comment No. 13-4**

#### **Existing ambient noise levels:**

According to the DEIR “existing ambient noise levels were monitored at the six representative off-site receptor locations in the vicinity of the Project Site. The baseline noise monitoring program was conducted on November 16–17, 2016 using a Quest Technologies Model 2900 and a Larson-Davis Model 870 Integrating/Logging Sound Level Meter.” [Page IV.I-14]

LACMA must clarify whether this monitoring program was implemented before or after METRO began operation of the ventilation system at the Odgen [sic] staging yard of [sic]

for the underground construction of Wilshire/Fairfax subway station. This ventilation system operates 24 hours per day and has greatly increased ambient noise levels in the residential areas near the Odgen [sic] staging yard.

If the noise monitoring program occurred after the activation of METRO's construction ventilation system it would misrepresent the ambient noise levels at off-site receptor locations by skewing them higher than what would be considered "normal" levels as the noise emanating from the ventilation system will cease following completion of the subway station.

Although the DEIR states that the "cumulative construction noise impacts associated with the Project and the Metro Purple Line Extension Project would be considered significant" [Page IV.I-49] it provides no substantial explanation of how the noise levels from the Odgen [sic] subway construction staging yard factored into measuring the noise impacts that would be generated by the construction and/or operation of the LACMA project. Further clarification is required.

#### **Response to Comment No. 13-4**

As indicated in Section IV.I, Noise, of the Draft EIR (see p. IV.I-14), the existing ambient noise levels were conducted on November 16-17, 2016. Per Metro, the ventilation system at the Ogden Yard began operating in August 2017.<sup>10</sup> Therefore, the Project measured ambient noise levels were not affected by Metro ventilation system at the Ogden Yard.

As discussed in Section IV.I, Noise, of the Draft EIR (see p. IV.I-49), the potential cumulative noise impacts associated with the concurrent construction of the Metro Purple Line Extension Project and the Project would be considered significant, as the Project-related construction noise levels at the residential use adjacent to the Ogden Yard would be up to 70.1 dBA, which would exceed the significance threshold of 65.0 dBA. As provided in the Metro Westside Subway Extension Final EIS/EIR, Metro construction activities near the Metro construction staging area (i.e., Ogden Yard) would result in adverse impacts.<sup>11</sup> Therefore, the cumulative noise from concurrent construction of the Project and the Metro Purple Line Extension Project would exceed the significance threshold of 65.0 dBA.

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<sup>10</sup> Per Metro Senior Construction Relations Offices, email dated June 26, 2018.

<sup>11</sup> Los Angeles County Metropolitan Transportation Authority (Metro), Westside Subway Extension Final Environmental Impact Statement/Environmental Impact Report, Table 4-15, March 2012.

**Comment No. 13-5****Outdoor Amplified Sound Curfew:**

The Petersen Museum and the Academy Museum have agreed that there shall be no outdoor amplified sound and/or music allowed at their facilities after 10 P.M. The Academy Museum also agreed to periodic field inspections and to post a museum telephone number on their website and otherwise make it available for complaints during or in association with evening special events. They also agreed to keep records of any complaints. In addition, the Academy Museum specified that their sound engineers/technicians will calibrate the sound system/speaker arrangement prior to each outdoor event. [*Academy Museum FEIR*, p. 4-22.]

An outdoor amplified sound curfew for LACMA's project was referenced in the MMRA's scoping letter dated August 25, 2016, yet it was not addressed in the DEIR. LACMA must indicate whether or not they are willing to implement a 10 P.M. outdoor amplified sound curfew and noise monitoring practices.

**Response to Comment No. 13-5**

As presented in Section II, Project Description, of the Draft EIR, the outdoor events would occur within the museum's regular hours of 11:00 A.M. to 5:00 P.M. on Monday, Tuesday, and Thursday, 11:00 A.M. to 8:00 P.M. on Friday, and 10:00 A.M. to 7:00 P.M. on Saturday and Sunday. In addition, there would be some events occurring outside of the museum's regular hours with most of the events ending at or prior to 10:00 P.M. Therefore, the outdoor amplified sound associated with the outdoor events would not occur after 10:00 P.M. As presented in Table IV.I-20 in Section IV.I, Noise, of the Draft EIR, the estimated noise levels from the outdoor special events, including amplified sound, would be below the Project's significance threshold at all off-site noise sensitive receptors. As the museum does not intend to use, or allow the use of, outdoor amplified sound systems after 10:00 P.M., the requested outdoor sound curfew and noise monitoring are not warranted.

**Comment No. 13-6****Spaulding Lot:**

Mitigating the impact of locating the southern anchor of the museum on the Spaulding parking lot next door to the Wilshire Galleria condominium complex and in close proximity to residential buildings that are part of the Miracle Mile Historic Preservation Overlay Zone is of paramount importance to the MMRA.

Prohibiting special and outdoor events at the Spaulding Lot is critical. The DEIR states that “No outdoor event programming is anticipated on the Spaulding Lot.” The use of the word “anticipated” creates a loophole to allow such events in the future.

In fact, in its analysis of On-Site Stationary Noise Sources; Outdoor Areas [*Page IV.I-38*], the DEIR states that “up to 4,000 people could gather at the southern park area on the Spaulding Lot. These numbers are based on the maximum permitted occupancies allowed per Code.”

Although the DEIR attempts to brush aside events of this size at the Spaulding Lot with a remark that the “number of people that would occupy these outdoor areas would be substantially smaller” the fact remains that the LAMC would allow for thousands of people to congregate outdoors at this location. This would have an extremely negative impact on nearby residents. Hence, LACMA must agree not to conduct any special or outdoor events on the Spaulding Lot and to cap maximum outdoor capacity at 350 persons. This number will more than accommodate the planned facilities at the pavilion located there, which include a café accommodating 38 people and a 300-seat theatre.

Under no circumstances should any outdoor amplified sound be allowed at any time on the Spaulding Lot.

### **Response to Comment No. 13-6**

As stated in Section II, Project Description, of the Draft EIR, “No outdoor event programming is anticipated on the Spaulding Lot. Any events on the Spaulding Lot would be limited to indoor theater events.” Therefore, the Project would not have any special outdoor events at the Spaulding Lot. The only amplified sound system at the Spaulding Lot would be at the 38-seat outdoor café. In order to comply with the County’s Noise Ordinance, the amplified sound system at the restaurant outdoor seating areas would be designed so as not to exceed a maximum noise level of 75 dBA ( $L_{eq}$ ) at a distance of 25 feet from the amplified sound system. In addition, the amplified sound at the café outdoor seating area would be limited to the café’s regular operating hours, from 9:00 A.M. to 6:00 P.M. on Monday, Tuesday, and Thursday, 9:00 A.M. to 9:00 P.M. on Friday, 9:00 A.M. to 8:00 P.M. on Saturday and Sunday, and from 9:00 A.M. to 2:00 P.M. on Wednesday to serve LACMA staff. Furthermore, the café is located on the northern portion of Spaulding Lot and would face Wilshire Boulevard and would be located away from the sensitive receptors south of the Spaulding Lot. As analyzed and presented in Table IV.I-19 in Section IV.I, Noise, of the Draft EIR, the estimated noise levels from the outdoor spaces, including the amplified sound at the café at the Spaulding Lot, would be below the Project’s significance threshold at all off-site noise-sensitive receptors.

**Comment No. 13-7****Wilshire Galleria condominiums:**

Museum construction on the Spaulding Lot has the potential to inflict damage to the Wilshire Galleria condominium complex located at 750 South Spaulding Avenue, yet LACMA makes no acknowledgement of this in the DEIR.

LACMA does acknowledges [sic] the potential damage risks to a five-story multi-family building adjacent to the planned Ogden Parking Structure and have made detailed plans to manage and or mitigate such risks:

“Mitigation Measure I-2: Prior to start of construction for the Ogden Parking Structure, the Applicant shall retain the services of a structural engineer or a qualified professional to visit the existing multi-family building structure on Ogden Drive adjacent to the Ogden Lot to inspect and document the apparent physical condition of the buildings’ readily-visible features.

“The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring system capable of documenting the construction-related ground vibration levels at the off-site multi-family residential building during the site demolition and excavation for the Ogden Parking Structure, where heavy construction (e.g., large bulldozer and drill rig) would be operating within 12 feet of the multi-family residential building adjacent to the south. In the event that site access to the adjacent off-site multi-family residential building is not available for the vibration monitoring, vibration monitoring shall be conducted at a distance of 10 feet from the construction equipment (representative of the distance between the off-site building and the construction equipment). Vibration monitoring will include the following:

- a) The vibration monitoring system shall measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.2 inch/second (PPV) and a regulatory level of 0.3 inch/ second [sic] (PPV) at the off-site building. The system shall also provide real-time alert when the vibration levels exceed the preset level.
- b) In the event the warning level of 0.2 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including, but not limited to, halting/staggering concurrent activities and utilizing lower vibratory techniques.

- c) In the event the regulatory level 0.3 inch/second (PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and have the structural engineer or a qualified professional visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.”  
[Page IV.I-56]

LACMA should provide similar mitigations measures to Wilshire Galleria to ensure the well-being of its residents and their building.

### **Response to Comment No. 13-7**

As analyzed in Section IV.I Noise, of the Draft EIR, Project-related construction vibration levels were analyzed for the Wilshire Galleria located at 750 South Spaulding Avenue and provided in Table IV.I-15 (see p. IV.I-34). As presented in Table IV.I-15, the estimated vibration levels due to Project’s construction activities at the Wilshire Galleria condominium would be up to 0.089 inch/second (PPV), which would be well below the 0.3 inch/second (PPV) significance threshold with respect to potential building damage. As such, the requested mitigation measure for the Wilshire Galleria condominium is not warranted.

### **Comment No. 13-8**

#### **No exemptions from LAMC work hours ordinance for nighttime or Sunday construction:**

Construction of the Purple Line Subway Extension has had a great impact on the Miracle Mile. We have endured years of round-the-clock construction with many more years to come. In the DEIR LACMA acknowledges that “cumulative construction noise impacts associated with the Project and the Metro Purple Line Extension Project would be considered significant” [Page IV.I-49].

The DEIR also states: “In addition to the cumulative impacts of on-site construction activities, off-site construction haul trucks would have a potential to result in cumulative impacts if the trucks for the related projects and the Project were to utilize the same haul routes. Specifically, a significant cumulative impact would occur if the cumulative construction truck volumes from the Project and the related projects were to result in noise levels that exceed the existing daytime ambient noise level along the anticipated haul routes. As discussed above, the primary haul routes include Wilshire Boulevard and La Brea Avenue. As analyzed above, the estimated off-site noise levels from Project construction trucks would be below ambient noise levels along Wilshire Boulevard and La

Brea Avenue by a minimum of 4.7 dBA during the peak period (grading/excavation). In order for the construction related noise to exceed the ambient noise levels, the truck trips would need to be increased by an approximately factor of 3 (i.e., increased from 42 trips per hour to 130 trips per hour). The estimated noise levels with 130 truck trips per hour would be approximately 72.4 dBA, which exceeds the significance threshold along Wilshire Boulevard. Since the Project would generate up to 42 truck trips during peak construction activities, it is conservatively assumed that truck traffic related to construction of the Project and other related projects would cumulatively add up to 130 or more hourly truck trips, along Wilshire Boulevard and La Brea Avenue. As such, cumulative noise impacts from off-site construction would be cumulatively considerable and would be significant.” [Page IV.I-50]

Such construction noise at night would be intolerable to residents. For this reason LACMA must agree not to seek exemptions from the LAMC work ordinance for nighttime or Sunday construction under any circumstances.

#### **Response to Comment No. 13-8**

The Applicant does not propose nighttime or Sunday construction activities. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 13-9**

##### **Covenant Parking Spaces:**

The use of LACMA West is contingent on parking covenants. According to the DEIR: “Some of the parking spaces currently located on the Spaulding Lot are subject to parking covenants because they are used to meet the parking requirements of the LAMC for uses on LACMA West, which is subject to LAMC requirements. The Project would replace the parking covenants for these spaces with new parking covenants for the spaces within the Ogden Parking Structure.” [Page IV.K-70]

The problem is that museum construction would begin in 2018 and the Ogden Parking Structure will not be completed until 2023, following the completion of subway construction. Which means that for several years LACMA West will lack the covenant parking spaces required for its operation. Yet LACMA intends to keep LACMA West open to the public during construction. The situation is further exacerbated by the fact that during construction of the project LACMA will experience an overall lack of parking:

“During construction activities, the on-site parking supply would be reduced by 260 parking spaces with the closure of the Spaulding Lot. The completion of the Ogden Parking Structure is not anticipated until completion of the Project in year 2023. However, it is anticipated that up to 126 additional temporary parking spaces would be provided for construction workers in LACMA West within the parcel adjacent to the northern boundary of the Academy Museum of Motion Pictures (Academy Museum) (“North Lawn”) and within the LACMA-operated surface parking lot at the southeast corner of Ogden Drive & Genesee Avenue (“Secondary Ogden Lot”). As detailed above, up to 352 parking spaces would be needed to accommodate the construction worker vehicles during the building structure construction phase. The peak parking demand of LACMA operations during the building structure construction phase is projected to occur at 1:00 P.M. on a weekday with a peak demand of 851 parking spaces and at 2:00 P.M. on a weekend with a peak demand of 833 parking spaces. Thus, both the weekday and weekend peak parking demand would exceed the available parking supply in the Pritzker Garage, as well as in the temporary construction parking spaces provided at the North Lawn and Secondary Ogden Lot.” [Page IV.K-48]

Absent the required covenant parking spaces it would be illegal under the LAMC for LACMA West to be open to the public. Although LACMA will most likely seek a variance to temporarily waive the covenant parking requirement [see Page IV.H-33], given the shortage of construction parking it is unreasonable for LACMA to keep LACMA West open to the public during construction and should devote their reduced parking capacity to accommodate all of their construction parking needs.

### **Response to Comment No. 13-9**

It is recognized that covenanted parking spaces within the Spaulding Lot would need to be relocated during construction activities on Spaulding Lot and before completion of the Ogden Parking Structure to satisfy the parking requirements of the LAMC for LACMA West. This requirement would be satisfied during construction activities within the temporary on-site parking spaces provided in the North Lawn and the Secondary Ogden Lot and/or off-site leased parking spaces during construction activities. It is anticipated that the Ogden Parking Structure would be complete at the time the Museum Building is open and operational and would replace all spaces currently provided in the Spaulding Lot, including those required for LACMA West uses. The North Lawn would accommodate up to 102 parking spaces and the Ogden Lot would accommodate up to 24 vehicles. Therefore, up to 776 parking spaces would be provided in the Pritzker Garage, North Lawn and Secondary Ogden Lot throughout the construction period. As the Code parking requirement for LACMA West will be maintained throughout construction, as well as with completion of the Project, LACMA West may continue to be open to the public. To the extent needed, a variance request may be required to allow for leased off-site parking



spaces located more than 750 feet from LACMA West or confirmed through lease agreements (i.e., rather than a covenant) during construction.

Parking demand during construction was presented in *Parking Analysis for the Building for the Permanent Collection of the Los Angeles County Museum of Art Memorandum*, GTC, May 2017 (Parking Study), which was included in Appendix M of the Draft EIR. As described therein and shown in summary Table 3, during the building structure construction and building finishes phases, both the weekday and weekend peak parking demand of LACMA operations and construction worker parking during the Demolition and Excavation phases could not be accommodated within the available parking supply of Pritzker Garage, and the parking spaces in the North Lawn and Secondary Ogden Lot. A Construction Parking Management Plan would provide strategies to effectively manage and direct parking demand during peak attendance for the Project during construction activities. With implementation of the Construction Parking Management Plan and with coordination with the Academy Museum, as well as off-site parking facilities, the parking demand of employees and visitors to LACMA and the Academy Museum, as well as the Project construction workers during construction activities would be accommodated.

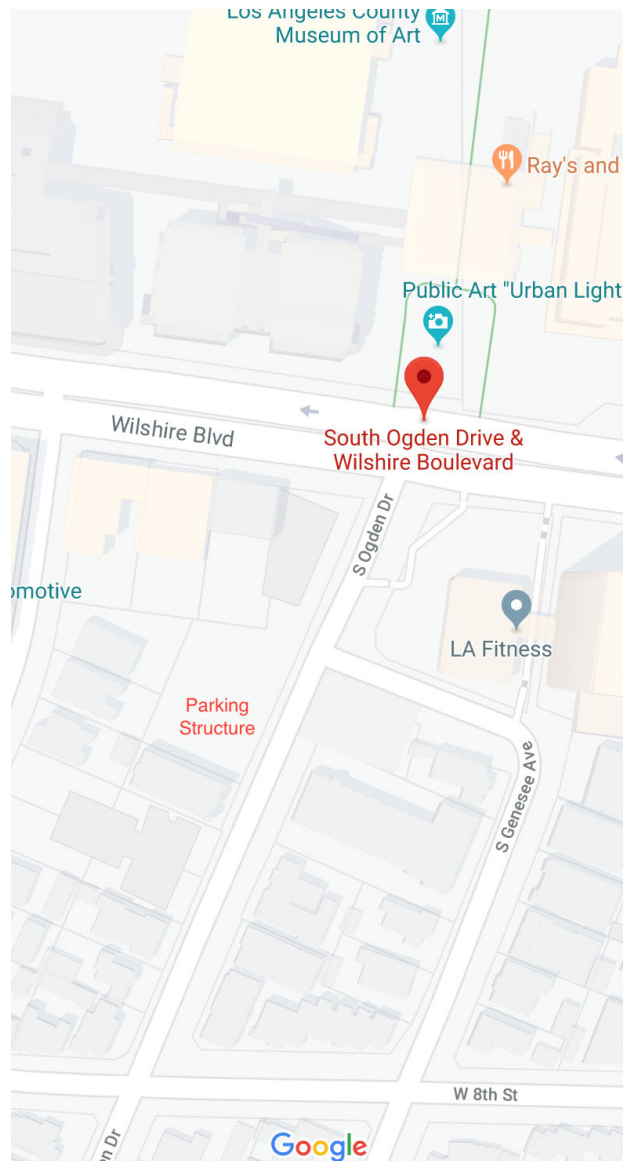
The analysis of the refinements to the construction assumptions are discussed in Transportation Analysis for the Refined Building for the Permanent Collection Project of the Los Angeles County Museum of Art provided in Appendix FEIR-7 of this Final EIR. Similar to the Parking Study, with implementation of the Construction Parking Management Plan, parking demand during the worst case construction phases for employees and visitors to LACMA and the Academy Museum, as well as the Project construction workers could be accommodated within the Pritzker Garage, North Lawn, Secondary Ogden Lot, and other off-site parking lots. In addition to the on-site spaces, off-site parking spaces were identified in various nearby parking facilities that could accommodate the Project construction worker parking demand. As discussed in Appendix FEIR-7 of this Final EIR, the general contractor conducted an updated parking survey of nearby parking facilities in May 2018 to identify potential parking facilities that could accommodate the parking demand of the construction workers. Several parking facilities in the surrounding areas were identified with more than enough availability to accommodate the construction worker parking demand. It should be noted that the surveys account for the current use of nearby parking facilities by construction workers from the Metro Purple Line Extension, and provide worst-case conditions

**Comment No. 13-10****Ogden Parking Structure:**

The DEIR describes the Ogden Parking Structure: “The Project also includes the construction of the Ogden Parking Structure, a new 260-space parking structure on the Ogden Lot that would replace the parking spaces currently on the Spaulding Lot. The Ogden Parking Structure would include up to five above-grade parking levels and up to two below-grade parking levels. The approximate height of the parking structure would primarily be 55 feet and would include an elevator tower at the northern portion of the structure which would extend an additional 10 feet for a maximum building height of 65 feet. The Ogden Parking Structure would also include approximately two rooftop light fixtures that extend up to 20 feet above the rooftop level. Access to the new parking structure would be provided from Ogden Drive. The hours of operation for the Ogden Parking Structure would be the same as the current hours of operation for the Pritzker Parking Garage and the Spaulding Lot.” [Page IV.H-27]

The DEIR also provides these additional details: “The Ogden Parking Structure has been intentionally designed to be located close to Wilshire Boulevard to reduce the number of vehicles traversing neighborhood streets. Signage and design elements would also be incorporated to restrict right-turn egress movements from the Ogden Parking Structure driveway to limit Project-related traffic traveling within the residential neighborhood.” [Page IV.H-66]

This propose garage presents a host of issues and problem for the surrounding residential area. See the accompanying map on the next page:

**Response to Comment No. 13-10**

This comment provides a general description of the design of the proposed Ogden Parking Structure as described in the Draft EIR. A thorough analysis of potential impacts associated with construction and operation of the Ogden Parking Structure is included throughout the Draft EIR. As demonstrated therein, operation of the Ogden Parking Structure would not result in any significant environmental impacts. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Issues raised by the commenter are addressed in subsequent comments.

**Comment No. 13-11**

First, the entrance to the garage is not near Wilshire Boulevard, it will be located on the south end of the structure at mid-block on Ogden between Wilshire and 8th Street. Popular GPS-based applications such as WAZE will direct museum patrons to the Ogden garage via the easiest route: 8th Street to Ogden. This will increase cut-through traffic in the Miracle Mile.

Motorists will go to great lengths to avoid Wilshire Boulevard, this is both common sense and common knowledge. The dependence [sic] GPS-based applications is vastly underestimated in the DEIR in calculating neighborhood traffic intrusion.

The DEIR maintains that project related travel through the neighborhood will be limited by restricting right-turn egress when exiting the parking structure. But again, applications such as WAZE will circumvent the effectiveness of this tactic by directing exiting garage patrons desiring to turn right (or go south) to make a left-turn from the garage and immediately turn right onto South Genesee Avenue—which dog-legs into Odgen [sic] a quarter-block south of Wilshire Boulevard.

The DEIR ignores any potential impact on South Genesee Avenue from the Ogden Parking Structure and confidently states that Genesee will see no additional traffic [see *chart on Page IV.K-69*]. This is a glaring error as a review of the map will reveal. Genesee is also a very attractive route for southbound patrons because unlike the intersection of Odgen [sic] Drive and 8th Street, the intersection of Genesee and 8th is an all-ways stop.

Reexamination of the impact of project related travel through the neighborhood is required.

**Response to Comment No. 13-11**

The Ogden Lot was previously occupied by commercial uses and associated surface parking facilities. Therefore, the use of the Ogden Parking Structure with development of the Project would be similar to the previous use of the Ogden Lot. Access to the Ogden Parking Structure is proposed via the existing driveway of the Ogden Lot, which is located approximately 300 feet south of Wilshire Boulevard at the south end of the parcel. The parcel also includes an additional driveway that aligns with Genesee Avenue, which will be closed as part of the Project. Comments were received during the public scoping process that raised concerns about the alignment of the driveway to the Ogden Parking Structure with Genesee Avenue for the very reasons that are stated in this comment, including that Genesee Street and 8th Street intersection is an all-way stop-controlled intersection. In response to the comments received, access to the Ogden Parking Structure was redesigned to relocate the driveway from the original location

aligning with Genesee Avenue to the southern boundary of the parcel so as to deter Project-related vehicles from utilizing Genesee Avenue. In addition, signage and design elements would be incorporated to restrict right-turn egress movements from the Ogden Parking Structure driveway to limit Project-related traffic traveling within the residential neighborhood to the south and requiring exiting vehicles to access Wilshire Boulevard. With the re-design of the driveway location, accessing Genesee Avenue from the Ogden Parking Structure would require a circuitous travel route such that, an exiting vehicle would have to travel northbound on Ogden Drive to then turn right to travel southbound on Genesee Avenue to access 8th Street as suggested by the commenter. A comprehensive residential street segment analysis was conducted and is provided in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. As shown in Tables IV.K-9 and IV.K-10 of the Draft EIR, the addition of Project and the shift in existing trips from the Spaulding Lot to the Ogden Parking Structure, the Project-related increase in ADT at the analyzed street segments would result in a less-than significant impact based on LADOT thresholds. Therefore, no mitigation measures are required. Nevertheless, a Parking and Traffic Management Plan would be implemented to further limit Project-related traffic on neighborhood streets.

It is important to note that LACMA visitors make up the majority of traffic generated by the Project, most of whom are visiting from outside of the immediate neighborhoods and are unfamiliar with the area. Similar to other visitor and tourist attractions, the visitors would not travel to and from the site on a recurring basis as compared to a regular employee traveling to and from work. Accordingly, visitors (i.e., tourists) would typically stay on arterial corridors and follow directions posted on marketing materials, official websites, hotels, visitor centers, etc. that are provided. As such, one component of the Parking and Traffic Management Plan (Project Design Feature K-1) includes providing directions and location maps with visitor parking options in website postings, marketing and media materials, etc., as well as providing information encouraging alternate travel options (transit, carpooling, etc.) in postings and media materials. Further, most of the visitors would be traveling to and from the Project Site outside of the weekday commuter morning and afternoon peak hours when traffic volumes are lower on the arterial streets, and thus, less likely to seek alternative routes through adjacent neighborhoods. Employees who travel to the Project Site on a daily basis are more likely to make travel route decisions based on real-time travel mobile applications; however, the majority of vehicles on an arterial corridor tend to remain on that corridor even under congested conditions, with only a portion of motorists inclined to see alternative routes. In addition, traffic calming measures, including stop signs and speed humps have been implemented on many of the local residential streets in the adjacent neighborhoods, such as the north-south residential streets south of 8th Street between Fairfax Avenue and La Brea Avenue. Many of these streets provide limited connectivity through the neighborhood, which reduces the attractiveness of these streets for cut-through to the Project Site. It should be noted that

although intersection operations along the arterial corridors have experienced increased traffic volumes and worsening LOS, daily traffic volumes on the local neighborhood streets have remained fairly consistent. Although there is congestion along corridors in the Study Area and a series of residential streets that may offer cut-through opportunities, based on a review of the daily trips associated with the Museum (Table 9 of the Traffic Study) and the general direction of approach and distribution of traffic through the Study Area, and the incremental increases in daily traffic, the Project does not add enough traffic along the congested corridors that sufficient traffic volumes would divert to these streets to reach the level of a significant impact.

### **Comment No. 13-12**

The DEIR maintains that the queue of vehicles entering or exiting the Ogden Parking Structure would not exceed one vehicle length [*Page IV.K-68*]. This, too, defies common sense and experience. Locating the garage entrance within several feet of a five-story multi-family building also defies logic.

The entrance and exit of the Ogden garage should be accessed via an alley or driveway on the north side of the facility, this will avoid all queuing problems as well as reduce noise and light intrusions on the adjacent multi-family buildings. This would also allow the structure to be ventilated by a mesh wall on the north side of the garage as opposed to a mesh wall on the Ogden [sic] Drive façade (or east side). Constructing a solid wall on the Ogden [sic] Drive side of the structure would greatly diminish noise disturbances to nearby residences.

An alley or driveway on the north side of the parking structure would also place the entrance/exit much closer to Wilshire Boulevard.

### **Response to Comment No. 13-12**

In response to the comment regarding the queue at the driveway of the Ogden Parking Structure, an evaluation of the driveway was performed based on the projected driveway volume. Vehicle queuing was evaluated based on Appendix B, Reservoir Needs vs. Traffic Intensity, in Section 321 of LADOT's Manual of Policies and Procedures. The methodology assumes arrivals follow a Poisson Distribution and the service rate can be represented by an exponential probability function. After determining the arrival rate and service rate, the traffic intensity could be calculated by dividing the arrival rate by the service rate. The traffic intensity is then matched to the total needed spaces for vehicle queuing behind the service position as detailed in Appendix B of the Manual of Policies and Procedures. As illustrated in the Traffic Study, with consideration of the traffic shift with the removal of the Spaulding Lot, peak inbound activity at the Ogden Parking Structure

driveway is anticipated during the weekday morning peak hour when the net inbound traffic volume is approximately 91 vehicles within a one hour period, with approximately 55 percent arriving from the north and 45 percent from the south. This equates to approximately 1.5 vehicles per minute. Based on Appendix A, Parking Control Service Rate, in Section 321 of LADOT's Manual of Policies and Procedures, the typical service rate for a driveway entrance similar to the Project (ticket dispenser with gate and a sharp turn at the approach) is approximately 9.5 seconds per vehicle, which equates to approximately six vehicles per minute. Therefore, the calculated traffic intensity is approximately 0.24. Based on Appendix B of the Manual of Policies and Procedures, a traffic intensity of 0.24 would require storage for a queue of one vehicle behind the service position (ticket dispenser). Therefore, the statement in the Draft EIR is valid.

The commenter has suggested that the Ogden Parking Structure should be accessed from the north side of the property. As previously detailed in Response to Comment No. 13-12, above, in response to comments submitted by the commenter during the public scoping process, which raised concerns with initial Project design plans that placed the Ogden Parking Structure's driveway directly across from the intersection of Ogden Drive and Genesee Avenue, the driveway was relocated from the north side of the site to the south side. As stated on page IV.K-67 in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, signage and design elements would be incorporated to restrict right-turn egress movements from the Ogden Parking Structure driveway to limit Project-related traffic traveling within the residential neighborhoods and direct traffic onto Wilshire Boulevard.

With regard to noise, as discussed further in Section IV.I, Noise, of the Draft EIR, noise analysis during operation of the Ogden Parking Structure was conducted and the resulting estimated noise levels at all off-site locations would be below the significance threshold. In addition, with regard to light intrusion, as discussed in Section, IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, in accordance with the LAMC, illumination used for signage within the Ogden Parking Structure would be limited to a light intensity of 3 foot-candles above ambient lighting, as measured at the property line of the nearest residentially zoned property. With adherence to all applicable regulations and LAMC and County Code lighting standards, the Project would not substantially alter the character of off-site areas surrounding the Project Site or result in a substantial adverse change in ambient day or nighttime levels at light-sensitive uses in the Project area, including residential uses located south and east of the Ogden Lot. In addition, while headlights from vehicles entering and exiting the Ogden Parking Structure would be visible during the evening hours, such lighting sources would be typical for the area and would not be anticipated to result in a substantial adverse impact.

**Comment No. 13-13**

At present, it does not appear that the generic design of the parking structure conforms with the policies of the Miracle Mile CDO.

**Response to Comment No. 13-13**

As discussed in Sections IV.A, Aesthetics, Views, Light/Glare, and Shading and IV.H, Land Use, of the Draft EIR, the Ogden Parking Structure would be consistent with the applicable land use goals of the Miracle Mile CDO. Refer to pages IV.A-101 through IV.A-107 and pages IV.H-86 through IV.H-88, of the Draft EIR. See also Response to Comment No. 12-16.

**Comment No. 13-14****How will LACMA prevent subway patrons from utilizing the Odgen [sic] Parking Structure?**

The *Westside Subway Extension Final Environmental Impact Report* carefully measured neighborhood parking spillover impact, it states: “The parking impact assessment for the Westside Subway Extension considered the potential for parking spillover to occur in residential neighborhoods surrounding potential station locations. Spillover potential was assessed because some riders of the Westside Subway Extension may still drive to stations to access the subway, even though park-and-ride facilities would not be provided. Without park-and-ride facilities, parking demand would be reduced, as more riders are picked-up or dropped-off, walk, bike, or take bus transit to access the subway. However, some riders with access to automobiles might still seek available unrestricted parking on neighborhood streets within a one-half mile walking distance of stations. The potential extent of riders who elect to park in station areas could be significant given the travel time, convenience, and reliability of rail service provided by grade-separated rail service to major employment areas. This contrasts with less reliable and congested traffic conditions in the Study Area along with parking charges at the destination end of the commute trip.” [Westside Subway Extension FEIR Page 5-2]

METRO concluded that the Wilshire/Fairfax subway station would not accommodate an estimated daily parking demand of 238 spaces. [Westside Subway Extension FEIR Page 5-3]

Given that the Odgen [sic] Parking Structure will be located immediately adjacent to the Wilshire/Fairfax subway station, which will create a great demand for daily parking, how will LACMA prevent subway patrons from utilizing the Odgen [sic] garage? We raised this



issue in our scoping letter and its potential to create a serious shortage of parking for LACMA and the Academy Museum patrons requires an answer.

**Response to Comment No. 13-14**

Similar to other parking facilities for institutional and commercial buildings in the area (e.g., Petersen Museum, 5700 Wilshire, Museum Square, etc.), LACMA parking facilities, including the Pritzker Garage and Spaulding Lot have a fee system and validation programs in place to incentivize patron parking. It is envisioned that similar measures would be implemented within the Ogden Parking Structure to discourage non-LACMA visitors from utilizing LACMA parking facilities.

**Comment No. 13-15**

On behalf of the Board of Directors of the Miracle Mile Residential Association attached below is a letter with our comments on the LACMA DEIR [SCH No. 2016081014, LACMA Building for the Permanent Collection, 5905 Wilshire Blvd. LA CA 90036 ].

I sent this letter to you via email last night, Dec. 14, 2017, at 9:35 P.M., but have yet to receive an acknowledgement from you indicating that you have received this communication. I am resubmitting the MMRA's letter to you now and copying Councilmember David Ryu and his staff so that a public record will exist to demonstrate that the MMRA did submit its comments of this project in a timely manner.

**Response to Comment No. 13-15**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 14**

Dawn McDivitt  
Chief Deputy Director  
Administrator, Page Museum and William S. Hart Museum  
Natural History Museum of Los Angeles County  
900 Exposition Blvd.  
Los Angeles, CA 90007-4057

Lori Bettison-Varga  
President and Director  
Natural History Museum of Los Angeles County  
900 Exposition Blvd.  
Los Angeles, CA 90007-4057

**Comment No. 14-1**

Please see attached Natural History Museum's letter of support for the LACMA proposed project in response to the Draft EIR document.

**Response to Comment No. 14-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 14-2**

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above stated project.

The Natural History Museum of Los Angeles County (Museum) would like to thank the Los Angeles County Museum of Art (LACMA) for the collaboration that was extended during the design process and environmental document preparation. The Museum is supportive of LACMA's proposed project, and as designed, it successfully addresses possible impact concerns to the Tar Pits.

As documented in the DEIR, the Proposed Project adjoins the La Brea Tar Pits National Natural Landmark. The national designation was made in recognition of the richness of the paleontological record from this specific locality. To date, more than 5 million fossils representing over 600 species of animals and plants ranging in age from 3,000 to

55,000 years in age have been recovered from the La Brea Tar Pits, which has been designated the type locality of the Rancholabrean North American Land Mammal Age.

**Response to Comment No. 14-2**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 14-3**

The Museum looks forward to continuing its collaboration with LACMA to mitigate the impact of any discovery of significant paleontological and archaeological resources. Mitigation of any impact should include careful monitoring of all subsurface excavations on the Proposed Project location, by appropriately qualified paleo mitigation monitors, the recovery of any paleontological or archaeological resources impacted by the construction, and the conservation and curation of the impacted resources in a designated repository where they would be held in the public trust in perpetuity. Comparable procedures have already been adopted by the Metropolitan Transit Authority with respect to the potential impact on paleontological and archaeological resources by the construction of the nearby Wilshire/La Brea and Wilshire/Fairfax stations for the Purple Line Extension Project.

**Response to Comment No. 14-3**

Mitigation for the discovery of significant paleontological and archaeological resources is provided in Section IV.C, Cultural Resources, of the Draft EIR. Specifically Mitigation Measure C-3 and C-4 address discovery of archaeological resources and Mitigation Measure C-5 through C-9 address discovery of paleontological resources during construction of the Project.

**Comment Letter No. 15**

Terry L. Karges  
Executive Director  
Petersen Automotive Museum  
6060 Wilshire Blvd.  
Los Angeles, CA 90036-3605

**Comment No. 15-1**

As a nearby neighbor of LACMA, I am writing to comment on the proposal for a new building to replace some of their existing facilities. I think the design of the new building will be a great addition to the neighborhood, and I welcome the new open space that will be created in Hancock Park and on the Spaulding property. We can certainly use more public park area.

I know that there will have to be a traffic management plan to deal with impacts to the streets during construction, and I hope that you will carefully consider those of us who live close by and have to navigate the streets while the project is built.

I look forward to the improvement park, the innovative building, and all of the new programs and exhibits we will be able to visit as soon as the project moves forward.

Thank you for your consideration.

**Response to Comment No. 15-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 16**

Jordan R. Sisson  
Law Clerk  
Law Office of Gideon Kracov  
801 S. Grand Ave., Fl. 11  
Los Angeles, CA 90017-4613

Gideon Kracov  
Law Office of Gideon Kracov  
801 S. Grand Ave., Fl. 11  
Los Angeles, CA 90017-4613

**Comment No. 16-1**

On behalf of UNITE HERE Local 11, Denise Edwards, and Kent Kormeyer (collectively “Commentors”), this Office respectfully submits to the County of Los Angeles the attached comment letter for the Draft EIR regarding the referenced LACMA Permanent Collection project. If you have any issues retrieving the document, please don’t hesitate to contact me by phone.

Please confirm receipt of this message.

**Response to Comment No. 16-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 16-2**

On behalf of UNITE HERE Local 11 (“Local 11”), Denise Edwards, and Kent Kormeyer (collectively “Commentors”), this Office respectfully provides the County of Los Angeles (“County”) the following comments regarding the Draft Environmental Impact Report (“DEIR”), prepared for the referenced LACMA Permanent Collection development (“Project”), proposed by Museum Associates (“Applicant”) located at and around the Los Angeles County Museum of Art (“LACMA”), within the City of Los Angeles (“City”) planning jurisdiction. Specifically, potential concern related to compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, (“CEQA”) and the Los Angeles County Code and Los Angeles Municipal Code (collectively “Code”).

**Response to Comment No. 16-2**

This comment provides definitions for terms used throughout this letter. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 16-3**

Here, the DEIR admits the Project will have significant, unmitigated air quality, noise, and traffic impacts.

**Response to Comment No. 16-3**

After implementation of feasible mitigation measures, impacts would remain significant and unavoidable for regional air quality impacts during construction, noise impacts from on-site construction activities, vibration impacts from on-site construction activities with respect to human annoyance, and temporary traffic impacts during construction associated with construction of the falsework structure spanning Wilshire Boulevard. In addition, cumulative air quality impacts during construction, cumulative noise impacts from on- and off-site construction activities, and cumulative construction traffic impacts would be significant and unavoidable. These impacts would be short-term and no significant impacts would result from operation of the Project.

**Comment No. 16-4**

Furthermore, the DEIR fails to properly identify additional potentially significant impacts including aesthetic, historical, land use, construction-related impacts, and fails to analyze the Project's entire uses.

