

April 16, 2012

WHITE PAPER:

**The Selection of the Fairfax/Wilshire Subway Entrance
and the Location of the Fairfax/Wilshire
Construction Staging Site**

James O’Sullivan, President, Miracle Mile Residential Association [MMRA] announced today that the organization opposes efforts by the Los Angeles County Museum of Art [LACMA] to force the Metropolitan Transportation Authority [Metro] to back down from their recommendation that the Fairfax/Wilshire subway portal be located beside Johnie’s Coffee Shop.

The MMRA also raised questions why the parcels bounded by Wilshire Boulevard on the north, South Orange Grove Avenue on the east, and South Odgen Drive on the west and which LACMA owns a section of and were selected by the Metro as the construction staging ground for the Fairfax/Wilshire subway portal. Demolition of this entire block of Museum Row will displace the A+D Museum, three neighboring galleries, as well as two adjacent 4-unit apartment buildings on South Orange Grove Avenue.

THE SELECTION OF THE FAIRFAX/WILSHIRE SUBWAY PORTAL:

Metro released the Final Environmental Impact Report [FEIR] on the Westside Subway Extension on March 19, 2012.

After a lengthy and exhaustive review, Metro determined that the best location for the Fairfax/Wilshire portal would be immediately west of the iconic Johnie’s Coffee Shop on the northwest corner of Fairfax Avenue and Wilshire Boulevard.



Illustration of a possible design for the Johnnie's Portal.

The crucial factors Metro cited in recommending the Johnnie's portal are:

- To move the construction as far from the La Brea tar pits as possible to reduce excavation issues with gassy soils. High methane and hydrogen sulfide levels in the Miracle Mile are well known. Metro has designated this area as a "High Potential Risk Zone" (See chart on p.4).
- The areas surrounding the La Brea tar pits are rich with pre-historic fossils. By situating the portal at Johnnie's, Metro hopes to reduce costly construction delays created by the delicate work of removing and preserving these fossils.
- The Johnnie's portal would be the best location for bus transfers on Fairfax Avenue and offer better connectivity to destinations to the north, including the Farmer's Market/The Grove and high-density residential communities, such as Park La Brea.
- Johnnie's portal site was identified as having existing right-of-way and parking that would be easier for construction purposes.

Indeed, the complexities of constructing the Fairfax/Wilshire station "box" (the underground structure or station where the subway cars stop) and portal are so great that Metro revised their original plan for Phase One of the subway construction and made La Cienega Boulevard the terminus instead of Fairfax Avenue in order to minimize the excavation at the Fairfax location.¹

http://la.curbed.com/archives/2012/02/wants_phase_one_of_purple_extension_to_hit_la_cienega.php

In a March 15, 2012 memo explaining this decision,² Metro stated: “The Wilshire/Fairfax Station vicinity has known deposits of paleontological resources and high concentrations of methane and hydrogen sulfide. Both of these issues complicate construction of the (Fairfax) Station, resulting in more risk to the schedule than other stations along the alignment.”

The memo also emphasized that “By requiring cut and cover for a smaller area, fewer fossils will be encountered and less hazardous waste will require disposal. Additionally, there are safety benefits of reducing the amount of area and time spent excavating in the elevated gassy grounds.”

But LACMA, eager to have a subway portal on Wilshire Boulevard between South Orange Grove Avenue and South Ogden Drive (directly across from their complex), has casually dismissed Metro’s safety concerns and the many construction challenges they confront.

In an April 5, 2012 *Neon Tommy* article, Fred Goldstein, LACMA’s attorney, said that Metro “...thought it (LACMA’s proposed portal) would be a little closer to the swampy ground of the La Brea Tar Pits although I don’t really know if the geological conditions at Johnie’s or further west are that much better, but they did express concerns about that. The board overrode those concerns and chose the (LACMA) east option... because it more directly serves the museum.”³

The FEIR rejected LACMA’s proposed portal because it was too far from a major intersection and because the portal would not be readily visible to passengers.⁴

LACMA also downplays the importance of providing easy access to major bus routes.

