

**APPEAL TO: THE CITY OF LOS ANGELES CITY COUNCIL**

REGARDING CASE NO. 11-0129 Recreation and Parks Commission 5/20/11  
RELATED FILES: Council File 11-0884 Assert Jurisdiction of 5/20/11 Decision

PROJECT ADDRESS: Autry National Center  
4700 Western Heritage Way  
Los Angeles, CA 90027

FINAL DATE TO APPEAL: None under Public Resources Code Sec. 21151(c) in  
absence of an implementing ordinance.

TYPE OF APPEAL: Appeal by person, other than the Applicant, aggrieved by decision

APPELLANT INFORMATION: Daniel Wright on behalf of  
Mount Washington Homeowners Alliance and  
Charles Fisher, Historian, Individually  
467 Crane Blvd., Los Angeles, CA 90065  
(323) 223-4797 telephone [fiberflash@gmail.com](mailto:fiberflash@gmail.com)

REPRESENTATIVE INFORMATION:  
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REASON FOR APPEALING: See attached.

This appeal is taken from the Recreation and Parks  
Directors determination that the project is not subject  
to California Environmental Quality Act

PROCEDURE: Appellant is following the format of the master appeal  
form for the City Planning Department because the  
Recreation and Park Department and City Council have  
no known appeal forms for an appeal filed under Public  
Resources Code section 21151(c).

Appeal package includes:  
THIS APPEAL COVER SHEET  
JUSTIFICATION FOR APPEAL  
STAFF REPORT FOR 11-0129 (in the absence of  
adopted Commission meeting minutes for the May 20,  
2011 meeting)(**Exhibit 10**)

Daniel E Wright, Representative  
5/31/11

**JUSTIFICATION FOR APPEAL UNDER PUBLIC RESOURCES CODE SECTION  
21151(c).**

This appeal is filed under the authority of the California Environmental Quality Act ("CEQA") and specifically Public Resources Code section 21151(c) which reads:

"If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification approval, or determination may be appealed to the agency's elected decision-making body, if any." (emphasis added.)

In this case, the City of Los Angeles' Department of Recreation and Parks Commission purported to make a determination that a proposed project of the Autry National Center was exempt from CEQA environmental review. That determination of exemption from CEQA is, under Public Resources Code section 21151(c) appealable to the City's elected decision-making body, the Los Angeles City Council.

**The Prior Effort of the Autry Museum to Appropriate to Itself, The Primary Public Exhibits of the Southwest Museum**

Appellants incorporate by reference all environmental documentation, correspondence, requests for notification from members of the public and project description documents related to the Autry National Center Improvement Project SCH No. 2007051084, CPC-2008-2548-VCU-ZV-SPR, Recreation and Parks Report EIR RP-013-07, Board Report 9-106 which all inform the narrative that follows to describe the Autry Museum expansion ambitions to move the Southwest Museum since 2005.

The former Autry Western Heritage Museum obtained the 50-year lease in 1987 from the City of Los Angeles for a 10-acre parcel of the People's land in Griffith Park. Pursuant to the lease agreement, the museum pays a rental payment of \$1 per year. The Autry National Center lists on its 2004 audited financial statements the fair market value of this gift from the People of Los Angeles at approximately \$10,893,616, an in-kind donation from the City of \$340,426 annually according to the same statements (footnote 7.) Before discounting to present value in the audited financial statements, the 50-year lease represents a stream of past and future in-kind donations from the People totaling \$17,021,300.

Given the magnitude of the City of Los Angeles' donation of taxpayer assets to the Autry Museum, the lease agreement between the City and the museum imposes

a number of provisions that entitle the City to have oversight of any proposals to modify external or internal walls of the building exceeding \$25,000 in value, monitor cash receipts (which the City has failed to enforce), and determine whether or not the lease should be extended for any further period of time.

In December 2002, the Boards of the Autry Western Heritage Museum and the Southwest Museum announced that they had agreed in principle to a merger of the two institutions, under the protective umbrella of a fund-raising and administrative arm to be called the "Autry National Center of the American West" ("ANC"). Under the terms of the merger, the ANC assumed all of the fiduciary duties and donor restrictions imposed on the Southwest Museum.

As part of its master planning process, the ANC hired a multi-disciplinary team of experts to assess the (1) physical feasibility of rehabilitating the Southwest Museum to continue service as a primary exhibition site of its 250,000 piece collection, and (2) the ability of a rehabilitated site, with proper marketing that the former Southwest Museum Board failed to do, to generate appropriate revenue in support of operations.

In fall 2004, at the insistence of then City Councilmember Antonio Villaraigosa, the ANC released its expert's Rehabilitation Report. The 227-page report showed that the 1914 extra thick adobe walled building constructed under the supervision of Charles F. Lummis had withstood earthquakes as violent as the 1933 Long Beach, the 1987 Whittier-Narrows, and the 1994 Northridge without significant structural failure – a remarkable feat for a building constructed in 1912-1914. Although the Northridge earthquake inflicted some damage for which FEMA gave the Southwest Museum \$1 million to retrofit and protect the building in the future, the expert team identified additional reinforcement of the long narrow windows and doors of the museum's tower is recommended seismic protect as part of any rehabilitation project.

