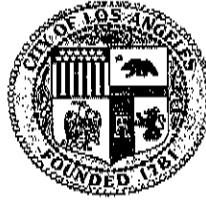


## South Robertson Neighborhoods Council SORO NC

SORO Neighborhoods Council  
P.O. Box 35836  
LOS ANGELES, CA 90035  
Telephone: 310-295-9920  
Fax: 310-295-9906  
www.soronc.org



**Victoria L. Karan**  
President  
**Jon Liberman**  
Vice President  
**Ann Hammond**  
Secretary  
**Terrence Gomes**  
Treasurer

### A Certified Neighborhood Council

April 15, 2008

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

**Re: EAF NO: ENV-2007-2476-EIR  
Museum of Tolerance Project**

Dear Ms. Kitching:

The South Robertson Neighborhoods Council opposes the proposed expansion of the Museum of Tolerance (sometimes referred to herein as the "Museum") in its current configuration. We urge that the City exercise its authority to reject the project identified in the Notice of Preparation dated March 20, 2008 (the "Project") at this time. However, if the Project is allowed to proceed, the Environmental Impact Report ("EIR") should thoroughly address all of the items listed below.

The South Robertson Neighborhoods Council represents over 35,000 stakeholders living and working on both sides of Robertson Boulevard to parts of La Cienega Boulevard, south to Venice Boulevard and north to Pico Boulevard and, further east, to parts of Olympic Boulevard and Gregory Way. The Museum of Tolerance is located at the northwest corner of the South Robertson Neighborhoods territory.

The South Robertson Neighborhoods Council Board first wishes to emphasize that it supports the Museum of Tolerance and its stated mission of educating about the Holocaust and teaching tolerance. It is not opposed to the Museum or to its educational activities. However, the Project raises extremely serious concerns about appropriate land use within the South Robertson Neighborhoods Council territory and within the City of Los Angeles, and this is the focus of our comments and of our opposition to the inappropriate expansion currently proposed.

We recognize that this is only the comment period for the Notice of Preparation regarding the Initial Study prepared in connection with the Project. However, the consequences of the Project's deviations from the West Los Angeles Community Plan (the "Community Plan"), and the multiple variances requested from the Los Angeles Municipal Code ("LAMC"), including the Transitional Height Ordinance, are such that they cannot be adequately mitigated by any possible means. We further note that the City has the authority to deny the Project outright at any time, including prior to the preparation of the EIR. Such a Project denial would preclude the need for a resource-intensive review. We do not need to see the full EIR. We have seen

enough. We think that the current proposal should be removed from consideration and that the Museum should go "back to the drawing board" and develop a modest, museum-related expansion that respects its surroundings, if indeed it still desires to expand following denial of the current proposal.

Notwithstanding our request for rejection of the Project, we will proceed to comment on several items which should be addressed in the EIR if this review is allowed to proceed.

The Project violates several important provisions of the Community Plan, especially those relating to preserving residential neighborhoods and providing appropriate transitions from commercial to residential zones. Other Community Plan provisions violated include those relating to a building height limit of 45 feet, open space preservation, and traffic through residential neighborhoods. In addition, the Project would require significant variances from important sections of the LAMC, specifically those relating to parking, noise, height limits (including the Transitional Height Ordinance), and land use in general. These Code provisions exist to protect citizens, their homes, and their neighborhoods from inappropriate overdevelopment. Finally, a request for consideration of the Project as a "public benefit project" under Section 14.00 of the LAMC represents a misapplication of this Code section, since the definition of a "public benefit project" does not include a "cultural center" or banquet facility, and there is little or no public benefit to building yet another banquet facility, when there are sufficient such facilities within an easy drive (actually, within a short walk) of the Museum. In this regard, we note that the Museum's proposal identifies only 465 square feet of the 13,500 sq. ft. expansion as being actual exhibition space for *bona fide* museum purposes.