**Response to Comment No. 16-4**

The Draft EIR thoroughly analyzed the Project's impacts to aesthetics, views, light/glare, and shading, air quality, cultural resources (including, historical, archaeological, and paleontological resources), geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology, water quality, and groundwater, land use, noise, public services (fire protection), traffic, access, and parking, tribal cultural resources, and utilities and services systems (water supply and infrastructure, wastewater, energy). As discussed further in the Draft EIR, in accordance with SB 743, the Project is an employment center project located within a transit priority area. As such any aesthetic impacts that might be identified for the Project would not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099. Nonetheless, for informational purposes and to provide a thorough assessment of all aspects of the Project, a full analysis

of the Project's potential impacts regarding aesthetics, views, light and glare, and shading is provided in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR without relying on SB 743, which demonstrates that impacts associated with aesthetics, views, light/glare, and shading would be less than significant. With regard to historical resources, as set forth in Section IV.C, Cultural Resources, of the Draft EIR, with implementation of mitigation measures, potential impacts to historical resources would be less than significant. In addition as discussed in Response to Comment No. 16-3, above, significant and unavoidable construction-related impacts were found related to air quality impacts during construction, noise impacts from on-site construction activities, vibration impacts from on-site construction activities with respect to human annoyance, and temporary traffic impacts during construction associated with construction of the falsework structure spanning Wilshire Boulevard. Furthermore, all of the Project's uses, as identified in Section II, Project Description, of the Draft EIR, were properly analyzed throughout the Draft EIR. The Draft EIR was completed in accordance with CEQA requirements and provides a thorough analysis of the potential impacts associated with construction and operation of the Project.

#### **Comment No. 16-5**

More unsettling, the DEIR's alternatives analysis is fatally flawed in the same fashion as the project in *Los Angeles Conservancy v. City of Los Angeles* ("LA Conservancy") (LASC Case No.: BS166487 filed April 25, 2017), attached hereto as Exhibit A. Like there, Applicant here uses non-basic objectives to ignore environmentally superior alternatives, such as an historically-superior alternative that preserves the Ahmanson and Hammer buildings and Bing Center.

#### **Response to Comment No. 16-5**

The commenter cites a decision from the Los Angeles Superior Court that was overturned by the California Court of Appeal. (See *L.A. Conservancy v. City of L.A.*, 2018 Cal.App.Unpub. LEXIS 1938 (March 23, 2018).) The Appellate Court reversed the trial court decision in that case and upheld the EIR for that project, including, among other things, by refusing to distinguish between "basic" and "non-basic" objectives under CEQA. The Appellate Court cited a long line of cases that have held project objectives are legitimate concerns when the decision-making body considers the feasibility of alternatives. (See *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002. See also, *Los Angeles Conservancy v. City of West Hollywood* (2018) 18 Cal.App.5th 1031, 1041.)

The commenter also suggests that the cited case (now overruled) would require the current EIR to consider a historically-superior alternative that preserves the Ahmanson and

Hammer buildings and Bing Center. However, unlike the Lytton Savings Building in that case, the original LACMA complex does not meet the CEQA definition of a historical resource. Therefore, demolition of this complex (including the Ahmanson Building, Hammer Building, and Bing Center) would not result in an impact on a historical resource. Thus, an analysis of an alternative that preserves the original LACMA complex as a means of avoiding an impact on an historical resource is not required in any event. Two alternatives were analyzed that would retain the current LACMA complex, but they were not intended as historic preservation alternatives because they do not consider the treatment of the buildings in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

As discussed in Response to Comment No. 16-28, the Project objectives presented in the Draft EIR provide “an appropriate frame of reference for intelligently comparing” the various alternatives identified as potentially feasible in the EIR. (*California Oak Foundation v. Regents of the University of California* (2010) 188 Cal. App.4th 227, 274.)

#### **Comment No. 16-6**

As discussed below, the DEIR fails to comply with CEQA and Cal. Code Regs. § 15000 *et seq.* (“*CEQA Guidelines*”), which therefore must be cured and recirculated to ensure meaningful public discussion and County decision-making. Furthermore, the Project as proposed would conflict with and violate applicable local laws and regulations, amounting to an abuse of discretion if approved. Therefore, Commentors respectfully urge the County to withhold all Project approvals until the issues raised herein are addressed in a CEQA-compliant DEIR, and the Project is modified to conform with the Code, including ***provisions that guarantee quality employment opportunities for highly trained workers during the operational phase at the Project.***

#### **Response to Comment No. 16-6**

The EIR has been completed in full compliance with CEQA as demonstrated by the responses to comments in this letter. The EIR is comprehensive and provides a detailed analysis of the potential environmental impacts associated with construction and operation of the Project. With regard to alleged conflicts with local laws and regulations, refer to Response to Comment No. 16-17, below, as well as the detailed analysis of consistency with land use plans and regulations included in Section IV.H, Land Use, of the Draft EIR. In addition, subsequent to the release of the Draft EIR, several modifications to the Project have been proposed to refine the design of the Museum Building, reduce the duration of construction, clarify some aspects of the Project, and address public comments received during circulation of the Draft EIR. However, as discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the proposed refinements to the Project do not result in circumstances that require recirculation of the Draft EIR.



**Comment No. 16-7****I. PROJECT BACKGROUND**

LACMA is bounded by 6th St. (north), Wilshire Blvd. (south), Fairfax Ave. (west), and Curson Ave. (east) ("LACMA Campus"), which is bisected by the now-vacated Ogden Dr. running north/south between 6th St. and Wilshire Blvd. Property west of Ogden Dr. constitutes "LACMA West" (currently undergoing extensive improvements by the Academy Museum of Motion Pictures)<sup>1</sup> and property east of Ogden Dr. constitutes "LACMA East." LACMA East includes three distinct buildings constructed in 1965 (i.e., the Ahmanson Building, Hammer Building, and Bing Center) (collectively "1965 Complex") and a structure known today as the Art of the Americas Building constructed in 1986 ("Americas Building").

The Project includes demolishing the four abovementioned buildings and replacing them with 387,500 gross square feet ("SF") of building area comprised of seven, semi-transparent pavilions ("Pavilions") arranged in a continuous layout, whereby a massive bridge ("Bridge") would extend over Wilshire Blvd. to a two-acre parking lot on Spaulding Ave. ("Spaulding Lot"). As such, the 260 parking space currently on the Spaulding Lot would be replaced by a 260-space, seven-level parking structure at 715–731 S. Ogden Drive ("Ogden Lot").<sup>2</sup> (DEIR II-2, 12, 18, 25).

<sup>1</sup> A 208,000-SF development approved in 2015 and anticipated to be completed in 2019. (DEIR I-8).

<sup>2</sup> See also Museum Associates (2016) Project Key Facts, available at <http://buildinglacma.org/project-key-facts>.

**Response to Comment No. 16-7**

The summary of the Project provided in this comment is generally accurate with the exception of the building's square footage and characterization of the proposed Museum Building. Subsequent to the release of the Draft EIR, the square footage of the Museum Building was reduced from 387,500 gross square feet to 347,500 gross square feet. In addition, this comment describes the Museum Building as including a "massive bridge." However, this is not a massive bridge. Rather, a portion of the Museum Building crosses over Wilshire Boulevard.

**Comment No. 16-8**

A five-year construction period is assumed, starting in the fourth quarter of 2018, with activities including grading, excavating, and exporting 151,140 cubic yards ("CY") of cut material and 37,400 CY of fill material, all requiring haul route approval from the City. (DEIR II-30-31).

### **Response to Comment No. 16-8**

As discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, subsequent to the publication of the Draft EIR, the Museum Building proposed in the Original Project was redesigned and refinements include: (1) an overall square footage reduction from approximately 387,500 gross square feet to approximately 347,500 gross square feet; (2) a shift of the portion of the Museum Building crossing Wilshire Boulevard approximately 30 feet to the east; (3) a change in the geometry of the Pavilions to the Museum Building from polygonal to rectilinear forms and an alteration to the curvilinear geometry on the exhibition level above; (4) the removal of the Chapel Galleries, with a resulting height that was shortened from a maximum of 85 feet to a maximum of 60 feet; and (5) a shift of the location of the Pavilions on LACMA East with use of more glazing in the design of the Pavilions. The construction schedule was also shortened in order to reduce the duration of construction impacts. As provided in Revised Appendix C, construction is anticipated to begin in September 2019 and completion is slated for December 2023. The cubic yards of import and export would remain the same with these proposed modifications.

### **Comment No. 16-9**

#### **I. [sic] STANDING OF COMMENTORS**

Ms. Edwards is a Miracle Mile resident living approximately....5 miles from the LACMA Campus. As a senior citizen, she relies on public transportation and when frequenting the immediately adjacent area including neighborhood establishments like the Grove. Similarly, Mr. Kormeyer resides roughly....8 miles from LACMA West, relies on buses traveling on Wilshire Blvd., and exercises daily near the Project. Such geographic proximity, alone, is sufficient to establish standing under CEQA. See *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 272 (plaintiff living 1,800 feet from annexed property has standing to challenge the annexation); see also *Citizens Ass'n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 158 ("a property owner, taxpayer, or elector who establishes a geographical nexus with the site of the challenged project has standing."). Furthermore, absent adequate analysis and full mitigation of Project-related impacts, Commentors will be adversely affected by the Project such as construction-related, air quality, traffic, and aesthetic impacts. Hence, Commentors have a beneficial interest in the Project's compliance with CEQA. See *Braude v. City of Los Angeles* (1990) 226 Cal.App.3d 83, 87.

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Arizona. Members of Local 11, including dozens who live and work in the City of Los Angeles join together to fight for improved living standards and working conditions. As such, Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of

engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that “unions have standing to litigate environmental claims.” *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

### **Response to Comment No. 16-9**

This comment provides an argument for the standing of the commenter. This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Note that all comments received during the Draft EIR comment period are included herein and responses to all of the environmental issues raised by all of the commenters have been provided.

### **Comment No. 16-10**

Furthermore, this comment letter is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Project, and incorporates by this reference all written and oral comments submitted on the Project by any commenting party or agency. It is well-established that any party, as Commentors here, who participates in the administrative process can assert all factual and legal issues raised by anyone. See *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

### **Response to Comment No. 16-10**

The comment asserts that the comment letter is intended to exhaust administrative remedies as a prerequisite to filing an action for judicial review in a court of law. The comment is noted and will be forwarded to the decision-makers for consideration. As this comment provides no specific comment on the environmental analysis or conclusions in the Draft EIR, no further response is required.

### **Comment No. 16-11**

## **II. BRIEF BACKGROUND ON CEQA**

CEQA requires lead agencies to analyze the potential environmental impacts of its actions in an environmental impact report (“EIR”). See, e.g., Pub. Res. Code § 21100; *Cmtys. for a Better Env’t v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable

scope of the statutory language.” *Cmtys. for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.

**Purpose:** CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. See CEQA Guidelines § 15002(a)(1). To this end, public agencies must ensure that its analysis “stay in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (“Cleveland II”) (2017) 3 Cal.5th 497, 504. Hence, an analysis which “understates the severity of a project’s impacts impedes meaningful public discussion and skews the decisionmaker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” *Id.*, on remand (“Cleveland III”) (Nov. 16, 2017, No. D063288) \_\_\_ Cal.App.5th \_\_\_ at 38; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392).

Second, CEQA requires public agencies to avoid or reduce environmental damage by requiring implementation of “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); see also *Citizens of Goleta Valley*, 52 Cal.3d at 564. If a project has a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns.” Pub. Res. Code § 21081; see also Guidelines § 15092(b)(2)(A) and (B).

### **Response to Comment No. 16-11**

This comment purports to recite legal principles and standards under CEQA. As the comment does not raise any specific deficiency in the Draft EIR, no further response is required; however, the comment is noted and will be forwarded to decision-makers for review and consideration.

### **Comment No. 16-12**

**Standard of Review for EIRs:** Although courts review an EIR using an ‘abuse of discretion’ standard, that standard does not permit a court to “uncritically rely on every study or analysis presented by a project proponent in support of its position... [,] [a] clearly inadequate or unsupported study is entitled to no judicial deference.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Laurel Heights*, 47 Cal.3d at 409 n. 12). A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public

participation, thereby thwarting the statutory goals of the EIR process.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; see also *Galante Vineyards v. Monterey Peninsula Water Management Dist.* [sic] (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

### **Response to Comment No. 16-12**

This general comment purports to recite legal principles and a standard for judicial review in a court of law. The comment is noted and will be forwarded to the decision-makers for consideration. As this comment provides no specific comment on the environmental analysis or conclusions in the Draft EIR, no further response is required.

### **Comment No. 16-13**

**Substantial Evidence:** Under CEQA, substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact; not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. See e.g., Pub. Res. Code §§ 21080(e), 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) & 15384. As such, courts will not blindly trust bare conclusions, bald assertions, and conclusory comments without the “disclosure of the ‘analytic route the... agency traveled from evidence to action.’” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 405 (quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515); see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568–569; *Cleveland III*, \_\_\_ Cal.App.5th \_\_\_ at 33 (agency “obliged to disclose what it reasonably can... [or] substantial evidence showing it could not do so.”).

### **Response to Comment No. 16-13**

This general comment purports to recite legal principles and standards under CEQA. The comment is noted and will be forwarded to the decision-makers for consideration. As this comment provides no specific comment on the environmental analysis or conclusions in the Draft EIR, no further response is required.

**Comment No. 16-14****III. THE DEIR FAILS TO SATISFY CEQA REQUIREMENTS*****A. Inaccurate Project Description***

An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor Rescue Ctr. v. Cnty. of Merced* (2007) 149 Cal.App.4th 645, 654–655 (quoting *Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199), emphasis in original. As one court explained, “only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative), and weigh other alternatives in the balance.” *Citizens for a Sustainable Treasure Island v. City & Cnty. of San Francisco* (2014) 227 Cal.App.4th 1036, 1052. Hence, an accurate project description is an “indispensable component of a valid EIR.” *Western Placer Citizens for an Agr. and Rural Env’t v. Cnty. of Placer* (2006) 144 Cal.App.4th 890, 898.

Here, the DEIR understates the scope of the Project, its usage and its concomitant environmental impacts. First, the existing current building footprint is overstated which therefore understates the new Project’s impacts.—the existing 1965 Complex and Americas Building total 383,571 SF of actual building space,<sup>3</sup> not 392,871 SF which is inflated by including the “outdoor-covered area” and citation to AIA regulations not adopted by the County or City. (DEIR II-2, IV.A-49). In truth, the Project’s new footprint spans approximately 880 feet from northwest corner (near rotunda/observation tower) to the southwest corner of the Project (on Spaulding Lot)—57 percent bigger than LACMA East’s current building footprint (560 feet).<sup>4</sup> (DEIR IV.C-72; APP-A 14).

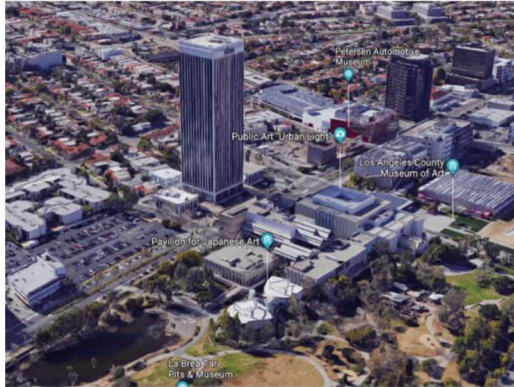
The DEIR claims that the Project will have only a modest increase in use based on purported reduced square-footage (DEIR I-18), but this ignores the sharp rise in attendance in recent years, which includes a doubling of patrons between 2007 and 2013 (1.2 mil.),<sup>5</sup> and currently estimated at 1.6 mil. patrons a year<sup>6</sup>—a growth rate between seven and ten percent per year.

An accurate project description, consistent with the DEIR’s approach of including outdoor-covered area, would include square-footage of all areas covered by the Pavilions and capture the recent growth in attendance. It defies logic that the DEIR does not anticipate that a nearly \$600 million investment would not induce substantially more patrons. (APP-A 3).

Failure to properly identify the realistic usage of this Project is a fatal flaw that infects all impact determination based on the Project’s square-footage including traffic, air-quality,

and GHG impacts caused by mobile source emissions. These and other similarly defective assessments must be reanalyzed assessing the entire square-footage under the Pavilions as depicted below:<sup>7</sup>

*Current*



*Proposed*



- <sup>3</sup> Calculated by adding the stated actual building square-footage. (DEIR II-2).
- <sup>4</sup> Calculations based on measurements from Google Maps.
- <sup>5</sup> LACED (2014) The Transformation Of LACMA-An Economic Impact Analysis, p. 11, available at [http://www.lacma.org/sites/default/files/LAEDC%20Report\\_FINAL\\_0.pdf](http://www.lacma.org/sites/default/files/LAEDC%20Report_FINAL_0.pdf).
- <sup>6</sup> LACMA (Jun. 7, 2017) Board of Trustees Policy on Diversity, p. 2 available at [http://www.lacma.org/sites/default/files/Board\\_Diversity\\_Policy.pdf](http://www.lacma.org/sites/default/files/Board_Diversity_Policy.pdf).
- <sup>7</sup> IMAGE SOURCE: Google Maps and The Journal Of The American Institute Of Architects (Aug. 16, 2016) LACMA Building for the Permanent Collection, available at [http://www.architectmagazine.com/project-gallery/lacma-building-for-the-permanent-collection\\_o](http://www.architectmagazine.com/project-gallery/lacma-building-for-the-permanent-collection_o).

## **Response to Comment No. 16-14**

Section II, Project Description, of the Draft EIR has been completed in accordance with CEQA and provides an accurate and stable description of the Project. The existing and proposed gross square footages within the EIR were calculated based on the same methodology. Note that most of the outdoor covered areas are not programmed for operations and would be used as transitional areas. As such, use of the AIA method that includes 50 percent of the outdoor covered areas as square footage is conservative. In addition, the square footage calculations are also conservative in that the gross square footage of the internal spaces includes closets, bathrooms, storage and circulation areas. Furthermore, building footprint alone does not determine square footage and the EIR has evaluated potential environmental impacts associated with the proposed building footprint (e.g., refer to Section IV.C, Cultural Resources, of the Draft EIR).

Note that as discussed in Section II, Corrections and Additions of this Final EIR, as part of the refinements to the Project, the total square footage has been reduced from

387,500 gross square feet to 347,500 gross square feet. With this reduction, the total floor area of the Museum Building would be approximately 45,000 square feet less than the existing building square footage to be replaced.

With regard to attendance, the recent rise in attendance at LACMA was directly related to several new buildings with additional floor area, special exhibition programming, and significant installations of public artwork, all within LACMA West which is not part of the proposed development area. By contrast, the Museum Building will replace four existing buildings within LACMA East collectively comprising approximately 392,871 gross square feet and will not result in any new floor area. Moreover, the Museum Building is intended to display LACMA's permanent collection and not special exhibitions. Therefore, any recent trends regarding an increase in attendance associated with LACMA West is not applicable to the replacement Museum Building. Nevertheless, the EIR conservatively assumed a base annual attendance equal to the 90th percentile average daily attendance level on a weekday and weekend, which is the average of the top 10 percent annual attendance days from 2013 to 2015, plus an approximately 23 percent increase in average daily attendance to account for novelty of new building. This 23 percent increase in average daily attendance is consistent with historical annual increases in attendance experienced at LACMA in years with the opening and closing of exhibitions at LACMA, such as the Rain Room and other marquis exhibits. These assumptions were used for all environmental impact analyses that are influenced by attendance (e.g., traffic, air quality, etc).

### **Comment No. 16-15**

#### ***B. Aesthetic Impacts***

Notwithstanding SB-743, aesthetics must be considered to assess compliance with applicable zoning affecting aesthetic plans, ordinances, guidelines, and thresholds. Courts have found that such aesthetic impacts are significant for CEQA purposes. See e.g. *Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396; *Oro Fine Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882.

It defies credulity that aesthetic impacts and views will not be impacted by this Project design. Here, the DEIR describes architect Peter Zumthor's design as a continuous, meandering gallery with an elevated transparent main-exhibition level having its ceilings and facades covered in glass ("Design"). (DEIR IV.A-50-51, 93). Others have described the Project Design as a sinuous oil-slick inspired structure; amorphous; floating mass; and an expensive, equally insensitive, and a functionally-problematic mega-blob.<sup>8</sup> Contrary to DEIR claims (DEIR I-37-39), the Project Design would drastically transform the whole LACMA East site by removing the 1965 Complex. Currently, pedestrians and motorists traveling down Wilshire Blvd., a designated scenic highway, enjoy this unique part of



Miracle Mile commonly referred as Museum Row.<sup>9</sup> The public flocks to this area to enjoy the existing rich tapestry of the tar pits, urban light artwork, and the 1965 Complex (arguably historically significant), which are all impacted by the Project Design.

<sup>8</sup> See e.g., World Architecture Community (Apr. 7, 2017) Peter Zumthor Proposes Sand-Colored Structure And Smoother Edges In Revised Plans Of LACMA, available at [https://worldarchitecture.org/articles-links/cvppe/peter\\_zumthor\\_proposes\\_sandcolored\\_structure\\_and\\_smoother\\_edges\\_in\\_revised\\_plans\\_of\\_lacma.html](https://worldarchitecture.org/articles-links/cvppe/peter_zumthor_proposes_sandcolored_structure_and_smoother_edges_in_revised_plans_of_lacma.html); LACurbed (Apr. 7, 2017) LACMA redesign: Here are the newest renderings, available at <https://la.curbed.com/2017/4/7/15223578/lacma-redesign-renderings-images-zumthor>; ArchDaily (Apr. 10, 2017) New Renderings Show Major Changes to Zumthor's LACMA Redesign, available at <https://www.archdaily.com/868898/new-renderings-show-major-changes-to-zumthors-lacma-redesign>; The Journal of The American Institute of Architects (Oct. 4, 2016) Which William Pereira Buildings Are Worth Preserving?, available at [http://www.architectmagazine.com/design/urbanism-planning/which-william-pereira-buildings-are-worth-preserving\\_o](http://www.architectmagazine.com/design/urbanism-planning/which-william-pereira-buildings-are-worth-preserving_o).

<sup>9</sup> LA Tourist (2017) Museum Row on Miracle Mile, available at <https://www.latourist.com/index.php?page=museum-links-row>.

### **Response to Comment No. 16-15**

Refer to Response to Comment No. 16-16, below, regarding the applicability of SB 743 to the Project. As discussed in detail in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project Site is located on an infill site and within a transit priority area as defined in Public Resources Code Section 21099. The City's Zone Information and Map Access System (ZIMAS) confirms the Project Site's location within a transit priority area, as defined in the City's Zoning Information File No. 2452 (ZI No. 2452). Pursuant to Public Resources Code Section 21099, the Project is also considered to be an employment center project because it is partially located on property that is zoned to permit commercial uses with a maximum FAR greater than 0.75. Thus, any aesthetic impacts that might be identified for the Project would not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099.

Nonetheless, for informational purposes and to provide a thorough assessment of all aspects of the Project without regard to SB 743, an analysis of the Project's potential impacts regarding aesthetics, views, light and glare, and shading is provided in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR. As discussed therein, impacts to aesthetics, views, light/glare, and shading were found to be less than significant. The Project would also implement a variety of project design features that would reduce the Project's impacts related to aesthetics, views, light/glare, and shading. Section IV.A, Aesthetics, Views, Light/Glare, and Shading clearly recognizes that Wilshire Boulevard within the vicinity of the Project Site is a scenic highway and demonstrates that the scenic nature of Wilshire Boulevard would be maintained and enhanced. Refer to the analysis on pages IV.A-59 through IV.A-90, of the Draft EIR, as well as Response to Comment No. 7-5, above, and Table IV.A-2a, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

**Comment No. 16-16**

Additional flaws in the aesthetics analysis include:

- *SB-743 Not Applicable*: DEIR claims SB-743 exempts aesthetic impacts (DEIR IV.A-1), but the Project falls outside Pub. Res. Code § 21099(a)(1) given the majority of the Project is on LACMA Campus (zoned PF) and the Bridge above Wilshire Blvd. (public right-of-way).

**Response to Comment No. 16-16**

As explained on page IV.A-1-2 of the Draft EIR and summarized in Response to Comment Nos. 12-4 and 16-15, above, the Project meets all of the qualifications described within Public Resources Code § 21099 (SB 743), including its characterization as an employment center project. Public Resources Code § 21099(a)(1) defines an employment center project as a project that is “located on property zoned for commercial uses.”

The language of Public Resources Code § 21099 does not state that the Project must be “wholly” located on property zoned for commercial uses, as Comment No. 16-16 suggests. In fact, the definition of an employment center project intentionally omits the term “Lot,” which is defined in Public Resources Code § 21099(a)(5) as “all parcels utilized by the project.” Rather than state that an employment center project must be located on a lot zoned for commercial uses, which would include all parcels within the project, the Code requires that the Project be “on property zoned for commercial uses.” There is no requirement that each and every portion of the Project must be located on such property.

As described in detail on Pages IV.H-9-12 of the Draft EIR, the Project is located in part on property that is zoned as [Q]C2-1-CDO and [Q]C4-2-CDO by the City of Los Angeles and identified as Regional Center Commercial by the City’s General Plan. Many commercial uses are allowed in the C2 and C4 zones, including retail stores, office space, restaurants and cafés. Because the Project is located on property which is zoned for commercial uses and meets the other obligations, it qualifies as an employment center project.

The Project is also located on “property zoned for commercial uses” with regard to Hancock Park to the north of Wilshire Boulevard. The commenter is incorrect that the “PF” zoning for this property does not permit commercial uses. The uses allowed within this zone are articulated within the Los Angeles Municipal Code and detailed on Page IV.H-12 of the Draft EIR. Commercial uses are permitted within PF zones, including arenas, stadiums and golf courses, as well as joint public and private commercial developments. Government buildings, with no specific limitations on the commercial activity permitted therein, are also allowed. Such structures may have retail components, such as gift shops

and cafés. One example is the historic Olvera Street marketplace located in downtown Los Angeles—home to various shops, restaurants, museums and a variety of commercial activity, all on land zoned as “PF.”

Nevertheless, regardless of the fact that a qualifying project is not considered to have a significant aesthetic impact under Public Resources Code § 21099(d)(1), for informational purposes, the EIR still provides a full analysis of such impacts and concludes that any impacts are less than significant. There was no attempt to obfuscate or hide the aesthetic impacts of the Project. Rather, without legal obligation to do so, this information was presented in the same manner as it would have had the Project not qualified for exemption. (See Draft EIR, p. IV.A-2, “Nonetheless, for informational purposes and to provide a thorough assessment of all aspects of the project, an analysis of the Project’s potential impacts regarding aesthetics, views, light and glare, and shading is provided below.”)

Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR provides a full and complete analysis of the aesthetic impacts of the Project. Section IV.A consists of 112 pages and assesses potential impacts on views of valued visual resources, effects of light and glare resulting from nighttime illumination, and the shading effects imposed by the potential new structures. State, County and City regulations are used in connection with the assessment, as well as thresholds of significance within the L.A. CEQA Thresholds Guide and other sources. Together with descriptions of the various aesthetic impacts are photographs of the Project area and other visual aids which compare the existing conditions against the conditions upon completion of the Project. As detailed in Section IV.A, all aesthetic impacts would be less than significant and require no mitigation measures without regard to Public Resources Code § 21099.

#### **Comment No. 16-17**

- Land Use Impacts: Notwithstanding its claim of intergovernmental immunity (DEIR I-11-12, IV.H-5),<sup>10</sup> aesthetic impacts can constitute a significant land use impact if they conflict with applicable zoning plans or policy. For example, the Project provides only 300 seats as compared to 716 seats currently serving the public on LACMA East for live theater events, including the 450 annual free events at the Bing Center. (DEIR I-9, 14–15, IV.H-19). This is contrary to the multiple goals and policies identified in the DEIR’s aesthetic consistency matrix. (DEIR, IV.A-83-90). Nor does the land use consistency matrix address this, or the other issues raised herein. (DEIR IV.H-35-49, 54–73, 76–83, 87–88, 91–101). Furthermore, the DEIR analysis is inconsistent when it first claims the Project is exempt from City zoning, then proceeds to cherry pick zoning regulations as it sees fit (e.g., views, light, glare, etc.). (DEIR IV.A-2).

<sup>10</sup> Intergovernmental immunity is questionable given the Applicant is a non-governmental body, using land not entirely within County jurisdiction, where the County has duty to consider public health legal findings when approving discretionary permits. See e.g., *Smith v. County of Los Angeles* (1989) 211 Cal.App.3d 188, 210-212; 40 Ops Cal. Atty. Gen. 243, 244 (1962); 68 Ops. Cal. Atty. Gen. 114, 119-20 (1985).

### **Response to Comment No. 16-17**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Based on the citations in the footnote to the comment, the commenter appears to be aware that California case law and Government Code Sections 53090 through 53095 declare that cities and counties are mutually exempt from each other's building and zoning codes. The zoning exemption also applies to an agency's General Plan. (*Lawler v. City of Redding* (1992) 7 Cal.App.4th 778, 784.) It is unclear why commenter suggests that the intergovernmental immunity is "questionable" in this situation. The commenter has cited an opinion by the California Attorney General (40 Ops Cal Atty Gen 243) which specifically explained that county-owned property situated in a city is exempt from the zoning and building ordinances of the city whether the property is used for governmental or proprietary purposes. The commenter also cites another California Attorney General opinion (68 Ops Cal Atty Gen 114) which extends that intergovernmental immunity to a lessee of County-owned property if the use of the property furthers the governmental purpose of the County. This reasoning has been followed in 57 Ops Cal Atty Gen 124 and in *Board of Trustees v. City of Los Angeles* (1975) 49 Cal.App.3d 45, 49-50, among many other cases and opinions. (See also *County of Los Angeles v. Los Angeles* (1963) 212 Cal. App. 2d 160 in which the Court specifically ruled that the County of Los Angeles was not bound to comply with the City's zoning and building codes on property it owns or leases). Here, not only is Hancock Park and the section of Wilshire Boulevard owned by the County in fee title, but the new Museum Building itself will be owned by the County. As proposed, the County will lease the Spaulding Lot from Museum Associates for the south portion of the new building. Moreover, Museum Associates, the non-profit applicant and operator of the County-owned buildings, is specifically designated in Section 2.92.020 of the County Code to regulate and control the County Department of Museum of Art and to manage all matters connected with the Los Angeles County Museum of Art. Thus, Museum Associates currently operates LACMA and the relevant County property, and will continue to operate the new Museum Building, in furtherance of the County's governmental purpose.

Nevertheless, regardless of the intergovernmental immunity, the Draft EIR does evaluate the Project's consistency with the relevant objectives and policies of the City of Los Angeles General Plan Framework Element (see Table IV.H-2), relevant goals, objectives and policies of the Wilshire Community Plan (see Table IV.H-3), and the goals of the Miracle Mile Community Design Overlay District (see Table IV.H-4) to conclude that the Museum Building and the Ogden Parking Structure will not result in significant impacts related to land use consistency and compatibility.

It is unclear as to how the reduction in the number of theater seats at LACMA would constitute a significant aesthetic impact. Furthermore, the aesthetics analysis does not "cherry pick" regulations regarding light, glare or views. Rather, Section IV.A, Aesthetics, Views, Light/Glare, and Shading, includes a detailed analysis of the relevant regulations regarding aesthetics. Refer to Pages IV.A-82 through IV.A-108 of the Draft EIR.

### **Comment No. 16-18**

- *Cumulative Impact:* The LACMA Campus has already experienced substantial aesthetic impacts by intruding modern-designed related projects. (DEIR IV.A-109). On LACMA West, the Academy Museum is currently facing construction delays and cost overruns due the very difficult geometry posed by the soap-bubble, spaceship design.<sup>11</sup> Just south of that, the recent Petersen Automotive Museum reopening was met with similar criticism.<sup>12</sup>

<sup>11</sup> <https://la.curbed.com/2014/10/9/10037046/academy-museum-architect-i-dont-think-it-will-be-that-bad>; <http://variety.com/2017/film/news/academy-museum-trouble-dawn-hudson-1202032947/>

<sup>12</sup> <http://beta.latimes.com/entertainment/arts/la-et-cm-petersen-automotive-museum-review-20151124-column.html>; <http://beta.latimes.com/entertainment/arts/miranda/la-et-cam-petersen-automotive-museum-gloriously-bad-20150923-column.html>;

### **Response to Comment No. 16-18**

As discussed above in Response to Comment 16-16 and in Section IV.A. Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project's impacts related to aesthetics are less than significant. In addition, as discussed on pages IV.A-109 through IV.A-112, cumulative aesthetic impacts were determined to be less than significant. It is unclear from the comment how modern design, construction delays, and cost overruns would create cumulative aesthetic impacts.

**Comment No. 16-19**

- Limited Views: The view depictions provided in the EIR are strictly from sidewalk vantage points at great distances from the Project (DEIR IV.A-29-40), which ignore the fact that this scenic highway is traveled by numerous drivers a day. Missing from the DEIR are any images and analysis of views lost from individuals within a block of the Bridge and Pavilions. It defies logic that views and aesthetics will not be impacted by this Project.<sup>13</sup>



<sup>13</sup> Archinect (Oct. 26, 2017) New renderings of Peter Zumthor's \$600-million LACMA redesign, available at <https://archinect.com/news/article/150035301/new-renderings-of-peter-zumthor-s-600-million-lacma-redesign>.

**Response to Comment No. 16-19**

Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, includes nine visual simulations (see Figures IV.A-4 through IV.A-12) representing views of the Project Site from a wide range of directions and distances, including three visual simulations from within one block from the Museum Building and one from within one block from the Ogden Parking Structure. In addition, Section II, Corrections and Additions to the Draft EIR, of this Final EIR, includes updated visual simulations which incorporate various changes made to the Museum Building. These changes include a shift of the Museum Building approximately 30 feet to the east as well as the removal of the Chapel Galleries, with a resulting height that was shortened from a maximum of 85 feet to a maximum of 60 feet. With the removal of the Chapel Galleries and the reduction in height from 85 feet to 60 feet, the Museum Building visually looks level with the surrounding low-rise residential uses as compared to the existing buildings, which are taller than the proposed Museum Building. The detailed analysis within Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, concludes that while the new buildings, including the Museum Building and the Ogden Parking Structure, and landscaping proposed by the Project would be visible from off-site locations, due to the relatively flat topography and intervening development and landscaping, view changes would typically occur at limited vantage points, as opposed to along extensive roadway segments or from entire large geographic areas. Furthermore, the new structures would be designed to integrate with the

surrounding environment, including the urban development along Wilshire Boulevard and the park setting of Hancock Park. Thus, while the Project would alter focal views in the area, it would not adversely affect a scenic vista or obstruct views of visual resources. Furthermore, the exhibition level of the Museum Building would provide an opportunity for visitors to experience panoramic views of Hancock Park and the Hollywood Hills to the north, as well as more open, albeit shorter-range views along Wilshire Boulevard, particularly from the portion of the Museum Building that extends over Wilshire Boulevard. Impacts would be less than significant.

### **Comment No. 16-20**

#### ***C. Cultural/Historical Impacts***

Under Pub. Res. Code § 21084.1, a project may have a significant effect on the environment if it causes a substantial adverse change in the significance of an historical resource. The fact a resource is not listed in a state or local register or identified in a survey does not preclude a lead agency from determining a resource is historically significant. See CEQA Guidelines § 15064.5(a)(4). A historical resource is “materially impaired when a project... [d]emolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion” as a state or local historic resource. *Id.*, subd. (b)(2)(C). This is significant under CEQA. See e.g., Pub. Res. Code § 15064.5(b); *Ocean View Estates v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 401; *Quail Botanic Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1603–1605. Here, the County General Plan notes the importance of historic and cultural resources as non-renewable and irreplaceable (DEIR IV.C-13), yet the DEIR fails to assess historic impacts transparently:

### **Response to Comment No. 16-20**

The commenter is correct that the lead agency may consider a building to be an historical resource even if it is not listed in the California Register or a local register or identified as significant in a local historical resource survey; however, the lead agency would have to determine the building to be historically significant based on substantial evidence in the record. Under CEQA, a resource is presumed to be historically significant if it meets the criteria for listing on the California Register. The Draft EIR, based on the Historical Resources Technical Report, correctly identified potential historical resources by evaluating their eligibility for listing under the criteria for the California Register and adequately addressed potential impacts on the identified historical resources. In particular, all of the buildings on the Project site over 45 years of age, including the original LACMA complex, were evaluated to assess whether they qualify as historical resources under CEQA. The original LACMA complex was determined to be ineligible as a historical resource because it does not meet the requirements for listing in either the National

Register or California Register, or as a Los Angeles County Landmark, due to lack of significance and/or integrity. (See Response to Comment No. 16-22.) As the original LACMA complex does not meet the CEQA definition of a historical resource, demolition of this complex, including the Ahmanson Building, Hammer Building, and Bing Center, would not result in an impact to an historical resource.

### **Comment No. 16-21**

1. *Flawed Feasibility Study*: The building/feasibility evaluation ("*Feasibility Study*") in Appendix Q is severely flawed. The DEIR provides only 7 of the 61 pages, the survey included only visual inspections, had only conclusory claims of "major issues and deficiencies" based on vague descriptions of the state of disrepair (e.g., extensive water intrusion, numerous cracks, cracking and spalling in several locations, significant rusting, wide range of ADA-related improvements, utilities should be replaced) (pp. 7–8). No images, comps, estimates, or numeric basis to substantiate degree of damage or estimated costs are provided. The evaluation fails to substantiate the "significant energy savings benefits with a complete mechanical system modernization," nor provides the energy savings expected from a renovation alternative. Hence, there is no way to determine the marginal efficiency gains expected from: a) demo/new-construction alternative versus a b) renovation alternative. For example, what is the cost for the marginal efficiency gains achieved from replacing low water-use plumbing with ultra-low water-use plumbing, as opined in the DEIR? Nevertheless, the Feasibility Study demonstrates that a new construction would cost between \$1,034 and \$1,296/SF while refurbishing costs would be \$634/SF—roughly 60 to 50 percent cheaper. This is based on the Applicant's own estimates which is lower than the \$600 mil/ price tag quoted in the media and does not account for overruns and complications due to the complex geometry of the Project Designs—like the Academy Museum discussed above. At minimum, based on what is contained in the DEIR, it is impossible to claim Alternative 2 is not financially feasible.

### **Response to Comment No. 16-21**

Contrary to the commenter's assertions, the report included in Appendix Q to the Draft EIR is not a "feasibility study" but rather a physical building evaluation to identify deficiencies in the Ahmanson Building, Hammer Building, Bing Center, and Art of the Americas Building on the existing LACMA campus. The evaluation was prepared in 2014 for the Los Angeles County Department of Public Works by the Owen Group, Inc., a renowned multidisciplinary design and construction management firm with vast experience with large development and construction projects throughout the country. (See [www.owengroup.com](http://www.owengroup.com).) Appendix Q to the Draft EIR contains the Executive Summary to this report, which identifies the key findings of the building evaluation and estimates the repair/refurbishment cost and the replacement costs, all of which is sufficient for the EIR to support assumptions about the reasonably foreseeable repair and construction work that



would be necessary under Alternative 2, and to adequately evaluate the potential impacts of such work. At the request of the commenter, the entire Building Evaluation is now included in the updated Appendix Q. The remaining portions of the Building Evaluation merely provide the worksheets and photo documentation supporting the conclusions that are articulated in the Executive Summary, and nothing therein alters or otherwise conflicts with the findings of the evaluation that was used in the Draft EIR.