The experts in life-safety systems not surprisingly found the electrical, plumbing, heating and cooling systems beyond their useful lives and recommended replacement as part of the rehabilitation project. The HVAC experts concluded that area-based heating and cooling systems, placed in attics and closets of the Southwest Museum building and replacement of doors and windows would enable it to be rehabilitated to meet museum standards for exhibition of sensitive artifacts (50% humidity; 72 degrees).

The historic resources and architectural team articulated two options for rehabilitation: (A) rehabilitation of the Southwest Museum with no addition, and (B) rehabilitation and a modest addition to enable better handling of traveling museum exhibits. Construction estimates during the height of the construction "bubble" estimated Option A at \$16 million and Option B at \$21 million.

On the revenue question, the expert team, using extremely conservative estimates, showed that the Southwest Museum, rehabilitated and properly marketed will recover about 38% of its operational costs through admissions, memberships, and sales. The report noted that the typical museum recovers between 30% and 50%, placing the Southwest Museum right in the median of such an economic standard.

When the ANC released the Rehabilitation Report, it slapped a letter on the front that stated: The Autry Board of Directors has "determined" that it is not feasible to operate the Southwest Museum. Ironically, the 227 pages that follow the Board's cover letter prove exactly the opposite: that the Southwest Museum could very feasibly be rehabilitated and operated. The Friends of the Southwest Museum later learned that at the time Autry claimed that the Southwest Museum was not economically feasible with at least a 38% cost recovery rate, the Autry Museum in Griffith Park was only recovering 11% of its operating costs from admissions, memberships, and sales. This demonstrates the fundamental refusal of the Autry Board to follow the advice of its team of experts and overwhelming public support for the expert's conclusions.

Instead, the ANC arrogantly proceeded to dismantle the Southwest Museum institution and try to forever submerge it under the Autry name. On March 7, 2005, the ANC issued a press release that it would apply to the City of Los Angeles for entitlements to expand the building of the Museum of the American West in Griffith Park. The press release specifically stated that the Autry would move the collections and exhibitions of the Southwest Museum into the expanded building. The press release specifically indicated that at least 20,000 square feet of the expanded building would be galleries to exhibit the collections of the Southwest Museum.

The announcement of Autry's intent to create exhibit spaces redundant of the 1914 National Register of Historic Places Southwest Museum building in Mount Washington drew instantaneous and universal condemnation. The Friends of the Southwest Museum and most of its nearly 70 community based and nationally affiliated organizations adopted resolutions demanding that the City, as a condition of any entitlements granted to the Autry regarding its building in Griffith Park be conditioned on the Autry being required to continue to operate the historic Southwest Museum site.

Despite a stern warning letter issued by the Appellant, Mount Washington Homeowners Alliance, the ANC hired expensive land use attorneys and lobbyists to seek to override the public's nearly uniform condemnation of its ambitions to subsume the City's first and most historic museum into needless obscurity.

Pursuant to its lease agreement, the Autry was required to apply to the City, acting through its Board of Recreation and Parks Commission, for permission to make such proposed expansion of uses of the building, constructed in City parkland entrusted by Griffith J. Griffith.

## The Prior Environmental Review

The Environmental Section of the Recreation and Parks Department of the City determined that an environmental impact report should be prepared to comply with CEQA. In contravention of proper CEQA practice, the Autry's hired consultants commenced traffic studies, biological resource studies, and similar studies before the Recreation and Parks Department gave notice to the public by issuing a Notice of Preparation of an environmental impact report.

Apparently, this was done by ANC's attorneys, William Delvac and George Mhlsten of Latham & Watkins, in order to evade for as long as possible an undeniable obligation to list Autry as a lobbying client under the City's Municipal Lobbying ordinance. When Latham & Watkins, and Autry's public relations lobbyist, Steve Sugerman went more than a year without listing Autry as a lobbying client and reporting payments to the City Ethics Commission, a member of the community filed detailed complaints with the Ethics Commission pointing out that such deliberate omissions were misdemeanor crimes. To the best of the knowledge of Appellant, these complaints are still under investigation because the Ethics Commission has never issued a letter to the complaining party indicating an end of the investigation.

Finally, in May 2007, the Environmental Section of the Recreation and Parks Department issued a Notice of Preparation and conducted public hearings. Numerous commenters, including those with expertise in traffic, historic resources, and land use, commented on the Notice of Preparation. In one notorious incident at one of the Public Scoping Meetings, Autry's entitlement attorney from Latham & Watkins, William Delvac, began loudly screaming at well-known historic resources expert, Charles Fisher, as Delvac vehemently denied that moving the Southwest Museum's exhibition halls from the historic site would impair its National Register status.

In preparing the Draft Environmental Impact Report, the EIR consultant and Latham & Watkins attorneys had a big problem: the protection of the Southwest Museum in the City's General Plan. The Northeast Community Plan, within which the Southwest Museum lies, contains provisions stating that the City of Los Angeles will only take actions that support maintenance of the Southwest Museum on Mount Washington. If the Autry and City acknowledged the existence of this provision of the General Plan, the announced movement of the Southwest Museum from Mount Washington to the Griffith Park site would trigger a finding of significant environmental impact.

Under CEQA, the lead agency has a duty to mitigate all significant impacts. If the Autry and City conceded that replicating the Southwest's exhibition halls in the Griffith Park museum building was a significant impact, it was under an obligation to adopt a less harmful project alternative to mitigate the impact. The 2004 Rehabilitation Report, with its 227 pages of experts hired by Autry itself was

substantial evidence in the record that the rehabilitation and reuse of the Southwest Museum was physically feasible and economically viable within museum norms. Thus, in order to avoid having to adopt the rehabilitation of the Southwest Museum as the environmentally superior alternative, Autry's advisors chose a different course.