Major areas of concern include: the massive size of the Project; the fact that it would be built on land currently zoned R1-1 which is requested to be re-zoned to C4-2-0; the request not only to re-zone this land to C4-2-0, Neighborhood Commercial, but also to operate a commercial banquet facility rather than engage in "Low Density" activities; the request for a variance from the Transitional Height Ordinance, so as to allow construction of a 60 foot high commercial building immediately adjacent to a single-family residence; the excessive proposed hours of operation, far exceeding those of any other museum in Los Angeles; the inadequate amount of parking for the Project; and, perhaps most importantly, the re-purposing of the Museum from a museum to a "cultural center," in truth a function hall and/or banquet and/or catering facility available for public rental, which is an inappropriate activity for a structure situated on land currently zoned R1, surrounded by single family homes on land also zoned R1. These concerns are further detailed below:

1. The Project would have a height of 60 feet (assuming that the roof top garden is enclosed) or 48 feet (if the roof top garden remains open to the sky). In either case, the building would dominate the sky of the adjoining and neighboring homes, the nearest of which would be only 20 feet away from the proposed structure. The maximum height set forth in the Community Plan for a "Neighborhood District" is 45 feet (see page V-2 of the Community Plan, the stated purpose being "to ensure that a project is designed in harmony with the surrounding neighborhood and creates a stable environment with a pleasant and desirable character"), and the current maximum height for the R1-1 property where the Museum seeks to expand is only 33 feet. In addition, the total area of the proposed structure, including the 7,800 sq. ft. of "airspace" proposed to be annexed from the adjacent Yeshiva of Los Angeles, is over 102,000 square feet, and is much too large

- for the site. The excessive height and square footage of the Project should be addressed in the EIR.
2. The land on which the expansion would be built currently contains three lots (1414, 1420, and 1424 South Roxbury) zoned R1-1. It is essential to maintain residential land for residential use, as set forth in the policies, goals, and objectives of the Community Plan. These lots should be maintained with the current R1-1 zoning designation. Any zoning change should be justified in the EIR.
  3. The request for the residential lots to be zoned C4-2-0, and re-designated from "Low Density" to "Neighborhood Commercial," is inappropriate. Furthermore, the proposed museum and banquet facility uses would appear not to be "Neighborhood Commercial" uses within the intent and meaning of the LAMC. The proposed change, and why it merits a "Neighborhood Commercial" designation, should be justified in the EIR.
  4. The Transitional Height Ordinance exists to protect residential neighborhoods and single family homes from being dominated by inappropriately large commercial structures built immediately next to them. There is no justification for abrogating this important neighborhood protection. A structure towering 60 feet high, situated on land zoned C4 is entirely too high for this neighborhood. The LAMC specifies that such a structure should be only 25 feet high for the first 49 feet from the R1 property, and then 33 feet high for land 50 to 99 feet from the R1 property. Again, the proposed height violates the height limit specified in Section 12.21.1 of the LAMC and in Section V of the Community Plan. The justification for having such a high structure immediately adjacent to a single family residence should be explained in the EIR.
  5. The proposed hours of operation, from 7 a.m. until midnight, 17 hours per day for six days a week, are entirely too long. No other museum or any other activities in Los Angeles (excluding hospitals, hotels, police and fire stations, and a few restaurants, coffee houses, and 24-hour gyms) have such prolonged hours of operation. These hours of operation are entirely inappropriate right next to single family homes in an entirely residential neighborhood. The EIR should differentiate between hours of operation for the Museum itself, and for the proposed banquet hall and catering facility, and should include a justification for such excessive hours of operation.
  6. The Project would be built on the existing Memorial Garden, which is specifically designated in the Museum's 1986 Conditional Use Permit to serve as a buffer zone between the Museum and its residential neighbors. To replace the existing garden, the Museum proposes to build a rooftop garden atop the cultural center. This garden could inject a major new source of noise into the surrounding neighborhood. To protect its neighbors from noise, the current limits on outdoor garden use (*i.e.*, a maximum of 4 events per year, to be held during daylight hours only, no sound amplification, and no food or beverage service - - with the garden being reserved as a site for quiet contemplation at all other times) should be maintained on the proposed rooftop garden if it is built. Noise control should be addressed in the EIR.
  7. The Museum's current on-site parking does not meet the requirements of LAMC 12.24. This variance from LAMC requirements was granted in 1986 because most of the Museum's visitors are school children and others who arrive by bus. The on-site parking,

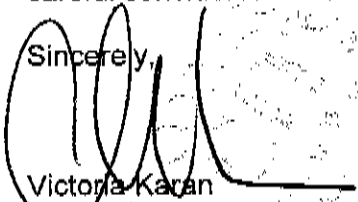
which is approximately 200 spaces, cannot be expanded. There certainly is inadequate on-site parking to accommodate 500 visitors for a sit-down dinner in the cultural center, 300 in the existing theater/auditorium, and another 500 in the proposed rooftop garden. Parking requirements must be addressed in the EIR.