At a meeting of the Board of the Mid City West Community Council on April 10, 2012, Fred Goldstein dismissed the inconvenience that LACMA’s favored

² http://www..net/board/Items/2012/02_February/20120215P&PItem52.pdf

³ <http://www.neontommy.com/news/2012/04/goodbye-westside-traffic-hello-purple-subway>

⁴ The FEIR also stated that construction of the portal favored by LACMA would require decking or extended lane closures and have a greater impact of traffic than the Johnie’s portal.

portal would cause subway riders connecting to buses on Fairfax as the Federal Transportation Agency “counting footsteps.”⁵

La Brea Tar Pits and Gassy Soil

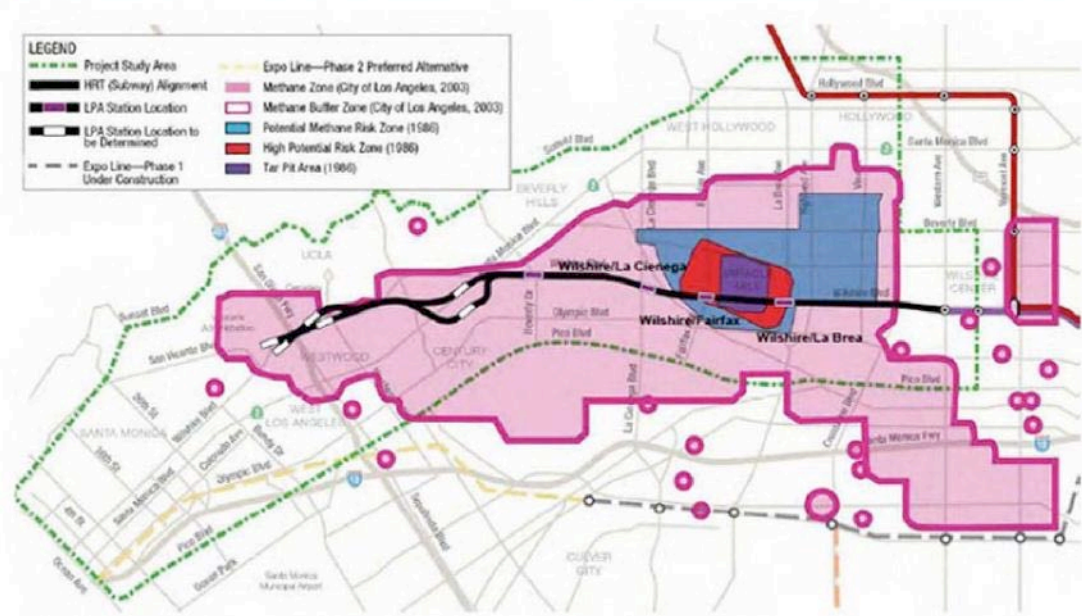


Chart from *Metro Westside Subway Extension, Item #52, February 15, 2012, p.3.*

LACMA argues that a portal across from their complex is supported by their projection that (by 2035) 20% of museum visitors will arrive via the subway. But this ignores the needs of the other 80% of passengers – the majority of which will be commuting between home and work. These commuters generate most of the demand for urban mass transit and their needs must be a priority.

The MMRA endorses Metro’s recommendation for the Johnie’s portal:

¥ It would enhance the safety of the construction employees and

⁵ From the southeast corner of Ogden Drive to the southeast corner of Fairfax is 557 feet; from mid-block between Ogden and Orange Grove to the southeast corner of Fairfax is 396 feet; from the southeast corner of Fairfax to the northeast corner of Fairfax is 123 feet; from the northeast corner of Fairfax to the northwest corner of Fairfax is 84 feet; these distances are not insignificant to the elderly or disabled – not to mention an able-bodied passenger trying to connect to a bus in a hurry.

the surrounding community by reducing toxic waste and exposure to dangerous gases.

- **It would mitigate construction delays by being further distanced from the La Brea Tar Pits and reduce the amount of fossils encountered during excavation.**
- **It would better conform to Federal Transportation Authority guidelines regarding ease of access to major bus routes. The disabled and elderly are far more dependent on public transportation than the general population, the Johnie's portal would better serve their needs.**
- **It would lessen impact on travel at a major intersection.**

THE SELECTION OF THE FAIRFAX/WILSHIRE CONSTRUCTION STAGING SITE:

In the September 2010 Draft EIR⁶ two options were given as the location of the “box” (the underground structure or station where the subway cars stop): the first alternative placed the entire box west of Fairfax Avenue and the second alternative straddled Fairfax Avenue with the east end of the box located between South Orange Grove Avenue and South Ogden Drive.