The Building Evaluation identifies significant defects in the existing buildings. At a minimum level of repair just to continue the use of these buildings for their intended purpose, the sewer and water piping systems need to be replaced; shear wall and other structural strengthening has been compromised; the mechanical systems are obsolete or non-operational and prone to significant leaking; a full fire sprinkler system and new duct and piping systems are needed to meet current design standards and provide enhanced protection; domestic hot and cold piping systems need to be removed and rerouted to avoid compromising the exhibits; electrical substations, distribution panels, switchboards and the emergency generation system all need to be replaced in order to provide a reliable electrical system; lighting fixtures and controls need to be replaced to meet current standards for energy efficiency; and asbestos and possibly lead-based paint abatement is required.

Importantly, the Building Evaluation only addresses visually apparent defects identified by the observations of trained professionals. It specifically notes that material testing of the building components and calculations were not performed; that there may be defects that were not readily accessible, not visible or inadvertently overlooked; and that other problems over time may develop that were not evident at the time of the assessment. The recommendations for repair also did not address any systems which would reach the end of their useful life beyond 15 years. As such, the Building Evaluation presents a minimum amount of basic repair work that would be needed just to extend the usefulness of the buildings for another 15 years. Given the age of the buildings and the major issues and deficiencies in all systems, including structural issues in all buildings, the professional recommendation of the Owen Group was to replace the buildings.

The Comment focuses on the cost of repair versus the cost of replacement, which was not the intent of the Draft EIR in evaluating physical impacts of the project alternatives, but could be considered by the decision making body in comparing the alternatives. With regard to comparative costs, the Building Evaluation included an approximation of costs, not actual bids, in 2014 dollars with an escalation based on the anticipated priority of the repair. More than \$185,000,000 in repairs were recommended to be completed by 2019, with a cost escalation factor applied only through 2017. (Refer to pages 3 and 11 of the Existing Building Evaluation.)

**Comment No. 16-22**

2. *Inadequate Criteria Analysis*: The 1965 Complex is an example of William Pereira's New Formalism style and is admittedly eligible under Criteria A. (DEIR IV.C-38, 45). Under Criteria B, the DEIR claims that none of the namesake donors deserve special attribution because they all were equally important community leaders and philanthropists. (DEIR IV.C-47). However, this overlooks the unique quality of these buildings being designed together as the foundation of LACMA—this is not a case where three buildings were haphazardly erected at different time periods, under different circumstances, and featuring different designs. Under Criteria C, the DEIR dismisses the 1965 Complex's significance to architect Pereira and New Formalism style, citing bad reviews, Pereira's other works, and the 1980's construction of the Americas Building that disrupted the site plan. (DEIR IV.C-49-51). Ironically, the proposed Project Design here has elicited similar negative reviews (discussed above). Additionally, experts in historic preservation have noted that Pereira-designed buildings are increasingly at risk with the threat of losing the appreciation of this architect's contributions to Southern California.<sup>14</sup> No inventory of existing Pereira buildings is provided to ensure other examples of the architect's work are readily available. Furthermore, no mention is given to the possibility of removing the Americas Building.

<sup>14</sup> The Architects Newspaper (Sep. 26, 2016) Time is running out for William Pereira's modernist legacy, available at <https://archpaper.com/2016/09/william-pereira-preservation-legacy/>

**Response to Comment No. 16-22**

The Draft EIR thoroughly evaluated the eligibility of the original LACMA complex as a historical resource using the appropriate industry-standard methods developed by the National Park Service and California Office of Historic Preservation. To be eligible for listing in the National Register and/or California Register (Criteria A through D and 1 through 4, respectively) a property must meet one or more of the four criteria for significance and must retain sufficient integrity to convey its significance under these criteria.

The Draft EIR concluded that the original LACMA complex is significant under National Register Criterion A and California Register Criterion 1, association with an event or pattern of events significant in history; however, it is ineligible to qualify as a historical resource because it lacks the integrity to convey that significance as a result of substantial additions and alterations constructed outside the established period of significance.

To be eligible under Criterion B/2, a property must be associated with the lives of individually significant persons in our past. The association with the property must also be significant, and the property in question should be the best representation of that

individual's productive life, per *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation*. These parameters were taken into account when weighing the potential for eligibility under Criterion B/2 for association with Ahmanson. The evaluation under Criterion B/2 also collectively considered the significance of numerous individuals such as philanthropists, board members, directors, curators, and artists involved with the museum over time, and considered their association with the property. The Historical Resources Technical Report concluded that the original LACMA complex was the result of a collaborative historical trend, and did not solely represent the individual productive life of any particular person. The development and management of LACMA was the achievement of many individuals, not any one person. *This approach is supported by guidance provided in National Register Bulletin 32: Guidelines for Evaluating and Nominating Properties Associated with Significant Persons:*

*When specific individuals cannot be identified, or the significance of the activities, accomplishments, or influence of specific individuals cannot be identified or explained, significance rests more in a property's representation of a pattern of history, and the appropriate criterion is A rather than B. This is true even when the careers or actions of various individuals are discussed to illustrate these important patterns of history. Certain patterns of development that can be seen in the lives of a group of persons linked by origin, class, profession, degree of civic involvement, etc., whose activities influenced a community in a profound way may constitute an important theme in an area. Still, it is important in such cases to be able to define the characteristics by which those contributing to the pattern can be identified and to explain specifically how these people had a significant impact on the area's historical development. Specific individuals should serve as examples, but unless their activities were individually important, the applicable criterion would be A rather than B. If contributions of one or more specific individuals associated with a property can be justified as significant within the broader pattern, then Criteria A and B both will be applicable.<sup>12</sup>*

The Draft EIR found the original LACMA complex ineligible under Criterion C/3—design or construction—because it is too altered to be considered an important example of New Formalism or represent the work of William L. Pereira. According to National Park Service and California Office of Historic Preservation methodology, properties are evaluated as historical resources based upon their present state, not their past or future

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<sup>12</sup> *National Register Bulletin #32: Guidelines for Evaluating and Nominating Properties Associated with Significant Persons*, Beth Grosvenor Boland, National Park Service, Cultural Resources, accessed January 24, 2018, [www.nps.gov/nr/publications/bulletins/nrb32/INDEX.htm](http://www.nps.gov/nr/publications/bulletins/nrb32/INDEX.htm).

state, as evidenced by the exercise of integrity analyses. Thus, removing the Art of the Americas Building, and associated alterations including the Los Angeles Times Central Court, from the evaluation of the original LACMA complex would be inconsistent with industry standards.

The Draft EIR recognizes William Pereira as a master architect, and an inventory of his work is not required. There is an inventory of architect's work in the book *William Pereira* edited by James Steele. There is also a Wikipedia page "List of William Pereira Buildings" with approximately 350 works cited.

### **Comment No. 16-23**

3. *Strict Integrity Analysis*: Admittedly, the 1965 Complex retains three of the criteria for integrity (e.g., location, material, workmanship). (DEIR IV.C-52). Claims that the material has been compromised is refuted by the Feasibility Study that confirms most of the architectural elements of the buildings dates back from the original construction. (APP-Q 5). There is no reason why this cannot be repaired or replaced with appropriate historic materials consistency with the New Formalism style. Furthermore, the other elements (i.e., setting, design, feeling, association) could be restored by removing the Americas Building and restoring the LACMA East to convey its relationships to its historic contexts for the period of 1965 to 1969.

### **Response to Comment No. 16-23**

To be eligible for listing in the National Register and/or California Register a property must retain sufficient integrity to convey its significance. The Draft EIR concluded that while the original LACMA complex is significant under National Register Criterion A and California Register Criterion 1, it is ineligible to qualify as a historical resource due to lack of integrity. According to National Park Service and California Office of Historic Preservation methodology, a property must retain most, but not necessarily all seven aspects of integrity. Per *National Register Bulletin #15*:

*"...Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant." That is, certain aspects of integrity may be more essential than others in reflecting the significance under different Criteria. Properties eligible for historic associations (Criteria A/1 and B/2) may rely more on the aspects of location, setting, feeling, and association than aspects such as material, design, and workmanship: "...A property important for association with an event, historical pattern, or person(s) ideally might retain some features of all seven aspects of integrity: location, design, setting, materials, workmanship,*

*feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.”<sup>13</sup>*

The Draft EIR concluded, based on the findings of the Historical Resources Technical Report, that the original LACMA complex retains integrity of location, material, and workmanship—but lacks integrity of setting, feeling, association, and design. Therefore, the original LACMA complex does not retain most of the aspects of integrity, and does not retain those aspects most essential to convey associative significance. With regard to materials, the Historical Resources Technical Report explained that the original materials have been compromised by removal and replacement, but not to the degree they do not convey significance under Criterion A/1.

According to National Park Service and California Office of Historic Preservation methodology, properties are evaluated as historical resources based upon their present state, not their past or future state. There would be no purpose in requiring properties to retain sufficient integrity to convey their significance if the evaluation of eligibility assumed that properties that have been altered could be restored. If that were the case, properties would be evaluated based upon their original state.

#### **Comment No. 16-24**

4. *Cumulative Impacts*: As previously discussed, Pereira-designed buildings are under increasing attack of being lost. Since the 1980's, the LACMA Campus has slowly chipped away at Pereira's New Formalism vision, first with the Americas Building, and most recently with the Petersen and Academy Museums at/near LACMA West. Again, rather than seeking a historically-sensitive design, Applicant is pushing forward with yet another different design approach.

#### **Response to Comment No. 16-24**

The DEIR acknowledges the significance of the LACMA complex in the context of New Formalism architecture and the work of Pereira, but concludes that it is not eligible under Criterion C/3 for lack of integrity due to the substantial alterations to the original

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<sup>13</sup> *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, National Park Service, Cultural Resources, eds. Patrick Andrus and Rebecca Shrimpton, accessed January 26, 2018, [www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm](http://www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm).*

design. The original Petersen and Academy Museum buildings were both originally designed as department stores by different architects and were constructed prior to the LACMA complex in 1965. They are not within the boundary of the original LACMA complex and were not a factor in the analysis of the integrity of this complex.

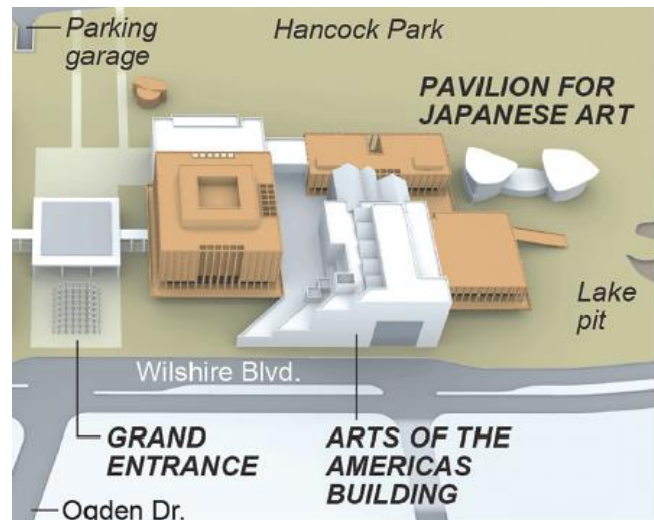
The stretch of Wilshire Boulevard on which the Project site is located is characterized by buildings from various periods of time and constructed in a variety of architectural styles.

The Academy Museum project entails rehabilitation of and construction of an addition to the former May Company Wilshire building, which is designated as City of Los Angeles Historic-Cultural Monument No. 566. Thus, the Academy Museum project is subject to the requirements of the Cultural Heritage Ordinance, which requires compliance with the Secretary of the Interior's Standards for Rehabilitation. The potential for indirect impacts on the other historical resources in the vicinity of the LACMA Project were carefully evaluated in the Historical Resources Technical Report and Draft EIR.

#### **Comment No. 16-25**

5. *Enhanced-Preservation Alternative*: By removing the [Art of the] Americas Building, the 1965 Complex could reclaim its full historical integrity. Besides the Americas Building, the Complex's other additions are minor and positioned behind the three buildings. For example, the 35,000 SF addition to the Ahmanson Building accounts for only 20 percent of the buildings current size and leaves the building's main facades completely viewable from Wilshire Blvd. Likewise, the bridge between the Hammer and Ahmanson buildings is also relatively small and not obstructing chief views from

Wilshire Blvd. Furthermore, both additions were designed by the original architect and, therefore, presumptively sensitive to the New Formalism design. (DEIR II-2, IV.C-34, 42-43). Admittedly, the South and West elevations have not been significantly altered (near the Ahmanson Building) and the Bing Center (South and East elevation) has been altered the least among the LACMA East buildings. (DEIR IV.C-43-44). Hence, by merely removing the Americas Building, Applicant could reverse the historically-insensitive actions



taken by LACMA in the 1980's and completely restore the 1965 Complex to its original setting, design, feeling, and association.

### **Response to Comment No. 16-25**

An enhanced preservation alternative is not required by CEQA, as the original LACMA complex is not a historical resource due to lack of integrity, which is a result of substantial alterations. According to National Park Service and California Office of Historic Preservation methodology, properties are evaluated as historical resources based upon their present state, not their past or future state. There would be no purpose in requiring properties to retain sufficient integrity to convey their significance, if the evaluation of eligibility assumed that properties that have been altered could be restored. If that were the case, properties would be evaluated based upon their original state.

### **Comment No. 16-26**

#### ***D. Inadequate Mitigation Measures***

CEQA disfavors formulation of mitigation measures to post-approval studies with no performance standards to guide the mitigation. See e.g., CEQA Guidelines § 15126.4(a)(1)(B); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93. A lead agency may only defer the formulation of mitigation measures when it possesses “‘meaningful information’ reasonably justifying an expectation of compliance.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 (quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77 fn. 5); see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”).

CEQA requires lead agencies to “craft mitigation measures that would satisfy enforceable performance criteria.” *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 407. Imposition of specific, performance-based mitigation measures helps “[e]nsure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug.” *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935; see also *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281. Nor may a lead agency rely on mere compliance with existing laws or unrealistic mitigation measures of uncertain efficacy/feasibility. See e.g., *Cleveland III*, \_\_\_ Cal.App.5th \_\_\_ at 21 (“none of these measures had any probability of implementation, their inclusion in the EIR was illusory.”); *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4th 1, 17 (“[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA.”); *Kings County Farm Bureau*, 221 Cal.App.3d at

727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).

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Here, the DEIR fails to correctly identify impacts on aesthetics, land use, historic resources, or correctly identify the Project's uses that underlie the DEIR's analysis of traffic, air quality, and GHG impacts. As such, the DEIR is wholly inadequate and must be cured to correctly identify impacts, proceed to fully mitigate with performance-based measures, and consider an adequate range of alternatives that would reduce unavoidable significant impacts.

#### **Response to Comment No. 16-26**

This general comment purports to recite legal principles and standards under CEQA. The comment is noted for the administrative record and will be forwarded to decision-makers for review and consideration.

The mitigation measures included throughout the Draft EIR are adequate and comply with CEQA requirements. As demonstrated by the detailed analyses included within Section IV.A, Aesthetics, Views, Light/Glare, and Shading, Section IV.C, Cultural Resources, and Section IV.H, Land Use, of the Draft EIR, the Project would not result in significant impacts associated with aesthetics, historical resources, or land use, respectively. In addition, the Project's uses and physical characteristics have been clearly described within Section II, Project Description, of the Draft EIR, and the impact analyses evaluating the Project, including the analyses regarding traffic, air quality and greenhouse gas emissions are correct.

Based on the identified significant environmental impacts of the Project, the objectives established for the Project, and the feasibility of the alternatives considered, four alternatives to the Project were selected for evaluation. The rationale for selecting the range of alternatives was based on the likelihood of the alternatives to avoid or substantially lessen one or more of the Project's potentially significant construction-related impacts identified above, the uses and density permitted by the Project Site's existing zone, and the compatibility of the alternative with surrounding land uses. The alternatives analysis was completed in full compliance with CEQA.

#### **Comment No. 16-27**

Other flaws to be avoided are reliance on illusory mitigation measures, like GHG mitigation measure PD E-2 that does not actually commit to installing 20 percent electric stations (capable of, is not the same as actually will be installed). (DEIR IV.E-40).



**Response to Comment No. 16-27**

The “mitigation measures” referred to in this comment are actually project design features that will be implemented as part of the Project and included in the Mitigation Monitoring and Reporting Program. The commenter incorrectly characterizes the project design features provided in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR. The project design features, particularly Project Design Feature E-2 and E-3 are not illusory mitigation measures. Project Design Feature E-2 states that “at least 20 percent of the total parking spaces provided as part of the Project shall be capable of supporting future electric vehicle supply equipment (EVSE)”, meaning that EVSE would be installed for future hard wiring of charging stations. The project design features does commit to installing EVSE. Project Design Feature E-3 then fully commits 5 percent of the total parking spaces with actual EV charging stations, rather than just the equipment necessary to install EV charging stations, as required under Project Design Feature E-2. The language for Project Design Features E-2 and E-3 came directly from the City and supports their goal to reduce greenhouse gas emission, by supporting use of hybrid and fully electric vehicles and reducing the reliance on petroleum based fueled vehicles.

**Comment No. 16-28*****E. Improper Project Objectives & Insufficient Alternatives***

The discussion of mitigation and alternatives is “the core of an EIR,” requiring a lead agency to select a reasonable range of alternatives for evaluation guided by a clearly written statement of objectives. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564–65; see also CEQA Guidelines § 15124(b). Defining objectives too narrowly or too broadly or artificially limiting the lead agencies’ ability to implement reasonable alternatives by prior contractual commitments has the potential to result in a legally deficient range of alternatives. See e.g. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1447; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736. Instead, a “reasonable range of alternatives” should be.

- “capable of being accomplished in a successful manner” (Pub. Res. Code § 21061.1);
- “attain most of the basic objectives of the project” (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509 (citing CEQA Guidelines § 15126.6(a) and (f)); and
- achieve the project’s “underlying fundamental purpose” (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1164-1165 (citing CEQA Guidelines § 15124(b)).

While alternatives must implement the most basic project objectives, they need not implement all of them. See *California Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991; see also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 488–489. The discussion must “focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be costlier.” *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873; see also CEQA Guidelines § 15126.6(a); *Cleveland III*, \_\_\_ Cal.App.5th \_\_\_ at \*25 (EIR discussion deficient where no alternative was considered that significantly reduced total vehicle miles traveled and where the alternatives labeled ‘transit emphasis’ was a “misnomer” given they only advanced certain rapid bus projects, left rail/trolley projects largely unchanged, and provided no increased transit projects/services).

Instructive is the recent opinion in *LA Conservancy*. There, the applicant proposed demolition the historic Lytton Savings Bank Building<sup>15</sup> and replacing it with a pedestrian-friendly mixed-use development (249-residential units and 65,000 SF of commercial space). The City rejected as ‘infeasible’ a historical-sensitive alternative based, inter alia, (1) aesthetic consideration opined by renowned project architect, (2) pedestrian-orient objectives having no impact on the physical environment, and (3) a feasibility study stating the alternative would reduce the project’s profitability. *LA Conservancy*, pp. 34–40. The court rejected this as substantial evidence where the project’s underlying basic objective was redeveloping the site with an economically-viable, mixed-use project that included low-income housing—the **project’s beneficial social-byproducts and “non-basic objectives” had no potential impact on the environment and therefore irrelevant to the analysis.** *Id.* at 27, 34–36.

Here, like in *LA Conservancy*, the Applicant has pre-committed itself to the Project Design:

1. **Objectives Selectively Narrow:** The stated underlying purposes are too narrow. The underlying purpose or function of this Project is to provide an adequate space to house LACMA’s permanent collection, while also meeting the future needs of LACMA patrons in an energy-efficient structure. (DEIR II-15). This can be achieved in a variety of alternatives, but the Applicant artificially constrains itself by pre-committing to specific design features masked as objectives:

- Must replace 1965 Complex and Americas Building with new building.
- Must include main exhibition level.
- Must have horizontal layout.

- Must have a single level.
- Must provide a sense of transparency.
- Must have artwork visible from the exterior.
- Must have surrounding environment visible from the interior.

2. *Reliance on Non-Basic Objectives*: As in *LA Conservancy*, the DEIR includes relatively few underlying functional objectives, but includes numerous non-basic objectives that favor demolition/new-construction strategies, incorporate architect-driven design features, numerous claims of beneficial social byproducts, and goals promoting transit/pedestrian oriented development. The Project objectives here mirror those involved in *LA Conservancy*, which are improperly used to reject Alternative 2 as an environmentally superior alternative that meets the underlying Project objectives. (DEIR V-59-60). For example, the Project objective to “[r]eplace **inefficient**, deteriorating buildings with a new, **environmentally sustainable** building that incorporates **state-of-the-art** resource management and technology,” mimics the Lytton Saving Project objective to “revitalize an **aging and underutilized commercial site**... [i]mprove the **energy efficiency** of on-site uses.” (Compare DEIR II-15-16 with *LA Conservancy*, 19:3-20:12) (emphasis added). Again, Project objective “[i]mprove the **pedestrian environment**... locate new development in a manner that enhances public areas with greater open space and **pedestrian connectivity**... [m]aximize use of existing and future **mass transit infrastructure**” parallels Lytton Saving Project objective to “support and **encourage the use of nearby public transit lines** and **promote the use of bicycles** as well as walking... [e]nhance **pedestrian activity**... [c]apitalize on the site’s location... promote the use of **public transportation** and **reduce vehicle trips and infrastructure costs**.” (*Id.*) (emphasis added). Similarly, the Project objectives to provide art “**visible from the exterior**... providing **transparency and greater public access to art** and **open space areas**” are analogous of the design features and beneficial social byproducts discussed in the Lytton Saving Project objective of improving “the **visual character**... **high quality architectural design**... **vibrant urban** living development... **attractive retail face** along street frontages.” (*Id.*) (emphasis added).

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<sup>15</sup> The same Lytton that founded LACMA’s 1965 Center. (DEIR IV.C-39)

### **Response to Comment No. 16-28**

With regard to the comment that the project objectives in the Draft EIR are too narrow and “artificially constrained” by pre-committing to specific design features, the

commenter is mistaken about the law. First of all, the commenter has mischaracterized the “underlying purpose” of the Project, which is: “to replace existing outdated buildings on the LACMA Campus with a new museum building of similar size with a main exhibition level designed in a horizontal layout within a single level that enhances presentation of LACMA’s permanent collection and programmatic needs for visitors today and into the future, promotes Los Angeles as one of the art capitals of the world, and enriches the Miracle Mile and the existing LACMA Campus.” (See p. II-15 of the Draft EIR.) Clearly it is not unreasonable for LACMA and the County to desire a world-class state-of-the-art building to enhance its mission of preserving and displaying art and other cultural programming.

With regard to the design-based objectives, the Draft EIR explains that the horizontal layout within a single level is important for a new museum building, particularly one that is dedicated to displaying an encyclopedic permanent collection, in order to offer every culture an equal focus. In the multi-cultural community of Los Angeles, it is particularly desirable that the County’s public art institution reflect a diversity of cultures without creating an artificial hierarchy imposed by distinct levels that are psychologically and physically less accessible. More importantly, courts have repeatedly recognized design and function as a legitimate concern of public agencies in considering development approvals. Indeed, the Project objectives presented in the Draft EIR provide “an appropriate frame of reference for intelligently comparing” the various alternatives identified as potentially feasible in the EIR. (*California Oak Foundation v. Regents of the University of California* (2010) 188 Cal. App.4th 227, 274.)

With regard to the commenter’s claim that the Draft EIR applies “non-basic objectives,” the comment relies upon reasoning in a single Superior Court decision that was overturned by the California Court of Appeal. See Response to Comment No. 16-5, above.

### **Comment No. 16-29**

3. *Unsubstantiated Feasibility Claims*: Like in *LA Conservancy*, Applicant prepared a Feasibility Study purporting to show major/substantial deficiencies in the 1965 Complex and recommending demolition. (DEIR I-27, V-28-29; APP-Q). The Feasibility Study demonstrates that Alternative 2 is cheaper than new construction and therefore feasible. Furthermore, the Study does not provide any evidence that the alternative would be financially impossible.

### **Response to Comment No. 16-29**

The Draft EIR does not identify Alternative 2 as being infeasible, nor does it eliminate the Alternative from analysis for any reason. Nevertheless, an EIR which finds an

alternative to be potentially feasible for purposes of impact analysis is not precluded from making a finding of infeasibility during the final stage of project approval. (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 368-369. “A public agency may find that an alternative is ‘infeasible’ if it determines, based upon the balancing of the statutory factors [at Pub Resources Code Sec. 21081 (a)(3) & (b)], that an alternative cannot meet project objectives or ‘is impractical or undesirable from a policy standpoint.’” *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal. App. 5th 1031, 1041 (citing *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001).

### **Comment No. 16-30**

4. *Alternative 2 Analysis Ignores Impacts and Relies on Non-Basic Objectives*: The DEIR admits Alternative 2 is environmentally superior to the Project in various areas (e.g., historical, archaeological, hydrology/water quality/groundwater, traffic, tribal). (DEIR V-8-12, 38). However, the DEIR relies on false assumptions to inflate the alternative’s other impacts as compared to the Project, for example:

- DEIR claims aesthetic impacts are worse under this alternative because it does not provide as much open space as the Project. (DEIR V-31). Yet, this ignores the Project’s aesthetic, loss of public seating, and historical impacts. Furthermore, like *LA Conservancy*, open-space is a non-basic objective in this circumstance.

### **Response to Comment No. 16-30**

The analysis of Alternative 2 does not ignore impacts or make false assumptions. Based on the comparative analysis of Alternative 2 within pages V-28 through V-59 of Section V, Alternatives, of the Draft EIR, Alternative 2 would eliminate the Project’s significant and unavoidable construction traffic impacts related to intersection level of service. However, all other significant and unavoidable impacts related to regional air quality impacts during construction, noise impacts from on-site construction activities, and vibration impacts from on-site construction activities with respect to human annoyance would remain significant and unavoidable under Alternative 2. Furthermore development of Alternative 2 would result in potentially significant impacts related to shading and intersection level of service during operation, which were determined to be less than significant under the Project. In addition, Impacts related to aesthetics during operation; views; construction and operational light/glare; regional, localized, and toxic air contaminants during operation; greenhouse gas emissions; hazards and hazardous materials during operation; surface water hydrology and surface water quality during operation; land use compatibility; off-site noise during operation; fire protection during operation; the regional transportation system during operation; and water supply and

infrastructure, wastewater, and energy during operation would be greater than the impacts of the Project, but still less than significant or less than significant with mitigation. All other impacts would be similar to or less than those of the Project, and such impacts would be less than significant or less than significant with mitigation.

With regard to aesthetic impacts, the Project would result in less than significant impacts related to aesthetic or historic impacts. As such, aesthetic impacts were not ignored within the analysis of Alternative 2. With regard to the commenter's claim that the Draft EIR applies "non-basic objectives" including an objective related to open space, the Comment relies upon reasoning in a single Superior Court decision that was overturned by the California Court of Appeal. See Response to Comment No. 16-5, above.

### **Comment No. 16-31**

- DEIR claims that this alternative has a larger footprint because it is taller and bulkier than the Project. (DEIR V-32). However, this is misleading given the 1965 Complex and America Buildings span a smaller area on LACMA East, as compared to the Project that spans 860-feet throughout LACMA East, Wilshire Blvd., and Spaulding Lot. Furthermore, the alternative maintains substantial views of the 1965 Complex,<sup>16</sup> and only distant views to the north are currently blocked by this smaller footprint. In comparison, by spanning a larger distance, the Project's blocks views from every vantage point.<sup>17</sup>

<sup>16</sup> Ahmason [sic] Building's easterly and southerly facades and Bing Center's westerly and southerly facades remain largely unaffected by Americas Building.

<sup>17</sup> The Bridge blocks easterly and westerly views from pedestrians and motorist traveling on Wilshire Blvd., the Bridge and structures on Spaulding Lot block southerly viewing from Wilshire Blvd., and the remaining structures on LACMA East block northerly views from Wilshire Blvd.

### **Response to Comment No. 16-31**

As a point of clarification, the language used on page V-32 of Section V, Alternatives, of the Draft EIR, states that the "existing buildings within LACMA East are taller and bulkier and have a larger footprint." The larger footprint is not because the existing buildings are taller and bulkier, as this comment suggests. In addition, in comparison to the existing buildings on the Project Site, Pavilions at ground-level in the Museum Building would have a smaller footprint than the existing buildings. Refer to Response to Comment No. 16-19 and Section IV.A, Aesthetics, Views, Light/Glare and Shading, of the Draft EIR, for the detailed analyses demonstrating that view impacts associated with the Project would be less than significant. In particular, note that the reduced height of the Museum Building and the design that provides views through the building would enhance local views.

**Comment No. 16-32**

- DEIR claims that the alternative would have greater height and massing impacts compared to the Project (DEIR, V-33), but this a comparison to the Project Design which is a non-basic objective and ignores the aesthetic and historic value of the 1965 Complex.

**Response to Comment No. 16-32**

The Draft EIR correctly states that Alternative 2 would have greater height and massing when compared to the Project. Specifically, the Spaulding Lot would be developed with a 436,000 square-foot building comprised of 12 stories with a height of approximately 204 feet as compared with 60 feet for the portion of the Museum Building that would extend within the Spaulding Lot. Refer to Response to Comment No. 16-5, above with regard to the commenter's references to "non-basic objectives" that rely upon reasoning in a single Superior Court decision that was overturned by the California Court of Appeal.

**Comment No. 16-33**

- DEIR claims alternative would have greater shadow impacts from the presumptively 12-story structure placed on Spaulding Lot (DEIR V-35), yet that assumes maximum development, which is not a foreseeable outcome. Nor is a mixed-use development including office/residential mandatory. Given the Project already envisions museum-uses on Spaulding Lot, it is more likely LACMA will develop the site with parking provided at the Ogden Lot. As such, more of Spaulding Lot site could be utilized and thereby reduce the need for greater height—thus reducing any potential shadow impacts. This inaccurate presumption that the Spaulding Lot will be built to a maximum 12-story height, with its inflated traffic-generating mixed-uses, infects other impact determinations, which are made worse by the DEIR's overemphasis on non-basic objectives (e.g., light/glare, paleontological, land use, noise, public services, traffic, utilities). (DEIR V-33-34, 39, 48, 49–51, 53–58).

**Response to Comment No. 16-33**

CEQA Guidelines Section 15126.6(e)(3)(B) states that "If disapproval of the project under consideration would result in actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed... and the analysis should identify the practical result of the project's non-approval." (Draft EIR, p. V-28.) Accordingly, in addition to the No-Project Alternative, which is evaluated in the Draft EIR as Alternative 1, the Draft EIR presents the reasonable development of the Spaulding Lot where Museum Associates is anticipated to seek development approvals that would maximize revenue to the non-profit foundation.

The development program for the Spaulding Lot under Alternative 2 was defined to be consistent with existing zoning and land use designations for this property. The building height of 204 feet (12 stories) and the 436,000 square feet of mixed uses are permitted by existing zoning and land use designations. Furthermore, the height of the proposed building on the Spaulding Lot would be consistent with buildings in the area, which range in height from one to 32 stories, including the 31-story building at 5900 Wilshire Boulevard, adjacent to the Project Site, the 16-story building at 6100 Wilshire Boulevard, and the 16-story building at 6200 Wilshire Boulevard. Overall, the Spaulding Lot Building under Alternative 2 represents what would reasonably be expected to occur within the Spaulding Lot in the foreseeable future if the Project were not approved based on current plans and consistent with available infrastructure and community services. Refer to Response to Comment No. 16-5, above, with regard to the commenter's reference to "non-basic objectives" is based on a single Superior Court decision that was overturned by the California Court of Appeal.

#### **Comment No. 16-34**

- DEIR claims that the construction duration would be the same and, therefore, aesthetic impacts related to construction would be the same under this alternative. (DEIR V-30). However, the DEIR fails to identify the construction-equipment fleet associated with renovation (Alternative 2) versus a demolition/new-construction (Project). Hence, the Project would require more heavy equipment (e.g., bulldozers, excavators, cranes, etc.) and present greater staging challenges, which would be avoided and/or substantially reduced for a mere renovation job. This error infects other impact comparisons to the Project including localized air quality, toxic air contaminants, and noise. (DEIR V-35-36, 49).

#### **Response to Comment No. 16-34**

The comment incorrectly states that the Project would require more heavy equipment and incorrectly characterizes Alternative 2 as a "mere renovation job". Analysis of Alternative 2 includes both refurbishment of the four existing buildings and construction of the 12-story, 436,000-square foot mixed-use building proposed on the Spaulding Lot. The proposed building on the Spaulding Lot would be larger than the Museum Building proposed under the Project. Therefore, on a daily basis, it can be safely assumed that construction equipment on-site during construction of Alternative 2 would be similar to the construction equipment required for construction of the Project.

#### **Comment No. 16-35**

- DEIR claims the alternative's greater square-footage and potential mixed-use project on Spaulding Lot would generate greater mobile-emissions and thereby



induce greater air quality impacts related to operations. (DEIR V-36-37). Yet this is predicated on the misleading project description that overestimates LACMA East's existing building square-footage, improperly assumes that Spaulding Lot can only be developed as a mixed-use project, and ignores the traffic generated by new patrons attracted to the site based on attendance growth rates.

### **Response to Comment No. 16-35**

As set forth in Response to Comment No. 16-14, above, the existing building square footage has not been overestimated. In addition, as discussed in Response to Comment No. 16-33, building square footage, height and use assumptions for the Spaulding Lot under Alternative 2 are consistent with existing land use and zoning designations for the property. With regard to visitor estimates for the Project, also refer to Response to Comment No. 16-14 which explains how the Draft EIR used conservative assumptions based on historical attendance plus an approximately 23 percent increase in average daily attendance to account for the novelty of the new building. Accordingly, the comparative analysis and impact conclusions for Alternative 2 included within Section V, Alternatives, of the Draft EIR, are accurate.

### **Comment No. 16-36**

- DEIR claims that the alternative would have greater GHG impacts than the Project (DEIR V-40), yet this is based on the same flaws discussed above. Furthermore, neither the DEIR nor the Feasibility Study (APP-Q) quantify the expected efficiency gains from retrofitting LACMA East versus new construction under the Project. This critical information is missing from the DEIR despite this alternative being discounted substantially for supposed efficiency reasons. The Applicant must show its work.

### **Response to Comment No. 16-36**

While it is inherently more difficult to retrofit an existing older building to make it as energy efficient as new construction, the GHG analysis did not solely rely on this point to determine that Alternative 2 would result in an increase of GHG emissions compared to the Project. As discussed on Page V-40 of the Draft EIR, the introduction of office and residential uses on the Spaulding Lot under Alternative 2 would increase the number of net new daily trips generated by the alternative. Furthermore, residential uses typically use more natural gas than other uses. Accordingly, the trip generation and energy consumption under Alternative 2 would increase compared to the Project. Thus, associated GHG emissions would increase overall compared to the Project. Therefore, impacts related to GHG emissions under Alternative 2 were concluded to be less than

significant in the Draft EIR, but greater than the less-than-significant impacts of the Project due to the increase in GHG emissions.

### **Comment No. 16-37**

**5. Failure to Consider Reasonable Range of Alternatives:** The analysis fails to examine a denser, more compact design that would provide sufficient square-footage (*“Compact-Design”*) alternative, as suggested by architects during the Notice of Preparation comment period. (APP-A 193–196). Nor was a historically superior option considered whereby the Americas Building is removed and a new building constructed on the Spaulding Lot (*“Enhanced Preservation”*), which would restore the 1965 Complex to its New Formalism design. Although the DEIR acknowledges the Spaulding Lot could be developed with a 436,000 SF mixed-use building (DEIR V-29), more than four-times the size of the 107,650-SF Americas Building (DEIR II-2), it only considers 115,000 SF of museum-related spaces in Alternative 4—claiming development is restricted based on existing zoning regulations. (DEIR I-30). This is utterly contradictory to the DEIR’s claim of intergovernmental immunity and that the Spaulding Lot is not subject to City zoning regulations. (DEIR I-11-12, IV.H-5, 14). Both the Compact-Design and Enhanced Preservation alternatives would provide adequate space to house LACMA’s permanent collection, while meeting the future needs of LACMA patrons, all in an energy-efficient structure. Additionally, each would reduce the impacts the DEIR fails to properly identify/analyze (e.g., aesthetics, construction-related, land use impacts, air quality, etc.).

### **Response to Comment No. 16-37**

CEQA Guidelines Section 15126.6(a) requires the EIR to “describe a range of reasonable alternatives to the project... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...” As discussed in Response to Comment No. 16-26, based on the significant environmental impacts of the Project, the objectives established for the Project, and the feasibility of the alternatives considered, four alternatives to the Project were selected for evaluation. The rationale for selecting the range of alternatives was based on the likelihood of the alternatives to avoid or substantially lessen one or more of the Project’s potentially significant construction-related impacts identified above, the uses and density permitted by the Project Site’s existing zone, and the compatibility of the alternative with surrounding land uses. The alternatives analysis was completed in full compliance with CEQA. As discussed above and in detail in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft of EIR, in accordance with SB 743, the Project’s aesthetic impacts are less than significant. Nonetheless, for informational purposes, an analysis of aesthetic impacts was included in the Draft EIR which determined that aesthetic impacts associated with the Project would be less than significant. As such, alternatives that address aesthetics are not warranted.

In addition, as discussed in detail in Section IV.C, Cultural Resources of the Draft EIR, removal of the existing buildings under the Project would not result in significant impacts associated with historical resources. As such, an alternative that addresses historical resources, such as an enhanced preservation alternative is not required by CEQA. The original LACMA complex is not a historical resource due to lack of integrity. According to National Park Service and California Office of Historic Preservation methodology, properties are evaluated as historical resources based upon their present state, not their past or future state. There would be no purpose in requiring properties to retain sufficient integrity to convey their significance, if the evaluation of eligibility assumed that properties that have been altered could be restored. If that were the case, properties would be evaluated based upon their original state.

Comment No. 16-37 proposes two additional alternatives to the design of the new Museum Building as follows: (1) "Compact-Design"; and (2) "Enhanced-Preservation." Neither of these suggested alternatives would meet the underlying purpose of the Project as identified in the Purpose and Objectives section (Executive Summary, Page I-13), which includes the replacement of the existing buildings with a single-level horizontal museum layout. Nor would they meet most of the specific objectives of the project.