8. The museum's current operations already create significant traffic impacts for the surrounding neighborhood. Any expansion of the museum will necessarily cause an increase in museum related traffic and increase these significant impacts. Compounding these problems, the OLYMPIC West PICO East transit proposal may exacerbate the Museum's traffic impacts. We therefore request that the EIR should not only analyze the traffic impacts of the proposed Museum expansion, but it should also take into account the effect of the proposed Museum expansion in conjunction with the effect of the OLYMPIC West PICO East transit proposal.
9. SORO NC would be less opposed to the proposed Museum expansion if it were truly for *bona fide* museum purposes. But only 435 square feet of the proposed expansion is for museum exhibit space. The overwhelming majority of the proposed expansion is for cafe and kitchen space, "waiting and preparation" space, "multi-purpose" space, and conference space. The main purpose of the proposed expansion, which the Museum appears to be concealing, is for a commercial banquet and catering facility available for rental to the public. These are inappropriate activities for R1-1 land, immediately adjacent to single family homes, and especially with the proposed prolonged hours of operation. The exact nature of the activities planned to take place in the proposed "Cultural Resource Center" must be accurately described, in detail, in the EIR.
10. The cumulative impacts of the proposed Museum expansion and the proposed (almost simultaneous) expansion of the Yeshiva University Boys High School on the adjoining property (at 9760 W. Pico Blvd.) (with both the Museum and Yeshiva properties being owned by entities which appear to have several officers [including the CEO] and trustees in common) must be considered together, as a whole. No land use or zoning decision should be made by the Planning Department without a full understanding of these cumulative impacts. The current Initial Study should not be considered until it is paired with an EIR Initial Study for the adjoining Yeshiva, and both projects should be considered jointly in a single EIR.

We understand that some have suggested that the City might impose new and/or modified conditions in a Conditional Use Permit ("CUP"), in order to allow the Museum to expand while purportedly protecting its residential neighbors. However, the imposition of conditions in a CUP will not provide adequate protection for the Museum's neighbors, as has already been proven. Ever since it opened in 1993, the Museum of Tolerance and its parent organization, the Simon Wiesenthal Center, have been in willful and flagrant violation of several key conditions imposed by the Museum's 1986 Conditional Use Permit (CPC-86-015-CU), specifically those relating to food service, outdoor activities, and hours of operation. Since the City has not enforced the provisions of the Museum's current CUP, the Museum's neighbors cannot rely on the ability of any additional or modified conditions of a new CUP to protect them from the Museum's existing or any new activities.

In conclusion, for all these reasons, we urge you to reject the Project at this time, before preparation and consideration of the full EIR. If the Project is allowed to proceed, the EIR should carefully and thoroughly study all of the issues noted above. Also as noted above, if any expansion is allowed, the Project applicant should be required to follow all current zoning requirements and height and size restrictions, without any variances being granted. Potential impacts of any contemplated expansion must be carefully and thoroughly studied, especially those related to noise, land use planning, traffic and parking. Museum operations should be limited to normal museum hours, not the excessive 17 hours a day requested for the banquet facility. And Museum uses should be limited to bona fide museum exhibit purposes. A commercial banquet and catering facility, available for rental to the general public, is entirely inappropriate on land zoned for single family homes, immediately adjacent to single family homes.

The South Robertson Neighborhoods Council respectfully requests your close attention to and careful consideration of this matter.

Sincerely,  


Victoria Karan  
 President  
 South Robertson Neighborhoods Council

- cc: Jane Ellison Usher, President, City Planning Commission  
 Gail Goldberg, Director of Planning  
 Councilmember Ed Reyes  
 Councilmember Jose Huizar  
 Councilmember Jack Weiss  
 Sarah Rigamat, Dept. of City Planning  
 SORO NC Board