The Autry knew that seeking permission to remove the protection of the Southwest Museum from the General Plan would be an admission that its expansion would inflict harm on the future of the Southwest Museum at its National Register of Historic Places site. Therefore, Mr. Delvac and the EIR consultant decided to write the EIR to ignore the Southwest Museum. Throughout the document, the EIR falsely claimed that the expansion project in Griffith Park was "unrelated" to the historic Southwest Museum site. Their strategy, a blatant breach of the City's CEQA duty of a "good faith" effort to disclose and mitigate impacts, was to simply deny over and over that there was any connection between building 20,000 square feet of Southwest Museum exhibition space in Griffith Park and the existence of viable exhibition space in the historic Southwest Museum building.

In Final EIR responses to written comments submitted after release of the Draft EIR, Autry's consultants and attorneys wrote responses adopted by the Recreation and Parks environmental unit staff that continued the charade that the proposed 20,000 square feet of new exhibition space in the Griffith Park building had nothing to do with the possible removal of Southwest Museum exhibition space from Mount Washington in violation of the General Plan.

After release of Final EIR comments and prior to certification of the Final EIR, a group of individuals who actually wrote and administered the Northeast Community Plan for nearly two decades, submitted substantial evidence of how Autry and its EIR consultants/attorneys had subverted the EIR disclosure process to avoid triggering an obligation to adopt the 2004 Rehabilitation Report to mitigate the significant land use impact. In a detailed letter and supporting exhibits, the original City Planner and City-appointed community advisors on the Northeast Plan, they opined that the City's EIR had studiously sought to ignore the significant land use impact that could be mitigated merely by adopting a plan to more inexpensively rehabilitate the Southwest Museum's building envelope and gallery exhibition space in accordance with the 2004 Rehabilitation Report.

#### The Hearing Before the Board of Referred Powers

Although normally, the request for expansion of the museum building would go to the Recreation and Parks Commission acting on behalf of the City, the hearing and decision was transferred pursuant to City Charter to the Board of Referred Powers. The referral to the Board of Referred Powers was based upon the City Attorney's determination that Barry Sanders, the President of the Recreation and Parks Commission had a disqualifying interest pursuant to Government Code section 1090. As a retired partner of the law firm of Latham & Watkins, the Autry's

attorneys, Mr. Sanders was determined to have an interest in Autry's approvals. Because state law presumes that Mr. Sanders' conflicting interest "infected" the entire Recreation and Parks Commission, the City Attorney determined that the entire Recreation and Parks Commission was disqualified from hearing the Autry's application and EIR.

The hearing on the Autry's entitlements and EIR came before a July 2009 hearing before the Board of Referred Powers. Consistent with the more than 7,000 persons who signed petitions demanding that the City impose a condition on Autry's entitlements in Griffith Park that assured Autry would continue to rehabilitate and return the Southwest Museum to service as a site to exhibit its huge collections, the City Council's Board of Referred Powers and City Council were besieged with letters, faxes, and telephone calls from people all over the City demanding that the City enforce its General Plan commitment to maintain the Southwest Museum on Mount Washington. Long-time employees of the City Clerk's office and City Council offices informed us at the time that they had never seen such an outpouring of heart-felt opposition to a real estate development proposal before the City Council.

On the day of the hearing, the scheduled hearing room, the Public Works Hearing room, was quickly closed by the Fire Department because so many people came to City Hall to demand protection of the Southwest Museum. The Autry had a sizable number of supporters in the audience too, including a group of young students who refused to disclose why they were attending the hearing although no one had ever seen them before in the years and public meetings leading up to the Board of Referred Powers Hearing. Due to the swelling size of the crowd, the meeting was moved to City Hall chambers which was the largest space available. Literally all seats in chambers were taken and people were standing in the aisles and back of the room.

**Specific Knowledge of Recreation and Parks Staff of the General Plan Negative Impact and Cultural Resource Negative Impact by Removing Southwest Museum Exhibits to Griffith Park**

For the hearing, Friends of Southwest Museum representatives Nicole Possert and Daniel Wright were given 15 minutes to summarize the demand that the Autry expansion project not be approved without a protective project condition as the community had demanded for over 4 years. With Recreation and Parks General Manager John Mukri and Environmental Unit staffer Dave Attaway sitting in the front row, they listened as Daniel Wright reviewed in detail the letter of the City's land use experts and their expert conclusion that the Autry expansion project, to the extent that it rendered the exhibition spaces of the historic museum building redundant and useless, violated the City's General Plan to pursue only policies that maintained the Southwest Museum on Mount Washington. Mukri and his environmental staff also listened to testimony how the 2004 Rehabilitation Report, if made a condition of project approval for the Griffith Park expansion, would mitigate the potential negative impacts on the General Plan. There was also

review of other expert letters in the administrative record demonstrating that the removal of the Southwest Museum's exhibition halls to Griffith Park would also trigger a negative impact on the cultural resource of the Southwest Museum.