Both alternatives showed the May Co. building, on the northeast corner of Wilshire and Fairfax as the first choice for the station entrance/exit. In the first option Metro proposed an underground pedestrian causeway to connect the station to the May Co. entrance/exit. In the second option the portal would go straight up into the May Co.

Regardless of the box placement, there was near unanimous support for Fairfax/Wilshire portal being placed in the historic May Co. building. Both the

⁶ *Appendix B, Draft Station Site Plan Report.*

Miracle Mile community and LACMA went on record supporting this portal. But in October 2010 LACMA unveiled a partnership with the Academy of Motion Picture Arts and Sciences [AMPAS] to locate the Academy Museum in the May Co. A condition of the AMPAS agreement with LACMA was that a subway portal *would not* be located in the May Co. building.

Metro bowed to the restrictions imposed by the AMPAS/LACMA agreement – disregarding the recommendations of its own Station Area Advisory Group. Metro acknowledged this fact in its FEIR. In addition, Metro determined in the FEIR that construction of a portal at May Co. was too costly and difficult. The additional \$10 million dollars – the amount LACMA paid to haul the *Levitated Mass* rock from Riverside to Wilshire and Fairfax – was deemed excessive.

The next logical spot for a portal, according to all available evidence and Metro’s own staff reports, is adjacent to Johnie’s, on the northwest corner of Fairfax and Wilshire.

Moreover, there is no need for the box to be east of Fairfax. Metro’s own maps and data, as noted above, reveal that it is more risky and more intrusive to have the station box straddle Fairfax.

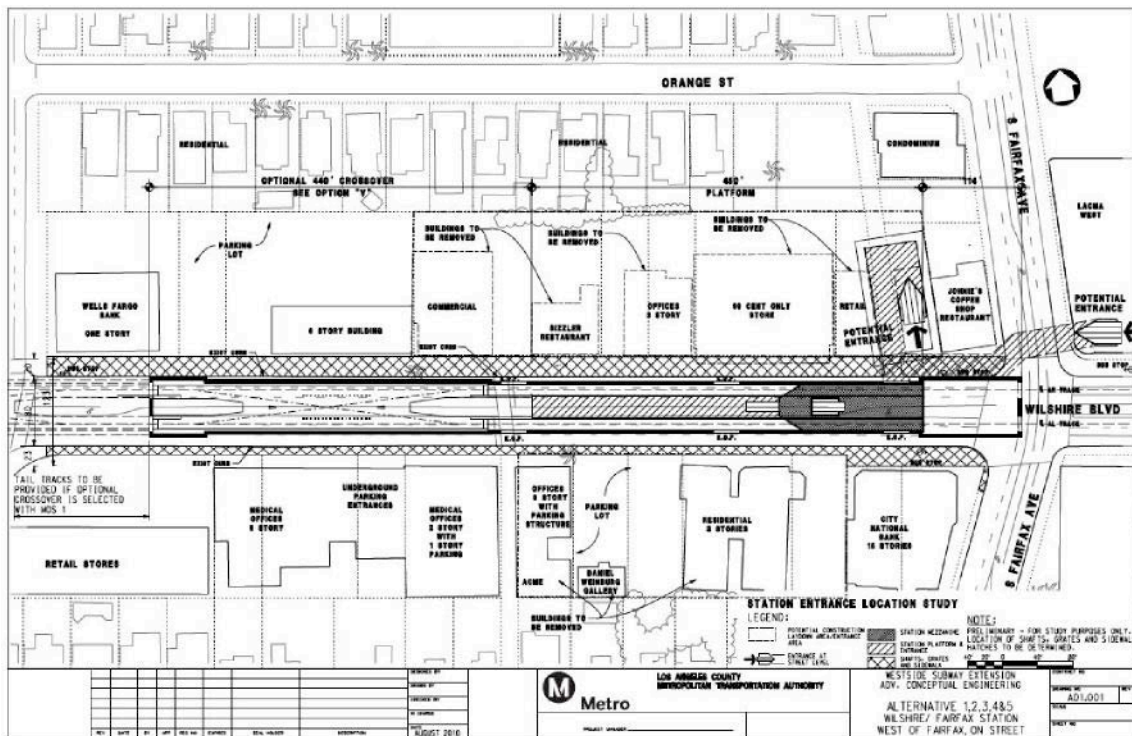
Of the many factors Metro takes under consideration in locating both portals and construction staging sites is the redevelopment potential after the construction is completed. Higher intensity development is allowed at station areas and along transportation corridors. Metro looks for partners to redevelop these parcels.

