



April 17, 2008

Ms. Diana Kitching
City of Los Angeles Department of City Planning
Environmental Review Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012

**RE: Museum of Tolerance Project, ENV-2007-2476-EIR
Comments on Initial Study for EIR**

Dear Ms. Kitching:

We do not oppose the Museum of Tolerance, but we do oppose, very strongly, its plans to “reposition” itself as a cultural center. In fact, it is because we support the *mission* of the Museum of Tolerance, that we are so strongly opposed to its current expansion plans.

I have worked very closely with our attorneys at Chatten-Brown & Carstens during the past month, assisting them in drafting their very comprehensive letter addressing the severe environmental impacts of this project. Since they have done such an excellent job of presenting our concerns, I will not repeat what they have written. I have also worked very hard, since October 2007, compiling the information that is contained in the enclosed loose-leaf binder (the “Binder”), which I hereby request be incorporated into the administrative record for this matter. I urge you to read the contents of the Binder very carefully, and I would like to reserve the right to send you updates to some of the information contained therein.

With so much information already having been provided to you, I would like to take this opportunity to present a more personal perspective of this battle and of this wonderful neighborhood, and to mention a few somewhat random thoughts that I have not had occasion to express elsewhere.

As a first-time homebuyer and young corporate attorney in 1986, I was intensely involved in the year-long negotiations leading up to the Conditional Use Permit granted to the Simon Wiesenthal Center (“SWC”) in 1986 (City Plan Case No. 86-015 CU) (the “1986 CUP”). I actually kept several boxes of my files from that period, never thinking that I would ever have to re-open them and relive the grueling horror of those days. As the contemporaneous newspaper articles (see attached) clearly document, ***“The decision to allow [the Museum to have] a fourth story came as part of an earlier trade-off in which the Wiesenthal Center agreed to install a 100-foot-wide garden to separate the building from private homes on the south,”*** quoting our then Councilman, Zev Yaroslavsky, who added: ***“Everybody has had input into it***

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and, on the whole, it's about the best arrangement we could get respecting both parties' interests."

Nothing has changed since 1986 (many of the neighborhood's residents still live in the same homes they occupied in 1986) -- except that the SWC's leaders now want to renege on the deal that they made back then, making the patently absurd and extremely offensive claim (or, if I may be so bold, the outright lie) that there never was a deal or agreement to dedicate the Memorial Garden space as a landscaped buffer in exchange for being allowed to exceed the 45 foot height limit and build a 4th story. The fact that it is a world-famous Jewish institution that is behind such unethical behavior (which, I've been told, violates the teachings of the Torah) is offensive and embarrassing to me personally, since I am also a Jew. I am outraged by such behavior, and that is the main reason why I am fighting this very same battle, all over again. Actually, what the SWC is currently proposing is even *worse* that what they tried to do, and were prevented (by then-Councilman Yaroslavsky) from doing, in 1986.

I am also fighting to protect my neighbors, many of whom stood by my side when we fought to protect our neighborhood in 1986, but who are now too old and too ill to go through it again. The elderly are easy prey, and the SWC is the proverbial wolf in sheep's clothing.

I am especially touched by the plight of my neighbors, [REDACTED], who live [REDACTED] within 200 feet of the Museum property. They are both 83 years old and both survivors of Nazi concentration camps; [REDACTED] was captured and taken to Auschwitz when she was 19, [REDACTED] was imprisoned at Mauthausen-Gusen when he was 20. They both lost both of their parents and most of their sisters and brothers, in the camps. [REDACTED] showed me the number tattooed on her forearm, and I could not bear to look at it. She told me that it is "painful" to her to hear what the Museum is planning -- to remove the memorial to Holocaust victims, and replace it with a party venue. She has had several heart attacks in recent years, and must take her phone off the hook so that she can take her daily afternoon nap. Can you imagine what the horrendous noise and filth of *two years* of this massive construction project will do to her? She told me that she and her husband of 64 years just want to live out their lives in their home (where they have lived for 46 years) in peace and quiet -- such a simple request, and something they certainly deserve after what they have endured in their lives. I think it is a supreme irony that this beautiful couple, who survived the brutality and horrors of two of the worst concentration camps in Nazi Germany, will be tortured in their final years by the brutality and horrors to be inflicted by the Museum of Tolerance.