Thereafter, Councilmember Huizar appeared before his City Council colleagues on the Board of Referred Powers. He asked the Board to deferred hearing for 30 days while he met with Autry representative to negotiate the terms of a protective condition consistent with that demanded by the Friends of the Southwest Museum Coalition and 7,000 petition signatories since 2005. Over the objection of Autry representatives from Latham & Watkins, the Board granted the continuance.

In early August, without consulting Councilmember Huizar, the Autry announced it was withdrawing its project proposal. In angry rhetoric, Autry tried to publicly blame Councilmember Huizar and the Friends of the Southwest Museum Coalition, however, examination of the subsequent audited financial statements of the Autry reveal the real story: Autry had not raised sufficient funds to construct the grandiose expansion plan in Griffith Park.

#### **Autry Goes Underground and Stealth With A Revised Project That Retains The Plan To Move Southwest Museum Exhibitions To Griffith Park**

Recent events suggest that Autry was advised by Latham & Watkins to completely withdraw its former project so as to try to submit a "new project" that was free from CEQA obligations to provide notice to actions associated with the revised expansion project. In the Recreation and Parks files on Autry, there are more than 100 written requests to receive notices of hearings and environmental documents. Apparently, Autry was advised to characterize its expansion and enlargement of its exhibition galleries in the basement of its building as a "new" proposal, even though its thrust is purpose is unchanged from the prior building expansion proposal. From August 2009 when it "withdrew" its expansion project to June 30, 2010 when it issued a press release announcing two other projects, Autry never presented its proposals to any community organization or Los Angeles neighborhood council.

#### **Councilmember Huizar Offers Significant Financial Assistance to an Autry Rehabilitation of the Southwest Museum Which Is Turned Down By The Board**

Just like the Autry has done before with community organizations and public officials, it met in "negotiations" with City Councilmember Huizar while it prepared plans to make another run at entitlements to replicate the Southwest Museum's exhibition galleries and ethnobotanical gardens in its Griffith Park location.

Councilmember Huizar offered the Autry a package of City supported assistance to help with rehabilitation and re-opening of the Southwest Museum:

1. Up to \$25 million in low-interest economic stimulus loans which would cover the entire estimated cost of designing and constructing Option B of the 2004 Rehabilitation Report.
2. The City's letter of support if the Autry applied to the State Department of Recreation and Parks for a Southwest Museum rehabilitation grant funded out of the State's Proposition 84 competitive grant program.
3. Exploration of a modest cultural parcel tax to provide a number of years of operational funds to support the Southwest Museum and repayment of the low-interest loans.

Autry CEO John Gray flatly refused the City's proffered package of significant financial assistance.

### **The Proposition 84 Application for Griffith Park Exhibitions to Replicate the Southwest's Exhibits**

Instead, Gray worked with architect Brenda Levin to put together a Proposition 84 application for \$6.1 million of taxpayer funds to pay for replicating Southwest Museum exhibits and ethnobotanical gardens at the Griffith Park site. On the day that the grant application was due in Sacramento, the Autry issued a press release that it had purchased a Burbank building on Victory Boulevard where it intended to move all of the collections of the Autry and Southwest Museum, including the famed Braun Library on Mount Washington.

Additionally, the Autry publicly declared that it would add 25,000 square feet of new exhibition space. The press release announced that the Autry intended to include a permanent gallery devoted to the story of Native Americans living in the West before European settlers – called First Californians. This same gallery existed at the Southwest Museum and was tied to the 3<sup>rd</sup> grade state curriculum guidelines for history. For decades, 3<sup>rd</sup> graders took field trips to the Southwest Museum, walked down its unique Mayan tunnel entrance and up into the 1914 adobe building to experience the same permanent exhibit. Additionally, the press release claimed that new gallery space would be added for rotating exhibits of the Southwest Museum's collections – an experience formerly available in the historic building as well. Finally, the press release vaguely stated that an outdoor landscape area now called "Trails West" would be redesigned. We now know it is Autry's intention to replace the Southwest Museum's outdoor ethnobotanical garden with the redesign of the Trails West outdoor garden.

The June 2010 press release states vaguely: "The Autry is currently seeking partnerships with educational, cultural, or civic organizations to develop future programs suitable to the Southwest Museum site." While continuing to publicly make this claim, Councilmember Huizar and his staff have reported to meetings of the Friends of the Southwest Museum that Autry has "no plan" for the Southwest Museum after Autry finishes using it for 10 years as a warehouse and private conservation laboratory. Autry has offered the Southwest Museum building to the

City or anyone else the Autry thinks it can hand it off to without any continuing financial obligation – which has been its plan all along.

### **The Notice of Exemption**

On May 10, 2010, Autry CEO John Gray contacted Recreation and Parks General Manager Jon Mukri. He represented to Mukri that: "Autry plans to do an internal reconfiguration of the galleries and a refurbishment of Trail's West, our outdoor space on the north end of the building. We are applying for a significant grant from the State of California, and we will need some support from your department. That would include a SEQUA letter and a discussion of the terms of the lease. Once before your department sent a letter for SEQUA that related to our new boilers, and this is a similar request. May we come in and visit with you and the appropriate staff next week?" **Exhibit 1.** Mr. Mukri passed the communication to Superintendent, Michael Shull, who assigned David Attaway, one of the only two employees in the Recreation and Parks Environmental Section (and who was present in City Council chambers in July 2009 to hear the link between replacement of the Southwest Museum in Griffith Park and violation of the City's General Plan), to assist Mr. Gray. Thus, Mr. Gray represented to Department officials that the project consisted of merely "internal reconfiguration of galleries."