Metro reported that more redevelopment opportunities exist west of the Fairfax/Wilshire portal than on the east (Museum Row). The north side of Wilshire, west of Fairfax, has a number of buildings of no historical or cultural significance (as can be seen in the plan on page 7).

Moving the box west of Fairfax and taking the buildings on the north side of Wilshire as a construction staging site would provide a golden opportunity for redevelopment of an underutilized and architecturally bland stretch of Wilshire.

Why would Metro demolish an entire block of Museum Row to save a 99¢ Store?

Shifting the location of the box and construction staging site west of Fairfax – further away from the La Brea Tar Pits – would also significantly mitigate construction issues regarding gassy soils and the removal of pre-historical fossils. It would prevent costly delays and would enhance safety. Because the staging area and the portal would be contained in one large parcel it would diminish the impact of construction on the community and reduce traffic delays at a major intersection.



Metro Draft EIR plan showing the “box” located west of Fairfax indicating buildings on the north side of Wilshire that could be taken as construction staging sites.

It would also prevent the destruction of two four-unit apartment buildings on South Orange Grove Avenue that are part of the original architectural fabric of the Miracle Mile. Smaller multi-family buildings and duplexes are a notable aspect of our community. These structures possess a quality of detail and scale that are not found in modern high-density rabbit warrens. The FEIR

acknowledges that the loss of these eight units would be permanent and unmitigated.

Why has Metro located the Fairfax/Wilshire box so that it straddles Fairfax and reaches past Orange Grove if it doesn't provide the maximum redevelopment potential and is not necessary in terms of portal location, safety or ease of construction?

And why has Metro designated the entire block on the south side of Wilshire Boulevard between South Orange Grove Avenue and South Ogden Drive (directly across from LACMA) as a construction staging site – instead of locating it adjacent to the Johnie's portal on the west side of Fairfax?

The answer is: LACMA.⁷

In 2008 LACMA purchased property on the Orange Grove/Ogden block where their staff parking lot is presently located. According to Christopher Hawthorne, writing in the *Los Angeles Times*⁸, LACMA paid “roughly \$12 million” for the parcel. In his article, dated March 14, 2008, Hawthorne explained:

“Though the museum hasn't advertised this fact, it already owns a sizable parcel of land on the southern side of Wilshire -- at Wilshire and Spaulding Avenue. After (Museum Director Michael) Govan's arrival, LACMA quietly put out a request for proposals from architects for a mixed-use development on the site, now occupied by a surface parking lot.

The decision to buy a second parcel may signal that the museum has given up on the Spaulding plan. More likely it means Govan and the board see the current market downturn as an opportune moment to add to the museum's real-estate portfolio, setting the table for future initiatives on the far side of the boulevard. Indeed, the museum was able to purchase the property at Wilshire and Ogden only because its current owner, Miami-based developer Lennar Corp., abandoned plans to build lofts there.

L.A. Observed blogger Kevin Roderick suggested Wednesday that Lennar pulled out after "a problem of underground water . . . stopped the construction."

Naturally, LACMA wishes to profit from their substantial investment by

⁷ LACMA contributed \$900,000 to the campaign for Measure R, the sales tax measure to fund new subway construction. A detailed account of this donation and their past efforts to exploit their real estate holdings in the Miracle Mile can be found in a 2008 *LA Weekly* article: <http://www.laweekly.com/2008-12-18/news/lacma-39-s-900-000-political-donation/>

⁸ <http://articles.latimes.com/2008/mar/14/entertainment/et-notebook14>

redeveloping their Ogden Drive property. Having Metro take the entire Orange Grove/Ogden block advances LACMA's objective.