And the [REDACTED] are not alone. [REDACTED], the owner of the home immediately adjacent to the Yeshiva University Boys High School of Los Angeles ("YULA") is also 83 years old and is the widow of a Holocaust survivor, and she has been confined to a wheelchair for several years and now has round-the-clock nursing care. The [REDACTED] family, owners of the home immediately behind the Museum, at [REDACTED], are Orthodox Jews who fled terrible persecution in Iran. The parents are elderly and ill, both with heart problems, and they are terrified of what will happen to them and to their home if the Museum is allowed to proceed with its plans. It is again a supreme irony that they fled from threats and persecution in Iran, to find refuge in a home next to the Museum of Tolerance -- to them a symbol of religious freedom and everything good about America -- only to now feel threatened and persecuted by that very same institution.

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As I've tried to illustrate in Section 9 of the Binder, there is something truly special about this neighborhood, and we're fighting to preserve that character. That is also what the West Los Angeles Community Plan is all about, i.e., preserving the special character of residential neighborhoods in West Los Angeles. The neighbors here all know one another and look after one another. When my next door neighbor, Goldie Zager, passed away two years ago, at least half of the people on my street attended the funeral. The children of the now elderly residents all grew up and played together, and the same thing is happening with the new generation that is moving into the neighborhood. We want to preserve that. The Museum expansion will prevent that. It is interjecting a commercial purpose and establishment, which is bound to bring unwanted noise and traffic in abundance, into a quiet, peaceful neighborhood.

A few further, somewhat random thoughts that I would like to get into the record:

1. The SWC is not being realistic about the traffic snarl that will be greatly exacerbated by having evening events at the Museum. Such events will probably start around 7 PM, when traffic is still extremely heavy eastbound on Pico Blvd., in front of the Museum. I timed the process of the mandatory vehicle search conducted by security guards at the entrance to the Museum's underground garage. It took a full two minutes to clear the first car I saw drive up; that car had a bicycle rack on the trunk, and the owner had to exit the vehicle to show the guard how to open the trunk. It took about a minute for the guard to question the driver and search the trunk of the next car in line. The SWC's representatives, when asked how they would speed up the process, said that they would have two guards stationed at the garage entrance - - but there were two guards there when I observed the slow process described above. At an average rate of 1-1/2 minutes per car, with only 50 cars arriving for an event starting at 7:00 p.m., it would take well over an hour for those cars to enter the garage! This would result in a queue extending at least two city blocks, and at a time when there would be (assuming the Mayor's Olympic/Pico traffic initiative is implemented) no stopping/no parking on Pico Blvd. Moreover, to take less than a full minute to search vehicles would severely compromise the security of what is probably one of the most significant terrorist targets in the City of Los Angeles!
2. We do not believe that the idea of having parties at what is fundamentally a Holocaust museum will be accepted in the Jewish community. Everyone with whom we have discussed this is aghast at the insensitivity and lack of taste and judgment evidenced by these plans. We want to see the market research that validates and justifies the expenditure of so much money, for such an insane purpose. We also want to know how the expansion is being funded, to ensure that government grant money is not being used for what is essentially a religious institution (it is not a "cultural center" but a center with a Kosher kitchen, to be rented out for parties to be hosted primarily by Orthodox Jews) and a commercial, for-profit venture. This would not be the first time the SWC has been involved in such a controversy; the Armenian community is still outraged that the SWC accepted \$5 million from the State of California during the Dukemejian administration, with the understanding that the Museum would include exhibits relating to the Armenian genocide, but today there is nothing in the entire Museum relating to that subject.
3. This is a David vs. Goliath battle and is grossly unfair. The SWC has the financial resources to hire the top lawyers (including a former president of the City Planning Commission

who is also a registered lobbyist), political lobbyists (the SWC has Councilman Weiss "in its pocket"; his conduct in this matter has been absolutely egregious), and "strategic communications" consultants / public relations firm, Marathon Communications. We, on the other hand, have to go door-to-door, pleading with elderly homeowners living on fixed incomes, and the much younger, new residents (who are burdened with school tuitions and high mortgages), and during a period of economic recession, to part with their savings to help pay for a lawyer, to fight to preserve what should be their fundamental rights as homeowners. It's disgusting.

4. The relationship between YOLA, YULA, the SWC and the MOT must be thoroughly explored and explained. The so-called "divorce" between YOLA and the SWC, and the relationship between YOLA and YULA, appear to be little more than an attempt to avoid having the cumulative impacts of the near simultaneous expansions of YOLA/YULA and the SWC/MOT be considered in a single EIR. The impacts of these multiple organizations and their activities must be considered together. Our lawyers have done an excellent job raising the issues. These issues must be addressed in the EIR.