The files of the Recreation and Parks Department show that Autry CEO, John Gray, and his Government Relations Lobbyist, David Burton, visited Recreation and Parks staff and left behind their business card and two pages of a five page Planning Document entitled Autry Gallery Reinstallation. Dated May 12, 2010. It was stamped "Received 5/13/10"

Page 2 of 5 showed the existing lower floor of the museum building which consisted of both existing galleries (Family Discovery, Cowboy, Vaquero, Law and Order, Community, Conquest, Opportunity) and non-public collection storage, collection management, conservation labs, curator offices, and administrative offices. Page 4 of 5, entitled "Final Reinstallation" showed shaded areas and bold capital letters designating conversion of all existing gallery space on the lower floor which was consistent with Mr. Gray's representation. However, page 4 of 5 showed that virtually all space currently used for non-public Collections Storage, were to be converted to exhibition space, thereby adding tens of thousands of additional square footage of exhibition space. Additionally, other former storage, conservation, and curatorial office spaces were proposed to be removed and converted to new "Public Space", "Event Space" and "Restrooms".

To any person with experience with CEQA, as David Attaway and Paul Davis of the Recreation and Parks staff have, the conversion of former non-public storage and office space should have immediately rung bells regarding environmental impacts from the substantial expansion of new gallery spaces, new "public space" with no described program, and new "event space". And certainly there appeared to be a significant additional public use anticipated with the construction of new

restrooms to apparently serve a huge new "art gallery" right next to the new "event space" and new "public space." Compare floor plans in **Exhibit 2**.

On May 13, 2011, John Gray wrote to Cid Macaraeg and copied Paul Davis to describe the need for a "comfort letter" from the Department. Gray explained that the state grant required a 30 year lease term and that in order to get the grant, he needed a letter from the landlord saying that the lease would be extended. Gray emphasized that "Autry does not plan to ask the City to extend the lease at this time, so we would ask the City for a comfort letter." **Exhibit 3**.

On May 17, 2011, John Gray forward to Cid Macaraeg three email attachments consisting of a letter from Autry to Parks and Recreation, a proposed draft of how Autry wanted the comfort letter to read, and the lease guidelines – presumably from the state grant. **Exhibit 3** contains the cover email but none of the attachments which the Recreation and Parks Department have not produced in response to public records requests. Cid Macaraeg forwarded the materials to managers Michael Shull, Vicki Isreal, and Kevin Regan asking: "Are there any impediments to granting them this letter?" The next day, with no analysis how the Recreation and Parks staff have authority to provide assurances that its Board would act in the future to grant a lease extension, Michael Shull replied to all and merely said: "Please give them the letter." By May 26, 2011, Cid Macaraeg sent a scan of the signed comfort letter to Mr. Gray with a report that the original is in the mail.

In fact, the staff of the Recreation and Parks Department have no authority to grant a lease term extension or speculate on whether or not the Recreation and Parks Department Commission might in the future extend the lease term. Nonetheless, the staff issued this comfort letter to state officials.

On May 26, 2010, Paul Davis of the Environmental Section delegated to the Autry the task of preparing the City's Notice of Exemption Form:

"John, Attached is the Notice of Exemption form that we will need to complete for your grant application along with the CEQA Certification page from the grant instruction. Please complete the "Project Title" "Project Address" and "Project Description" sections of the NOE form and return it to me along with the certification page. I will complete the rest of these forms and return them to you for the application." **Exhibit 4**.

A few weeks went by and then on June 10, 2011, David Burton, Autry Government Relations Lobbyist, sent back to Paul Davis the Autry's proposed wording of the Notice of Exemption, a CEQA certification form for the state grant, and most significantly an extended description of the Project. The Autry Gallery Redesign, contrary to the floor plan of the project previously provided to the Department misrepresented that:

"In 2011, the Autry will embark on a redesign of its exhibition galleries and other public spaces. [In fact, tens of thousands of square feet of former non-public spaces are included in this project as shown on the drawings in **Exhibit 2.**] **The first phase of this multi-year project** will be the creation of two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California, their relationship to the natural environment, and key stewardship practices they have employed in sustaining their traditions and lifeways. . . ." (Bold emphasis added.) **Exhibit 4.**

The Project Description for the Autry's proposed version of the Notice of Exemption however only focused upon a project description for just a portion of the total project depicted on the Autry Gallery Reinstallation as shown on the page 4 of 5 of the Final Reinstallation. In other words, the Project Description did not contain a description of the "whole of the action" contemplated including all phases "of this multi-year project", and because it did not contain the entire project admittedly planned by the Autry National Center, the Project Description violated CEQA obligations of the City.

On June 18, 2011, Paul Davis of the Department's Environmental Section, forwarded scanned final versions of the Notice of Exemption, and the grant CEQA certification form to Autry's Government Relations Lobbyist, David Burton. **Exhibit 5.** Both the Project Description and the Justification for Project Exemption was different from the draft version sent from the Autry. The Project Description remained deficient under CEQA requirements to examine the entire proposed project with all phases. Instead it was focused only on the portion of the Autry's overall project that was proposed for funding by the State:

"The proposed project will [sic] to create two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California . . ."