Ideally, LACMA would like the property to serve as the Fairfax/Wilshire portal – it is their “fall back position” since they maintain that their arrangement with the Academy for the Academy Museum precludes use of the May Co. as a portal. But even if Metro does not budge on their recommendation for the Johnie's portal, having the property utilized as a construction staging site still serves their goal for this block of Museum Row.

Evan Kaizer, President of Sieroty Real Estate Co., whose offices are on this block of Wilshire, explains in a *Neon Tommy* article⁹: *"Between us and LACMA, we're 60-plus percent of the land mass on that block..."* He goes on to state *"We've had conversations with MTA as well as with LACMA and with other officials in town about trying figure out a way to maintain our presence on the block."*

LACMA has found an eager and willing redevelopment partner in Sieroty. It is clear that their mutual goal is for Metro to take the entire block for a construction staging site and then partner with them to create a high-density mixed-used project.

LACMA and Sieroty have every right to develop their properties. But they are both successful and affluent organizations – they shouldn't use Metro's authority and subway funding to acquire all of the parcels between Orange Grove and Ogden.

The Fairfax/Wilshire box should not be located east of Fairfax just to give Metro a pretext to take this block of Museum Row.

As Greg Goldin recently wrote in his Op-Ed piece in the *L.A. Times*¹⁰: “Metro will be acquiring a piece of land that's likely to bring it big dividends down the line. When the Wilshire trains start running, the agency will lease its land to a

⁹ <http://www.neontommy.com/news/2012/04/goodbye-westside-traffic-hello-purple-subway>

¹⁰ <http://www.latimes.com/news/opinion/commentary/la-oe-goldin-purple-line-museums-20120403,0,1859122.story>

developer, and then share in the revenues of whatever is built. Metro currently makes about \$14 million a year from its other "transit-oriented developments." The condemnation of a vital if vulnerable piece of the city's arts hub will only add to the dividend."

Finally, it should be noted that the agreement between LACMA and the Academy is not a formal lease, but a Memorandum of Understanding. The Academy must raise sufficient funds to convert the May Co. building into a museum before it will commit to a lease. The Academy has tried to raise capital for a museum recently, in Hollywood, with elaborate plans for a Vine Street complex and failed. Only because the Academy *might* build a museum is not a sufficient reason for Metro to abandon the best station entrance/exit nor does it justify the added, irreversible consequence that key members of the Museum Row arts hub will be forced off the street and precious historical residences will be demolished.

For all the above stated reasons, the most logical and practical location of the Fairfax/Wilshire "box" is west of Fairfax Avenue:

- **It would facilitate the construction process, improve efficiency, and reduce delays and cost overruns.**
- **Its distance from the La Brea Tar Pits will enhance the safety of construction workers and the surrounding community by reducing exposure to hazardous gases and reduce toxic waste.**
- **It provides better and more extensive redevelopment opportunities for a very low-density portion of Wilshire Boulevard without any historical or cultural assets.**
- **It would be less of an obstruction to the thousands of tourists and other visitors drawn daily to Museum Row.**
- **It will reduce disruption to the community by containing a massive construction project to one area and a project that could take as long as 7 years to complete.**

- **It will preserve keys arts institutions.**
- **It will maintain important residential pieces of the urban fabric of the Miracle Mile.**

The MMRA fully supported a portal in the May Co. It was a “win-win” for both the museum, the community, and for subway passengers making bus connections at Fairfax and Wilshire. We implore the Academy of Motion Picture Arts and Sciences to reassess their opposition to the May Co. portal and work with LACMA to raise the additional funds needed to make this possible. As the Metro plan on page 7 indicates, placement of the box west of Fairfax includes a connection for a portal in the May Co.

But if the Academy and LACMA are unwilling to agree or to support a portal in the May Co. building, the MMRA will continue to fight for the Johnie’s portal and the placement of the box west of Fairfax.

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*The **Miracle Mile Residential Association** is a multi-purpose community organization comprised of both homeowners and renters. We are interested in maintaining the quality of life, property values, security and positive image in the Miracle Mile area of Los Angeles through careful monitoring of and input on land use, zoning and neighborhood concerns.*

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Appendix:

Los Angeles Times/Op-Ed:

L.A.'s Purple Line subway plan is bad news for the arts

With its decision to raze three tiny institutions on Wilshire Boulevard, the Metro is unreasonably targeting the weakest kids on Museum Row.