According to Barton Phelps Associates' letter dated September 6, 2016, referenced in Comment No. 16-37, a "Compact-Design" option is comprised of a tall, compact and multi-story building. As explained in Response to Comment No. 16-28 above, the horizontal layout is particularly important to the project site in order to display LACMA's encyclopedic permanent collection in a way that offers every culture an equal focus without the artificial hierarchy created by multiple levels. The new museum building was also designed to meet the project objectives which include integrating the new museum building with the existing uses within Hancock Park and the LACMA West campus while respecting the integrity of the La Brea Tar Pits. The new Museum Building provides a balance between the presentation of LACMA's collection, the open, unprogrammed park space, and the existing Natural History Museum (NHM) La Brea Tar Pits & Museum. It also provides a diversity in gallery scale with the main meander gallery with glazing on the perimeter and the small galleries enclosed by solid walls located within the meander gallery.

The Barton Phelps Associates letter references the Whitney Museum in New York City and the Walker Art Center in Minneapolis as prime examples of the Compact-Design alternative. The Whitney Museum is an urban infill site located in the meatpacking district of New York City without any visible open space and is not comparable to the LACMA site. By contrast, the Walker Art Center is located in a suburban area adjacent to green open space areas, churches, parks, stadiums and multi-family dwellings. The Walker Art Center includes a large open green space with parking underground, generally similar to the new LACMA museum. The new museum would open up more than 2.5 acres of new public

outdoor space on LACMA East in addition to the existing approximately 2 acres of open space, for a total of approximately 4.5 acres of open space on LACMA East. The Project would also include approximately 1 acre of new open space on the Spaulding Lot. In total, the Project would provide approximately 5.5 acres of open space within the Project Site, including LACMA East and the Spaulding Lot, thus addressing the importance of open space.

Even though a multi-story museum layout would not meet the underlying purpose of the project, the Draft EIR does include two project alternatives that would utilize a multi-story museum in order to avoid crossing Wilshire Boulevard. In accordance with CEQA, these alternatives would avoid the significant traffic impact during construction of the proposed Project caused by the temporary lane closure to install and remove the falsework to build the section of the Museum Building that crosses Wilshire Boulevard. As the Commenter acknowledges, Alternative 2 would refurbish the existing buildings in LACMA East in conjunction with a multi-story development on the Spaulding Lot (see Draft EIR, p. V-28). Alternative 4 would include a smaller museum space to the north of Wilshire Boulevard plus two museum levels in a multi-story building on the Spaulding Lot (see Draft EIR, p. V-92). The Commenter fails to explain why these alternatives do not address the concerns presented by Barton Phelps Associates. More importantly, the Commenter has not provided any explanation of how a Compact-Design alternative would eliminate or reduce regional air quality construction emissions, which is the only other significant and unavoidable impact caused by the proposed Project (see Draft EIR, Table I-1).

Refer to Response to Comment No. 16-25 for an explanation of why a preservation alternative is not required under CEQA. In addition, the Enhanced-Preservation option proposed in Public Comment 16-37 would remove the Art of the Americas Building, construct a new building on the Spaulding Lot and restore the 1965 museum complex which includes the Ahmanson Building, the Hammer Building and the Bing Center. Alternative 2 in the DEIR proposes maintaining and refurbishing the Art of the Americas Building, the Ahmanson Building, the Hammer Building and the Bing Center together with a new, privately owned building on the Spaulding Lot. Alternative 2 references a study that identifies substantial deficiencies related to water intrusion, Americans with Disabilities Act (ADA), accessibility, structural strength, hazardous materials abatement, mechanical systems, fire protection, plumbing and electric systems that may ultimately compromise the Museum's ability to carry out its mission." (Section I Executive Summary, p. 1-27.). The report recommended replacement of the buildings "...in light of the age and major issues and deficient in all systems, including structural issues, and the relative cost of repair versus replacement..." Similar to Alternative 2, Commenter's suggestion of an "Enhanced-Preservation" option would conflict with the following five project objectives: a single level art gallery displaying art of every culture with equal focus, new buildings with state-of-the-art resource management and technology, integrating the museum with the existing uses

within Hancock Park, a sense of transparency making the artwork visible to the public, improving the pedestrian environment and providing transparency and greater public access to art and open spaces. The DEIR analyzed a sufficient number of project alternatives based on the project purpose and objectives.

Response to Comment 7-2 outlines California case law and Government Code Sections 53090 through 53095 that mutually exempt cities and counties from each other's building and zoning codes. More specifically, "the immunity of a county's... activities of a private developer lessee using the county land for operation of a commercial enterprise, where the purpose of the lessee is to implement the public purposes and uses for which the property was granted to the county." Alternative 4 presented in the DEIR would include a total of 436,00 square feet of floor area comprised of 115,000 square feet of museum-related space, 121,000 square feet of office uses and 200,000 square feet of residential uses. A total of 240,000 square feet of museum-related space would be located north of Wilshire Boulevard, within Hancock Park.

Under Alternative 4, the mixed-used development office and residential building would be privately-owned and while 115,000 square feet of museum space would be leased to the County, the building would not be intended to further the public purposes of regulating and controlling the Department of Museum of Art. Thus, the introduction of non-museum related spaces in both Alternatives 2 and 4 assume the development on the Spaulding Lot is subject to the City of Los Angeles' Zoning and Building Codes.

### **Comment No. 16-38**

#### ***F. Statement of Overriding Consideration***

The DEIR admits, at a minimum, that the Project will have significant, unmitigated traffic, air quality and noise impacts. So too, Commentors are concerned about potentially significant aesthetics, land use, historic, and other impacts discussed herein. Notwithstanding intergovernmental immunity, the Project fails to impose all feasible mitigation measures or identify a CEQA-compliant statement of overriding considerations (discussed above). See *Lawler v. City of Redding* (1992) 7 Cal.App.4th 778 (vacating city's approval of a sports facility on city-owned land in an unincorporated area until adopting measures to sufficient mitigate noise impacts).

When approving a project that will have significant environmental impacts not fully mitigated, a lead agency must adopt a "statement of overriding considerations" ("SOC") finding that the project's benefits outweigh its environmental harm. See CEQA Guidelines § 15043; see also Pub. Res. Code § 21081(b); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222. A SOC expresses the "larger, more general reasons for

approving the project, such as the need to create new jobs, provide housing, generate taxes and the like.” *Concerned Citizens of S. Central LA v. Los Angeles Unif. Sch. Dist.* (1994) 24 Cal.App.4th 826, 847. The SOC must fully inform and disclose the specific benefits expected to outweigh environmental impacts, supported by substantial evidence. See CEQA Guidelines §§ 15043(b), 15093(b); see also *Sierra Club*, 10 Cal.App.4th at 1223. Furthermore, an agency may adopt a SOC **only after** it has imposed all feasible mitigation measures to reduce a project’s impact to less than significant levels. See CEQA Guidelines §§ 15091, 15126.4. Hence, lead agencies may not approve a project with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. See Pub. Res. Code § 21002; see also CEQA Guidelines § 15092(b)(2).

Moreover, in addition to imposing all feasible mitigation, to the extent that overriding considerations are needed, key among the findings that the lead agency County must make is that:

Specific economic, legal, social, technological, or other considerations, including the provision of **employment opportunities for highly trained workers**, make infeasible the mitigation measures or alternatives identified in the environmental impact report... [and that those] benefits of the project outweigh the significant effects on the environment.

Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

Here, the DEIR makes meagre [sic] attempt to determine whether new jobs created by the Project, in either the construction phase or the operational phase, will be for “highly trained workers,” and what the likely salary and wage ranges of these jobs will be. Without this information, the County lacks substantial evidence to make any statement of overriding considerations.

The County should require payment of prevailing wages for all construction phase workers, and living wages for all operational phase workers. Such a requirement will ensure that the Project provides “employment opportunities for highly trained workers” in accordance with the mandates of CEQA. Without such requirements, the Project may actually depress wage rates and fail to provide high quality job opportunities.

In short, the County cannot find that the economic benefits of the Project outweigh the environmental costs if it does not know what the economic benefits will be. A revised DEIR is required to provide this information. This issue of job quality is critically important to Local 11.

**Response to Comment No. 16-38**

This comment purports to recite legal principles and standards under CEQA. The comment is noted and will be forwarded to the decision-makers for consideration. With regard to mitigation, the commenter has not provided evidence of any significant impact caused by the Project related to employment that would require a mitigation measure. To the extent that a statement of overriding considerations is needed to address other unavoidable adverse impacts of the Project, the statement of overriding considerations does not have to be supported directly in the EIR but may be based on substantial evidence anywhere in the administrative record.

**Comment No. 16-39*****G. DEIR Recirculation is Required***

CEQA requires a lead agency to re-circulate an EIR when significant new information is added to the EIR following public review but before certification. See Pub. Res. Code § 21092.1. New information is significant if “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” including, for example, “a disclosure showing that... [a] new significant environmental impact would result from the project.” CEQA Guidelines § 15088.5. Here, the issues raised present significant CEQA issues that must be cured and re-vetted by the public via recirculation of the DEIR.

**IV. CONCLUSION**

To summarize, Commentors are concerned with the various CEQA issues, including the Project’s significant, unmitigated air quality, noise and traffic impacts, which will require an adequate statement of overriding considerations. To that end, the County should ensure provisions are included to guarantee quality employment opportunities for highly trained workers at LACMA.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. See *Cmtys. for a Better Env’t*, 184 Cal.App.4th at 86 (EIR invalidated based on comments submitted after Final EIR completed); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Commentors, this Office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. See Pub. Res.

Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Thank you for consideration of this inclusive of these comments. We ask that this letter and attachments are placed in the administrative record for the Project.

### **Response to Comment No. 16-39**

CEQA Guidelines Section 15088.5 requires that an EIR that has been made available for public review, but not yet certified, be recirculated only if significant new information has been added to the EIR. The relevant portions of CEQA Guidelines section 15088.5 read as follows:

- (a) 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.*
  - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
  - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.*
  - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*



*(b) 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 demonstrated by the responses to the comments provided herein, none of the comments herein demonstrate that new significant impacts or a substantial increase in an impact already identified in the Draft EIR would occur, nor do the comments disclose a feasible alternative or mitigation measure the Applicant has declined to adopt. Thus, none of the conditions in Section 15088.5 of the CEQA Guidelines are met and recirculation of the Draft EIR is not required. In addition, refer to Response to Comment No. 16-38, above, regarding the Statement of Overriding Considerations.

The EIR is comprehensive and has been prepared in accordance with CEQA requirements. These comments and the associated responses herein are part of the administrative record and will be forwarded to the decision-makers for review and consideration. The commenter will continue to be included on the notification list for the Project. In addition, subsequent to the release of the Draft EIR, several modifications to the Project have been proposed to refine the design of the Museum Building, reduce the duration of construction, clarify some aspects of the Project, and address public comments received during circulation of the Draft EIR. However, as discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the proposed refinements to the Project do not result in circumstances that require recirculation of the Draft EIR.

#### **Comment No. 16-40**

Attachment: Exhibit A: Los Angeles Conservancy v. City of Los Angeles (56 pages)

#### **Response to Comment No. 16-40**

This comment transmits a copy of the *Los Angeles Conservancy v. City of Los Angeles* case. This attachment is associated with Comment No. 16-5, which is responded to above. No further response is required.

**Comment Letter No. 17**

Eduardo Agurcia  
1443 11th St., Apt. 1  
Santa Monica, CA 90401-2900

**Comment No. 17-1**

I AM A LONGTIME LACMA MEMBER. I LIVE IN SANTA MONICA. I AM WRITING TO ASK YOU TO PLEASE DISAPPROVE REJECT [sic] THE LACMA ENVIRONMENTAL IMPACT REPORT FOR THE FOLLOWING REASONS

1) EVERYONE EXCEPT MICHAEL GOVAN AND HIS CRONIES HAVE BEEN EXCLUDED FROM THIS PROJECT. THIS IS A VANITY PROJECT....PHARAOH ERECTING A PYRAMID TO HIMSELF..... LACMA MEMBERS.....THE MEDIA.... ARCHITECTURAL CRITICS....THE CULTURAL LEADERS OF LA COUNTY....THE POLITICAL LEADERS OF LA COUNTY....THE GENERAL PUBLIC.....EVEN IT SEEMS THE TRUSTEES OF THE MUSEUM OF LA COUNTY....HAVE BEEN RELEGATED TO BEING OBSERVERS AND APPLAUDERS OF THIS PROJECT. MICHAEL GOVAN AND HIS INNER CIRCLE HAVE ERECTED A CHARMING SMILIING [sic] CORDON SANITAIRE AROUND THE LONGTERM [sic] NEEDS AND PLANS FOR LACMA. THEY PLAN.....THEY DECIDE.....EVERYONE ELSE IS INFORMED AFTER THE DECISIONS. I HAVE ATTENDED THE LAST TWO PUBLIC MEETINGS HELD AT LACMA. AT EACH MICHAEL GOVAN SPOKE AND THEN WITH A SMILE RUSHED AWAY REFUSING TO ALLOW QUESTIONS AND REFERRING EVERYONE TO VOLUNTEEERS [sic] AT NINE TABLES.....AT THE LAST MEETING AN INDIGNANT MAN STOOD UP AND SHOUTED AT THE RAPIDLY DISAPPEARING MR [sic] GOVAN: "WHAT IS ALL THIS GOING TO COST?????!!!! WITHOUT BREAKING EXITING STRIDE MR [sic] GOVAN REPLIED: "YOU CAN ASK ALL YOUR QUESTIONS AT THE NINE TABLES WE HAVE PROVIDED FOR YOU.....!!!!!" [sic] NO MR [sic] GOVAN.....WE WANT TO TALK TO YOU....WE WANT TO ASK YOU THE QUESTIONS....WE WANT TO CHALLENGE YOUR CONCLUSIONS... IN FACT WE WANT MR [sic] GOVAN TO GO BACK TO SQUARE ONE AND HOLD MEETINGS WITH THE DIFFERENT LACMA SHAREHOLDERS SO TO SPEAK....WITH THE MANY DIFFERENT INDIVIDUALS WHO ARE KEENLY INTERESTED IN THE LONGTERM [sic] HEALTH AND DIRECTION OF LACMA...INCLUDING LACMA MEMBERS.....WE WANT MR [sic] GOVAN TO CRAFT A CONSENSUS OF ALL THEIR WISHES AND CONCERNS AND THEN MOVE FORWARD.... WE CERTAINLY DO NOT WANT TO BE RELEGATED TO THE CITY SQUARE WHERE WE ARE EXPECTED TO APPLAUD EL JEFE ON THE BALCONY ABOVE. MR [sic] GOVAN TALKS ABOUT DEMOCRACY AND INCLUSION AND TRANSPARENCY BUT HIS ACTIONS ARE THE REVERSE.

2) WHY WASN'T AN INTERNATIONAL COMPETITION HELD FOR THE DESIGN OF THE NEW BUILDING...???? WHY WEREN'T AMERICAN ARCHITECTS AND FIRMS ALLOWED TO BID FOR THE DESIGN????? WHY WAS A EUROPEAN ARCHITECT CHOSEN INSTEAD OF AN AMERICAN ARCHITECT.....??? THE AMERICANS WERE SHUT OUT FROM THE GETGO..... [sic] WHY WAS THE ULTIMATE DESIGN DECISION MADE BY MR [sic] GOVAN SHUTTING OUT EVERYONE ELSE??? WERE THERE PRIVATE PERSONAL OR BUSINESS LINKS BETWEEN MR [sic] GOVAN AND MR [sic] ZUMTHOR WHICH LED TO THE CHOICE OF THE ZUMTHOR DESIGN AND THE ABORTION OF AN INTERNATIONAL COMPETITION...??? .

3) .WHY WASN'T FRANK GEHRY INVITED TO SUBMIT A DESIGN PROPOSAL BOTH FOR THE BUILDING AND ALSO FOR THE CAMPUS AND ITS LONGTERM [sic] NEEDS....????? OF COURSE GEHRY WON'T PARTICIPATE IN COMPETITIONS....HE HAS TO BE ASKED...HE HAS TO BE PRESSURED/COURTED....HE DOESN'T LIKE BEING REJECTED.....I HEARD HIM SAY SO RECENTLY IN PERSON AT LACMA.... TO ME IT SEEMS VERY STRANGE THAT OUR CELEBRATED LOS ANGELENO WORLD WIDE ACCLAIMED RESIDENT ARCHITECT GENIUS GEHRY WASN'T CONSIDERED OR COURTED.....

4) WHY WAS A LOUSY BORING UGLY DESIGN CHOSEN? THE ZUMTHOR BUILDING DESIGN LOOKS LIKE AN AIRPORT TERMINAL...OR AN OFFICE BUILDING IN A BUSINESS PARK..... THERE IS NOTHING THRILLING OR INSPIRING OR BEAUTIFUL OR INNOVATIVE ABOUT THE DESIGN.

5) AT THE TWO PUBLIC MEETINGS WHICH WERE HELD IN THE LAST YEAR TO PROVIDE THE ILLUSION OF INCLUSION OF LACMA MEMBERS AND THE GENERAL PUBLIC, MR [sic] GOVAN STATED THAT IT WAS IMPORTANT TO BUILD ZUMTHOR'S ONE FLOOR BUILDING BECAUSE A ONE FLOOR BUILDING IS MORE DEMOCRATIC. MR [sic] GOVAN STATED THAT BUILDINGS WITH MULTIPLE STORIES EVOKE/HONOR OPPRESSION.....THE ABOVE OPPRESSING THE BELOW..... MR [sic] GOVAN STATED THAT MULTISTORY BUILDINGS ARE SYMBOLS OF HIERARCHIES AND HIERARCHIES EVOKE/ HONOR [sic] OPPRESSION.....AND SINCE LACMA IS TO BE A PLACE THAT REJECTS RENOUNCES HIERARCHIES REJECTS RENOUJNCES [sic] OPPRESSION THEN ZUMTHOR'S ONE STORY DESIGN HAS TO BE APPROVED. MY FIRST REACTION WAS LAUGHER AND INCREDULITY. MR [sic] GOVAN....YOU MEAN THE HIERARCHY OF EXPERIENCE BEING HIGHER THAN INEXPERIENCE IS TO BE REJECTED...???.....MATURITY OVER IMMATURITY IS TO BE REJECTED....??? WISDOM OVER IGNORANCE IS TO BE REJECTED...??? BUT THEN I REALIZED I SHOULD TAKE HIM SERIOUSLY AND TAKE A GOOD CLOSE LOOK AT HIS STATEMENTS....AND WHEN I DID SO WHAT CAME INTO VIEW VERY CLEARLY WAS THAT VERY OLD UTOPIAN IDEAL OF THE CLASSLESS SOCIETY..... YES.....THE ONE

FLOOR ZUMTHOR DESIGN IN FACT TAKES US RIGHT BACK INTO THE UTOPIA OF A CLASSLESS SOCIETY... THE PROBLEM OF COURSE BEING THAT WE'VE BEEN THERE DONE THAT.....MR [sic] GOVAN DO YOUI [sic] MEAN THE EXPERIENCE OF 70 YEARS OF THE HORRORS AND MENDACITIES OF CLASSLESS SOCIETY IN RUSSIA WASN'T ENOUGH TO CURE YOU OF YOUR ADMIRATION FOR THE IDEALS OF CLASSLESS SOCIETIES...???? HMMM...HOW ABOUT ROMANIA...???.....HMMM... HOW ABOUT CUBA...???? HMMM...HOW ABOUT NORTH KOREA...??? MR [sic] PETER BURGIS.....ARE YOU AND ALL THE RESIDENTS OF LA COUNTY AND ALL THE MOVERS AND SHAKERS OF THIS CITY AWARE THAT MR [sic] GOVAN AND MR [sic] ZUMTHORN HAVE RAMMED THROUGH A DESIGN THAT IS DELIBERATELY INTENDED TO HONOR AND EMBODY THE IDEALS OF CLASSLESS SOCIETIES.....???. THAT THIS DESIGN INVITES US LUCKY LOS ANGELENOS TO GIVE A COLLECTIVE FINGER TO THE YOKE OF CAPITALIST OPPRESSION AND EXPLOITATION...?????.....THAT THIS DESIGN INVITES US LUCKY LOS ANGELENOS TO COME TO LACMA IN FUTURE TO REVEL IN AND RENDER HOMAGE TO THE MORAL SUPERIORITY OF THE IDEALS OF THE DICTATORSHIP OF THE PROLETARIAT....??? THE ZUMTHOR GOVAN DESIGN IS BASED ON AESTHETICS WHICH ARE POLITICAL.....THE DESIGN IS A POLITICAL DESIGN. THE POLITICS ARE MARXISM LENINISM....

#### **Response to Comment No. 17-1**

The commenter provides questions and criticisms of the design of the Museum Building proposed under the Project as well as expresses their opposition to the Project. This comment does not raise any environmental issues addressed under CEQA. The commenter's opposition to development of the Project is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 17-2**

6) MR [sic] BURGIS....YOU AND YOUR COLLEAGUES ARE BEING ASKED TO APPROVE A MUSEUM WHICH WILL STRADDLE AND CROSS WILSHIRE BL. IN FACT THERE ARE NO PRACTICAL REASONS FOR THIS. THE REASONS ARE IDEOLOGICAL. MR [sic] GOVAN AND MR [sic] ZUMTHOR WILL NOT BUILD UP BECAUSE THAT WOULD CREATE HIERARCHY AND CLASS OPPRESSION. THEY THEREFORE INSIST THE STRUCTURE CAN ONLY EXTEND SIDEWAYS.... MUST STRADDLE AND CROSS WILSHIRE BL.

7) IF THE ZUMTHOR GOVAN PLAN IS APPROVED AND BUILT, THE PRESENT LACMA COURTYARD WOULD. BE DEMOLISHED. THIS TRAGEDY MUST BE STOPPED. IN MY VIEW THE PRESENT COURTYARD IS A MASTERPIECE OF PUBLIC SPACE. FOR ME IT IS NOT ONLY ONE OF THE MOST BEAUTIFUL PUBLIC SPACES IN OUR CITY

BUT ALSO IN THE NATION AND IN THE WORLD. WHEN I STAND THERE IN THAT MAGICAL SPACE AND LOOK UP.....ESPECIALLY AT NIGHT WITH THE WONDERFUL SUBTLE LIGHTING .....I FEEL AS IF I AM IN A GOTHIC CATHEDRAL WITH THE SKY AS THE ROOF. THE INTERESTING THING ABOUT THAT SPACE IS THAT ONE DOES NOT FEEL DWARFED.....IT IS AN INTIMATE SPACE WHICH ENHANCES ONE'S HUMANITY..... LIKE THE MOVIE "CASABLANCA" IT IS A MASTERPIECE THAT WAS NOT PLANNED...IT HAPPENED....IT IS ONE OF OUR CITY'S ARCHITECTURAL JEWELS....WE MUST PROTECT IT SO WE CAN KEEP ON ENJOYING IT.....THERE IS NOTHING MORE WONDERFUL THAN SITTING AT ONE OF THOSE TABLES HAVING COFFEE WATCHING THE PASSING PARADE OF MUSEUM GOERS AND STARING UP AT THE LOVELY STRUCTURE AND SKY ABOVE.....

### **Response to Comment No. 17-2**

The commenter incorrectly states that there is no practical reason for the Museum Building to cross Wilshire Boulevard. As demonstrated in Section V, Alternatives, of the Draft EIR, Alternative 3 is a design of the Museum Building that would stay entirely on LACMA East. However, as discussed in the Draft EIR, the NHM La Brea Tar Pits & Museum has expressed concern that the encroachment of the Museum Building on active tar pits and future excavation sites could interfere with natural processes and change how the tar pits function as living ecosystems, upset the scientific value of the location, and alter the educational experience of the museum setting. Development of Alternative 3 would cast longer shadows within Rancho La Brea (which is a paleontological resource registered as a National Natural Landmark) when compared with both the Project and existing conditions. These shadows may affect the flora and fauna within Rancho La Brea and thereby affect the scientific value of Rancho La Brea. Therefore, there is a practical reason why the design of the Museum Building spans over Wilshire Boulevard.

The comment regarding the Los Angeles Times Central Court does not raise any environmental issues addressed under CEQA. In any case, while the Los Angeles Times Central Court would be demolished, the proposed Museum Building would include several covered outdoor spaces throughout the Project Site that would provide similar opportunities to observe museum activity.

### **Comment No. 17-3**

8) THE PROPOSED ZUMTHOR BUILDING WILL DEMOLISH BING AUDITORIUM. ONCE UPON A TIME, PRIOR TO MR [sic] GOVAN'S ARRIVAL, THE LACMA FILM SCREENING PROGRAM WAS AMONG THE BEST IN THE NATION....WHICH....GIVEN THAT THE LOS ANGELES TIMES REFERS TO LOS ANGELES AS "THE FILM CAPITAL OF THE WOR;D'" [sic] WAS ENTIRELY APPROPRIATE.. FOR MANY YEARS IAN BERNIE RAN WONDERFUL REGULAR FRIDAY AND SATURDAY FILM SCREENINGS

WHICH DREW FILMLOVERS [sic] AND FILMMAKERS WHO CAME TO IMMERSE THEMSELVES IN FILMS FROM ALL OVER THE WORLD, FROM THE BEGINNINGS OF CINEMA UNTIL THE PRESENT....BERGMAN....ANTONIONI....FELLINI....KUROSAWA....FORD....WELLES....RAY....“BLACK ORPHEUS”....“400 [sic] BLOWS”....“THE MAGNIFICENT AMBERSONS” ETC ETC.....FOR MANY OF US CINEPHILES IT WAS ATTENDING A GRADUATE SCHOOL OF CINEMA....WHEN HE ARRIVED ONE OF MR [sic] GOVAN'S FIRST DECISIONS WAS TO FIRE MR [sic] BERNIE WITHOUT EVEN A GOODBYE CEREMONY AND THEN EVENTUALLY GET RID OF THE FRIDAY AND SATURDAY SCREENINGS CLAIMING PUBLICLY THAT THERE WASN'T ENOUGH MONEY TO PAY FOR THEM. THE TRUTH....I BELIEVE...IS THAT MR [sic] GOVAN FEELS SERIOUS ART IS PAINTING AND SCULPTURE.....MODERN SCULPTURE ESPECIALLY....HENCE MR [sic] GOVAN'S ATTEMPT TO HOIST A GIANT KOONS LOCOMOTIVE ATOP LACMA. ACCORDING TO MR [sic] GOVAN THERE WAS PLENTY OF MONEY FOR THAT. THE PROBLEM IN MY VIEW IS THAT MR [sic] GOVAN DOES NOT BELIEVE THAT CINEMA IS GREAT ART... FOR HIM CINEMA IS ENTERTAINMENT. IT IS WHAT THE RUBES ENJOY..... OF COURSE HE DOES NOT DARE COME OUT AND SAY SO HONESTLY BUT HIS ACTIONS REVEAL HIS PREFERENCES. HERE WE ARE IN WHAT IS REFERRED TO AS “HOLLYWOOD”....THE FILM CAPITAL OF THE WORLD....OUR COUNTY MUSEUM SHOULD THEREFORE IN THE FIRST INSTANCE BE A TEMPLE DEDICATED TO THE WORSHIP. OF CINEMA AS GREAT ART.....TO THE STUDY AND SCREENING AND PRESERVATION OF CINEMA.....YET...STRANGELY...INCREDIBLY.....ON MICHAEL GOVAN'S WATCH THE PUBLIC FILM SCREENING PROGRAM HAS SHRIVELLED [sic] TO WHAT IS NOW B STATUS... IT IS NO LONGER A GRADUATE SCHOOL OF CINEMA.....THIS DESPITE THE BROUHAHA CAUSED BY MR [sic] GOVAN CHASING FILM TITANS TO JOIN THE BOARD OF TRUSTEES...THIS DESPITE THE MANY SMILING PHOTOGRAPHS OF MR [sic] GOVAN POSING WITH SAID FILM WORLD LUMINARIES..... IN MY VIEW THE ERASURE OF BING AUDITORIUM IS PART OF MR [sic] GOVAN'S LONG RANGE PLAN TO WASH LACMA'S HANDS OF CINEMA AS GREAT ART.....IN MY VIEW [sic] THE RAZING OF BING SUMS UP MR [sic] GOVAN'S PERSONAL DISPARAGEMENT OF CINEMA AS GREAT ART. AND/OR HIS LACK OF PERSONAL INTEREST IN CINEMA AS GREAT ART ON A PAR WITH SCULPTURE AND PAINTING.....IT IS THE FINAL DAGGER INTO THE HEART OF PUBLIC FILM SCREENINGS AT LACMA. THIS IS A BETRAYAL OF THE IMPORTANCE OF FILMS AND FILMMAKING IN OUR CITY PLEASE MR [sic] BURGIS AND COLLEAGUES.... PLEASE DO NOT PERMIT MR [sic] GOVAN TO SUCCEED IN BETRAYING HIS STEWARDSHIP OF CINEMA AS GREAT ART BY RAZING BING.....

### **Response to Comment No. 17-3**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to

reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 17-4**

MR [sic] BURGIS....FOR THE SAKE OF OUR CITY AND THE LONGTERM [sic] HEALTH AND WELFARE OF OUR BELOVED LACMA I URGE YOU AND YOUR COLLEAGUES FOR ALL THE PREVIOUSLY MENTIONED REASONS TO REJECT LACMA'S ENVIRONMENTAL IMPACT REPORT.

THANK YOU FOR YOUR ATTENTION [sic]

**Response to Comment No. 17-4**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 18**

Josh Albrektson  
750 S. Spaulding Ave., Apt. 120  
Los Angeles, CA 90036-4554

**Comment No. 18-1**

I wanted to give a public comment on the redesign. I live at 750 S Spaulding Ave, #120, directly across the street from LACMA and on the same bloc [sic] where LACMA will span Wilshire.

I am STONGLY [sic] in support of the redesign. I think it will add a great public benefit to my neighborhood, make my own specific block so much nicer from the addition of the park, and provide a tourist attraction where people will take pictures from LACMA all around through the elevated glass windows.

I am one of the people who would be most affected by this, and I hope that there is almost no large changes to the current design. Thanks.

**Response to Comment No. 18-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 19**

Sharona Alperin  
822 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4732

**Comment No. 19-1**

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

Architecturally it will be Amazing [sic] and we will be a cultural center for the entire country. It's a necessary and real upgrade.

**Response to Comment No. 19-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 20**

Mehmet Berker  
mehmetikberker@gmail.com

**Comment No. 20-1**

Please find attached my comments on the LACMA DEIR.

**Response to Comment No. 20-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 20-2**

1. **LACMA should seek to co-locate, to the extent possible, its bike parking with Metro's new Wilshire/Fairfax subway portal.**

At present a privately-owned [sic] parcel lies between the proposed Ogden Parking Structure and the future Wilshire/Fairfax station. While long-term spots for employees, docents, and other regular attendees can and should be provided in any parking structure that LACMA constructs, it may be more valuable to the public to locate a portion of the short-term spaces at the future subway station.

**Response to Comment No. 20-2**

The comment suggesting that LACMA coordinate with Metro regarding providing additional short term bicycle parking spaces at the future Wilshire/Fairfax subway portal is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. It should be noted that the subway portal and the privately-owned parcel between the proposed Ogden Parking Structure and the future subway station are not part of the Project site and not within LACMA's control. Refer to Response to Comment Nos. 3-21, 3-22 and 3-24 for a discussion of the existing and proposed bicycle parking facilities for LACMA.

**Comment No. 20-3**

2. **Any bike parking placed in the Ogden Parking Structure should be accessible via a non motor-vehicle entrance.**

It is uncomfortable, and potentially hazardous, for people biking to enter and exit a parking structure through motor-vehicle ingress/egress points—mainly due to the presence of control arms. Any bike parking located in the Ogden Parking Structure or any other parking structure, should be accessible by a separate bike or bike/ped entrance.

### **Response to Comment No. 20-3**

Bicycle parking would be provided within the Ogden Parking Structure, along with existing bicycle parking that is provided throughout the LACMA Campus entry points off of 6th Street and within Hancock Park. Access to the Ogden Parking Structure would be separated for vehicles and non-vehicular modes (i.e., pedestrians and bicycles).

### **Comment No. 20-4**

- 3. The LACMA/AMPAS campus should be open to pedestrian traffic during the same hours of operation that the future Metro Wilshire/Fairfax subway station will be operating, daily.**

The new subway station will be an important hub for people walking in the neighborhood. If the LACMA/AMPAS campus does not allow pedestrian access during operating hours of the subway station, users would have to walk potentially more circuitous routes to point north and northeast.

### **Response to Comment No. 20-4**

Refer to Response to Comment No. 10-3, above, regarding the pedestrian access on LACMA campus and the hours of operation of the Metro Wilshire/Fairfax station.

### **Comment No. 20-5**

- 4. Short term bike parking should be added near all new pedestrian site access points.**

In addition to existing short term bicycle parking at the LACMA campus, new short term bike parking should be added at all new, and all existing and enhanced, pedestrian site access points. This will provide people biking to LACMA with the easiest and most convenient place to park their bikes. All short-term bike parking should adhere to the City of Los Angeles Bike Parking Guidelines.

**Response to Comment No. 20-5**

As detailed on page II-26 in Section II, Project Description, of the Draft EIR, bicycle parking would be provided within the Ogden Parking Structure, along with existing bicycle parking that is provided throughout the LACMA Campus along the campus entry points off of 6th Street and within Hancock Park, and along with additional bicycle parking to be provided at the entrance to the campus of 6th street in connection with the Academy Museum. Refer to Responses to Comment Nos. 3-19, 3-20, and 3-22, above, for further discussion regarding bicycle parking and promotion of non-auto travel through the TDM measures.

**Comment No. 20-6****5. The Spaulding Lot should not be fenced in.**

Since there are no scientific operations set to occur on the Spaulding Lot, there doesn't seem to be a need to fence in the lot. The building security should suffice for that entrance. Eliminating the fence on the Spaulding lot would enable the open space to be of use to the community more readily and more freely.

**Response to Comment No. 20-6**

Refer to Response to Comment No. 10-4, above, regarding the fencing around Spaulding Lot.

**Comment No. 20-7****6. LACMA should work with Metro, the City of Los Angeles, and JC Decaux to move the current Metro 20 line bus stop on the corner of Curson and Wilshire to Spaulding and Wilshire.**

Currently, the Metro 20 line has stops at Masselin, Curson, and Fairfax westbound on the north side of Wilshire. With the proposed entrance to be near Spaulding on the north side of Wilshire, LACMA should work with Metro to re-locate the stop currently at Curson to Spaulding to be as close as possible to the new entrance. This would also help space stops more efficiently, as Masselin and Curson are only one block from one another. The stop could, ideally, be placed on the near side of Spaulding (in other words, the east side of Spaulding, where there is currently a red curb, as this would enable the bus to stop in the current peak hour bus lane, without needing to pull into a curb cut, which lowers dwell times and improves rider experience and transit efficiency.

LACMA should work with the city of Los Angeles and Metro to site the stop, and should work with JC Decaux to provide a shelter with seating for the stop. LACMA could have an opportunity to make an artistic, or aesthetically unique bus stop.

**Response to Comment No. 20-7**

Refer to Response to Comment No. 10-5, above.

**Comment No. 20-8****7. LACMA should work with Metro, the City of Los Angeles, and JC Decaux to improve the current Metro 20 line stop on the south side of Wilshire at Wilshire and Spaulding.**

Currently, the bus stop at Spaulding and Wilshire, on the south side of Wilshire, consists of a trash can and two benches. LACMA should seek to improve the bus stop with the addition of a shelter. Furthermore, this corner offers a great opportunity for expanded pedestrian space as it is one of the two pedestrian site access points to the Spaulding lot. An improved bus stop would therefore improve the pedestrian experience.

**Response to Comment No. 20-8**

Refer to Response to Comment No. 10-6, above.

**Comment No. 20-9****8. The southeast corner of Spaulding and Wilshire should be expanded to create a pedestrian plaza that leads into the pedestrian access point from that corner into the Spaulding lot.**

In figure II-5 (Conceptual Site Plan), the southeast corner of Spaulding and Wilshire is shown as having a pedestrian access point with the fencing around the Spaulding lot nearly coming all the way to the curb. This corner should be a large, and more spacious welcoming space that would better bridge the gap between the public right-of-way and the museum's Spaulding lot open space, and new building entrance. This can most readily be achieved by pushing the fencing in towards the center of the lot by 20'-30' (roughly the disabled blue hash travel space in place currently). The space could also be slightly expanded through a curb extension across Spaulding.

**Response to Comment No. 20-9**

Refer to Response to Comment No. 10-7, above.

**Comment No. 20-10****9. All street corners within the project scope should receive the following improvements to the extent feasible for pedestrian safety and comfort:****a. Perpendicular ADA-compliant curb ramps.**

Currently, the curb ramps on the south side of Wilshire [sic] at Spaulding and Ogden are diagonal, or in other words they direct users into the middle of the intersection. They should, rather, have curb ramps that direct users to the other side of the crosswalk, perpendicular to the street they are crossing. See examples at: <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/crosswalks-and-crossings/conventional-crosswalks/>

**b. Curb extensions or corner radius tightening.**

Currently the corners of Ogden and Wilshire, and Spaulding and Wilshire, have relatively well designed corners as it pertains to pedestrian safety. LACMA should make sure that they either maintain those good dimensions (mainly in not having large corner radii to facilitate automobile turns) or improve it for heightened pedestrian safety and comfort. Curb extensions, for example, could likely be placed at the corners of Wilshire/Ogden and Wilshire/Spaulding across Ogden and Spaulding, respectively. If curb extensions are not feasible, it may be feasible to tighten the corner radii to induce automobiles to make slower, safer, turns. See examples at: <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/corner-radii/> and <https://nacto.org/publication/urban-street-design-guide/street-design-elements/curb-extensions/>

**Response to Comment No. 20-10**

Refer to Response to Comment No. 10-8, above.

**Comment No. 20-11****10. Pedestrian refuge islands should be placed at appropriate medians at Ogden and Spaulding intersections**

Currently, there are no pedestrian refuge islands at the intersections of Ogden/Wilshire and Spaulding/Wilshire, even though there are medians present on Wilshire at both intersections. The existing three crosswalks across Wilshire at those two intersections should receive pedestrian refuge islands. In practical terms, that would mean building “noses” on the side of the crosswalk across from the existing median, as well as installation of ADA-compliant truncated domes and pedestrian signal request

stanchions. See example at: <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/crosswalks-and-crossings/pedestrian-safety-islands/>

#### **Response to Comment No. 20-11**

Refer to Response to Comment No. 10-9, above.

#### **Comment No. 20-12**

##### **11. The east leg of the Ogden/Wilshire intersection should receive a crosswalk.**

Currently there is no crosswalk on the east side of Ogden at Wilshire. To the extent possible, LACMA should work with LADOT and other City of Los Angeles agencies to install a crosswalk there.

#### **Response to Comment No. 20-12**

Refer to Response to Comment No. 10-10, above.