Additionally, even if the project was limited to just the two galleries, the Justification for Project Exemption was false and erroneous. It represented that it was not an addition of gallery space. However, a comparison of the two floor plans in **Exhibit 2** shows that a collections storage area was to be converted into gallery space representing an expansion of public use areas from existing project conditions. Furthermore, the justification represented that the Project did not expand use of the facility, but the total project shown on page 4 of 5 of **Exhibit 2** clearly showed to Recreation and Parks Department staff that significant expansion of the non-public spaces to new galleries and special event space was part of the full project.

It is clear from the record that Recreation and Parks staff focused allowed the Autry Museum to inappropriately propose a CEQA project description tailored to a single project funding source, instead of requiring environmental analysis of the entire "whole of the action" as mandated by CEQA. See CEQA Guidelines Section 15378. CEQA does not contemplate or permit a Project description to be narrowed to focus simply on a portion of a project contemplated. Furthermore, CEQA does not permit an applicant or public agency to break a project down into piecemeal portions and process each of them as exemptions. The Notice of Exemption therefore was null and void under California case law.

Mr. Burton of the Autry Museum picked up the signed original Notice of Exemption from Recreation and Parks staff and filed it in the County Clerk's and City Clerk's office, apparently in the hope to trigger and run out the CEQA statute of limitations before any member of the public learned of it.

This entire process occurred behind closed doors with no notice to the public even though literally hundreds of people submitted to the Recreation and Parks Department specific written requests to receive copies of all notices, hearing notices, agendas and related to Autry projects.

Once the Notice of Exemption was ticking in the County Clerk's office, the Autry Museum issued a press release on June 30, 2010. The Autry's press release characterized the project as a \$75 million seven-year project at both the Griffith Park Museum location and a warehouse purchased in Burbank. It also disclosed to the public (and presumably Recreation and Parks Department staff) that:

"Over the past year, the Autry has worked closely with Brenda Levin, Principal of Levin & Associates, on a planning study for the Griffith Park facility. The study determined that if the Autry is to dramatically increase and modernize its galleries in the existing building, it must free up spaces on the first floor that are currently used for offices, conservation laboratories, and collection storage. To achieve this goal, the Autry will establish an off-site Research and Resource Center, which will accommodate its curatorial offices, laboratories, research libraries, and approximately 500,000 artworks and artifacts that have been stored until now in both Griffith Park and Mt. Washington facilities. . . . Brenda Levin's plan will open up the first-floor level of the museum, adding 25,000 square feet of gallery space. These new galleries, scheduled to be opening in 2013, will allow for the presentation of multiple exhibitions. Highlights include First Californians, a permanent gallery devoted to the story of Native Americans living in the West before European

settlers arrived; a new gallery space for rotating exhibitions of the Southwest Museum's outstanding Native American collection; and a redesign of the outdoor landscape area now called Trails West."

**Exhibit 6.**

This press release was significantly at odds with the extremely limited project description then on file with the County Clerk, but Recreation and Parks staff did not pull the Notice of Exemption back. The press release made clear what the Autry danced around in its interactions with Recreation and Parks staff in obtaining the Notice of Exemption:

The new galleries, including the one proposed for funding by the state grant, were to replace the Southwest Museum permanent galleries that existed at the historic National Register of Historic Places Southwest Museum building. In a Fall 2010 issue of the Autry Museum's magazine, Mr. Gray reaffirmed that the planning process since withdraw of the original expansion proposal was:

"Over the past year our board and staff have worked together energetically on a plan to create greater exhibition space within the walls of our existing Griffith Park museum, getting us back on track to fulfill a key principle of the merger - the interweaving of the Native American experience into the larger story of the American West." **Exhibit 7.**

In fall of 2010, the Friends of the Southwest Museum Coalition, through public records inspections, first learned of the Autry's processing of the faulty Notice of Exemption in connection with its grant application to the state. On February 23, 2011, counsel for two of the founding organizations of the Coalition, the Highland Park Heritage Trust and the Mount Washington Homeowners Alliance, put state grant authorities on notice that the Notice of Exemption for the Autry project was null and void. Additionally, it pointed out that the terms of the Autry's lease agreement with the City requires discretionary approval by the Board of Recreation and Parks Commission, the Notice of Exemption, flawed as it was, could not have triggered the running of the CEQA statute of limitations. The state, affected City Councilmembers, and the Autry were put on notice that the proposal to replicate the Southwest Museum exhibition galleries was a negative environmental impact on the City's General Plan as set forth in letters previously submitted to the City Council File for the previous Autry projects. **Exhibit 8.**

Apparently, the Autry and Recreation and Parks Department agrees that the Project as now reconfigured requires discretionary approval of the Board of Recreation and Parks Commission. However, even though he was found to have an unlawful interest in the Autry's prior expansion plan proposals, Recreation and

Parks Commission President Barry Sanders has presided over guiding the Autry's new expansion proposal through approval before his previously conflicted Board.

Many people in the Friends of the Southwest Museum Coalition not only have previously sent written demands to be placed on notice lists for Autry's project, but are subscribed to the City's Early Notification System for meeting agendas of the Board of Recreation and Parks Commission. Based upon preliminary research, it appears that every person who previously opposed the 2009 Autry expansion proposal stopped receiving emailed meeting agendas even though they had not unsubscribed from the list at the City's Early Notification System webpage. According to the City Clerk, each department manages its Early Notification System email list which means that this system is under the supervision of Mr. Sanders, the Commission President. There has been a demand that the City Council investigate how it is that some people received emailed meeting agendas in May 2011 and those who have previously spoken against the Autry expansion project did not. **Exhibit 9.**

Additionally, although Recreation and Parks staff announced that the regular meeting would be moved from May 18 to May 20, there was plenty of time for Mr. Sanders to issue a meeting agenda in compliance with the 72-hour minimum notice requirement of the Brown Act. Apparently, the agenda for the May 20, 2011 meeting was nominally posted at some bulletin boards about 45 hours before the meeting, but the culled email list for the Early Notification System only received the meeting agenda for a lesser period of time.

