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June 23, 2015

VIA EMAIL

The Honorable Planning and Land Use Management
Committee of the Los Angeles City Council
Room 395 City Hall
200 N. Spring Street
Los Angeles, California 90012

Attn: Sharon Gin, Sharon.gin@lacity.org

Re: Academy Museum of Motion Pictures, Council File No. 15-0721
Case No. CPC-2014-3119-ZC-SN-CDO-MCUP-ZV-ZAI-SPR

Dear Honorable PLUM Committee:

We represent the Academy of Motion Picture Arts and Sciences, the Applicant for the proposed Academy Museum of Motion Pictures (the “Museum Project”). We are writing in response to Fix The City’s June 22, 2015 email comment. That email alleges that the Museum Project – Project Description is “unstable” and “shifting” due to the reference of all possible site addresses for the May Company Building (Parcel D). Fix The City’s comment defies common sense. The Project Site is and always has been at the May Company Wilshire Building and a portion of the LACMA Campus. The Project Description is about the project itself. Simply adding additional address numbers for the same site does not impact anyone’s understanding of the Project or its potential impacts.

Courts have held that it is a high bar for a project description to be deemed inadequate for impact analysis. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 (project description found unstable and mislead due to directly contradictory information regarding mine production – no increase in production versus substantial increase in mine production).) And the project site address is not a mandatory project description item: “With respect to an EIR’s project description, only four items are mandatory: (1) a detailed map with the precise location and boundaries of the proposed project, (2) a statement of project objectives, (3) a general description of the project’s technical, economic, and environmental characteristics, and (4) a statement briefly describing the intended uses of the EIR and listing the agencies involved with and the approvals required for implementation. [Citation.]” *California*

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Oak Foundation v. Regents of University of California (2010) 188 Cal.App.4th 227, 269, 270. Here, all of these mandatory items were provided. (See Draft EIR, Section 2.0 Project Description.) Moreover, Fix The City fails to provide any evidence, let alone substantial evidence, that the inclusion or exclusion of one of the addresses for the same Project Site led to inadequate environmental review. Indeed, Fix The City cannot do so because “a project description *describes* the project; it does not *analyze* the project’s environmental impact.” *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1198 (emphasis added).

Furthermore, there has been absolutely *no* confusion or uncertainty as to the Project Site location. Since the inception of the Museum Project, the Project Site has been the May Company Building on the corner of Wilshire Boulevard and Fairfax Avenue and a portion of the LACMA campus. As it turns out there are multiple addresses for the May Company Building as shown on ZIMAS, *but they all refer to the exact same location*. (See e.g. Draft EIR pages 2-1, 2-2, and Figures 2-1 and 2-2 (Section 2.0 Project Description).)

As to the size of the area for the proposed Sign District, the inclusion of 0.8 acres to the north of the May Company Building, while not part of the leased area for the Museum Project, is part of Parcel D, the parcel that the May Company Building is a part of. The inclusion of the additional 0.8 acres (known as the Resnik North Lawn) was described, disclosed and discussed in the Draft EIR (see, e.g. Draft EIR page 2-1, fn. 1 (Section 2.0 Project Description)). Again, no confusion; no instability.

Fix The City’s allegation of an unstable project description should be dismissed out of hand. It has no basis in the facts, law or reality. We respectfully ask the PLUM Committee Commission to recommend approval of the Museum Project.

Very truly yours,



William F. Delvac

cc: Hon. Tom LaBonge
Michael LoGrande, Planning Director
Luciralia Ibarra, City Planner, Major Projects