#### **Comment No. 20-13**

##### **12. The drop off lane on the north side of Wilshire between Ogden and Spaulding should be shortened so that it exists between any crosswalks across Wilshire.**

Currently, the crosswalks across Wilshire at Spaulding also have to cross the drop off lane on the north side of Wilshire, which adds about another 11' to the distance it takes to cross Wilshire for a pedestrian. It is good that, according to the DEIR and testimony from LACMA representatives at a public meeting held on 12/5/2017 at the Mid City West Community Council Planning & Land Use Committee special meeting on LACMA, the drop off lane is to be shortened to begin *west* of the west leg crosswalk at Spaulding. However, the western end of the drop off lane, as per Figure II-5 (Conceptual Site Plan), is proposed to remain as is, extending west, past the west leg crosswalk at Ogden. The drop off lane should rather terminate *east* of the east leg crosswalk at Ogden (if installed) or the east edge of the Ogden intersection in order to facilitate a shorter, and safer pedestrian crossing of Wilshire as well as expanded pedestrian space in front of LACMA's most popular attraction, Urban Lights.

#### **Response to Comment No. 20-13**

Refer to Response to Comment No. 10-11, above.

**Comment No. 20-14****13. Lighting under the span crossing Wilshire should not be merely “adequate”, [sic] it should be plentiful and, if possible, artistic.**

According to the DEIR, the lighting to be placed under the span proposed to cross over Wilshire will be “adequate”. [sic] Adequate lighting is not sufficient to make the space safe, and inviting, for pedestrians during hours of darkness. The space under the span should be brightly lit in such a way as to reduce glare and reflectivity, drown out car headlights, as well as present a safe, and inviting space. LACMA should look to install a permanent piece of lighting art to invite more people into the space and thus provide more “eyes on the street” at night, as well as provide another artistic element available to the public outside of the museum building—one of the goals of the project (*“Provide a sense of transparency with a new museum building where artwork is visible from the exterior and the City and its surrounding environment are visible from the interior.”*).

**Response to Comment No. 20-14**

Refer to Response to Comment No. 10-12, above.



**Comment Letter No. 21**

Alan Berman  
aldberman@yahoo.com

**Comment No. 21-1**

I am very concerned about the proposed parking for the museum on Ogden Dr. The residential blocks on Ogden are already excessively congested with cut-through traffic to Olympic, and a parking structure on Ogden will exacerbate this. The only way that this can work is if Ogden, like Genesee and Spaulding, gets closed at Olympic, so that traffic uses main arteries Wilshire and Fairfax. Academy Museum of Motion Pictures and Metro station will already dramatically increase traffic in the area, inevitably on surrounding residential streets, and proposed LACMA parking on Ogden will go too far. I oppose the proposed plans with parking on Ogden.

**Response to Comment No. 21-1**

Refer to Comment No. 13-12, above, regarding the Project's design elements of the Ogden Parking Structure driveway that restrict Project-related traffic on surrounding residential streets.

The commenter suggests that Ogden Drive be closed at Olympic Boulevard, similar to the treatments on Genesee Avenue and Spaulding Avenue in order to prevent cut through traffic. It should be noted that the intersection Genesee Avenue and Olympic Boulevard is signalized and does not prohibit through traffic onto Genesee Avenue, while the intersection of Ogden Drive and Olympic Boulevard is unsignalized and currently has physical barriers preventing vehicles from traveling northbound on Ogden Drive from Olympic Boulevard. Southbound traffic on Ogden Drive is also limited to right-turn only movements at Olympic Boulevard. The commenter's suggestion to close Ogden Drive at Olympic Boulevard will be noted for the administrative record and forwarded to the decision-makers for review and consideration as part of area-wide traffic calming measures.

A residential street segment analysis was conducted to evaluate potential impacts to the neighborhoods in the vicinity of the Project, in accordance with the LADOT's established guidelines and methodology, As detailed in Section IV.K of the Draft EIR, the addition of Project traffic would not result in a significant impact at any of the analyzed street segments. Therefore, no mitigation measures are required, It should be noted that signage and design elements would be incorporated to restrict right-turn egress

movements from the Ogden Parking Structure driveway to limit Project-related traffic traveling within the residential neighborhood.

**Comment No. 21-2**

The DEIR is flawed in that it ignored the highly problematic intersection of Ogden and Olympic (reference IV.K and Figure IV.K-1). The City Council has already initiated attempts to improve the severe congestion and danger at this intersection, and the proposed parking on Ogden will exacerbate the situation.

**Response to Comment No. 21-2**

The scope of the traffic analysis, including the traffic analysis methodology, analysis locations, Study Area, etc., was established in coordination with and approved by the County and LADOT during the MOU process. The Transportation Study contained in Appendix M of the Draft EIR fully evaluated the incremental increases in traffic due to the Project in the Study Area, including surrounding neighborhoods, and identified significant impacts according to the approved methodology and significance thresholds. The traffic analysis Study Area generally comprises those locations with the greatest potential to experience significant impacts due to the Project. The intersections that were selected for analysis are consistent with traffic engineering practice, as well as the applicable CEQA guidelines. As shown in Figure 2, the traffic analysis Study Area included several intersections in the surrounding area, including Fairfax Avenue and San Vicente Boulevard, Fairfax Avenue and Olympic Boulevard, and San Vicente Boulevard and Olympic Boulevard. In addition, as shown in Tables 11 and 12, several street segments were evaluated as part of the traffic analysis, including the segment of Ogden Drive south of 8th Street. Although not every intersection and roadway segment has been selected for analysis along every roadway within the study area, the traffic analysis Study Area used in the Draft EIR is sufficiently comprehensive to evaluate and identify the potential significant impacts of the Project. This is not to say that Project traffic would not use roadways within the surrounding neighborhoods and result in an increase in traffic throughout the Study Area. However, the incremental increase in traffic due to the Project is not large enough on any given residential street segment or intersection to be considered significant based on the established criteria.

The intersection of Ogden Drive and Olympic Boulevard is unsignalized, with turning movements to and from Olympic Boulevard restricted to right-turns only. Based on the limited continuous connectivity of the streets located south of 8th Street, existing traffic controls and turn restrictions, as well as other traffic calming measures (e.g., speed humps) in the area, Project traffic on the referenced streets would be minimal. The Project's traffic distribution during the morning and afternoon commuter peak hours is reflected in Tables IV.K-9 and IV.K-10, and as shown in Figures 10A through 10B of the Traffic Impact

Study the Project would not add traffic to Olympic Boulevard east of San Vicente Boulevard during any of the analyzed peak hours. The intersection of Ogden Drive and Olympic Boulevard was reviewed and considered through the MOU process, however, it was ultimately not included as part of the traffic analysis for these reasons, as well as based on a review of the intersection's traffic volumes and operating conditions. As shown in Table IV.K-9, Ogden Drive south of 8th Street currently carries approximately 1,075 vehicles per day on an average weekday, which is a typical traffic level on a designated local street. Thus, with the relatively low level of traffic from the minor street approach, the Project would not add enough traffic to the streets to trigger a significant impact at the intersection or street segments based on the approved significance thresholds.

**Comment Letter No. 22**

Gideon Blumstein  
902 S. Burnside Ave.  
Los Angeles, CA 90036-4743

**Comment No. 22-1**

Attached is my letter of support for the proposed Zumthor LACMA expansion. Please feel free to contact me with any questions and thank you for your time.

I am writing to support the new planned LACMA project. As a long-time resident of Miracle Mile, I have witnessed the positive effects of the opening of the BCAM and Resnick Pavillion [sic] on our neighborhood. With the renewed interest in the museum following these additions, we saw new business development and much-needed renovation of previously vacant buildings throughout the neighborhood.

With the future opening of the Metro purple line extension and the Academy museum, our neighborhood is poised to become a major hub for culture and entertainment in the city and I believe the proposed Zumthor plan will be an invaluable part of that development.

I have been a member of LACMA for many years and believe it has one of the best permanent collections in the country. However, this is unfortunately contrasted by what I find to be the worst flow and gallery space design of any major museum I have seen. On a recent visit with my father, who uses an assistive device for walking, and my young son in a stroller, I was struck by how much time we spent waiting for elevators, trying to navigate narrow hallways and getting separated within the vast array of jumbled galleries.

Of course, my visits are always worth it because the art is truly incredible but I believe this art deserves to be showcased in a building that is equal to it in beauty and functionality, with easy accessibility for visitors in all stages of life. The proposed new building with the vast horizontal space and unique spanning section across Wilshire will provide that experience and function as a gateway into Miracle Mile, marking the entrance in to our unique and cherished neighborhood.

And just like the disruptions in traffic due to Metro construction currently ongoing, I am willing to accept short-term inconvenience for the prospect of a project that will benefit Los Angeles and Miracle Mile in the long run.

**Response to Comment No. 22-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 23**

Michelle Buchmeier  
m.buchmeier@gmail.com

**Comment No. 23-1**

I am a homeowner of a condominium at the corner of 8th and Ogden and one of several mothers with small children that live in this neighborhood. My neighbors and myself appreciate the walkability of our neighborhood as well as the close proximity to LACMA and its wonderful cultural offerings. When I received the notice that the Draft Environmental Report for the expansion project was available, I reviewed it, curious to see how the museum's proposed future plans would affect our family.

**Response to Comment No. 23-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 23-2**

One aspect of the project surprised and concerned me: the proposed shift of parking from the lot on Spaulding to the proposed Ogden Parking Structure. Such a shift could have a permanent negative impact on the safety and quality of life for my neighbors and myself thorough an increase in traffic and an increase in greenhouse gases.

**Response to Comment No. 23-2**

A comprehensive traffic impact analysis was prepared and considered the shift in traffic from relocating parking from the Spaulding Lot to the Ogden Parking Structure. As detailed in the Traffic Study and the Draft EIR, the shift in traffic would not result in a significant traffic impact at any of the analyzed intersections or residential street segments. Therefore, no further improvement measures were required. The Project's proposed signage and design elements of the Ogden Parking Structure driveway would limit Project-related traffic on the surrounding residential streets.

With regard to GHGs, there is no City, SCAQMD, or CARB guidance recommending any analysis of a single project's greenhouse gas impacts on surrounding uses. The analysis of a project's GHG emissions is inherently a cumulative impacts analysis because climate change is a global problem and the emissions from any single project alone or a shift in traffic patterns as result of single project would be negligible. Accordingly, the

analysis in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR took into account the potential for the Project to contribute to the cumulative impact of global climate change. Table IV.E-6 in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR illustrates that implementation of the Project's regulatory requirements and project design features, including state mandates, would contribute to a reduction in operational Buildout GHG emissions in comparison to Baseline conditions. These reductions support state goals for GHG emissions reduction.

### **Comment No. 23-3**

In addition, constructing a parking structure on land directly adjacent to the future Fairfax station of the Purple Line is a missed opportunity for transit oriented project that could benefit the community for generations to come.

### **Response to Comment No. 23-3**

The commenter's thoughts regarding the preferred use on the Ogden Lot is noted for the record and will be forwarded to the decision-makers for review and consideration. In addition, as expressed on page IV.A-21 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, it is anticipated that transit oriented development will be located at the future portal for the Wilshire/Fairfax Station (as part of the Metro Purple Line Extension Project) once construction is completed, including commercial and residential uses.

### **Comment No. 23-4**

Although the overall traffic impact to the surrounding vicinity caused by the expansion project may not be "significant", [sic] the impact to the block of Ogden between 8th and Wilshire by the shift in parking location certainly would be significant and negative. The Draft EIR acknowledges that the proposed Ogden Parking Structure would shift the traffic currently accessing the existing parking lot on Spaulding to the proposed Ogden Parking Structure. (Draft EIR pages D IV.K-34 and 35). According to the report prepared by Gibson Transportation Consulting, the shift would likely result in an average daily increase of 167 car trips on Ogden Drive between 8th and Wilshire. (Draft EIR Table IV.K-10). Although the Draft EIR mentions the mitigation measure of signage directing traffic to reduce the impact on the residential neighborhood, unless a barrier were erected to cars traveling between the proposed structure and 8th Street, it is reasonably foreseeable that many of these cars would continue to access and leave the garage from the residential portion of Ogden Drive between the structure and 8th Street in order to avoid Wilshire. However, the Draft EIR fails to study traffic impacts to the intersection of 8th St. and Ogden Drive and does not consider whether a traffic calming measure at that intersection, such as a stop sign, street light or bump out, might be appropriate to mitigate negative impacts on

the surrounding neighborhood caused by members of the general public passing through this intersection. Adding many more cars to the circulation on Ogden without significant traffic calming improvements could likely create hazards for pedestrians and pets and would impact our ability to enter and exit our residences.

#### **Response to Comment No. 23-4**

The commenter has accurately referenced the DEIR regarding the relocation of parking from the Spaulding Lot to the Ogden Parking Structure and the resulting shift of LACMA vehicles from Spaulding Avenue to Ogden Drive. The Traffic Study and the DEIR included a detailed analysis of the resulting shift in traffic from relocating parking from the Spaulding Lot to the Ogden Parking Structure. The scope of the traffic analysis, including the traffic analysis methodology, analysis locations, Study Area, etc., was established in coordination with and approved by the County and LADOT during the MOU process. The intersection of Ogden Drive and 8th Street was reviewed and considered through the MOU process, however, it was ultimately not included as part of the traffic analysis based on a review of the intersection's traffic volumes and operating conditions. Due to the relatively low level of traffic from the minor street approach, the added traffic from the Project would not degrade the conditions to less than acceptable levels.

As detailed in Tables IV.K-9 and IV.K-10, the addition of Project traffic and the shift in existing trips from the Spaulding Lot to the Ogden Parking Structure would not result in a significant impact based on LADOT thresholds. Therefore, traffic calming mitigation measures are not required. Nevertheless, the proposed Parking and Traffic Management Plan (Project Design Feature K-1) would be implemented to effectively manage parking and traffic on weekdays and weekends to further limit Project-related traffic on neighborhood streets.

With regard to traffic calming measures suggested by the comment (i.e., physical barriers), a physical barrier or bumpout could limit Project and non-residential vehicles from utilizing residential neighborhood streets, these measures would also limit access for residential vehicles, and shift traffic from Ogden Drive to other adjacent streets that do provide access to 8th Street such as Genesee Avenue. Based on comments received during the public scoping process, the Ogden Parking Structure was redesigned to shift the driveway from the originally proposed location aligning with Genesee Avenue to the southernmost boundary of the Project Site so as to discourage visitors from utilizing Genesee Avenue to access the Ogden Parking Structure. It should be noted that the location of the Ogden Parking Structure driveway is the same as the existing driveway that previously served the surface parking lot located on the site. In addition, as stated in the comment, the driveway would be designed to prohibit right-turn egress from the Ogden Parking Structure to limit Project vehicles utilizing local streets in the residential



neighborhood. The commenter's suggestion to install traffic calming measures is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 23-5**

Additionally, the EIR does not address greenhouse gas impacts on the residential neighborhood on Ogden both during and following construction. An increase in motor vehicles would likely result in an increase in vehicle exhaust and the extent of this impact and potential for mitigation measures should be studied.

#### **Response to Comment No. 23-5**

As discussed above in Response to Comment No. 23-2, above, there is no City, SCAQMD, or CARB guidance recommending any analysis of a single project's greenhouse gas impacts on surrounding uses. The analysis of a project's GHG emissions is inherently a cumulative impacts analysis because climate change is a global problem and the emissions from any single project alone would be negligible. Accordingly, the analysis in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR took into account the potential for the Project to contribute to the cumulative impact of global climate change. Table IV.E-6 in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR illustrates that implementation of the Project's regulatory requirements and project design features, including state mandates, would contribute to a reduction in operational GHG emissions at Project Buildout in comparison to Baseline conditions. These reductions support state goals for GHG emissions reduction.

#### **Comment No. 23-6**

Finally, the plan to move the parking from its current location on Spaulding and Wilshire to the proposed location on Ogden would be a permanent missed opportunity for transit oriented development in the block where the Fairfax Purple Line station will soon open. There is currently an opportunity to design a project that would complement the future public amenity of the trail [sic] station—a parking structure for the museum's use would have no complimentary qualities at all with the rail station. I urge the proponents of the LACMA expansion to consider the highest and best use for the land uniquely situated directly adjacent to the future rail station and how to optimize positive community impacts through the land's development.

Thank you for your attention to my comments.

**Response to Comment No. 23-6**

The commenter's thoughts regarding the preferred use on the Ogden Lot is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. In addition, as expressed on page IV.A-21 in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, it is anticipated that transit oriented development will be located at the future portal for the Wilshire/Fairfax Station (as part of the Metro Purple Line Extension Project) once construction is completed, including commercial and residential uses.

**Comment Letter No. 24**

Flavia Carrozzi  
fcarrozzi@gmail.com

**Comment No. 24-1**

As a resident of Miracle Mile for 13 years, I want to express my complete support for the new LACMA project. I think the proposed design is beautiful and will give the MM a much needed focal point. The beauty of the design is that it brings the outside in, making the Los Angeles landscape a major part of the experience. The city and art will live symbiotically in a architectural structure. It's a win win [sic] for all of us in the long run.

**Response to Comment No. 24-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 25**

Montrese Chandler  
5321 W. 8th St.  
Los Angeles, CA 90036-4837

**Comment No. 25-1**

As a resident of Miracle Mile, I would like to express my general support for the new LACMA project.

On November 16th, I had an opportunity to attend LACMA's Public Meeting to unveil the Draft Environmental Impact Report for the new Peter Zumthor-designed building. Overall, I support the project and believe that it will be an asset to the Miracle Mile community. I am particularly enthusiastic about the plans to exhibit in an open glass design that creates an open and equitable environment. It is an architectural style that seems to be trending in the Los Angeles area, such as at the Beverly Center, and I am excited to see a similar "open" designed concept in our neighborhood.

**Response to Comment No. 25-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 25-2**

As with other people in our community and the bordering areas, traffic and parking is of grave concern. I trust that any potential impact within the community will be mitigated in a meaningful way. Additionally, I am sensitive to any concerns that my neighbors may have as it relates any negative impact to their properties and urge your office to address and resolve any potential issues or concerns.

Thank you for your time and attention to residents' input concerning the new project.

**Response to Comment No. 25-2**

As discussed further in the Draft EIR, the Project would implement mitigation to address impacts from traffic during construction of the Project. Specifically, Mitigation Measure K-1 would require preparation and implementation of a Construction Management Plan that would include street closure information, a detour plan, haul routes, and a staging plan, which would be submitted to LADOT for review and approval. However, construction-

related traffic would remain significant and unavoidable after mitigation as a result of intermittent lane closures along Wilshire Boulevard to install and remove the temporary falsework for the portion of the Building that would cross Wilshire. The installation of the falsework structure spanning Wilshire Boulevard would result in the temporary removal of the westbound left-turn lane at the intersection of Spaulding Avenue and Wilshire Boulevard with occasional temporary lane closures on Wilshire Boulevard. As a worst-case scenario, Wilshire Boulevard was analyzed to provide two travel lanes, one in each direction between Fairfax Avenue and Curson Avenue (see Draft EIR, p. IV.K-49). The Project does not involve any significant traffic impacts during operation of the Project. With regard to parking during operation, on-street parking impacts were analyzed in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. As discussed therein, the Project would implement a Construction Management Plan that would include providing advanced notification of temporary parking removals and the duration of such removals. The parking demand associated with the affected on-street parking spaces could be more than accommodated within the available parking within the additional parking facilities based on a review of the parking occupancy surveys conducted at nearby public parking facilities. In addition, as discussed in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, the Construction Management Plan was clarified to state that the Project would require coordination with the Academy Museum, as well as off-site parking facilities in order to fully accommodate the parking demand of the employees and visitors to LACMA, and the Academy Museum as well as the Project construction workers, during construction activities. During operation, with the implementation of a Parking and Traffic Management Plan, as required under Project Design Feature K-1, the weekday and weekend peak parking demand of existing LACMA operations, as well as the anticipated peak parking demand of LACMA operations with the Project could be accommodated within the available parking supply of the Pritzker Parking Garage and the Ogden Parking Structure.

**Comment Letter No. 26**

Robert Chernob  
cdila1@gmail.com

**Comment No. 26-1**

As the owner of investment residential property within one block of the proposed LACMA Museum, I have great concerns as to the adverse effect of said development on the surrounding neighborhood. The Draft Environmental Impact Report for LACMA over-Wilshire gallery design, stated; "...An average 1.2 million people visit LACMA annually, according to the Draft EIR. Except in its debut stage, the number is not expected to rise since the new 387,500-square foot museum is 5,375 square feet less than the four buildings it will replace..." What the DEIR failed to mention, which was confirmed by LACMA Senior Director of Communications, Miranda Carroll in her November 20, 2017 email to me, is that the 30,000 square feet of museum warehouse space in the existing museum is going to be moved to another location. Therefore, the claim in the Draft EIR that the number of visitors is not expected to rise because the proposed new museum is 5,375 square feet smaller is deceptive to say the least! In fact, based on the removal of the 30,00 [sic] square feet of warehouse space, the proposed museum, which will also have restaurants, cafes, retail and office space, will be 25,000 square feet larger, which would require additional parking. Yet, no additional parking is being proposed, and no mention of this is made in the Draft EIR?

**Response to Comment No. 26-1**

Subsequent to the release of the Draft EIR, there have been further refinements to the design (see Section II, Corrections and Additions to the Draft EIR, of this Final EIR). As a result, the total gross square footage of the proposed Museum Building has been reduced by approximately 40,000 square feet from what was evaluated in the Draft EIR. The total gross square footage of the new Museum Building would be approximately 347,500 square feet as compared to the existing buildings that total approximately 393,000 square feet, resulting in a reduction of approximately 45,500 square feet. The total gross square footage includes public programming spaces, back of house and operational spaces, covered outdoor areas (calculated at 50 percent) and all other areas including circulation, restrooms, mechanical and data/technology areas. The existing buildings were calculated based on the same methodology so that the EIR presents an accurate comparison of proposed uses by area compared to the existing uses by area. Table II-1 of Section II, Corrections and Additions to the Draft EIR, of this Final EIR, provides the estimated program areas of the Original Project in comparison to the Modified Project. No offices are planned for the new building, and while a new museum bookstore and restaurant spaces are planned, there are restaurants and a bookstore in the existing

buildings that will be replaced by similar sized spaces for the same uses in the new building. Contrary to the commenter's assertion, the public programming space in the new building, including galleries, theatre, education, retail, restaurants and kitchen, will be approximately 8,150 square feet less than the current areas programmed for those uses.

Moreover, the Museum Building would be for LACMA's permanent collection, which is currently displayed in the existing buildings, so the collection itself is not anticipated to create an increase in visitors. The growth in visitorship at LACMA over the last ten years has been primarily related to the new galleries on LACMA West, which included new floor area for special exhibitions. That area is not part of the Project Area, but the visitors attracted by those exhibitions are included in the base estimates for the proposed building. Thus, visitorship is not expected to be affected by the square footage of the new building. Nevertheless, the impact analysis reflects an approximately 23-percent increase over average daily attendance to account for the novelty of the new building (see, e.g., p. IV.K-34 of the Draft EIR).

#### **Comment No. 26-2**

The Academy Museum, which is now being built next door, will include a one-thousand seat theater, restaurants, retail, office space and a museum, and was approved with ZERO additional parking. It looks like LACMA is hoping for the same with this project, irregardless [sic] of the negative impact on the surrounding neighborhood!

#### **Response to Comment No. 26-2**

The Academy Museum project was reviewed and approved by the City in 2015 and is not part of LACMA's proposed Museum Building. Nevertheless, the combined parking demand for both the Academy Museum and the Project are fully evaluated in Appendix M.6, Parking Memorandum, of the Draft EIR. The Project would not add new uses or additional floor area to the LACMA Campus. Instead, the proposed Museum Building would replace the existing buildings, reduce the total gross square footage by more than 45,000 sf, and reduce the size of the auditorium space by more than 400 seats. The Museum Building would not increase programming compared to current conditions and will not be used for special exhibitions. Further, as a conservative analysis, both the traffic and parking demand studies assumed an increase in attendance by nearly 23 percent to account for the potential temporary appeal due to the novelty of the building design. That assumed increase was factored into the parking demand model described in page 3-7 of the Parking Memo provided in Appendix M.5 of the Draft EIR, which also accounted for shared parking demand with the Academy Museum.

As detailed in the Parking Memorandum, the current spaces provided in the Spaulding Lot would be replaced with an equal amount of parking within the Ogden Parking Structure. Thus, the Project would maintain the existing level of parking under current operations. In addition, the Metro Purple Line Extension would be fully operational at the time of the Project opening, with a station immediately south of the site at Wilshire Boulevard and Fairfax Avenue. Accordingly, the parking demand analysis concludes that the anticipated peak parking demand for future operations would be fully accommodated within the available on-site supply and would not result in negative parking impacts to the surrounding neighborhood. In addition, LACMA will implement a Parking and Traffic Management Plan (PTMP) to minimize potential parking and traffic related impacts on the surrounding street system to the extent feasible. The PTMP will also include strategies to effectively manage and direct parking demand during high attendance events.

### **Comment No. 26-3**

The Draft EIR also made no mention of the devastation that will be caused to the small businesses on Wilshire Blvd. during the months/years that Wilshire Blvd. will be closed while the proposed “bridge” is being built? After I brought this up at the December 5, 2017 Mid City West Neighborhood Council Land Use Committee Public Hearing, LACMA Director Michael Govan claims that Wilshire Blvd. will only be closed for two weekends while the bridge is being constructed. I find it hard to believe that the City of Los Angeles would ignore the safety hazard of allowing the construction of this bridge over a major street, while allowing vehicles to continue to travel underneath? These small businesses have been a part of our community for decades, and many if not most, will be forced out of business during the duration of the construction of the bridge!

### **Response to Comment No. 26-3**

Wilshire Boulevard was never planned for complete closure during construction of the Project. The Draft EIR anticipated that the installation and removal of the falsework structure spanning Wilshire Boulevard would result in the temporary removal of two travel lanes on Wilshire Boulevard, one in each direction between Fairfax Avenue and Curson Avenue (see p. IV.K-49 of the Draft EIR) and analyzed this worst-case scenario in the Draft EIR.

Subsequent to the release of the Draft EIR, further refinements were made to the Project design and construction planning in an effort to reduce the overall duration of construction. As discussed in Revised Appendix C, estimates now include a reduced period of 12 months for the falsework structure to be in place in order to construct the Museum Building spanning Wilshire Boulevard, compared with the 20 months that was anticipated in the Draft EIR. The falsework structure spanning Wilshire Boulevard would not require any lane closures. The installation of the falsework structure, however, would



require temporary lane closures on Wilshire Boulevard, as was analyzed in the Draft EIR. During installation of the falsework, two-way traffic operations would be maintained on Wilshire Boulevard between Spaulding Avenue and Stanley Avenue. These lane closures would take place during the week and possibly on Saturdays within the permitted hours of construction outside of the commuter peak hours over the course of one week. The installation of falsework will occur in two parts, with construction on one side of the median followed by construction on the other side. During each part of falsework installation, the travel lanes would be shifted to accommodate two-way operations (one lane in each direction). The falsework structure would be removed in the same sequencing as installation and would require the same lane closures and/or lane shifts over the same period of time. Construction of the Museum Building crossing Wilshire Boulevard would not require any further closures of Wilshire Boulevard.

The partial closure of Wilshire Boulevard would not affect small business surrounding the neighborhood as partial closures on Wilshire Boulevard would be in proximity to the Project Site. The small businesses along Wilshire Boulevard are located east of S. Curson Avenue and west of S. Fairfax Avenue, which is beyond the limits of the partial street closures necessary for the installation of the falsework structure. No small businesses are located within the limits of the partial street closures. In addition, the small businesses can be accessed by streets other than Wilshire Boulevard, such as taking 6th Street to Curson or 8th Street to Fairfax.

#### **Comment No. 26-4**

The Draft EIR also made no mention of the plan to keep the museum open during construction, and to eliminate the 260 parking spaces at the Spaulding parking lot when construction begins. Where will all the museum patrons park during the four years until the new Ogden parking structure is built? what [sic] will be the impact on the available street parking in the surrounding residential neighborhood? The Draft EIR also made no mention of the 3.5 acres of proposed increased park space, which would also require more parking, to avoid further impact on the surrounding residential neighborhood.

#### **Response to Comment No. 26-4**

A detailed parking analysis during construction activities was provided in Appendix M. The comment stating that the Draft EIR failed to mention the plan to keep the museum open and eliminate 260 parking spaces at the Spaulding Lot during construction is inaccurate. As stated on page 8 of the Parking Memorandum, it is recognized that during construction of the Project, the on-site parking supply would be reduced by 260 parking spaces with the closure of the Spaulding Lot, and completion of the Ogden Parking Structure not anticipated until year 2023. During this time, it is anticipated that a total of up to 126 additional temporary spaces would be provided for construction workers near

LACMA West, with 102 spaces within the parcel adjacent to the northern boundary of the Academy Museum (North Lawn) and 24 spaces within the LACMA-operated surface parking lot at the southwest corner of Ogden Drive and Genesee Avenue (Secondary Ogden Lot).

As discussed on page 9 of the Parking Memorandum, based on historical attendance trend data provided by LACMA, visitor attendance could decrease by at least 20 percent during construction activities, as LACMA West buildings would remain operational during construction of the Project. An updated construction worker parking demand analysis is included in the Transportation Analysis for the Refined Building for the Permanent Collection Project, which is provided in Appendix FEIR-7, of this Final EIR, which evaluated the worst case construction scenario (i.e., over lap of the demolition, grading/shoring/excavation, and piles/foundation/superstructure phases), due to the number of haul trucks and construction workers anticipated on-site on a given day. As detailed on pages 9 to 11 of the Parking Memorandum, during peak construction activities, it is acknowledged that the parking demand exceeds the available on-site supply, with consideration of the parking demand of the Academy Museum, and the use of off-site parking facilities would be required. It is projected on that the peak demand both a weekday and weekend would occur midday. Updated parking occupancy surveys were conducted in May 2018 to identify potential parking facilities that could accommodate the parking demand of the construction workers. Several parking facilities in the surrounding areas were identified with more than enough availability to accommodate the construction worker parking demand, as shown further in in Appendix FEIR-7, of this Final EIR. It should be noted that the surveys account for the use of nearby parking facilities by construction workers from the Metro Purple Line Extension, and therefore provide worst-case conditions. As part of the Construction Management Plan, the general contractor would work with the off-site parking operators to define the maximum allowable parking spaces for any given time during construction of the Project. Shuttle services would be provided for locations that exceed the acceptable walkable distances to the Project Site (0.25 mile). Therefore, it is not anticipated that the Project would impact the surrounding residential neighborhood. Furthermore, the residential neighborhood west of Hauser Boulevard is within Preferential Parking District #2, which restricts parking between 8:00 A.M. and 6:00 P.M., except by permit. Genesee Avenue and Masselin Avenue have 24-hour permit parking restrictions. With regard to the expanded outdoor open space on the Project Site, the increase in outdoor open space would not itself generate trips to the Project Site. As discussed in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, the Project's trip generation assumptions are based on historical attendance trends and an approximately 23 percent increase in average daily attendance to account for novelty of new building. As discussed further in Section IV.K, Traffic, Access, and Parking, of the Draft EIR, with the implementation of a Parking and Traffic Management Plan, as required under Project Design Feature K-1, the weekday and weekend peak parking demand of

existing LACMA operations, as well as the anticipated peak parking demand of LACMA operations with the Project could be accommodated within the available parking supply of the Pritzker Parking Garage and the Ogden Parking Structure.

### **Comment No. 26-5**

At the December 5, 2017 Mid City West Community Council Land Use Committee Public Hearing. LACMA Director Michael Govan stated that they plan another expansion in the next twenty years, without any regard for the impact on the surrounding neighborhood. Mr. Govan went on to state that “doubling attendance and space is good. and might not need the existing parking.” Mr. Govan also stated that it would “cost at least three-hundred million dollars to renovate the existing museum buildings, and that no one even knows what it would cost for the “retrofitting” [sic] In the November 20, 2017 email I received from Miranda Carroll, LACMA Senior Director of Communications, she contradicts LACMA Director Govan by stating a much lower cost of “\$246 million which appears to include retrofitting. Ms. Carroll also stated to me that; “No funding is available since the private donors and trustees and the County were not willing to provide funds for a retrofit.” There was criticism by nearby residents at the December 5, 2017 Mid City West Public Hearing that most of the required repairs needed for the existing museum building should have been budgeted and completed over the years, rather than deferring necessary maintenance, suggesting mismanagement by Director Govan and his predecessors. Director Govan responded by admitting that building maintenance had been deferred over the years, but gave no further explanation.

### **Response to Comment No. 26-5**

Appendix Q to the Draft EIR includes a physical building evaluation to identify deficiencies in the Ahmanson Building, Hammer Building, Bing Center and Art of the Americas Building on the existing LACMA campus. The evaluation was prepared in 2014 for the Los Angeles County Department of Public Works by the Owen Group, Inc., a multidisciplinary design and construction management firm with substantial experience with large development and construction projects throughout the country. The Building Evaluation found that at least \$246 million in repairs were needed just to keep the existing buildings functioning safely for the next 15 years. The report concluded that in light of the age of the buildings and major issues and deficiencies in all systems, replacement of the buildings was preferable to repair.

The Building Evaluation identifies significant defects in the existing buildings. At a minimum level of repair just to continue the use of these buildings for their intended purpose, the sewer and water piping systems need to be replaced; shear wall and other structural strengthening has been compromised; the mechanical systems are obsolete or non-operational and prone to significant leaking; a full fire sprinkling system and new duct

and piping systems are needed to meet current design standards and provide enhanced protection; domestic hot and cold piping systems need to be removed and rerouted to avoid compromising the exhibits; electrical substations, distribution panels, switchboards and the emergency generation system all need to be replaced in order to provide a reliable electrical system; lighting fixtures and controls need to be replaced to meet current standards for energy efficiency; and asbestos and possibly lead-based paint abatement is required.

Importantly, the Building Evaluation only addresses visually apparent defects identified by the observations of trained professionals. It specifically notes that material testing of the building components and calculations were not performed; that there may be defects that were not readily accessible, not visible or inadvertently overlooked; and that other problems over time may develop that were not evident at the time of the assessment. The recommendations for repair also did not address any systems which would reach the end of their useful life beyond 15 years. As such, the Building Evaluation presents a minimum amount of basic repair work that would be needed just to extend the usefulness of the buildings for another 15 years.

#### **Comment No. 26-6**

Nearby residents also stated that “Lot Full” signs can be regularly seen in front of both of the existing parking lots for the museum. My tenants regularly complain that especially on weekends, the busiest time for LACMA, they can’t find anywhere to park on the street anywhere [sic] near their residences. Yet, Director Govan insisted that everyone will be using public transportation, including the subway, so “parking is no longer a problem for the surrounding area.” When I arrived on December 5, 2017 at the Mid City West Public Hearing, I saw Director Govan getting out of a car in the parking lot where the hearing was being held. The meeting was held on Fairfax Avenue, a very short bus ride from LACMA. Yet, Director Govan, who claims that we are all going to use public transportation, drove to the hearing? Director Govan’s own actions clearly indicate that residents of Southern California continue to prefer to drive their own cars, rather than use public transportation, and the impact on the neighborhood surrounding, LACMA, without any additional parking, will be devastating!

#### **Response to Comment No. 26-6**

Parking is addressed in detail in Section IV.K., Traffic, Access, and Parking, of the Draft EIR, and in the Parking Memorandum, provided in Appendix M of the Draft EIR. The comment regarding Michael Govan’s comments on public transportation does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 26-7**

The City of Los Angeles Wilshire Community Plan “is intended to further refine the General Plan, and is intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community, and is intended to guide development by informing the general public of the City’s planning goals, policies and development standards with the objective of creating a healthy and pleasant environment.” The Wilshire Community Plan calls for accommodating more affordable housing and child care facilities. The Draft EIR and LACMA Director Michael Govan statement at public meetings allegedly imply the threat to the surrounding neighborhood that if you don’t let us build this proposed project, a massive mixed use apartment high-rise will be built on the Spaulding property. More affordable housing is exactly what the Wilshire Community Plan calls for, to meet the growing demand for housing in the Miracle Mile. The Wilshire Community Plan also states; “improved land use transitions are needed between commercial uses and single family and multiple family areas.” The Plan also calls for “better cohesiveness, diversity and continuity of complementary uses along commercial frontage.” The design of the proposed project clearly does not improve land use transitions between the proposed commercial use and adjacent single family and multiple family uses. Instead, it overwhelms the entire neighborhood and rather than complementing the existing commercial uses, it does just the opposite, and separates the commercial districts east and west of the proposed project into to [sic] separate business districts on Wilshire Blvd. The Plan also calls for “new commercial development need to be compatible with existing buildings in terms of architectural design, bulk and building heights.” The architectural design and bulk of the proposed project is not compatible with existing building on Wilshire Blvd, especially the inclusion of a bridge across Wilshire Blvd. The Plan also Requires each new building to have a pedestrian-oriented ground floor, and maximize the building area devoted to ground level display windows and display cases, store front glass, doors, windows and other transparent elements on front facades to afford pedestrian views to retail, office, and lobby space.” The proposed project has no ground floor.

**Response to Comment No. 26-7**

As discussed in Section IV.H, Land Use, of the Draft EIR, the Project would be generally consistent with the applicable goals, objectives and policies set forth in the Wilshire Community Plan. While accommodating affordable housing within the community is an overall objective in the Wilshire Community Plan, specific locations for affordable housing is not specifically designated on the Project Site. The cited issue of land use transitions between multiple family and single-family neighborhoods within the Community Plan pertains to residential uses and is not applicable to the Project Site. However, with regard to the transition between commercial uses and residential uses, as discussed in Section IV.H, Land Use, of the Draft EIR, while the southernmost portion of the Spaulding

Lot is zoned R3-1, the pavilion for the Museum Building would be located north of this area on the lots zoned as [Q]C4-2-CDO, and the featured landscaping and open space would provide an appropriate transition to the residential uses on the properties to the south of the Spaulding Lot. The citations above regarding cohesiveness and continuity of uses and land use compatibility are also listed as “issues” within the Community Plan. The Project would help to address these issues as it would replace four existing inefficient and deteriorating museum buildings with a new, environmentally sustainable Museum Building within a site historically used for such uses. The Project would also include a variety of new landscaping along the perimeter of the Museum Building fronting Wilshire Boulevard that would extend and be compatible with the existing landscaping along the perimeter of Hancock Park. In addition, the Project would retain the landscaped median along Wilshire Boulevard. The new Museum Building would be a low-rise structure, spanning Wilshire Boulevard to the Spaulding Lot. The new Museum building would be comparable, if not lower, in scale than most of the buildings along Wilshire Boulevard in the area, including the 31-story building at 5900 Wilshire Boulevard, adjacent to the Project Site, the 16-story building at 6100 Wilshire Boulevard, located approximately 480 feet west of the Project Site from the Ogden Lot, the 16-story building at 6200 Wilshire Boulevard, located approximately 890 feet west of the Project Site from the Ogden Lot, and the 21-story multi-family development located at Curson Avenue east of the Project Site. Furthermore, the warm, earthy color scheme of the Museum Building would create cohesion with the existing buildings within the LACMA Campus and the surrounding Miracle Mile, which generally exhibits a similar color palette. With regard to promoting pedestrian activity, the Project would incorporate inviting ground floor restaurant, retail, theater, and exhibition spaces within its Pavilions that would be compatible with and activate the surrounding commercial area. Additionally, the Project would also enhance pedestrian activity by providing landscaped plazas, terraces, gardens, and pedestrian paths that would be designed to integrate the new Museum Building and existing uses within Hancock Park. Overall, the Project would open up more than 2.5 acres of new public outdoor space on LACMA East in addition to the existing approximately 2 acres of open space on LACMA East, for a total of approximately 4.5 acres of open space on LACMA East. The Spaulding Lot would also include approximately 1 acre of open space, for a total of 5.5 acres throughout LACMA East and the Spaulding Lot. This will help address a key issue in the Wilshire Community Plan, which acknowledges a “severe shortage of public parks and open spaces in reasonable proximity to high-density, multiple family residential neighborhoods” and calls for “conversion of small public and private parcels, and streets and alleyways for utilization as pocket parks and open space areas.”<sup>14</sup>

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<sup>14</sup> City of Los Angeles, *Wilshire Community Plan*, September 19, 2001, p. I-9.