Because persons monitoring the Recreation and Parks Commission's Early Notification System were excluded from receiving the meeting agenda, knowing of the existence of the Autry's project item on the agenda, and participating in their government, the Autry project was approved by the Recreation and Parks Board on May 20, 2011 with testimony of four Autry employees.

According to the staff report dated May 20, 2011 for Item 11-129, and attachments, (**Exhibit 10.**) the project now shows modifications of both external and internal walls of the Museum building which were not shown in the drawings provided to the Department staff back in May 2010. The Notice of Exemption relied upon by the Department staff and Commission is the June 18, 2010 form in **Exhibit 5, even though that form erroneously states that no exterior walls of the Museum building are to be modified.** Thus, the Project description in the June 2010 Notice of Exemption varies from the project approved on May 20, 2011 by the Commission.

Additionally, the ongoing failure of the Recreation and Parks Department to prepare a proper Project Description of the whole project contemplated by the Autry Museum has resulted in a failure to identify potentially significant environmental impacts of the project. There is substantial evidence before the Recreation and Parks Department and Commission that the actual project contemplated by the Autry will convert substantial non-public spaces of the existing

building to expanded galleries and public events spaces that did not exist before. Additionally, even though Recreation and Parks staff sat through an explanation of how the replication of Southwest Museum exhibits in the Griffith Park facility would violate the a protective provision of the Southwest Museum in the City's General Plan, there has been no acknowledgement of the potential impact in the revised project which clearly is intended to rendering the historic Southwest Museum building redundant - enabling the Autry to sell it or give it away to breach its merger fiduciary duties to the Southwest Museum.

Because there is substantial evidence in the record that the Notice of Exemption was obtained by fraud or error by representatives of the Autry Museum, the case of Smith v. County of Santa Barbara (1992) 7 Cal.App.4th 770, 773, the Notice of Exemption, obtained through such misrepresentation or error is null and void and no valid building permits may issue from such faulty, incomplete environmental review.

Additionally, in accordance with CEQA, because the Recreation and Parks staff had no authority to approve this project under the terms of the Autry/City lease agreement, no project approval could have occurred until the Board acted on May 20, 2011. (and which is WHY the Board acted). Accordingly, the filing of the Notice of Exemption in June 2010, obtained in fraud or substantial misrepresentation, could not and did not run the statute of limitation under CEQA.

Additionally, there is substantial evidence in the record that a fair argument could be made that the actual full project contemplated by the Autry Museum will have one or more significant impacts on Land Use, Cultural Resources, Traffic, Parking and Safety such that an environmental impact report or mitigated negative declaration are the only legally sufficient environmental clearance documents for the revised Autry expansion project.

#### **CONCLUSION and REQUESTED REMEDY**

For these reasons, the City Council should declare the Notice of Exemption null and void, overturn the Recreation and Parks Commission May 20, 2011 project approval for a piecemeal part of the overall actual project, and remand the matter to the Recreation and Parks Commission to prepare an initial study and determine the appropriate and lawful level of environmental review.

EXHIBIT 1

**From:** Michael Shull  
**To:** David Attaway; Gray, John; Mukri, Jon Kirk; Paul Davis  
**CC:** Adams, Regina; Cartwright, David W.; dgcon@roadrunner.com  
**Date:** 5/11/2010 10:56 AM  
**Subject:** Re: Greetings from the Autry / Meeting

Dave, Please contact John Gray and advise him on this matter. Thanks.

>>> Jon Kirk Mukri 5/10/2010 9:38 AM >>>  
 Mike,

Please review and advise. JON

JON KIRK MUKRI  
 GENERAL MANAGER  
 DEPARTMENT OF RECREATION AND PARKS  
 221 N. Figueroa Street  
 Los Angeles, Ca 90012  
 (213) 202-2633

>>> "John Gray" <jgray@theautry.org> 5/10/2010 9:35 AM >>>  
 Jon,

The Autry plans to do an internal reconfiguration of the galleries and a refurbishment of Trail's West, our outdoor space on the north end of the building.

We are applying for a significant grant from the State of California, and we will need some support from your department. That would include a SEQUA letter and a discussion of the terms of the lease. Once before your department sent a letter for SEQUA that related to our new boilers, and this is a similar request.

May we come in and visit with you and the appropriate staff next week?

Best and I look forward to seeing you.

John L. Gray  
 President and CEO  
 Autry National Center of the American West  
 4700 Western Heritage Way  
 Los Angeles, CA 90027-1462  
 Tel: 323-667-2000 Ext. 302  
 Fax: 323-660-5721  
[jgray@theautry.org](mailto:jgray@theautry.org)  
[www.theautry.org](http://www.theautry.org/) <<http://www.theautry.org/>>

**From:** David Attaway  
**To:** John Gray; Jon Kirk Mukri; Michael Shull; Paul Davis  
**CC:** David W. Cartwright; dgcon@roadrunner.com; Regina Adams  
**Date:** 5/11/2010 11:21 AM  
**Subject:** Re: Greetings from the Autry / Meeting

Will do. I'll let you know the outcome.