By Greg Goldin

April 3, 2012

It's hardly where you'd expect to find such news, but an environmental impact statement just issued by the L.A. County Metropolitan Transportation Authority for the Purple Line subway contains an ominous report on the status of the arts in Los Angeles. According to the document, before the transportation agency begins digging tunnels through the tar-and-fossil-filled veins of San Pedro sand that lie beneath Wilshire Boulevard, it will aim an above-ground wrecker's ball at three of L.A.'s most vulnerable arts establishments, leveling the city's only architecture museum along with two other gallery spaces that are part of the city's Museum Row.

In the name of a greater good — extending the subway down Wilshire Boulevard to Westwood and, someday, the ocean — the buildings that house the A+D architecture museum and the Edward Cella Art+Architecture and Steve Turner Contemporary galleries will all be razed. The ill-fated stretch is directly across the street from LACMA's Broad Contemporary and next door to the Petersen Automotive Museum.

Neither the architecture museum nor the galleries oppose the Purple Line in concept. As gallery owner Edward Cella says, "I have great sympathy for the subway project. It's a dream of all Los Angeles." But that doesn't mean he's happy about the ouster. "I purposely moved my gallery from Santa Barbara to be in this network of spaces next to the A+D, across the street from LACMA, down the block from the Petersen. The context is irreplaceable."

It's not feasible, he says, to move elsewhere for the eight years of construction and then move back to the area. And even if he were willing to do so, Cella notes, the buildings that go up after the subway's completion are likely to be "commercial or mixed-use or big hotels, nothing like the reasonable spaces and rents we have now."

Under California law, does not have to assess the impacts on cultural institutions less than 50 years old. This provision has allowed political leaders, from the mayor to the Board of Supervisors to the Metro board, to dodge what ought to be a spirited debate about the sacrifice that small, young arts spaces are being forced to make.

The subway builders insist there is no option. They say you cannot tunnel beneath the boulevard nor build the station box without an acre-plus of "staging ground," and thus the galleries and museum must be flattened. The land will be used to receive gassy soils and possible fossil finds and to park subway construction vehicles,

equipment and office trailers.

But why is the space where these tiny arts institutions sit the only option?

There are a number of nearby sites without any buildings on them that could be used to stage the tunneling operation. Some belong to LACMA, whose real estate holdings in the immediate vicinity are large — and, it should be noted, tax-exempt. One of these is LACMA's parking lot on Spaulding and Wilshire, two blocks east of the proposed staging area. There is ample acreage to store the construction equipment, keep LACMA's lot open and spare the doomed buildings.

Much the same is true for LACMA's vacant land behind the May Co. building. The museum agreed to hold this land open space in perpetuity, but for the past eight years it has been used for construction staging. Extending that use a bit further wouldn't be a disaster. The Petersen's large parking structure might also be a suitable alternative.

This does not exhaust the list of potential sites, but the point is clear: The METRO has targeted the weakest kids on the block.

In doing so, the MTA will be acquiring a piece of land that's likely to bring it big dividends down the line. When the Wilshire trains start running, the agency will lease its land to a developer, and then share in the revenues of whatever is built. Currently makes about \$14 million a year from its other "transit-oriented developments." The condemnation of a vital if vulnerable piece of the city's arts hub will only add to the dividend.

Would any other city abide wiping off the map a pair of galleries and a fledgling museum just to make a temporary construction site? Would this be happening in New York, London, Paris or Amsterdam?

Unless the METRO board acts to undo this piece of its \$6.8-billion undertaking, a small pocket of cultural idealism will disappear from the city's landscape. If the Metro's past is any indication, in its place will grow a work of lasting architectural defeatism and a monumental rebuke to the very notion that commerce and art must coexist. Saddest of all, we may soon forget this string of storefronts ever existed. Then someone will ask, unknowingly, while cruising Wilshire Boulevard, where is Museum Row? What civic leader will be responsible for that answer?

Greg Goldin is an architecture writer for Los Angeles magazine and co-curator of the upcoming "Never Built: Los Angeles" show at the A+D museum.

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<http://www.latimes.com/news/opinion/commentary/la-oe-goldin-purple-linemuseums-20120403,0,1859122.story>