With regard to development potential of the Spaulding Lot, Alternative 2 within Section V, Alternatives, of the Draft EIR evaluates a development program for the Spaulding Lot that would be consistent with existing zoning and land use designations for the property.

**Comment No. 26-8**

Los Angeles Ordinance No. 176.332; Miracle Mile Community Design Overlay District, places specific requirements on new buildings in the Miracle Mile area. The Community Design Overlay Districts requires that “all new developments or major exterior renovations to existing development make an ‘aesthetically compatible’ contribution to the existing built environment. No building permit shall be issued for any project, unless the project complies with the adopted Guidelines and Standards for the Community Design Overlay District. In Commercial areas, the emphasis is on the provision and maintenance of the VISUAL CONTINUITY OF STREETSCAPES” Museum Associates dba Los Angeles County Museum of Art, is proposing a new 387,500 square foot museum building which would extend over Wilshire Boulevard. The north part of the building is proposed to be built at 5905 Wilshire Blvd. I have confirmed with a Los Angeles Department of Planning Planner that this property is exempt from said ordinance because it is County property. However, I also confirmed with a Los Angeles City Planner that the property located on South Spaulding Avenue, which the building is to extend to over Wilshire Blvd., is located in the City of Los Angeles and is not exempt. I also confirmed with a Los Angeles City Planner that the proposed new parking garage to be located at 715–731 Ogden Avenue is also not exempt. The Los Angeles Department of Planning has yet to get back to me as to who has jurisdiction over Wilshire Blvd. where the proposed bridge is to be built. As indicated in said Ordinance, there is a requirement that said buildings be built to the sidewalk of Wilshire Boulevard and adjacent cross street.... Small setbacks from the sidewalk no greater than fifteen feet in depth to accommodate building entries... Ground floor façade of all buildings shall be comprised of a minimum of 60% glazing, a parking structure adjacent or across the street or alley from a residential zone or use shall install 5-foot solid decorative walls along the sides of the structure adjoining the residential areas to block light and noise... Parking areas adjacent to a public right-of-way shall be separated from the sidewalk with a 5 foot landscape buffer... The design of the proposed museum on the Spaulding property clearly does not meet some of if not most of these requirements. I have not been able to obtain any architectural renderings of the proposed Ogden parking structure, and none were presented at a neighborhood council public meeting last week, so I have no idea if the requirements of the Ordinance are being followed?

**Response to Comment No. 26-8**

Refer to Response to Comment No. 7-2, above, regarding the application of City zoning ordinances to the Museum Building.

The Ogden Parking Structure would be owned by Museum Associates on land that is currently owned by Museum Associates and is currently zoned for commercial use. As such, the Draft EIR acknowledges that the Ogden Parking Structure is subject to the City's zoning and building codes. (See, e.g., p. IV.H-1 of the Draft EIR.) The Ogden Parking Structure would comply with all relevant [Q] Conditions in Ordinance No. 176,332. Section II, Corrections and Additions to the Draft EIR, of this Final EIR, adds Table IV.H-3a to Section IV.H, Land Use, of the Draft EIR which provides the Project's consistency with the "Q" conditions for the Miracle Mile CDO.

Ordinance No. 176,332 contains provisions governing the development of parking structures within the area defined by the Ordinance's [Q] Condition. Certain provisions apply only to structures fronting Wilshire Boulevard, and those guidelines do not apply to the Ogden Parking Structure. The design of this structure calls for the screening of automobiles parked on higher floors.

Additionally, compatibility of the Ogden Parking Structure with surrounding residential uses would be enhanced by providing a 5-foot-wide landscaped and tree-filled strip along its frontage on Ogden Drive, as well as a landscaped setback between the parking structure and the residential building to its south. Currently, the Ogden Lot is used as a staging area for the Metro Purple Line Extension and was previously a vacant lot, and no such landscaping exists.

#### **Comment No. 26-9**

Numerous calls to LACMA Director Govan and his senior staff to get answers to questions I had pertaining to the proposed project were ignored until I contacted Los Angeles County Supervisor Kuehl's office. In her November 20, 2017 email, LACMA Senior Director of Communications Miranda Carroll only answered three of my several questions, and I have great concerns as to the accuracy of her answers. Peter Burgis, County of Los Angeles, Chief Executive Office, Capital Projects, told me that the reason they had not responded to the rest of my questions was because "they were waiting to receive all the questions from the public before responding, so that all the answers would be 'CONSISTENT'". I then asked Mr. Burgis that if all the answers to public questions were truthful, why there would be any concern about being consistent? Unfortunately, Mr [sic] Burgis would not give me an answer. I then contacted Los Angeles County, Acting Manager, Chief Executive Office, Amir Alan, who assured me that I would receive an email from Mr. Burgis in the next couple of days, with answers to all my questions. Said email was never sent, and to this day I have never received any response from the County to the following questions:



**Response to Comment No. 26-9**

This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 26-10**

“What is the time frame that Wilshire Blvd. will have to be closed during the construction of the “bridge” of the proposed new complex?”

“What effect will closing Wilshire Blvd. have on the small businesses in the surrounding Wilshire Blvd. neighborhood?”

**Response to Comment No. 26-10**

Refer to Response to Comment No. 26-3, above for further explanation of the timing for lane closure during construction of the Project as well as the potential effect on small businesses in the surrounding area of the Project Site.

**Comment No. 26-11**

“Where is the required additional parking for the three-and-a-half acres of proposed new park area?”

“Where is the temporary 260 parking spaces going to be, to make up for the Spalding [sic] parking lot elimination during construction, while the museum is continuing to operate, and until the new Ogden parking structure is completed?”

“Where is the additional parking for the retail and restaurant/cafes planned for the new complex?”

**Response to Comment No. 26-11**

The Project would not add new uses or additional floor area to the LACMA Campus. Instead the proposed Museum Building would replace existing buildings, reduce the total gross square footage by more than 45,000 sf, and would reduce the size of the auditorium space by more than 400 seats. The Project would not increase programming compared to current conditions, and will not be used for special exhibitions. Further, as a conservative analysis, both the traffic and parking demand studies assumed an increase in attendance by nearly 23 percent to account for the potential temporary appeal due to the novelty of the building design. With regard to the additional park area, the expansion of existing park

amenities would vastly enhance the experience for existing visitors to the area museums and Hancock Park, as well as for the surrounding neighborhood, but by itself it is not likely to increase the number of visitors. With regard to the retail and restaurant/cafes planned for the Project, these spaces would replace the existing bookstore, Ray's and Stark Bar (currently located immediately west of the Ahmanson Building), the LACMA Café (currently located in the Bing Center), and the C + M (Coffee and Milk) Café (currently located in the Hammer Building). (Refer to page II-12 of the Draft EIR.) With regard to parking during construction until the Ogden Parking Structure is completed, refer to Comment No. 13-10.

**Comment No. 26-12**

"What effect will the new restaurants/cafes have on the existing adjacent restaurants on Wilshire Blvd. that have been in the community for decades?"

**Response to Comment No. 26-12**

The proposed restaurants/cafes under the Project would replace the existing restaurants/cafés currently on the Project Site (i.e., Ray's and Stark Bar, C+M (Coffee and Milk), and LACMA Café). As discussed in Section II, Project Description, of the Draft EIR, similar to existing conditions, the Project would include one restaurant and two cafés. The restaurant would be located on LACMA East along the western portion of the Project Site and would have similar hours of operation as Ray's and Stark Bar. In addition, one café would be located on the southern portion of LACMA East with the entrance facing northeast, and a second café would be located on the northern portion of the Spaulding Lot with the entrance facing northeast. The café on LACMA East would have similar hours of operation as C+M (Coffee and Milk) and the café on the Spaulding Lot would have similar hours of operation as LACMA Café. Therefore, as the proposed restaurants and cafés would be similar to existing conditions, there would be no effect to the existing adjacent restaurants on Wilshire Boulevard.

**Comment No. 26-13**

"What is the estimate of increase in attendance if the new complex is built?"

**Response to Comment No. 26-13**

As discussed in Section II, Project Description, of the Draft EIR, because the proposed Museum Building would replace existing museum facilities that currently perform the same functions, the improvements to LACMA that would be implemented are not anticipated to increase the average amount of programming, hours or the daily or annual attendance levels that have been experienced at LACMA. However, the Project could result in a modest increase in attendance in the near term following the opening of the

Museum Building. Section IV.K, Traffic, Access, and Parking, of the Draft EIR discusses the assumptions made regarding the temporary increase in daily attendance. As discussed therein, a temporary increase in daily attendance of up to 750 weekday visitors and 1,250 Saturday visitors immediately following the opening of the Museum Building (an increase of up to approximately 23 percent over average daily attendance) was evaluated. The temporary attendance increase is consistent with annual increases experienced at LACMA in years with the opening of special exhibitions, such as the Rain Room and other marquis exhibitions.

**Comment No. 26-14**

“Why is the construction of the proposed new complex planned to take place during the construction of the two subway stations in the immediate area, rather than waiting until they are completed, to not further burden the surrounding neighborhood?”

**Response to Comment No. 26-14**

The start of construction date of the Museum Building aligns with the projected completion of the Academy Museum so as not to cause undue burden on the neighborhood. In addition, construction of the Museum Building was also aligned with the completion of the Metro Purple line construction so that in 2023 both the Museum Building and Purple Line stations would be operational and the neighborhood would be able to take advantage of these new resources rather than having construction back to back and extending the need for closure on Wilshire Boulevard.

**Comment No. 26-15**

Since the County of Los Angeles owns the 5905 Wilshire Blvd. property, there is a clear conflict of interest involved with them deciding on the impact to the surrounding neighborhood! Should the owners of the property be deciding if the project will have a impact on the surrounding community? Certainly no private developer owning County land would be allowed to decide on the impact to the community for their projects, so why should the County? Why is the Environmental Impact Report being conducted by the County, when I have been advised by a Los Angeles City Planner that both the Spaulding and Ogden properties are not owned by the County of Los Angeles, but are instead owned by Museum Associates dba Los Angeles County Museum of Art, and are therefore located within the City of Los Angeles?

**Response to Comment No. 26-15**

CEQA generally requires the preparation of an environmental impact report (“EIR”) prior to the approval of a proposed project that may cause significant adverse effects or

impacts on the environmental. The EIR is to be certified by a Lead Agency in cooperation with other Responsible Agencies. CEQA specifically requires that if the project will be carried out by a public agency, then that agency shall be the lead agency, even though the project may be located in another agency's jurisdiction. (CEQA Guidelines, § 15051(a).) Otherwise, the lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.

As explained on page I-11 of Section I, Executive Summary, and pages II-13 and II-14 of Section II, Project Description, of the Draft EIR, the County currently owns the LACMA East property (Hancock Park) as well as the existing buildings in Hancock Park proposed for demolition. Similarly, the County would own the proposed Museum Building which would replace the four existing buildings on LACMA East. The County would also lease the Spaulding Lot from Museum Associates for the southern portion of the Museum Building. The Ogden Lot is owned by Museum Associates. Based on California statutes and case law, the City and the County are mutually exempt from each other's building and zoning codes, so the County will be reviewing the construction plans and issuing the building permits for the Museum Building. Accordingly, the County will approve and partially fund the new Museum Building. The City will still need to approve the vacation of the airspace over Wilshire Boulevard for the proposed Museum Building and issue planning approvals as necessary for the Ogden Parking Structure, along with several other necessary project approvals (see pp. I-24 and I-25 of the Draft EIR). As such, the City is a Responsible Agency under CEQA and has participated in the preparation of the Draft and Final EIR for the Project.

#### **Comment No. 26-16**

Should a new museum even be built, which will include \$125 million in County taxpayer funds, because for years, the Los Angeles County Museum of Art has been allegedly mismanaged, and required maintenance and updating of the existing museum buildings has allegedly been negligently deferred? No doubt, as with the adjacent Academy Museum, the desires of the wealthy and famous, like David Geffen, who will have the proposed museum named after him, in exchange for his \$150 million donation, are far more important than the devastating effect the proposed project will have on the surrounding community,. [sic]

#### **Response to Comment No. 26-16**

This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 26-17**

In addition, it appears that Museum Associates dba Los Angeles County Museum of Art, with the assistance of the County of Los Angeles, is allegedly hoping to get an exemption from the City of Los Angeles Wilshire Community Plan and the Miracle Mile Community Design District, which every other property owner in the district is required to follow!

**Response to Comment No. 26-17**

Long-standing California case law and Government Code Sections 53090 through 53095 provide that cities and counties are mutually exempt from each other's building and zoning codes. That exemption also applies to property that the County is leasing or property that the County leases to third-parties as long as the property is used for activities that further a governmental purpose.

Here, not only is Hancock Park owned by County in fee title, but the new Museum Building itself will be owned by the County. The County will lease the Spaulding Lot from Museum Associates for the south portion of the new building. Moreover, Museum Associates, the non-profit applicant and operator of the County-owned buildings, is specifically designated in the County Code at Section 2.92.020 to regulate and control the County Department of Museum of Art and to manage all matters connected with the Los Angeles County Museum of Art. Thus, Museum Associates currently operates LACMA and the relevant County property, and will continue to operate the new Museum Building, in furtherance of the County's governmental purpose.

The application of intergovernmental immunity is not unique to this Project. The City has reciprocal exemption from the County building and zoning codes in unincorporated areas of the County, as does virtually any use of property by the state or federal government no matter where it is located (e.g., West Los Angeles Veterans Affairs [VA] Campus). The County of Los Angeles often applies the exemption to parks, sheriff stations and cultural institutions (e.g., Virginia Robinson Park, Ford Amphitheatre, etc.). Similarly, the Los Angeles Unified School District and the Los Angeles Community College District typically utilize an exemption from the City zoning requirements.

More importantly, although the Museum Building would be exempt from City zoning and building codes, the Draft EIR nevertheless evaluates the Project's consistency with the City's zoning classifications and General Plan designations and the relevant objectives and policies of the City of Los Angeles General Plan Framework Element (see Tables IV.A-2 and IV.H-2 of the Draft EIR), relevant goals, objectives and policies of the Wilshire Community Plan (see Table IV.H-3 of the Draft EIR), and the goals of the Miracle Mile Community Design Overlay District (see Table IV.A-4 and IV.H-4 of the Draft EIR) to

conclude that the Museum Building and the Ogden Parking Structure will not result in significant impacts related to land use consistency and compatibility. Section II, Corrections and Additions to the Draft EIR, of this Final EIR adds Table IV.H-3a to Section IV.H, Land Use, of the Draft EIR, which provides the Project's consistency with the "Q" conditions for the Miracle Mile CDO.

**Comment Letter No. 27**

Robert Chernob  
cdila1@gmail.com

**Comment No. 27-1**

I just received a phone call from a senior Los Angeles Planning Department Planner, informing me that I was misinformed about the Spaulding Ave. property, it is in fact owned by the County of Los Angeles. Please disregard my comments as to the Wilshire Community Plan and Miracle Mile Community Design Overlay District in association with the Spaulding property. I am still waiting for a response from the Los Angeles Bureau of Engineering as to jurisdiction over the section of Wilshire Blvd., where the bridge is proposed.

**Response to Comment No. 27-1**

Refer to Response to Comment No. 26-13 regarding the ownership of the Spaulding Lot and the role of the County and the City in approving portions of the Project. This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 28**

Karen Constine  
750 S. Spaulding Ave.  
Los Angeles, CA 90036-4550

**Comment No. 28-1**

As a nearby and longtime neighbor of LACMA, I'm writing to comment on the proposal for a new building to replace some of their existing facilities. I am in support of the project. I think the design of the new building will be a great addition to Miracle Mile, and I welcome the new open spaces that will be created in Hancock Park and on its Spaulding property. Our neighborhood certainly needs and will benefit from more public park areas. Additionally, with this project, LACMA will continue to grow its high-quality arts and cultural offerings to the neighborhood and Angelenos everywhere.

**Response to Comment No. 28-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 28-2**

Concurrently, I know that there will be a traffic management plan to deal with impacts to the streets during construction and other plans to mitigate noise and construction; and I trust that you and the County will carefully consider those of us who live close by and have to navigate the streets, the construction, etc. while the project is being built.

**Response to Comment No. 28-2**

The Project would implement Mitigation Measure K-1, which requires the preparation of a detailed Construction Management Plan. Measures within the Construction Management Plan include advance notification to nearby residents, prohibit construction worker parking on residential streets, traffic controls, and various safety precautions. However, construction-related traffic would remain significant and unavoidable after mitigation as a result of intermittent lane closures along Wilshire Boulevard to install and remove the temporary falsework structure for the portion of the Museum Building spanning Wilshire Boulevard. In addition, with regard to noise, the Project would implement Mitigation Measure I-1, which includes installation of temporary sound barriers, or equivalent noise reduction feature, to address the Project's potential to result in significant noise impacts at the off-site sensitive receptor locations from on-site construction activities. However, even with implementation of Mitigation Measure I-1,



construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

**Comment No. 28-3**

If LACMA so desires, I hope the museum will reconsider and increase the seating capacity of the new theater space it will have on the Spaulding property. It's targeted for 300 seats; however, I think the capacity should be more like 500 seats to further serve its members and visitors.

In closing, I look forward to the improved park areas, the innovative building by architect Peter Zumthor, and all of the new LACMA programs and exhibits we will be able to visit as soon as the project moves forward.

Thank you for your consideration.

**Response to Comment No. 28-3**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 29**

Tracy Cook  
trabot@ca.rr.com

**Comment No. 29-1**

I live near LACMA. I used to live in Park La Brea so I am very familiar with the Ins&Outs [sic] of LACMA.

My concern is what is LACMA's plan regarding security in the new buildings?

I am concerned about graffiti on the new buildings especially on the south side of Wilshire, what is the plan?

And then there is the homeless camp issue? How will this prevented?

Currently the security is minimal and I am unclear what their plan is going forward?

Minimal probably not the right answer.

**Response to Comment No. 29-1**

An analysis of security is provided in Section IV.J, Public Services—Fire Protection, of the Draft EIR. As described therein, operational security measures would include oversight of a Security Department and presence of security staff 24-hours per day, 7 days per week. Security staff would continue to attend special events and public programs to provide crowd control, monitor access and assist with the overall management and flow of visitors and event attendees. In addition, LACMA would continue to coordinate with the County of Los Angeles, the Los Angeles Police Department (LAPD), and the LAFD to ensure that all disaster and emergency response requirements are met, including training and annual drills. Furthermore, electronic systems security measures would be implemented to augment physical and operational security measures. Such measures may include security access control and intrusion detection hardware and software, video surveillance systems, radio communication systems, close-circuit-television systems, alarms, and vehicle barrier systems in the form of fencing and landscaping. Additionally, LACMA has coordinated and would continue to collaborate closely with LAPD with regard to potential extreme event incidents, including natural disasters, accidental incidents, and events of a malicious nature, to implement an incident command structure, employee training and annual drills, and design and operational security recommendations based on LAPD guidance. Furthermore, LACMA East and the Spaulding Lot would be fenced in a

similar manner to how Hancock Park is currently fenced and hours during which the Spaulding Lot would be open to the public would match those of Hancock Park, which closes at 10:00 P.M. The fencing will address the concerns regarding homeless populations encroaching on the Project Site. Additionally, the Project would install landscape buffers between the sidewalk and museum fencing to prevent pedestrians from loitering and homeless encampments on the streetscape under the building. Section II, Project Description, of the Draft EIR, also provides a discussion on the various security features proposed on the Project Site. As discussed therein, the Project would incorporate design features to enhance the safety and security of visitors, staff, and building, including: (1) design line-of-sight for security technical systems and staff; (2) new outdoor public spaces within the Project Site would be appropriately lit at night to avoid areas of concealment; and (3) lighting and signs on building entries and pedestrian walkways would provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into the building.

**Comment Letter No. 30**

Francine Dorsey  
francine.dorsey@gmail.com

**Comment No. 30-1**

LEAVE IT ALONE!!! SEND HIM HOME—PERMANENTLY!!!

**Response to Comment No. 30-1**

This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 31**

Evalena Easter  
5405 W. Ninth St.  
Los Angeles, CA 90036-4820

**Comment No. 31-1**

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community. In the past, my Child, grandchildren, and Great Grand Children have benefitted from our City's museums. This has been a labor of love, financial support from many, and more importantly the thousands volunteers who for many years have give tirelessly of themselves. Who better understand the need that the enhanced appearance and viability of our Miracle Mile Museum community is so essential? As a past docent of the Page Museum, I have physically been a part of this growth in my community and want my family and others to benefit from the proposed architectural genius and insight that has been put forth to provide us with such a wonderful improvement..

Please, please look forward and ensure that our Museum is a future "New Wonder of Los Angeles" that can be a gift to our City's posterity, as well as it would be a wonderful creative gift of beauty we can give to our State.

**Response to Comment No. 31-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 32**

Nina Brody  
Leonard Frayman  
908 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4730

**Comment No. 32-1**

The major reason we moved to the Miracle Mile in July of 2016 [sic] to be close to our favorite museum—LACMA. This is why we want to express our wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, we believe that the proposed traffic management plan will mitigate its effects.

Above all, we are confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 32-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 33**

Craig Gartner  
craig@gartnergreen.com

**Comment No. 33-1**

i [sic] live in miracle mile and think this “flyover” Wilshire is a terrible idea. while [sic] i’m [sic] all for expanding LACMA—regarding this design in particular, wilshire [sic] and miracle mile in general have become overrun with homelessness and i [sic] don’t want the neighborhood looking like a bridge underpass on the way to downtown.

i [sic] can imagine everyone and their mother camped out there at night. all [sic] the vagrants who now hang out in and around the tar pits and tar pit museum will never leave the area and will just permanently move in.

not [sic] to mention it does not at all look aesthetically congruent with the art deco vibe of wilshire. [sic] that [sic] heinous peterson [sic] museum is an eyesore to begin with and i [sic] have NO idea how that was ever approved.

anyway, [sic] my two cents.

**Response to Comment No. 33-1**

As discussed in Section IV.J, Public Services—Fire Protection, of the Draft EIR, operational security measures would include oversight of a Security Department and presence of security staff 24-hours per day, 7 days per week. In addition, LACMA East and the Spaulding Lot would be fenced in a similar manner to how Hancock Park is currently fenced and park hours would match those of Hancock Park, which closes at 10:00 P.M. The fencing and security will address concerns regarding homeless populations encroaching on the Project Site. In addition, the Project would install landscape buffers between the sidewalk and museum fencing to prevent pedestrians from loitering and homeless encampments on the streetscape under the building. Section II, Project Description, of the Draft EIR, also provides a discussion on the various security features proposed on the Project Site. As discussed therein, the Project would incorporate design features to enhance the safety and security of visitors, staff, and building, including: (1) design line-of-sight for security technical systems and staff; (2) new outdoor public spaces within the Project Site would be appropriately lit at night to avoid areas of concealment; and (3) lighting and signs on building entries and pedestrian walkways would provide for pedestrian orientation and to clearly identify a secure route between parking



areas and points of entry into the building. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

In addition, as discussed on page IV.A-101 of Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the design of the Project would generally comply with relevant design guidelines and standards of the Miracle Mile CDO District. Specifically, the area has historically been distinguished as a center of innovative architectural expression, including many Art Deco and Streamline Moderne buildings constructed along the Miracle Mile from the 1920s through 1940s, in addition to the area's many Mid Century Modern and Corporate International style buildings developed from the 1950s through 1970s, as well as more recent buildings including the recently renovated Petersen Automotive Museum and future Academy Museum. The new Museum Building would continue this forward-thinking design tradition with a distinctive, contemporary low-rise structure that shares a similar materials palette of concrete and glass, spanning Wilshire boulevard to the Spaulding Lot.

**Comment Letter No. 34**

Rosanne Gold  
artrage@sbcglobal.net

**Comment No. 34-1**

Regarding the proposed new building for LACMA's permanent art collection, I have a few concerns.

**The extension over Wilshire Boulevard:**

Any structure that provides shade and shelter quickly turns into a homeless encampment in Los Angeles. Just blocks away from LACMA, at Venice Boulevard and La Cienega where there is a freeway overpass, there is a dense encampment, a Hooverville, if you will, on both sides of the street. Tents, shopping carts and men take up the sidewalks on both sides the boulevard 24 hours a day. What would prevent that from happening at LACMA? How much money will it cost to provide 24 hour security and lighting all night, to prevent the LACMA extension from becoming a magnet for panhandlers and the homeless? Add in the Metro station into the mix and the tenor of the neighborhood will change dramatically.

**Response to Comment No. 34-1**

As discussed in Response to Comment No. 29-1, an analysis of security is provided in Section IV.J, Public Services—Fire Protection of the Draft EIR. As described therein, operational security measures would include oversight of a Security Department and presence of security staff 24 hours per day, 7 days per week. Furthermore, electronic systems security measures would be implemented to augment physical and operational security measures. In addition, the Project would install landscape buffers between the sidewalk and museum fencing to prevent pedestrians from loitering and homeless encampments on the streetscape under the building. These and other security measures will address concerns regarding homeless populations encroaching on the Project Site. Section II, Project Description, of the Draft EIR, also provides a discussion on the various security features proposed on the Project Site. As discussed therein, the Project would incorporate design features to enhance the safety and security of visitors, staff, and building, including: (1) design line-of-sight for security technical systems and staff; (2) new outdoor public spaces within the Project Site would be appropriately lit at night to avoid areas of concealment; and (3) lighting and signs on building entries and pedestrian walkways would provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into the building.

**Comment No. 34-2**

I also worry about emergency vehicles being slowed down by this extension overhead. I'm not thrilled about the visual blockage it will create, and I would hate to be anywhere near it during an earthquake. Covering Wilshire Blvd, [sic] seems like a really bad idea.

**Response to Comment No. 34-2**

With regard to the portion of the Museum Building spanning Wilshire Boulevard, the Museum Building would be a minimum of 19 feet above Wilshire Boulevard. As discussed in Section IV.J, Public Services—Fire Protection, as fire trucks range in height between 11.5 feet and 13 feet,<sup>15</sup> they would be able to clear the Museum Building spanning Wilshire Boulevard. As such, existing emergency access to the Project Site and surrounding uses would be maintained during operation of the Project.

In addition, impacts to views from the crossing over Wilshire Boulevard is addressed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR. As discussed therein, while the new buildings, including the portion of the Museum Building crossing Wilshire Boulevard, would be visible from off-site locations, due to the relatively flat topography and intervening development and landscaping, view changes would typically occur at limited and more focal vantage points, as opposed to along extensive roadway segments or from entire large geographic areas. In addition, the permeability of the ground floor of the Museum Building would allow views through the building to the LACMA Campus and Hancock Park, and to Wilshire Boulevard from areas within the LACMA Campus and Hancock Park. The uniform design of the Museum Building provides a more cohesive visual environment, in contrast to the eclectic mix of architectural styles exhibited by the existing LACMA buildings proposed for demolition. In addition, the portion of the Museum Building that spans Wilshire Boulevard provides a visual connection between the north and south sides of Wilshire Boulevard, further unifying the area.

With regard to concerns of the crossing over Wilshire Boulevard during an earthquake, as discussed in Section IV.D, Geology and Soils, of this Draft EIR, Project building design and construction would be required to conform to the current seismic design provisions of the California Building Code to minimize potential seismic impacts. The Draft EIR also includes several mitigation measures that would address any potential impacts associated with expansive soils and other geologic conditions.

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<sup>15</sup> *International Fire Chiefs Association, Emergency Vehicle Size and Weight Regulation Guideline, Appendix A, Typical Fire Apparatus Configurations, 2011.*

**Comment No. 34-3****Exhibition space and theatre reduction:**

The new building would reduce space for exhibiting art. The reasoning behind spending such an obscene amount of money to rebuild the museum so it will have LESS space to show art escapes me. The world class art collections are what make LACMA the gem that it is, not it's [sic] buildings. There is no point to have a fancy building if we can't see the artworks we have grown to love. There is also the issue of having concrete like walls and windows throughout the building which would make hanging and protecting artwork from sunlight a challenge. The cost of cooling the museum and maintaining temperature and humidity control will be massive. The museum experience is one of contemplation, hopefully of the silent nature. I'm afraid this attraction where the art takes second place to the architecture would turn the museum experience to a selfie stop and not much else.

**Response to Comment No. 34-3**

This comment regarding reduced space for exhibiting art does not raise any environmental issues addressed under CEQA. In addition, the Museum Building would provide equal exhibition space to the existing buildings and provide more park space in which to showcase LACMA's collection of outdoor sculptures, which are currently confined to the edges of the Project Site or reside in storage. While the amount of sunlight within some interior spaces would be increased in comparison to the existing buildings, LACMA's collection has artworks that are better exhibited in such lighting. Artworks within the Museum Building will be placed based on the appropriate lighting conditions for each piece. The Museum Building was designed so that the roof cantilevers just enough to provide shading at the exhibition level in areas that would potentially get more direct sunlight. The Museum Building is also designed to be photovoltaic (PV) ready that would offset energy costs and potentially result in cost savings for the Museum Building. Regarding the concrete walls for hanging artwork, other museums have been built with concrete. The art will be hung on hardware bolted deep into the concrete. After display, the bolts are removed and the concrete is patched. As with plaster, a concrete patch quickly bonds to the surrounding wall. There's no repainting required. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 34-4**

Some donors are promising their collections to LACMA if it can raise the money to rebuild. But where will the art be shown? How can the museum grow it's [sic] collection (and isn't that every museums goal) if it doesn't have the space to show the artwork? How can you

spend a billion dollars (let's be realistic about the budget here) for a new building but have to keep a substantial portion of your collection in storage?

#### **Response to Comment No. 34-4**

This comment regarding reduced space for exhibiting art does not raise any environmental issues addressed under CEQA. Refer to Response to Comment No. 34-3, above for further detail on how and where artwork will be displayed. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

#### **Comment No. 34-5**

The idea that this one building would unify the museum campus and bring a new dimension to viewing art is also unrealistic. People would have to exit the new building in order to view anything at the Japanese Pavilion, the BCAM, the Resnick Pavilion, *Urban Light*, *Levitated Mass*, Alexander Calder's *Hello Girls*, or the sculpture gardens. The new LACMA will be just as disjointed as it is today.

#### **Response to Comment No. 34-5**

This comment regarding the unity of the LACMA Campus does not raise any environmental issues addressed under CEQA. In addition, under existing conditions, the public currently has to exit the existing buildings to view the works in the Pavilion for Japanese Art, Resnick Pavilion, and Broad Contemporary Art Museum at LACMA. No matter the shape, size, or design of the Museum Building, there would not be any way to unify the existing buildings without intruding on the existing buildings. In the case of the Pavilion for Japanese Art, this is a building of high importance, especially as an example of organic architecture that has been identified as a potential historical resource eligible for historic designation by the City of Los Angeles, as discussed in Section IV.C, Cultural Resources, of the Draft EIR. Altering it beyond the intended design of the architect Bruce Goff, is something LACMA would not consider. As shown updated Figure II-5, provided in Section II, Corrections and Additions, of the Draft EIR, there will be a much more visible connection and improved circulation not only between all of LACMA's museum buildings but throughout the LACMA Campus from the new Academy Museum to the NHM La Brea Tar Pits & Museum. The transparent nature of the exhibition level and open, flat character of the ground level will further enable the public to orient themselves on-site. In addition, the horizontal layout of the Museum Building within a linear gallery allows for artwork to be displayed in such a way that offers every culture an equal focus. In the multi-cultural community of Los Angeles, it is particularly desirable that the County's public art institution reflect a diversity of cultures without creating an artificial hierarchy imposed by multiple vertical levels that are psychologically and physically less accessible. This comment is

noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 34-6**

The theater would be reduced to less than half the seats it provides now. The film program at LACMA used to be part of the museum. Now you have to join a special Film Club to get priority just to purchase tickets. Sometimes regular museum members or members of the public can't get tickets to film events because they sell out to the subscribers first. The museum is supposed to be inclusive not exclusive. The reduction of theatre seats would guarantee that films, concerts, lectures and other productions would be reserved for those with more money. Again, why tear down a theater to make it smaller?

**Response to Comment No. 34-6**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, a 1,000-seat theater will be constructed at the nearby Academy Museum. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 34-7****Jobs:**

If it takes five years to complete the construction of this project—and just look next door at the Academy which is a year or so behind schedule and over budget—literally hundreds of people will lose their jobs with no guarantee that they will be hired back. The economy is terrible and people will lose their jobs over a building that will bring more traffic to the neighborhood and display less art. Unlike the excellent art collection at LACMA, that is in poor taste.

**Response to Comment No. 34-7**

This comment regarding the loss of jobs due to development of the Project does not raise any environmental issues addressed under CEQA. In addition, while there might be some job reductions during construction, LACMA expects to maintain a good percentage of its staff as the Resnick Pavilion and Broad Contemporary Art Museum at LACMA will still be in operation and exhibitions and public programming will continue to take place.

LACMA will continue its conservation program, will continue to loan art to other institutions, and will continue to hold education programs both on- and off-site, as it does today. Construction of the Museum Building and Ogden Parking Structure will create jobs as well. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 35**

Purvi Goor  
psgoor@gmail.com

**Comment No. 35-1**

As a long-time resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

LACMA has contributed so much to my family's experience in Los Angeles. I am delighted at idea that it will be an even more wonderful place with fantastic design to carry our community and the rest of LA forward.

**Response to Comment No. 35-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 36**

Simone Gordon  
1131 S. Ridgeley Dr.  
Los Angeles, CA 90019-2506

**Comment No. 36-1**

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

It's an amazing project and will revitalize the Miracle Mile area.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 36-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 37**

Regina Griffin  
reginagriffin@mac.com

**Comment No. 37-1**

I do not live in LA, but have loved watching it evolve during the past few decades while visiting from NYC. LA has become more vibrant and lively in its streets + outdoors—it was always a great city, but is getting better and better.

One significant contribution to that is the increasing variety of different buildings in different styles juxtaposed next to one another, adding energy + vitality to the street scape.

Wouldn't it be better for the city if LACMA renovated + repurposed what it already has, saving the HHPA work?

It could add an exciting "Complexity and Contradiction" to your cityscape.

**Response to Comment No. 37-1**

The issue of renovating and repurposing the existing buildings on the Project Site is addressed in Alternative 2. Specifically, as discussed in Section V, Alternatives, of the Draft EIR, Alternative 2 proposed repairing the four existing buildings within LACMA East in order to provide for the future operation of the Museum within the existing buildings north of Wilshire Boulevard. However, based on a study prepared by the OWEN Group, Inc., these existing buildings currently have substantial deficiencies related to water intrusion, Americans with Disabilities Act (ADA) accessibility, structural strength, hazardous materials abatement, mechanical systems, fire protection, plumbing, and electrical systems that may ultimately compromise the Museum's ability to carry out its mission. The OWEN Group recommended that in light of the age and major issues and deficiencies in all systems, including structural issues, and the relative cost of repair versus replacement, the Ahmanson Building, the Hammer Building, the Bing Center, and the Art of the Americas Building should be replaced. In addition, while the Art of Americas Building is approximately 30 years old, OWEN found that many of its systems will be approaching the end of their expected lives within 15 years. As such, OWEN recommended replacement of all four buildings in order to support the program needs of LACMA without compromise, and provide for improved structural and energy performance. Based on this and other comprehensive studies of the existing building and the substantial refurbishment costs that would be incurred, replacement of the four existing buildings was pursued by LACMA instead of repair.

**Comment Letter No. 38**

Joseph Grover  
712 1/2 N. Van Ness Ave.  
Los Angeles, CA 90038-3108

**Comment No. 38-1**

I live in Los Angeles, in the 90038 district. I used to live in Miracle Mile, and then moved to the Melrose Fairfax district. LACMA has always been one of my favorite points of interest. When I heard about the proposed designs for LACMA I was very excited. But, I understand that there is now some push back. Please allow me to share my support for the Peter Zumthor design with you. I hope your department will carefully review the public comments before making a decision. This is a very exciting opportunity that would be a shame to pass on.

Thank you for your time [sic]

**Response to Comment No. 38-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 39**

Martha Haight  
808 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4732

**Comment No. 39-1**

As a neighbor, I want to express my wholehearted support for the new LACMA project.

I love the new design with views from all sides. The pass over Wilshire will be beautiful for both the museum goers and the people down below in cars and on foot. We live in the neighborhood and we welcome the expansion and the tourism it will attract.

LACMA is our community's greatest single amenity, and this revamp, with its galleries, restaurant, cafes and store, looks set to keep it so.

**Response to Comment No. 39-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 40**

Linda Hammonds  
linda@concupient.net

**Comment No. 40-1**

I'm an administrator of the Facebook So Cal Historic Architecture group. I realize this design is not popular with many, but I see something in it that they apparently don't. I would love to have the original museum back if that were possible, but that is not an option. Since that's the case, I like this design from what I see. The bridge itself reminds me of the modern bridges that used to cross the Pennsylvania Turnpike in the 1950s. The museum buildings, in part, remind me of some of the nicest Robinson's department stores that once graced Southern California. I think it does represent this area well.

**Response to Comment No. 40-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 41**

Aaron Harberts  
922 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4730

**Comment No. 41-1**

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 41-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 42**

Julie Hébert  
1016 S. Hudson Ave.  
Los Angeles, CA 90019-1815

**Comment No. 42-1**

I support the new LACMA design as presented. I am a longtime LACMA member and a longtime resident of the neighborhood and I strongly support this innovative design that will elevate the museum, enhance the community, the city and the county of Los Angeles.

**Response to Comment No. 42-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 43**

Alan Hess  
4991 Corkwood Ln.  
Irvine, CA 92612-2833

**Comment No. 43-1**

The Cultural Resources section of the DEIR's Environmental Impact Analysis (IV.C.) is insufficient to support its conclusions that 1) the existing LACMA campus is not eligible for the National Register of Historic Places, and 2) that they no longer retain integrity. A more thorough assessment is needed in order to determine the actual environmental impact of the proposed project.