5. While we acknowledge that other museums in Los Angeles and elsewhere have evolved into "cultural centers" to help defray rising costs, no other such museum is a Holocaust museum and/or charged with the very serious purpose of teaching about man's inhumanity and the lessons of tolerance, and no other museum is located on land zoned R1-1 and immediately adjacent to a residential neighborhood of single-family homes. Moreover, NO other museum has hours of operation lasting until midnight, six nights a week. At best, other L.A. museums may have evening hours, until 8 or 9 p.m., and only one night a week.

6. The SWC/MOT should be subject to the doctrine of "caveat emptor" ("buyer beware"). The SWC purchased land in 1986 that it knew included three R1-1 parcels, which would be subject to a number of very limiting restrictions on height and use, and which were immediately adjacent to a residential neighborhood of single-family homes, most of which had been built in the mid-1940's, and many of which were (and remain) occupied by the original owners. At that time, the SWC had any number of available properties that would have been far more suitable, from which to choose and on which to build. In fact, many would say that putting a Holocaust museum in such a heavily Jewish neighborhood is like "bringing coals to Newcastle." Jews already know about the Holocaust; most Jews in the U.S. have been directly or indirectly affected by the Holocaust, in one way or another. The MOT would have made much *more* of an impact in a different area of Los Angeles, with a smaller Jewish population, where there would have been much more of a need to learn about the Holocaust and to be taught the SWC's much lauded "tools for tolerance."

Unfortunately, the SWC chose, over the very loud protests of the community at the time, to build its museum on Pico Blvd., and it should be required to live with the consequences, and with all the restrictions that came with the property which they knowingly purchased. Now the Museum claims that it is "so successful" that it is "bursting at the seams" and needs room to grow. The data simply does not support those claims (see information regarding the MOT's *declining* revenues in section 4 of the Binder). In fact, we believe that the SWC is more concerned about the impact the *new* Los Angeles Museum of the Holocaust (www.lamoth.org), which is scheduled to be completed in 2010 ("coincidentally" around the time that the SWC's

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"cultural center" would open), will have on its revenues, than it is about expanding the museum and its educational programs. And, if the Museum is "bursting," why are only 435 sq. ft. of the 13,500 sq. ft. addition expressly earmarked for "exhibit space"? We hope that the Dept. of City Planning will see through these transparent and ridiculous claims. ***Despite what the SWC says, the new facility has been planned and designed as a banquet center.*** The SWC's architect did not even have to hesitate before answering "500 people" when I asked him how many people the interior of the new structure would be able to accommodate for a sit-down dinner. This is no "museum." And it has no right to change the rules and destroy a quiet, peaceful residential neighborhood.

7. Lastly, the Conditional Use Permit process simply doesn't work, at least when the party that is subject to the conditions views itself as being above the law, does not comply with the conditions and, in fact, flagrantly and repeatedly violates them and has a proven, callous disregard for its neighbors. It is outrageous for the City to even *consider* granting the SWC any relief from the current conditions (especially when the scope of the requested relief is so extraordinary), unless and until the SWC proves, over a period of years, that it can and will abide by the current conditions. The City should have enforced the 1986 CUP and fined the SWC for its violations - - and perhaps even shut down the Museum for non-compliance. It should certainly not be rewarding such conduct by granting all the variances and modifications requested by the applicant. No new conditions or modifications to the current conditions should be agreed to unless there is a failsafe, guaranteed method for ensuring that the conditions can and will be enforced and enforceable.

We have only begun to fight. And if the Museum gets away with even a fraction of what it wants to do, we will continue to fight - - even if means setting up picket lines at the Museum entrance, greeting party-goers with signs that read "Shame on You."

What the Simon Wiesenthal Center wants to do is just plain wrong. It is greedy. It is tasteless and disgusting. It will make the final years of an elderly population a living hell. It will make the future years of the younger generation that is moving into the neighborhood a period of frustration, anger and fear for their and their children's safety and security.

Please do not let this happen. Please reject this project outright. The City has the ability, and the responsibility, to do so.

Sincerely,

Susan Gans
Co-Chairperson, H.O.M.E.

Attachments:
Binder entitled "Stop the Museum of Tolerance Expansion"
Misc. L.A. Times articles

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cc: Jan Chatten-Brown, Esq.
Arthur Pugsley, Esq.
Mayor Antonio Villaraigosa
Stephen Cheung
Gail Goldberg
Jane Ellison Usher
Councilman Jack Weiss