The DEIR fails to utilize current scholarship on the work of architect William Pereira. This is a significant deficiency. For several decades, proper documentation of the architecture of LACMA and Pereira has been sorely lacking; recent research and analysis, however, presents these buildings in a broader context in architectural history and reveals their real significance. This sort of reassessment of the reputation of architects is common in architectural history, of course, which is why it was incumbent on the DEIR to search out and incorporate these new views in order to make an accurate judgment.

I make this assessment as an architect, architectural historian, and author of nineteen books, including many on the architecture of California in the twentieth century, LACMA's period of significance. I have written on Pereira specifically in [PlacesJournal.com](http://PlacesJournal.com), and in the catalog for the 2013 exhibit on his work at the Nevada Museum of Art.

To provide a more accurate assessment of LACMA and Pereira's architecture, I would recommend including, among others, the following sources absent from this section of the DEIR:

Abrahamson, Eric John. *Building Home: Howard F. Ahmanson and the Politics of the American Dream* (Berkeley: University of California Press, 2013.)

Robertson, Colin, ed. *Modernist Maverick: The Architecture of William L. Pereira* (Reno: Nevada Museum of Art, 2013.)

Steele, James, ed. *William Pereira* (Los Angeles: USC Guild Press, 2002.)



Hines, Thomas. *Architecture of the Sun: Los Angeles Modernism 1900–1970* (New York: Rizzoli International, 2010.)

Hess, Alan. “Discovering Irvine,” PlacesJournal.com Oct 2014  
[https://secure-web.cisco.com/1Hvx5ofiKmxkRZAKNBUEvO2kTT7Zuj3ATIGhcVTXXR-SP5xsEMMCsb0qeh18Z1BMxLZmHK81HHqEsynIFg\\_tUb-gvLA2DwSr5MHrpAk29tfsyev-Fb505D3vb-T6l5r0tfwRAnNxHVbZHsuixztExAQEIbR0bwcR6o5qQlxXLFa5NpX\\_UtV5j6GosCEAUThQT2nj3DCIAwhDVSNSKsDX-lyUUuGT109scnI93RNqWVFYCVd1uVXteW2GTBUKE4mHXaWyCAVeiePYWjR51cjah00-7riM29GYEuJ2MYLbufxkq9B3PNxBFMF6UkOPhPfx2c4SajU6-nrKh3th8HCC\\_cjxqbyO8az3CeO8V1Q-usGRwMtJ6yILiDdvF4055-YDR/https%3A%2F%2Fplacesjournal.org%2Farticle%2Fdiscovering-irvine%2F](https://secure-web.cisco.com/1Hvx5ofiKmxkRZAKNBUEvO2kTT7Zuj3ATIGhcVTXXR-SP5xsEMMCsb0qeh18Z1BMxLZmHK81HHqEsynIFg_tUb-gvLA2DwSr5MHrpAk29tfsyev-Fb505D3vb-T6l5r0tfwRAnNxHVbZHsuixztExAQEIbR0bwcR6o5qQlxXLFa5NpX_UtV5j6GosCEAUThQT2nj3DCIAwhDVSNSKsDX-lyUUuGT109scnI93RNqWVFYCVd1uVXteW2GTBUKE4mHXaWyCAVeiePYWjR51cjah00-7riM29GYEuJ2MYLbufxkq9B3PNxBFMF6UkOPhPfx2c4SajU6-nrKh3th8HCC_cjxqbyO8az3CeO8V1Q-usGRwMtJ6yILiDdvF4055-YDR/https%3A%2F%2Fplacesjournal.org%2Farticle%2Fdiscovering-irvine%2F)

Hess, Alan. “Erasing Pereira,” *Orange Coast Magazine*, June 30, 2014.  
[http://secure-web.cisco.com/1HsuFeUlkr9Lj6ISRTDZopb7O2lodC6yFdRsvFUaVKaBejDeR2EGe5vS2pl3O9Bs9r9Sdi4TUjhU1OE\\_YgQspB6h3rFD3WyTAbG6JEgW1F6m7q11gprvCUJNuWNTYmKelP6uADPI\\_XrEPI-DzlXhBI9A64ElwAGm0Xj2F79vypI0ETsKBHDwqRXrnYO0ji9NiYrPPsubPYVh\\_Lvxvfb2SZQixaXcWFPc97Q\\_HNTMlnVF703Bcd6AvHjyv14PG-9fD40xnvkucS7PD6X81CJzNk9w98HggJNrU-cuvP-qjjvpUA4ONiqzWwl7\\_R20CW6ywOJsGi\\_daEdTVMa1\\_UWLym8a4Rf\\_OvBNLJs6YOMNAwONhxFe8Jgs5l91twzkyD3pN/http%3A%2F%2Fwww.orangecoast.com%2Ffeatures%2Ferasing-pereira%2F](http://secure-web.cisco.com/1HsuFeUlkr9Lj6ISRTDZopb7O2lodC6yFdRsvFUaVKaBejDeR2EGe5vS2pl3O9Bs9r9Sdi4TUjhU1OE_YgQspB6h3rFD3WyTAbG6JEgW1F6m7q11gprvCUJNuWNTYmKelP6uADPI_XrEPI-DzlXhBI9A64ElwAGm0Xj2F79vypI0ETsKBHDwqRXrnYO0ji9NiYrPPsubPYVh_Lvxvfb2SZQixaXcWFPc97Q_HNTMlnVF703Bcd6AvHjyv14PG-9fD40xnvkucS7PD6X81CJzNk9w98HggJNrU-cuvP-qjjvpUA4ONiqzWwl7_R20CW6ywOJsGi_daEdTVMa1_UWLym8a4Rf_OvBNLJs6YOMNAwONhxFe8Jgs5l91twzkyD3pN/http%3A%2F%2Fwww.orangecoast.com%2Ffeatures%2Ferasing-pereira%2F)

### **Response to Comment No. 43-1**

As explained on page IV.C-1 in Section IV.C, Cultural Resources, of the Draft EIR, the analysis of historical resources is based on the Historical Resources Technical Report prepared by GPA Consulting included as Appendix D of the Draft EIR. GPA Consulting specializes in historic preservation, including, among other things, compliance with state and federal cultural resource laws, CEQA, conducting historic resource inventories and surveys, preparing historic context statements, National Register nominations, historic structure reports, and the application of the Secretary of the Interior’s Standards for the Treatment of Historic Properties and Standards for Rehabilitation. All GPA Consulting staff involved in this report meet the U.S. Secretary of the Interior’s Professional Qualifications Standards for architectural history, history, or historic architecture pursuant to the Code of Federal Regulations, 36 CFR Part 61, Appendix A. GPA’s work has received numerous honors, including the Governor’s Historic Preservation Awards, the California Preservation Foundation Awards, and the Los Angeles Conservancy Awards, among others. As the resumes at the back of the Historical Resources Technical Report attest, the analysis prepared for the proposed Museum Building was led by a Principal Architectural Historian with over 25 years’ experience in the field of historic preservation.

The Historical Resources Technical Report and the Draft EIR recognize the original LACMA complex as the work of the master architect William Pereira. Thus, consulting additional scholarship would not change the outcome of the evaluation. The original LACMA complex was found to be ineligible as a historical resource because it does not meet the requirements for listing in the National Register, California Register, or Los Angeles County Landmark due to lack of integrity. The extensive alterations that have comprised the integrity of the complex are not discussed in the scholarship on Pereira but are discussed in the Historical Resources Technical Report, included in Appendix D.

**Comment No. 43-2**

Based on these and my own research, I offer the following analyses of these subjects:

**WILLIAM PEREIRA'S SIGNIFICANCE**

The DEIR is incomplete in its description of LACMA's role in the long and influential career of William Pereira. LACMA stands at the center of an extremely innovative and productive phase of his career as he broke away from [sic] the International Style in his search for a new Modernism which, though based on Modern principles, was shaped by the culture and progress of Los Angeles. In this context, the LACMA campus, Pereira, and Howard Ahmanson all played significant roles in Los Angeles culture in this fertile period.

Missing from the DEIR, for example, is an analysis of LACMA vis-à-vis the other major buildings Pereira was working on at the same time in developing a vivid new direction for Modernism and Southern California. These include LAX and its Theme building, the Metropolitan Water District with its expression of structure and integration of passive solar elements responding to the Southern California climate, major buildings at USC, the campus of the University of California, Irvine, and the master planned city of Irvine. They express, together with LACMA, a distinctive and significant aesthetic ideal which represents an important part of Los Angeles' design innovation. Without placing LACMA in the context of these other buildings in Pereira's career, it is impossible to make an accurate assessment of its significance or integrity. Without this assessment, it is also impossible to assess the actual impact of the proposed project on this historical resource.

**Response to Comment No. 43-2**

The Historical Resources Technical Report and the Draft EIR recognize the original LACMA complex as the work of the master architect William Pereira. Thus, more discussion of his work is not required for the evaluation of eligibility. In accordance with the process for eligibility established by the National Park Service and California Office of Historic Preservation, the evaluation of eligibility is a two-step process. The first step is an assessment of significance under the four National Register and California Register criteria.

If the property is significant, the second step is an assessment of integrity under the seven aspects. In this case, the complex was determined to be ineligible under Criterion C/3 as a significant example of Pereira's work because it no longer reflects his original vision. The complex was considered significant under Criterion A/1, and was then assessed for integrity. Since the complex only retains integrity of location, materials, and workmanship, it was concluded that it did not retain sufficient integrity to convey its significance.

According to National Park Service and California Office of Historic Preservation methodology, a property must retain most, but not necessarily all seven aspects of integrity. Per *National Register Bulletin #15*:

*"...Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant." That is, certain aspects of integrity may be more essential than others in reflecting the significance under different Criteria. Properties eligible for historic associations (Criteria A/1 and B/2) may rely more on the aspects of location, setting, feeling, and association than aspects such as material, design, and workmanship: "...A property important for association with an event, historical pattern, or person(s) ideally might retain some features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today."*<sup>16</sup>

The Draft EIR concluded that the original LACMA complex retains integrity of location, material, and workmanship—but lacks integrity of setting, feeling, association, and design. Therefore, the original LACMA complex does not retain most of the aspects of integrity, and does not retain those aspects most essential to convey associative significance.

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<sup>16</sup> *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, National Park Service, Cultural Resources, eds. Patrick Andrus and Rebecca Shrimpton, accessed January 26, 2018, [www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm](http://www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm).

**Comment No. 43-3****HOWARD AHMANSON'S INFLUENCE ON LACMA ARCHITECTURE**

In the DEIR's discussion of Ahmanson and other major donors, it states "there is no evidence to suggest that the original LACMA complex was more important or more directly associated with them than their other causes." (C-47) In Ahmanson's case, this is a faulty conclusion.

As Eric John Abrahamson's biography shows, Ahmanson's role in selecting LACMA's architect was much greater than simply being a donor; he held and actively supported aesthetic views that were an important facet of Southern California Modern architecture in the midcentury. These ideas were deeply rooted in Southern California culture, with a faith and confidence in the artists and architects working there; notably, their work was often in contrast with the prevailing International Style of architecture. His interest in the arts was acquired in mid-life, after he had become wealthy. He then developed his views (under the tutelage of noted Southern California artist Millard Sheets) that lead directly to his involvement with LACMA, and his role in determining the new campus' architect. Ahmanson's deep interest in architecture favored not only New Formalists like Edward Durell Stone and William Pereira but also Southern California architects such as Lloyd Wright and Millard Sheets, an artist whom Ahmanson avidly encouraged to develop his architectural ability in a series of commercial commissions that melded art and architecture in a unique Southern California blend; in fact, Ahmanson initially wanted Sheets to design LACMA. Together these architects, for whom Ahmanson acted as a knowledgeable patron, represent a significant chapter in California Modern architecture which, unfortunately, has been often neglected by historians. It nonetheless relates directly to LACMA.

Thus the fascinating story of the selection of LACMA's architect (originally a choice between European Modernist Ludwig Mies van der Rohe or American Modernist Edward Durell Stone) takes on a larger cultural import. Ahmanson's role in this aesthetic decision is crucial and represents an important aspect of Los Angeles architecture.

Though Ahmanson favored Stone, the final decision to hire Pereira was not a disappointment; both Ahmanson and fellow LACMA board member Norton Simon selected Pereira for other major commissions around this time, at USC and Hunt Foods headquarters. The selection of Pereira, as a New Formalist, was entirely in keeping with Ahmanson's aesthetic intentions.

The DEIR overlooks this important aspect of Ahmanson's contribution which directly shaped LACMA's architecture—and its significance. It is therefore inaccurate to state that

“While [Ahmanson’s] attempts to influence the choice of architect and his naming of one building are well documented, his preferred architect was not selected, and his influence on the buildings themselves was limited.” (C-4)

### **Response to Comment No. 43-3**

To be eligible under Criterion B/2, a property must be associated with the lives of individually significant persons within a historic context. The association with the property must also be significant, and the property in question should be the best representation of that individual’s productive life, per *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation*. These parameters were taken into account when weighing the potential for eligibility under Criterion B/2 for association with Ahmanson.

The evaluation under Criterion B/2 also collectively considered the significance of numerous individuals such as philanthropists, board members, directors, curators, and artists involved with the museum over time, and considered their association with the property. It was concluded that the original LACMA complex was the result of a collaborative historical trend, and did not solely represent the individual productive life of any particular person. The development and management of LACMA was the achievement of many individuals, not any one person.

The DEIR acknowledges Ahmanson as one of several important individuals that were involved with the development of the original LACMA complex, including his role in the selection of the architect. Even if it were significant under Criterion B/2 for its association with Ahmanson, the original LACMA complex would be ineligible for lack of integrity. Since it is documented that Ahmanson preferred Sheets and Stone to Pereira, his primary interest was not so much in selecting the specific architect but rather ensuring the design was consistent with his preference for New Formalism. While Ahmanson achieved his goal, the LACMA complex no longer embodies the character-defining features of New Formalism as a result of changes and additions to the site plan as well as alterations to the buildings. Thus, it would be ineligible under Criterion B/2 for the same reasons it is not significant under Criterion C/3.

### **Comment No. 43-4**

#### **CRITERION C**

In the DEIR’s discussion of Criterion C (C-49), its failure to draw on current scholarship leads to several mistaken conclusions. It states “Historically, the original LACMA complex has not been popular with architecture critics and historians. It has been both deliberately ignored and criticized over time. “ [sic] (C-49) This analysis does not, however, include more recent commentaries on LACMA and Pereira’s work which see them in a very

different light; the DEIR should have referenced more recent opinions from critics, artists and historians such as Paul Goldberger, Ed Ruscha, Elizabeth A. T. Smith, Thomas Hines, and myself; see the catalog to the *Maverick Modernist* catalog listed above.

The LACMA campus deserves a fresh analysis, not a rehash of the initial criticism. Goldberger, for example, writes that Pereira's "buildings did as much as those of any architect to give modern architecture a public face, and to make it the symbol of the new world taking form in California in the nineteen-forties, fifties and sixties. His work looks more compelling with every passing year. It is very much time to give his career the serious analysis it has never actually had." Such recent critiques of Pereira's work, missing from the DEIR, are essential to give a properly balanced judgment of the campus's significance.

For instance, the original negative criticism of LACMA was not due to New Formalism being "new" (as the DEIR asserts), but to being heretical to the International Style which dominated academic criticism then. This is clear when one studies the larger context of the academic architectural community and the pointed criticism of the work of Edward Durell Stone, Minoru Yamasaki and William Pereira, among others, at the time. That distorted lens should be removed today so that we can get a clearer view of LACMA's true significance.

This recent historiography should be weighed in the DEIR to provide a balanced and current assessment of the LACMA campus. It establishes a very different perspective on LACMA's architecture which supports the conclusion that it is indeed eligible under Criterion C for the National Register of Historic Places.

#### **Response to Comment No. 43-4**

The Draft EIR acknowledges that in its former state, the original LACMA complex embodied the distinctive characteristics of New Formalism; however, it has been substantially altered. The property no longer reflects the original design, thus it was concluded that it was ineligible under National Register Criterion C and California Register Criterion 3.

#### **Comment No. 43-5**

##### **INTEGRITY**

I also contest the DEIR assertion that "While portions of the individual pavilions still resemble their New Formalism origins, the site plan as a whole was too heavily altered to be evaluated as such. The total reorganization of the entrance sequence and plaza and

the incompatible intrusions of the Art of the Americas Building and the Times Central Court created a completely new composition for the site and rendered the original design intent difficult to recognize.” (C-50)

In so stating, however, the DEIR fails to recognize that Pereira’s key stylistic, spatial, planning, and compositional concepts remain to be seen and experienced by any visitor today. It is not “a completely new composition.”

While the Arts of the Americas building is indeed an intrusion (reflecting the then-reigning bias against New Formalism), the original Pereira structures, concept, and spaces are exceedingly easy to recognize today as an ensemble composition. The circulation may have changed, but the materiality, volumes, and details of the original buildings are entirely readable anywhere across the campus. It is correct for the DEIR to note the changes, but the conclusion that the original architecture has lost its character does not follow from this. It is still a representative example of New Formalism.

This is especially true of Pereira’s concept of outdoor public space, which remains intact. Though the forecourt is altered, the three main buildings still define a strong negative space between them. This is a key Pereira concept drawn directly from his knowledge of Southern California life in everything from residential patios to open air shopping centers. Though the design has changed with additions, the concept remains and is still one of the most appealing and popular aspects of the campus. This public space is now filled with tables, a cafe, a glass-fronted bookstore, and conveniently accessed plazas to enjoy the sun, as originally intended. Significantly this space was never roofed over and enclosed, as were many open air shopping centers. These facts substantially contradict the DEIR assertion that “on the whole the dramatic changes to the property dominate and outweigh the remnants of the original design.” [sic] (C-53)

For the same reasons, we should not accept the DEIR claim that “The original LACMA complex does not retain integrity of feeling, which is defined in *National Register Bulletin 15* as ‘a property’s expression of the aesthetic or historic sense of a particular period of time’.” (C-53)

Nor has the DEIR justified this conclusion: “Just like it no longer conveys the feeling of a late postwar, New Formalism–style museum, it no longer adequately conveys its associations with the contexts of twentieth century art exhibition and the postwar arts scene in Los Angeles from 1965 to 1969.” (C-54)

Instead, the original LACMA complex does appear to be significant under Criterion C in its current state.

**Response to Comment No. 43-5**

Per National Register Bulletin #15, “Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register.”

All assessments of integrity require some professional judgment, but should be grounded in an understanding of a property’s physical features and how they relate to its significance. A property important for illustrating a particular architectural style such as New Formalism must retain most of the physical features that constitute that style. The Draft EIR concluded that the original LACMA complex does not retain integrity as a whole. While the buildings in the complex retain their massing, many of the features have been removed and the site plan, which was a crucial component of the design, has been profoundly altered by the introduction of the Art of Americas Building. Per National Register Bulletin #15, “A property is not eligible... if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.”

**Comment No. 43-6****CONCLUSION**

If the DEIR had included the new research, analysis and criticism referenced above, its conclusion would have affirmed LACMA’s eligibility for the National Register. I have qualified many midcentury Modern buildings (including a New Formalist building) for the National Register, and I am quite confident that LACMA does qualify.

As a result, the demolition of the original LACMA campus would result in the loss of a significant historic resource. An alternative including the adaptive reuse of the historic buildings is the preferable solution.

**Response to Comment No. 43-6**

The Draft EIR acknowledges that the complex is significant under Criterion A/1 as an important postwar cultural institution in Los Angeles; however, it has been substantially altered and does not retain the aspects of integrity most essential to associative significance. Due to these alterations, it no longer reflects the work of master architect William Pereira or the distinctive characteristics of New Formalism. Thus, it was concluded that it is ineligible under National Register Criterion C and California Register Criterion 3.



**Comment Letter No. 44**

Toby Horn  
146 S. Fuller Ave.  
Los Angeles, CA 90036-2810

**Comment No. 44-1**

Thank you for the opportunity to submit my comments about the LACMA DEIR.

Last week at the Mid City West Community Council Planning and Land Use Committee, Michael Govan too briefly skimmed over the figure that a combined 700+ seat capacity of the two existing LACMA auditoriums are proposed to be combined into ONE 300 seat auditorium. This is a recipe for disaster, as frequently, the larger Bing Auditorium is easily more than half full for Sunday concerts, and even more so for movie screenings. Even the LACMA Costume Council has more than half filled the Bing for its fashion presentations. The proposed auditorium capacity will be inadequate by far.

As our community has too often seen, developers present their projects and pledge that there is plentiful parking for the space. Again, the issue of parking has been touched upon, but is always skimmed over. If you have been to LACMA for openings or on always busy weekend afternoons, you have seen that the underground parking space is always filled, [sic] and that cars circle and circle, waiting for someone to leave.

**Response to Comment No. 44-1**

This first part of this comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

With regard to the comment on parking, it should be noted that the Project replaces four existing buildings with a reduction of approximately 45,500 gross square feet. The use of the proposed building is to display LACMA's existing collection, with no change in programming or hours of operation. Parking demand was analyzed extensively in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. As discussed therein, a comprehensive analysis of parking demands at the LACMA campus was conducted by Gibson Transportation

Consulting Inc. The analysis evaluated an increase in visitorship attributable to the novelty of the new Museum Building as well as the relocation of employees that would be permanently moved off-site once construction of the Project commences. Additional transit reductions were applied to the peak parking demand of the Project to account for the anticipated increase in the number of visitors arriving by transit once the Wilshire/Fairfax Station is open. Based on the Parking Memorandum prepared by Gibson Transportation Consulting, Inc., which was provided in Appendix M of the Draft EIR, the weekday and weekend peak parking demand of existing LACMA operations, as well as the anticipated peak parking demand of LACMA operations with the Project could be accommodated within the available parking supply of the Pritzker Parking Garage and the Ogden Parking Structure. Therefore, with the implementation of a Parking and Traffic Management Plan, as required under Project Design Feature K-1, sufficient parking would be provided to meet the future parking demand of the LACMA Campus, including the Academy Museum. Thus, based on the above, parking impacts of the Project would not be significant.

#### **Comment No. 44-2**

Green space—ah, green space. Yet another inaccuracy. The local neighborhood was promised open green space behind the May Company when it became LACMA's property. The space was significantly eroded (good pun!) when the Levitated Mass, aka, "The Rock" installation was installed. The surrounding grass was changed to decomposed granite (DG) which erodes, blows about in the wind, washes into storm drains, tracks onto visitors' shoes, and has raised the surrounding ambient temperature considerably more than was the promised grassy space. The abrupt transition from the green park to the brown DG surface cannot be good [sic] To further compound the theft of greenery from the neighborhood, the space behind the Movie Museum was green and is now DG.

#### **Response to Comment No. 44-2**

As discussed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project would provide approximately 5.5 acres of open space within the Project Site, including LACMA East and the Spaulding Lot. The removal of the existing buildings on LACMA East and design of the Museum Building would open up more than 2.5 acres of new public outdoor space on LACMA East in addition to the existing approximately 2 acres of open space on LACMA East, for a total of approximately 4.5 acres of open space on LACMA East. The Project would also include approximately 1 acre of open space on the Spaulding Lot. The outdoor open spaces would include landscaped plazas, gardens, and pedestrian paths that would be designed to integrate the new building and existing uses within Hancock Park and LACMA West and provide for outdoor programming such as outdoor music spaces, various sculpture gardens, and educational spaces. The Project would also incorporate several outdoor dining and seating areas. A variety of landscaping opportunities would be provided throughout the Project

Site. Vegetation would consist of primarily native planting and drought tolerant plant material, including a variety of shade and ornamental trees, grasses, and chaparral plants throughout the internal and perimeter of the Project Site. Revised Figure II-5, provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, provides detail of where landscaping would be provided.

**Comment No. 44-3**

Look very, very closely at the access points to the proposed projec. [sic] ADA compliance will be limited to elevators and stairwells that are too far apart for convenience, much less comfort to the mobility impaired. Look very, very closely.

**Response to Comment No. 44-3**

The commenter implies that ADA compliance would be limited to elevators and stairwells. However, this is incorrect. The Project would be constructed and operated in compliance with all applicable ADA requirements. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 44-4**

The inequality of these dog and pony shows is that the presenter, i.e [sic] developer, is allowed generous time in which to present their visions for their projects, and we, the community who are most directly affected are allotted only two to three minutes to state our case.

I strongly suggest that the architect Zumthor's track record be very, very thoroughly researched, as a European project of his was removed, and another design proposal was turned down by the local constituency.

The current director of LACMA is on fast track to head the vacated post at the MET or at the Boston Museum of Art, and we the City of Los Angeles will be stuck with his "vision" and a most impractical installation that will defy correction or modification in years to come.

Please incorporate my comments into the record. Thank you.

**Response to Comment No. 44-4**

This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 45**

Paul Hunter  
paul.hunter@mac.com

**Comment No. 45-1**

I support the Zumthor LACMA design as presented. I've been going to LACMA for over 40 years and this step forward is both needed and in the right direction.

I live in Larchmont Village and having this institution nearby has been wonderful. I enjoy the jazz and concerts during the summers and go often to special exhibits.

This is what the neighborhood needs.

**Response to Comment No. 45-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 46**

Linda Kakish  
656 S. Ridgeley Dr., Apt. 301  
Los Angeles, CA 90036-3840

**Comment No. 46-1**

Good afternoon. I hope this email finds you well. As a nearby neighbor of LACMA, I'm writing to comment on the proposal for a new building to replace some of their existing facilities. I think the design of the new building will be a great addition to the neighborhood, and I welcome the new open space that will be created in Hancock Park and on the Spaulding property. We can certainly use more public park area.

I know that there will have to be a traffic management plan to deal with impacts to the streets during construction, and I hope that you will carefully consider those of us who live close by and have to navigate the streets while the project is built.

I look forward to the improved park, the innovative building, and all of the new programs and exhibits we will be able to visit as soon as the project moves forward.

Thank you for your consideration.

**Response to Comment No. 46-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 47**

Scott and Georgette Kelsey  
816 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4732

**Comment No. 47-1**

Enclosed please find my letter of December 10, 2017.

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

I am an Architect and a Fellow of the American Institute of Architects, although I do not formally speak for the AIA. I have lived in the Miracle Mile, with my wife and daughter for over 20 years. I care about the Miracle Mile Community and I also believe our cultural neighbors need to profoundly evolve to continue to be world class institutions. I do not see these ideas as mutually exclusive.

The revised design—developed and refined since 2014 effectively addresses most of the challenges of the original “all north of Wilshire original design solution”.

In my view, the important considerations are:

1. An acknowledgement to the Page Museum and Hancock Park/Rancho La Brea as one of the largest collection of ice age fossils in the US.—and a very active research site. The new design respects hundreds of research pits, sightlines, circulation and open space. This design creates 5-acrees [sic] of new park in a dense urban setting.
2. I believe this new design successfully creates a “symbiosis” between the New museum, the pavilion for Japanese art and the Page Museum—in ways that do not currently exist.
3. The elimination of the current east-west “street wall” along Wilshire Blvd—in favor of a lifted, horizontal, elegant, engaged, expression—wherein the site becomes open and connected from Ogden to Spaulding streets to the north and south—across the park.
4. The development of public park, café and museum entrance on the current Spaulding parking lot. This in lieu of the real potential for a large commercial tower, which is its current permissible zoning is more than permissible.

5. No increase in square footage and no net loss of parking as a result of this new development.

And finally—the potential for an extraordinary, world class piece of architecture emblematic of an institution of the stature of LACMA. I believe this project is progressive, responsible and right for our community. For that reason, I am fully supportive of the good work completed to date.

**Response to Comment No. 47-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 48**

Cornelia Kiss  
cornelia.kiss@gmail.com

**Comment No. 48-1**

I'm a LACMA member and [sic] seen many shows there.

I strongly support the new design!

It's high time this museum is moving into the 21st century.

Keep up the good work.

**Response to Comment No. 48-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 49**

Coley Laffoon  
8124 W. Third St.  
Los Angeles, CA 90048-4328

**Comment No. 49-1**

As a local Realtor and real estate investor working primarily in Miracle Mile and the immediate surroundings, I want to express my wholehearted support for the new LACMA project.

As a someone working at ground-level with Buyers and Sellers in the area, I see EVERYDAY the support and excitement for the project and injection of world class architecture and development to this area of our vibrant city.

I understand there are widely differing opinions on the matter but as someone invested as a homeowner, development investor and local businessman I meet and hear regularly from people who love the neighborhood not for what it has been, but for what it can be in the rapidly changing face of LA.

I would appreciate any chance to meet with you in person and invite you to my office, 8124 WW [sic] 3rd St, or at the site of my renovation development at 6116 Warner Dr, just a stones [sic] throw from LACMA. I know you will be inspired by what we are doing in the area.

**Response to Comment No. 49-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 50**

Hannah Levy  
P.O. Box 86864  
Los Angeles, CA 90086-0864

**Comment No. 50-1**

A letter regarding my support of the new LACMA building is attached to this email.

I consider LACMA one of the main amenities of LA County. I live on the west end of Wilshire Boulevard and I consider myself a stakeholder in what is happening at LACMA. Particularly in that I am an architectural designer and someone who has dedicated a great deal of her life to participating in art and design.

The current building is unwelcoming in many respects. The large stark wall that faces Wilshire cuts the building off from the activity on the street and disconnects it from the city. The more recent additions on the west side of the LACMA campus, (including the central canopy, restaurant and “Urban Light” sculpture), have brought a greater degree of engagement from the local community. The spaces between the buildings create beautiful open public areas that seamlessly transition between the building and the street in a way that is very welcoming. On nights when jazz concerts and other events are happening you can see that the open space is an incredible asset to the community. In a similar way, the open space around the new building will create more opportunities for this type of engagement. The design of the new building is incredibly public. You will be able to walk around the building and see the art and everything that is happening inside. Driving under the building and viewing this glass box filled with beauty during a daily commute will bring an entirely new level of interaction, outreach and inspiration.

The new building will be an outstanding international attraction for the city of LA. It will give us a space with cultural value that provides an increased sense of dignity. The civic function of this modern building is similar to an ancient Greek temple—the art museum offers an outlet for meaningful dialogue that elevates us as humans. Refining this space will give us the opportunity to reach our full potential as Angelinos.

**Response to Comment No. 50-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 51**

Steven Luftman  
sluftman@yahoo.com

**Comment No. 51-1**

As a life long [sic] Angeleno these are my comments on the DEIR for the new permanent collection building of the Los Angeles County Art Museum, located in Hancock Park, Los Angeles.

Wilshire Boulevard is a Designated Scenic Highway. As noted by renowned architecture critic, Reyner Banham [sic] Wilshire is the first linear downtown. How will the new building not violate this unique treasure of Los Angeles and why isn't this addressed in the DEIR?

**Response to Comment No. 51-1**

As discussed above in Response to Comment No. 7-10, analysis of the Project's impacts on the Wilshire Boulevard Scenic Highway are provided in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR. As discussed therein, the Project would support the policy related to scenic highways and associated relevant scenic highways design guidelines included in Appendix B of Mobility Plan 2035, specifically, those relevant to the landscaped median and the location within the Miracle Mile. Appendix B, Inventory of Designated Scenic Highways and Guidelines, of Mobility Plan 2035 includes guidelines for scenic highways in the City that address roadway design, earthwork and grading, planting and landscaping, signs and outdoor advertising, and utilities within scenic highways. The design guidelines that address roadway design, earthwork, and grading design would not be applicable to the Project since the Project would not be modifying Wilshire Boulevard and no earthwork along Wilshire Boulevard is proposed. Section II, Corrections and Additions, of the Final EIR, adds Table IV.A-2a, which provides the Project's consistency with relevant guidelines for scenic highways and scenic corridors in Appendix B of the City Mobility Plan 2035. The Project would retain the landscaped median along Wilshire Boulevard, which is the primary feature that contributes to the scenic value of this portion of Wilshire Boulevard. This median has undergone many alterations over time with modifications to its landscape scheme. The Project would replace any impacted landscaping within the median with compatible new landscaping, in accordance with the planting and landscaping design guidelines included in Appendix B of Mobility Plan 2035. In particular, with regard to outstanding specimens of existing street trees and plants located within the landscaped median, Section II, Corrections and Additions, of the Draft EIR, adds implementation of Project Design Feature A-6 to the Draft EIR. Project Design Feature A-6 requires that any outstanding specimens which must be

removed for the Project\_would be replanted within the median or parkways of the Wilshire Boulevard public right-of-way to the maximum extent feasible. Landscaping would include various materials, including groundcover, grasses, and trees, and would be designed to continue the landscaping theme established by Metro and the Miracle Mile community, with species modifications to reflect the overall landscape of the Project Site. In addition, the plant palette would be determined in collaboration with the City and Miracle Mile Civic Coalition to ensure it meets and maintains the identity of the neighborhood while trying to introduce more drought tolerant and native species. Thus, the scenic nature of Wilshire Boulevard, which is a City-designated Scenic Highway, would be maintained and enhanced.

### **Comment No. 51-2**

In today's era of terrorism having a building set over Wilshire seems an unneeded risk. What precautions [sic] are being taken to keep a semi loaded with explosives from being driven underneath the building?

### **Response to Comment No. 51-2**

Section IV.J, Public Service—Fire Protection, of the Draft EIR provides further discussion of the security and emergency risk due to the Project's design, particularly as it relates to the portion of the Museum Building spanning Wilshire Boulevard. A Security Risk Assessment Memorandum was prepared by Shen Milsom Wilke on May 19, 2017, and was included as part of Appendix L of the Draft EIR. The Security Risk Assessment Memorandum outlines the types of existing and future security measures that would be implemented by LACMA. As discussed therein, these measures include physical security measures such as maximized natural surveillance, night lighting, wayfinding signage, pedestrian walkway illumination, site fencing to secure the perimeter of the grounds after hours, security gates and access controlled doors at the Ogden Parking Structure, motion sensor video monitoring, and planted buffers to prevent visual and physical access to the neighborhood to the south.

LACMA would also address safety and security in the public right-of-way by eliminating the metered parking under the Museum Building where it spans Wilshire Boulevard, subject to further discussion with the Los Angeles Department of Transportation; providing fire sprinklers below the spanning of the Museum Building; installing landscape buffers between the sidewalk and museum fencing to prevent pedestrians from loitering and homeless encampments on the streetscape under the building; and shortening the existing drop off area on the north side of Wilshire Boulevard to reduce the crosswalk travel time and eliminate the portion of the drop off area that is in an intersection.

As summarized in the Security Risk Assessment Memorandum, operational security measures would include oversight of a Security Department and presence of security staff 24 hours per day, 7 days per week. Security staff would continue to attend special events and public programs to provide crowd control, monitor access and assist with the overall management and flow of visitors and event attendees. In addition, LACMA would continue to coordinate with the County of Los Angeles, the Los Angeles Police Department (LAPD), and the LAFD to ensure that all disaster and emergency response requirements are met, including training and annual drills. As outlined in the Security Risk Assessment Memorandum, electronic systems security measures would be implemented to augment physical and operational security measures. Such measures may include security access control and intrusion detection hardware and software, video surveillance systems, radio communication systems, close-circuit-television systems, alarms, and vehicle barrier systems in the form of fencing and landscaping. In addition, LACMA has coordinated and would continue to collaborate closely with LAPD with regard to potential extreme event incidents, including natural disasters, accidental incidents, and events of a malicious nature, to implement an incident command structure, employee training and annual drills, and design and operational security recommendations based on LAPD guidance.

**Comment No. 51-3**

As a regular attendee of the Film Independent Screening Series in the Bing Theater, I find the screenings are often filled to their 600 seat limit. How will the new 300 seat theater accommodate this series?

**Response to Comment No. 51-3**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 51-4**

LACMA has let the current buildings deteriorate. Will there be funds dedicated to the upkeep of the new building that were non-existent in past years?

**Response to Comment No. 51-4**

This comment regarding funds dedicated to the upkeep of the Museum Building does not raise any environmental issues addressed under CEQA. In addition, the Museum Building would have a preventative maintenance program, which did not exist for the existing buildings. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 51-5**

It seems to me that alternatives 2 and 4 offer greater creative solution for a museum that is a great asset to the future of Los Angeles County. Additionally they seem more financially responsible.

In Los Angeles's [sic] current housing shortage the Spaulding building could be a mixed residential and office high rise. This would eliminate the need to rent office space for the museum staff and build both affordable housing with luxury housing to help finance the project.

**Response to Comment No. 51-5**

The commenter's support for Alternatives 2 and 4 as well as affordable housing is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

As discussed in Section V, Alternatives, of the Draft EIR, while Alternative 2 would address existing building deficiencies within LACMA East, this alternative would not meet the underlying purpose of the Project and its associated objectives. Furthermore, as concluded in the study by the OWEN Group included in Appendix Q, in light of the age and major issues and deficiencies of the existing buildings, and the substantial refurbishment costs that would be necessary, replacement of these buildings has been recommended in lieu of refurbishment. Furthermore, Alternative 2 would eliminate the Project's significant and unavoidable construction traffic impacts related to intersection level of service, but would result in potentially significant impacts related to shading, and intersection level of service during operation, which were determined to be less than significant under the Project.

Alternative 4 would not meet the underlying purpose of the Project to replace existing outdated buildings on the LACMA Campus with a new museum building of a similar size with a main exhibition level designed in a horizontal layout within a single level that enhances the presentation of LACMA's permanent collection and programmatic needs

for its visitors today and into the future, promotes Los Angeles as one of the art capitals of the world, and enriches the Miracle Mile and the existing LACMA Campus. In addition, due to the reduction in open space and the bifurcation of the museum operations north and south of Wilshire Boulevard, Alternative 4 would result in physical and operational constraints. In particular, the bifurcation of the buildings would be disruptive to the civic, cultural and aesthetic goals of creating a transparent museum building in which there would be no hierarchy of cultures and where the visitor's experience would be free flowing and easily navigable. Furthermore, Alternative 4 would eliminate the Project's significant and unavoidable construction traffic impacts related to intersection level of service, but would result in potentially significant impacts related to shading, residential street segments, and intersection level of service during operation, which were determined to be less than significant under the Project.

**Comment Letter No. 52**

Robin Menken  
1208 N. Hilldale Ave.  
Los Angeles, CA 90069-1823

**Comment No. 52-1**

Alas LACMA is riding roughshod [sic] over LA's cultural history and classic neighborhood [sic]

Destroying the original campus [sic] is an insult to the history of Cultural fund raising and giving and the history of the cultural visionaries who made the museum a reality. Although the County pays, I [sic] believe, [sic] at least 30% of its [sic] budget, It [sic] is a blind gift, completely un-transparent, the funds disappear into a corporate structure. Often funds earmarked for particular projects or departments [sic] are shifted to other departments/projects (Monies to the original film department vanished and false or second books were used to tarnish Ian Burnie's [sic] department, opening the door to the ACADEMY'S take over [sic] of what was a beloved, long standing public program.) [sic]

I mention this to explain that the County tax payers are left entirely out of the loop [sic]

**Response to Comment No. 52-1**

This comment regarding the transparency of the County's funds does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 52-2**

If you remember the installation used to sell the former NEW design to the public. they tarnished or called into question the science under the Paige [sic] museum construction, perhaps an overture to grab more land.

**Response to Comment No. 52-2**

This comment regarding the NHM La Brea Tar Pits & Museum construction does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment No. 52-3**

This awful design, Goven's [sic] Pyramid, essentialy [sic] OCCUPIES the Miracle Mile and will cause traffic nightmares in perpetuity [sic]

**Response to Comment No. 52-3**

The issues of traffic during operation of the Project are addressed in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. As discussed therein, traffic impacts during operation of the Project would be less than significant.

**Comment No. 52-4**

Please stop the narcissistic madness [sic]

As reference may i [sic] suggest a tutorial in the form of the briillant [sic] film THE ART OF THE STEAL which details the destruction and moving of the remarkable museum the Barnes Foundation and parenthetically the corporate theft of art endowments in general [sic]

The Art of the Steal is a 2009 documentary film directed by Don Argott, about the controversial move of the Barnes Foundation, generally considered to be the world's best collection of post-Impressionist art and valued in 2009 to be worth at least \$25-billion, from Merion, Pennsylvania to Philadelphia.

**Response to Comment No. 52-4**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 53**

Keith B. Nakata  
keithnakata@earthlink.net

**Comment No. 53-1**

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Museum Building of the Los Angeles County Art Museum, LACMA located in Hancock Park, Los Angeles.

I am writing to you as a long time and nearby resident of the area and I've had the opportunity to attend community meetings on the Draft Report.

The premise of the environmental document was that there was no increase in square footage, in fact a reduction and no anticipated increase in attendance over the long term.

This strikes me either as a missed opportunity to expose more new people to LACMA's permanent collection and theater events, or an attempt to have the appearance of no additional environmental impacts with the proposed Project, despite the projected increase in population and tourism in the County over the next 10 years. I am not sure which is worse for the people of the County and in this County funded facility. The Bing Theater has always been at capacity when I have attended events there in the past and seems to justify being maintained at it's [sic] current size.

**Response to Comment No. 53-1**

This comment regarding the reduction in museum size and theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. As discussed previously, the total gross square footage of the new Museum Building would be approximately 347,500 square feet as compared to the existing buildings that total approximately 393,000 square feet, resulting in a reduction of 45,500 square feet. However, the amount of exhibition space provided in the Museum Building would be similar to the exhibition space provided in the existing buildings on LACMA East.

LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the

administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 53-2**

The proposed Project also does not provide with it's [sic] design and materials, the opportunity for it's [sic] growth at this location into the future.

**Response to Comment No. 53-2**

This comment regarding the growth of the museum into the future does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 53-3**

Many urban museums have successfully overcome the argument for the desire to have all of it's [sic] gallery space on one floor, including LACMA's own BCAM Building.

**Response to Comment No. 53-3**

This comment regarding locating all of the gallery space on one floor does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 53-4**

I would also recommend stronger consideration of Alternative 4, Museum Building North and South of Wilshire Boulevard with No Street Crossing.

This alternative, while weak in details, would address a couple of issues that are problematic with the proposed project.

First is the need for more housing in the County of Los Angeles, specifically affordable housing near transit stations. The Spaulding parking lot property would be an incredible opportunity for the County to develop more housing and more affordable housing near a transit station as well as providing office space for LACMA, which will be removed with the demolition of the existing facility. It does not seem like responsible financial leadership to rent space for the staff functions of the museum when it could be accomplished with

Alternative 4. This Alternative also addresses one of the County's most serious immediate needs and goals for the area.

Also planners are always telling us to prepare for densification and the need for vertical growth in our urban areas. The proposed Project offers neither, while Alternative 4 addresses both.

#### **Response to Comment No. 53-4**

The commenter's support for Alternative 4, as well as affordable housing is noted for the administrative record, and will be forwarded to the decision-makers for review and consideration.

As discussed in Section V, Alternatives, of the Draft EIR, Alternative 4 would not meet the underlying purpose of the Project to replace existing outdated buildings on the LACMA Campus with a new museum building of a similar size with a main exhibition level designed in a horizontal layout within a single level that enhances the presentation of LACMA's permanent collection and programmatic needs for its visitors today and into the future, promotes Los Angeles as one of the art capitals of the world, and enriches the Miracle Mile and the existing LACMA Campus. In addition, due to the reduction of open space and the bifurcation of the museum operations north and south of Wilshire Boulevard, Alternative 4 would result in physical and operational constraints. In particular, the bifurcation of the buildings would be disruptive to the civic, cultural and aesthetic goals of creating a transparent museum building in which there would be no hierarchy of cultures and where the visitor's experience would be free flowing and easily navigable. Furthermore, Alternative 4 would eliminate the Project's significant and unavoidable construction traffic impacts related to intersection level of service, but would result in potentially significant impacts related to shading, residential street segments, and intersection level of service during operation, which were determined to be less than significant under the Project.

**Comment Letter No. 54**

Mattia Nuzzo  
613 1/2 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4096

**Comment No. 54-1**

My overall comment on this project is that it's one of the most exciting new cultural projects in the world, and we are so lucky to have the experience and insight of Michael Govan in leading this project. I truly believe the new museum will revolutionize the way we view and appreciate art from across time periods and continents.

**Response to Comment No. 54-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 54-2**

The only concerns I have possibly relating to the EIR are the plans for the garden/landscaping beneath and around the museum, as well as the new parking structure being erected. As for the landscaping, very little has been mentioned beyond the idea that it be drought tolerant. I'm all for this, but I hope that it will be cooling for the area as well, and hopefully not as rigid in design as the current landscaping by Irwin on the LACMA grounds.

**Response to Comment No. 54-2**

As discussed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, a variety of landscaping opportunities would be provided throughout the Project Site. Vegetation would consist of primarily native planting and drought tolerant plant material, including a variety of shade and ornamental trees, grasses, and chaparral plants throughout the internal and perimeter of the Project Site. Revised Figure II-5 provided in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, illustrates the areas on the Project Site where landscaping would be provided.

**Comment No. 54-3**

The parking structure I just hope that it will receive the same architectural attention that the museum is getting. I hope either a young local firm, or a firm of prominence can be called on to do the designs. Parking structures are such wonderful canvases for interesting

architectural invention and I hope this one won't be driven solely by cost benefits, but have a design that can stand alongside that of the Zumthor.

Thank you, and I can't wait for this museum to be built!

**Response to Comment No. 54-3**

The comment regarding parking structure design does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. In addition, refer to Response to Comment No. 12-17 for further discussion of the Ogden Parking Structure design and compatibility with the surrounding residential uses.

**Comment Letter No. 55**

Tara A. Perry  
902 S. Burnside Ave.  
Los Angeles, CA 90036-4743

**Comment No. 55-1**

See my attached letter in support of the proposed Zumthor LACMA design. Please let me know if you require further local resident input on the topic at hand as I am happy to meet with you to discuss.

Thank you for your time and consideration.

As a resident of Miracle Mile for the past 14 years, I want to express to you my enthusiastic support for the proposed LACMA project.

While the proposed Zumthor designs will easily be the most anticipated project along Museum Row, other nearby institutions such as Academy of Motion Picture Arts & Sciences and the Peterson Museum have moved forward with making their own milestone improvements for modernization which have drawn and will continue to draw many thousands of viewers and patrons to the area and remarkably revitalized decrepit spaces.

I fully support the redesign of the existing outdated buildings, entrances, parking, and gallery spaces of LACMA to coincide, or follow, the opening of the Purple Line's Wilshire/Fairfax Station. With the added addition of metro accessibility to the area, Miracle Mile and Museum Row are situated to be a true landmark destination for national and international visitors traveling to Los Angeles. I strongly support measures to modernize and make more accessible the grounds of LACMA to match what will be a world-class art museum.

I am easily able to envision the forward thinking proposal Zumthor has put forward with the gallery pedestrian bridge spanning over Wilshire Blvd as a unique and architecturally stunning feature drawing LA citizens and tourists alike to Museum row. I look forward to touring and joining in membership the newly redesigned LACMA.

The character of our beloved Miracle Mile is a blend of new and historic urban life. The institutions that live on Wilshire Blvd. must grow and metaphor with the changing needs of this section of Los Angeles.

**Response to Comment No. 55-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 56**

Tim Pollock  
901 S. Sierra Bonita Ave.  
Los Angeles, CA 90036-4701

**Comment No. 56-1**

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 56-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 57**

Cynthia M. Pusheck  
cpush@mac.com

**Comment No. 57-1**

As a LACMA member and a long time LA resident, I support this new change!

Please, keep the fly-over. It's really fantastic.

**Response to Comment No. 57-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 58**

Ann Rubin  
6524 Commodore Sloat Dr.  
Los Angeles, CA 90048-5314

**Comment No. 58-1**

I encourage the powers to consider rejecting LACMA's proposal to span Wilshire Blvd with their new building.

Wilshire Blvd is a grand and historic boulevard. Please leave that history intact, even as Los Angeles modernizes once again and moves to mass transit.

Bi-secting [sic] the boulevard is akin to driving a freeway through a neighborhood.

Why do we need another hovering, hunk of concrete? Another freeway overpass!

Save our vista.

**Response to Comment No. 58-1**

Analysis of the Project's potential impacts on the Wilshire Boulevard Scenic Highway is provided in Section IV.A, Aesthetics, Views, Light/Glare, and Shading of the Draft EIR. As discussed therein, the Project would support the policy related to scenic highways and associated relevant scenic highways design guidelines included in Appendix B of Mobility Plan 2035, specifically, those relevant to the landscaped median and the location within the Miracle Mile. Appendix B, Inventory of Designated Scenic Highways and Guidelines, of Mobility Plan 2035 includes guidelines for scenic highways in the City that address roadway design, earthwork and grading, planting and landscaping, signs and outdoor advertising, and utilities within scenic highways. The design guidelines that address roadway design, earthwork, and grading design would not be applicable to the Project since the Project would not be modifying Wilshire Boulevard and no earthwork along Wilshire Boulevard is proposed. Section II, Corrections and Additions to the Draft EIR, of this Final EIR, adds Table IV.A-2a, which provides the Project's consistency with relevant guidelines for scenic highways and scenic corridors in Appendix B of the City Mobility Plan 2035. The Project would retain the landscaped median along Wilshire Boulevard, which is the primary feature that contributes to the scenic value of this portion of Wilshire Boulevard. This median has undergone many alterations over time with modifications to its landscape scheme. The Project would replace any impacted landscaping within the median with compatible new landscaping, in accordance with the

planting and landscaping design guidelines included in Appendix B of Mobility Plan 2035. In particular, with regard to outstanding specimens of existing street trees and plants located within the landscaped median, Section II, Corrections and Additions to the Draft EIR, of this Final EIR, adds implementation of Project Design Feature A-6 to the Draft EIR. Project Design Feature A-6 requires that any outstanding specimens which must be removed for the Project would be replanted within the median or parkways of the Wilshire Boulevard public right-of-way to the maximum extent feasible. Landscaping would include various materials, including groundcover materials, grasses, and trees, and would be designed to continue the landscaping theme established by Metro and the Miracle Mile community, with species modifications to reflect the overall landscape of the Project Site. In addition, the plant palette would be determined in collaboration with the City and Miracle Mile Civic Coalition to ensure it meets and maintains the identity of the neighborhood while trying to introduce more drought tolerant and native species. Thus, the scenic nature of Wilshire Boulevard, which is a City-designated Scenic Highway, would be maintained and enhanced.

This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 59**

Jay E. Schoenfeldt  
5482 Wilshire Blvd., #1540  
Los Angeles, CA 90036-4218

**Comment No. 59-1**

Please see attached, signed letter stating that I am in favor of the proposed LACMA project as a resident of Miracle Mile.

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 19605 buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks. will be an asset to our community.

**Response to Comment No. 59-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 60**

Houman Sedaghat  
houmansedaghat@gmail.com

**Comment No. 60-1**

As a resident of the Miracle Mile on Wilshire Boulevard, I would like to state that the Los Angeles County Museum of Art has my full support for the construction of the new LACMA Building for the Permanent Collection. I would also like to thank the County Board of Supervisors for their help in this project. The building which I live in is located on the corner of Ogden Street and 8Th [sic] Street and I have no objection to any construction related to this project.

**Response to Comment No. 60-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 61**

Ray Simmons  
821 S. Mansfield Ave.  
Los Angeles CA 90036-4947

**Comment No. 61-1**

As a longtime LACMA member and resident of the Miracle Mile area, I am very excited about the proposed new Zumthor redesign of the Los Angeles County Museum of Art.

Together with the bold new look of the Petersen Museum and the new Motion Picture Academy Museum, this new showcase facility further cements Los Angeles status as a world-class city for both Art and Architecture.

**Response to Comment No. 61-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 62**

Karen Smalley  
1212 S. Orlando Ave.  
Los Angeles, CA 90035-2514

**Comment No. 62-1**

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the proposed LACMA building.

As a Los Angeles resident who has spent twenty years living less than two miles from the museum, I take a keen interest in the project and have twice viewed the DEIR and heard Michael Govan and others speak of the proposal.

On page 1-18, the DEIR states:

Because the proposed Museum Building would replace existing museum facilities that currently perform the same functions, the improvements to LACMA that would be implemented are not anticipated to increase the average amount of programming, hours or the daily or annual attendance levels

So for more than half a billion dollars, there will be no increase in attendance or programming. Instead, there will be a proposed reduction in square footage. (Meanwhile, the existing buildings which the county owns, have been allowed to deteriorate as an excuse for new construction.)

How can this be the best of the 5 proposed projects?

**Response to Comment No. 62-1**

The comment is correct that the improvements are not expected to increase the average amount of programming, hours or the daily or annual attendance levels that have been experienced at LACMA. However, the Project would improve the visitor experience through the design of the new Museum Building, which emphasizes transparency and horizontality to elicit the feeling of openness and approachability from all sides and would allow artwork to be visible from the exterior and the City and its surrounding environment to be visible from the interior. In addition, the new Museum Building would open up more than 2.5 acres of new public outdoor open space on LACMA East and 1 acre of new outdoor open space on Spaulding Lot that would further enhance the visitor experience. The Project could result in a modest increase in attendance in the near term following the



opening of the Museum Building and this increase was evaluated throughout the Draft EIR. Refer to Section V, Alternatives, of the Draft EIR, for a description of the alternatives to the Project that were evaluated in the Draft EIR as well as a comparative analysis of their impacts and consistency with the Project objectives. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. 62-2**

On page 1-13, the DEIR states this project will:

Provide a new museum building for LACMA's permanent collection that is transparent and accessible, with a main exhibition level designed in a horizontal layout within a single level that offers every art culture an equal focus.

At a time when LA is growing rapidly and the need for density is being espoused by developers and city planners alike, why is it necessary to have a museum on one story? (Again, with a reduction in square footage.)

"Democratization" of art can be achieved in multi-story buildings by choosing not to place the art of lesser-known cultures on higher floors, unlike the current LACMA arrangement. MOMA, The Whitney, and The New Museum in NYC all have recent construction featuring multiple floors. This call for "horizontal" is just a buzz-word being thrown about.

Transparency is also mentioned—generally museums expand to be able to exhibit more art. Much of the new design features glass walls, with art that is susceptible to light damage relegated to the interior spaces.

I also question a building that does not allow for future expansion. Where will we be in 30–55 years, the age of the buildings proposed to be demolished?

### **Response to Comment No. 62-2**

The comment regarding democratization and transparency does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 62-3**

I also disagree with reducing the capacity of the theater to 300 seats—less than half. I attend events and screenings at the Bing Theater regularly and find it always to be 3/4 filled or at capacity. There seems to be a fuzzy plan of using the Academy Museum's theater without any actual agreement to do so.

And I question moving all office personnel from the site—requiring more money on an annual basis.

**Response to Comment No. 62-3**

This comment regarding moving office personnel and the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 62-4**

But my greatest objection is to the vacating of the airspace above Wilshire Boulevard. The DEIR states that there will be no significant change in Aesthetics, specifically light/views/glare/shading. How can this be when a large—is it 176 feet?—structure is placed over one of LA's most historic boulevards? What about the shading under the building as traffic heads east and west? And what about glare from light as the sun rises and sets? Non-reflective glass is not a cure-all.

**Response to Comment No. 62-4**

The commenter incorrectly states the Museum Building would reach 176 feet. As discussed in Section II, Project Description, of the Draft EIR, the Museum Building was designed to reach a maximum of 85 feet in height. In addition, subsequent to the release of the Draft EIR, modifications have been made to the Museum Building, as discussed further in Section II, Corrections and Additions to the Draft EIR, of this Final EIR. Due to these modifications, the Museum Building has been reduced from what was originally analyzed in the Draft EIR and would reach a maximum of 60 feet. Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR thoroughly analyzed the impacts of the Museum Building crossing over Wilshire Boulevard. With regard to views, while the new

Museum Building, including the portion of the Museum Building crossing Wilshire Boulevard, would be visible from off-site locations, due to the relatively flat topography and intervening development and landscaping, view changes would typically occur at limited and more focal vantage points, as opposed to along extensive roadway segments or from entire large geographic areas. In addition, the permeability of the ground floor of the Museum Building would allow views through the building to the LACMA Campus and Hancock Park, and to Wilshire Boulevard from areas within the LACMA Campus and Hancock Park. The uniform design of the Museum Building provides a more cohesive visual environment, in contrast to the eclectic mix of architectural styles exhibited by the existing LACMA buildings proposed for demolition. In addition, the portion of the Museum Building that spans Wilshire Boulevard provides a visual connection between the north and south sides of Wilshire Boulevard, further unifying the area.

With regard to lighting, while three street lights currently located in the area where the new Museum Building would span over Wilshire Boulevard would be removed, and would be replaced with lighting included beneath the Museum Building or equivalent street lighting that would provide for adequate pedestrian visibility and safety underneath the Museum Building per the Bureau of Street Lighting Department of Public Works Design Standards and Guidelines (Version: May 2007 or subsequent version). Therefore, lighting on Wilshire Boulevard would be similar to what currently exists. Overall, the Project would not generate artificial light levels that are out of character with the surrounding area, which is densely developed and characterized by a high degree of human activity and ambient light.

With regard to glare, the new Museum Building would be constructed of concrete and glass. Due to the lower height of the proposed structure as compared to the existing buildings on the Project Site as well as the existing buildings in the area, which include a 31-story building at 5900 Wilshire Boulevard, a 16-story building at 6100 Wilshire Boulevard, and a 16-story building at 6200 Wilshire Boulevard, the glare potential would be minimal. In addition, pursuant to Project Design Feature A-4, all exterior glazing used on building facades would be of low reflectivity not exceeding approximately 19 percent exterior visible light reflectance to minimize glare from reflected light.

With regard to shading, the portion of the Museum Building that spans Wilshire Boulevard and is located on the Spaulding Lot would generate new shadows on Wilshire Boulevard. However, when viewed in the context of existing shadows and off-site sensitive uses, these shadows would not be significant.

**Comment No. 62-5**

Page 1-39:

While the Project would alter focal views in the area, including views that involve visual and historical resources, potential historical resources, or presumptive historical resources, it would not adversely affect a scenic vista or obstruct views of visual resources

How can you just brush off the altered views of historical resources, current and future, by saying there is no significant impact?

And there is an elevation change even from one side of Wilshire to the other—the building will be 25' on one side 20' on the other. But it is stated that there will be no significant change to the view on Wilshire.

**Response to Comment No. 62-5**

Section IV.A, Aesthetics, Views, Light/Glare, and Shading, and Section IV.C, Cultural Resources, of the Draft EIR provides a more substantial analysis of altered views of historical resources rather than a “brushed off” analysis as stated in this comment. As discussed therein, the portion of the Museum Building that would extend over Wilshire Boulevard would partially block views of 5850 Wilshire Boulevard, which is a potential historical resource. However, the western façade of this building is a blank wall with no windows, access points, or architectural features. Thus, the Project would not have a significant impact on this building. In addition, the Project would necessitate the removal of three of the Wilshire Boulevard Street Lights, which are part of a collection of street lights that is a potential historical resource. These three street lights are located in the area where the new Museum Building would extend over Wilshire Boulevard, two on the north and one on the south. These three street lights would be removed, stored, and reinstalled at new locations deemed appropriate by the City’s Bureau of Street Lighting. Thus, the Project would not have a significant impact on these street lights. With regard to the elevation change, the elevation change is an existing characteristic of Wilshire Boulevard and not a result of development of the Project. The elevation change does not affect views on Wilshire Boulevard.

**Comment No. 62-6**

Also, I do not believe the issue of security is properly addressed—what is to stop a truck from detonating explosions from under the museum as it spans the road? There is no way to protect or blockade this highly visible target from terrorists.

**Response to Comment No. 62-6**

As discussed in Response to Comment No. 29-1, an analysis of security is provided in Section IV.J, Public Services—Fire protection, of the Draft EIR. As described therein, operational security measures would include oversight of a Security Department and presence of security staff 24-hours per day, 7 days per week. Security staff would continue to attend special events and public programs to provide crowd control, monitor access and assist with the overall management and flow of visitors and event attendees. In addition, LACMA would continue to coordinate with the County of Los Angeles, the Los Angeles Police Department (LAPD), and the LAFD to ensure that all disaster and emergency response requirements are met, including training and annual drills. Furthermore, electronic systems security measures would be implemented to augment physical and operational security measures. Such measures may include security access control and intrusion detection hardware and software, video surveillance systems, radio communication systems, close-circuit-television systems, alarms, and vehicle barrier systems in the form of fencing and landscaping. Additionally, LACMA has coordinated and would continue to collaborate closely with LAPD with regard to potential extreme event incidents, including natural disasters, accidental incidents, and events of a malicious nature, to implement an incident command structure, employee training and annual drills, and design and operational security recommendations based on LAPD guidance.

**Comment No. 62-7**

To conclude, my greatest objection is to the spanning of Wilshire Boulevard, and because of this, I do not believe that Alternative 4 has been looked at as closely as it deserves.

**Response to Comment No. 62-7**

This closing comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 63**

Wansun Song  
wsong2216@gmail.com

**Comment No. 63-1**

I'm writing in enthusiastic support for the expansion of LACMA. The DEIR concludes that there are no significant long term impacts. Yay! We are fortunate to have a first rate museum in our beautiful city. It's hands down the best museum in Los Angeles. It's [sic] offerings are wide ranging, cutting edge, thought provoking and inclusive.

**Response to Comment No. 63-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 64**

Rhonda Steffen  
839 S. Curson Ave.  
Los Angeles, CA 90036-4620

**Comment No. 64-1**

As a resident of Miracle Mile, I want to express my overwhelming [sic] support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 64-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 65**

Alex Stemkovsky  
839 S. Curson Ave.  
Los Angeles, CA 90036-4620

**Comment No. 65-1**

Please see attached letter in support of LACMA.

Thanks very much for your time.

As a resident of Miracle Mile, I want to express my wholehearted support for the new LACMA project.

Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

In spite of the adjacent Metro, the Ogden parking structure means that the number of parking spaces will remain the same, which I believe will be ample for future needs.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 65-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 66**

Charlie Stratton  
cstratton@me.com

**Comment No. 66-1**

I attended a Mid-City West Community meeting last week where representatives from LACMA spoke about the building project that is in the process of being reviewed. I was completely impressed by the overall reimagining of the LACMA property. The concept and design are exceptional. The entire campus is more accessible and inviting instead of the current fortress-like warren of buildings. I love how it reaches across Wilshire Blvd adding additional scale and drama without height. It's a terrific addition to the Peterson and The Academy Museum. This section of Wilshire Blvd promises to be [sic] extremely impressive stretch within the coming years.

Myself and several of my friends take part in LACMA's programming—from the film series to Friday night jazz. LACMA's cultural contributions to the city and county are unparalleled. It's time it had a building that matched.

I fully support the project and encourage Los Angeles County to support it as well. It is well past time that this world-class institution address its future.

**Response to Comment No. 66-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 67**

Armand Tatis  
Debra Haas  
800 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4732

**Comment No. 67-1**

Please see the attached.

As residents of Miracle Mile now for seven years, we want to express our wholehearted support for the new LACMA project.

We embrace change and are looking forward to this new remarkable design. Preserving the obsolete 1960s buildings, at a cost of over \$250m, is clearly an unattractive option, and removing the current ugly entrance is a priority.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and the resulting accessibility and equality among the exhibits will be welcome and refreshing. Spanning Wilshire is a reasonable solution to achieving that horizontal space, and it gives the added benefit of five more acres of landscaping and outdoor art.

Although there will be inevitable disruption from construction, I am confident that the proposed traffic management plan will mitigate its effects.

Above all, I am confident that the good-looking new building, with its glass sides and the resulting interaction between the art inside and the surrounding streets and parks, will be an asset to our community.

**Response to Comment No. 67-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 68**

Henry van Moyland  
808 S. Dunsmuir Ave.  
Los Angeles, CA 90036-4732

**Comment No. 68-1**

As a neighbor, I want to express my wholehearted support for the new LACMA project.

The reasons for the horizontal exhibition space have been well articulated by LACMA's management, and for a cultural institution, I find the the [sic] arguments for equality and accessibility compelling. Elevating the building over Wilshire is a reasonable solution to achieving that horizontal space without crowding the tar pits. From a local perspective, demolishing the ugly and uninviting Art of the Americas facade on Wilshire is a priority.

Further, the new design has a lightness of touch which the dark gray one lacked. I do not see how the views down Wilshire will be seriously interrupted. I very much appreciate the visibility of the galleries from Wilshire, and the visibility of Wilshire from the galleries. I cannot help feeling that the transparency of the sides will encourage local drop ins, and further enhance LACMA as a local meeting point and asset, as will the additional cafe.

The Ogden parking structure means that there is no net loss in parking spaces. In fact my greatest concern is that, with the coming of autonomous vehicles and the subway, that structure may be redundant.

LACMA is our community's greatest single amenity, and this revamp, with its galleries, restaurant, cafes and store, looks set to keep it so.

**Response to Comment No. 68-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 69**

Jennifer L. Warren  
jlwrising@gmail.com

**Comment No. 69-1**

Los Angeles is my home and I am proud of it.

LACMA hold [sic] a warm spot in my soul. I have found comfort from the world there when I really needed it.

I am in full support of the designs as now presented by Mr. Zumthor and hope that they will be implemented. I understand that changes have been made to reflect the community. They look just beautiful.

I look forward to seeing them in person.

**Response to Comment No. 69-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 70**

Valeri Ann Young  
1887 Greenfield Ave., Apt. 109  
Los Angeles, CA 90025-4416

**Comment No. 70-1**

Because LACMA is such an important cultural asset to the City of Los Angeles, I am in support of their new building additions and design by a world class Swiss architect which will bring a particular prominence to the city.

The new open space that will be created in Hancock Park is a welcome addition to the neighborhood as public parks are always in demand and an enhancement to those who live nearby.

I'm excited about the promise of new programs, exhibits, the improved parks, and a futuristic design of the new LACMA.

**Response to Comment No. 70-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 71**

Lori Zimmerman  
750 S. Spaulding Ave., Apt. 130  
Los Angeles, CA 90036-4555

**Comment No. 71-1**

I live adjacent to the Spaulding Lot and attending [sic] the public meeting on November 7th. I am concerned about the construction so close to my home and have some comments about the community programming aspects of the new building.

I assume that the construction period will be noisy and cause some vibrations to close neighbors. I hope that construction will be limited to work hours and the utmost care is taken to prevent any structural problems with our building. I think our HOA should be invited to a meeting to hear more about what measure will be taken. I have lived close to construction before and know there will be vibrations. I think close communication with our HOA will reduce our anxiety and provide an avenue for easy communication. Our HOA Board need [sic] a hot line [sic] in case we see cracks or other problems that may be caused by the construction.

**Response to Comment No. 71-1**

As discussed above in Response to Comment No. 9-2, the Project includes mitigation that will address impacts from noise during construction of the Project. Specifically, the Project would implement Mitigation Measure I-1, which includes installation of temporary sound barriers, or equivalent noise reduction feature, to address the Project's potential to result in significant noise impacts at the off-site sensitive receptor locations from on-site construction activities. However, even with implementation of Mitigation Measure I-1, construction noise impacts associated with on-site noise sources would remain significant and unavoidable. The analysis also concluded that on-and off-site construction vibration impacts with respect to building damage to the residential buildings south of the Spaulding Lot would be less than significant. In accordance with Project Design Feature I-1, nearby residents will receive advanced notification of upcoming construction activities. The Project would also be required to adhere to allowed construction hours. Section 41.40 of the LAMC prohibits construction noise that disturbs persons occupying sleeping quarters in any dwelling, hotel, or apartment or other place of residence between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. and after 6:00 P.M. on Saturday, and at any time on Sunday or City-observed holidays. In addition, as shown in Section II, Corrections and Additions to the Draft EIR, of this Final EIR, Mitigation Measure K-1 has been revised to include a provision to provide an

information sign that will include a community telephone number to call and receive information about the project or to report concerns regarding construction.

**Comment No. 71-2**

I hear that this most recent version of the plans includes a smaller footprint on the Spaulding Lot. I'm in favor of this given my concerns above. I like the fact that there will be community spaces such as a café on this site. I am concerned that in the future LACMA will put an art's [sic] feature on the Spaulding Lot that will draw the constant crowds that City Lights draws. Something a bit quieter as the new LACMA building will be so close to residential property.

**Response to Comment No. 71-2**

Section IV.I, Noise, of the Draft EIR analyzed noise generated from on-site stationary noise sources. As discussed therein, it was conservatively estimated that up to 6,800 people could be within the park area on LACMA East and up to 4,000 people could gather at the southern park area on the Spaulding Lot. These numbers are based on the maximum permitted occupancies allowed per Code. The number of people that would occupy these outdoor areas would be substantially smaller. In particular, the number of persons that would occupy the outdoor areas of the Spaulding would not be anticipated to exceed 500 given the theater would only seat 300 people. Nonetheless, based on these conservative assumptions, it was determined that the estimated noise levels at all off-site locations would not exceed the existing ambient noise levels. Therefore, noise impacts from outdoor areas would be less than significant.

In addition, as discussed in Section II, Project Description, of the Draft EIR, new fencing around the north and west sides of Spaulding Lot would be installed. This fencing would act in a similar manner as the existing fencing currently surrounding LACMA East and LACMA West. As with the existing fencing, the fence on the Spaulding Lot would serve to secure the site during the same hours as Hancock Park is closed to the public (10 P.M. to 6 A.M.). This would prevent foot traffic from accessing the Project Site at all hours of the night. The Urban Light installation is not fenced and does currently face a problem with foot traffic late in the evening. The comment regarding preference in the type of outdoor art on Spaulding Lot is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 71-3**

On the other hand, I was disappointed to learn that the theater will be smaller than the present theater. I know this contradicts my approval of the small footprint. I think we need more mid-size theater spaces in Los Angeles and the larger space works well for free

programming. I really enjoy the Sunday concerts and I also enjoy the fact that I don't have to worry about getting a seat. I also attend free programming at Central Library and unless I register the same day that the programs are announced there is no way to get a reservation ticket. Free programming should be truly accessible to all members of the community.

**Response to Comment No. 71-3**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 71-4**

I also enjoy the Friday evening jazz concerts in the summer and hope that those community offerings will continue during construction. I think it would be sad if the programs were discontinued for five years and then have to find a new audience once the construction is complete.

Thanks for providing as easy avenue for comments.

**Response to Comment No. 71-4**

This comment regarding community programs does not raise any environmental issues addressed under CEQA. In addition, the intention is to keep the Smidt Welcome Plaza (formerly the BP Grand Entrance) open and the outdoor programs mentioned in the comment running during construction. With the Academy Museum opening prior to construction of the Museum Building, it is LACMA's intent to continue to maintain LACMA West as active as possible. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 72**

Alex Israel  
5030 W. Pico Blvd.  
Los Angeles, CA 90019-4128

**Comment No. 72-1**

I strongly support the project 😊!

**Response to Comment No. 72-1**

This comment of support is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 73**

James Jacquet  
505 N. Croft Ave., #5  
Los Angeles, CA 90048

**Comment No. 73-1**

1. Auditorium space for film club is being reduced. Could have negative impact for Film Independent and interest of filmmakers [sic] with allow their films to be screened at LACMA [sic]

**Response to Comment No. 73-1**

This comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 73-2**

2. Will new color match BCAM & Resnick or only complement?

**Response to Comment No. 73-2**

This comment regarding the color of the Museum Building does not raise any environmental issues addressed under CEQA. The Museum Building is intended to compliment the colors of the Resnick Pavilion, Broad Contemporary Art Museum at LACMA, and the historic May Company Building façade (now the Academy Museum). As discussed in Section IV.H, Land Use, of the Draft EIR, the warm, earthy color scheme of the Museum Building would create cohesion with the existing buildings within the LACMA Campus and the surrounding Miracle Mile, which generally exhibits a similar color palette. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 73-3**

3. Will the exhibition space increase so that unseen work in permanent collection will be viewable or available to be seen instead of in storage? New museum should increase [illegible] exhibition space [sic]

**Response to Comment No. 73-3**

This comment regarding the exhibition space does not raise any environmental issues addressed under CEQA. In addition, the new building will provide equal exhibition space to the existing buildings and provide much more park space in which to show LACMA's collection of outdoor sculpture which is currently confined to the edges of the site or resides in storage.

**Comment No. 73-4**

4. Will there be any community serving space so that organizations like Kaiser Permanente could sponsor LACMA?

**Response to Comment No. 73-4**

This comment regarding community serving space does not raise any environmental issues addressed under CEQA. In addition, LACMA would continue to provide public programming to serve the community. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 74**

Jeannie Kwon  
750 S. Spaulding Ave., Apt. 216  
Los Angeles, CA 90036-4560

**Comment No. 74-1**

Im [sic] very dissapointed [sic] in this new unecessary [sic] project. I live here for the main reason for peace & quiet and now I have to hear constant construction noise for 4 years!!! Im [sic] soon attending nursing school, Im [sic] very upset. My room faces the parking lot on Wilshire. This is very selfish.

**Response to Comment No. 74-1**

This comment does not raise any environmental issues addressed under CEQA. Nonetheless, this comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 75**

Tae Y. Kwon  
750 S. Spaulding Ave., Apt. 216  
Los Angeles, CA 90036-4560

**Comment No. 75-1**

Could a disruption in the underground water table cause flooding in our garage?

Could a disruption in underground tar and methane result in dangerous seepage into the garage of 100-level units?

**Response to Comment No. 75-1**

Construction dewatering may draw the groundwater table down, which would actually reduce the potential flooding in the underground space. Since the groundwater table will return to its current conditions, the long-term impact is considered remote. In addition, as discussed in Section IV.G, Hydrology, Water Quality, and Groundwater, of the Draft EIR, impacts to groundwater hydrology and groundwater quality were found to be less than significant. With regard to hazards related to tar and methane, The Methane Report, included in Appendix F, of the Draft EIR, analyzed impacts from potential methane and hydrogen sulfide gas seepage. Based on recommendations provided in the Methane Report, Project Design Features F-1, F-3, and F-4 would be implemented by the Project. These project design features are discussed in further detail in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. With implementation of the project design features above and compliance with relevant regulations, standards, and requirements, including stringent requirements related to methane mitigation design, impacts from potential methane and hydrogen sulfide gas seepage would be less than significant during construction and operation of the Project.

**Comment No. 75-2**

Could construction vibration possibly [sic] damage the building's foundation or cause cracks in the walls, flooring or pool?

**Response to Comment No. 75-2**

As analyzed in Section IV.I, Noise, of the Draft EIR, Project-related construction vibration levels were analyzed for the Wilshire Galleria condominium (located at 750 South Spaulding Avenue) and presented in Table IV.I-15 (see p. IV.I-34 of the Draft EIR). As presented in Table IV.I-15, the estimated vibration levels due to Project construction

activities at the Wilshire Galleria condominium would be up to 0.089 inch/second (PPV), which would be well below the 0.3 inch/second (PPV) significance threshold with respect to potential building damage. Therefore, the Project's construction activities would not be expected to result in building damage at the 750 South Spaulding building.

**Comment No. 75-3**

What will be done to insure the block won't be overrun with foot traffic at all hours of the day and night as is the case with LACMA's Urban Light installation?

**Response to Comment No. 75-3**

This comment regarding foot traffic on the Project Site does not raise any environmental issues addressed under CEQA. However, as discussed in Section II, Project Description, of the Draft EIR, new fencing around the north and west sides of Spaulding Lot would be installed. This fencing would act in a similar manner as the existing fencing currently surrounding LACMA East and LACMA West. As with the existing fencing, the fence on the Spaulding Lot would serve to secure the site during the same hours as Hancock Park is closed to the public (10 P.M. to 6 A.M.). This would prevent foot traffic from accessing the Project Site at all hours of the night. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 76**

Linda Sallas  
lindasallas@gmail.com

**Comment No. 76-1**

Is it possible to build more underground parking?

Would you reconsider increasing size of theatre?

I don't know if either of these are directed at the EIR or should be asked of LACMA.

Thank you.

**Response to Comment No. 76-1**

With regard to the comment on parking, this issue was analyzed extensively in Section IV.K, Traffic, Access, and Parking, of the Draft EIR. The analysis evaluated an increase in visitorship attributable to the novelty of the new Museum Building as well as the relocation of employees that would be permanently moved off-site once construction of the Project commences. Additional transit reductions were applied to the peak parking demand of the Project to account for the anticipated increase in the number of visitors arriving by transit once the Wilshire/Fairfax Station is open. Based on the Parking Memorandum prepared by Gibson Transportation Consulting, Inc., which was provided in Appendix M of the Draft EIR, the weekday and weekend peak parking demand of existing LACMA operations, as well as the anticipated peak parking demand of LACMA operations with the Project could be accommodated within the available parking supply of the Pritzker Parking Garage and the Ogden Parking Structure. Therefore, with the implementation of a Parking and Traffic Management Plan, as required under Project Design Feature K-1, sufficient parking would be provided to meet the future parking demand of the LACMA Campus, including the Academy Museum. Based on the above, LACMA would not need to provide any additional parking to what will be provided within the Ogden Parking Structure, which will replace the parking covenants for the existing spaces on the Spaulding Lot.

The second part of the comment regarding the reduction in theater seats does not raise any specific environmental impacts that were not addressed in the Draft EIR. LACMA's decision to reduce the number of theater seats in the proposed Museum Building is consistent with years of operating venues, including the Bing Theater and Dorothy Brown Auditorium. It was found that 300 seats is the optimal number of seats for the full complement of the programming provided at LACMA. Furthermore, the nearby Academy

Museum will introduce a 1,000-seat theater. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.