>>> Michael Shull 5/11/2010 10:56 AM >>>  
Dave, Please contact John Gray and advise him on this matter. Thanks.

>>> Jon Kirk Mukri 5/10/2010 9:38 AM >>>  
Mike,

Please review and advise. JON

JON KIRK MUKRI  
GENERAL MANAGER  
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John L. Gray  
President and CEO  
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Fax: 323-660-5721  
[jgray@theautry.org](mailto:jgray@theautry.org)  
[www.theautry.org](http://www.theautry.org/) <<http://www.theautry.org/>>

EXHIBIT 2

**John L. Gray**  
President and CEO

4700 Western Heritage Way  
Los Angeles, CA 90027-1452  
t 323 657-2000 ext 382  
f 323 660-5721  
jgray@autrynationalcenter.org  
www.autrynationalcenter.org



**Autry National Center**

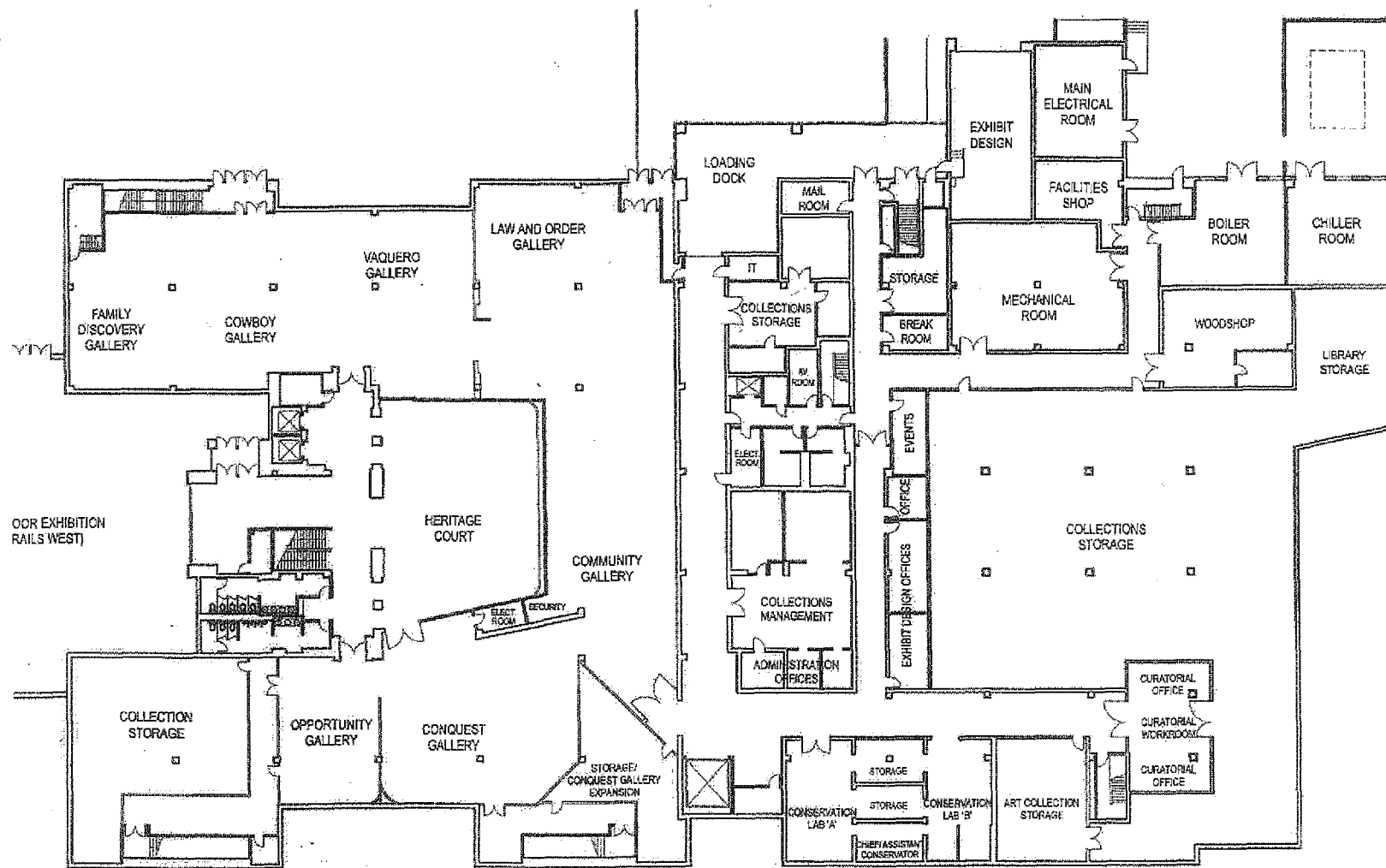
**David Burton**  
Director, Government  
Affairs and Special Projects

4700 Western Heritage Way  
Los Angeles, CA 90027-1462  
t 323 657-2000 ext 573  
f 323 660-5721  
dburton@autrynationalcenter.org  
www.autrynationalcenter.org



**Autry National Center**

received  
5/13/16



OOD EXHIBITION  
RAILS WEST)

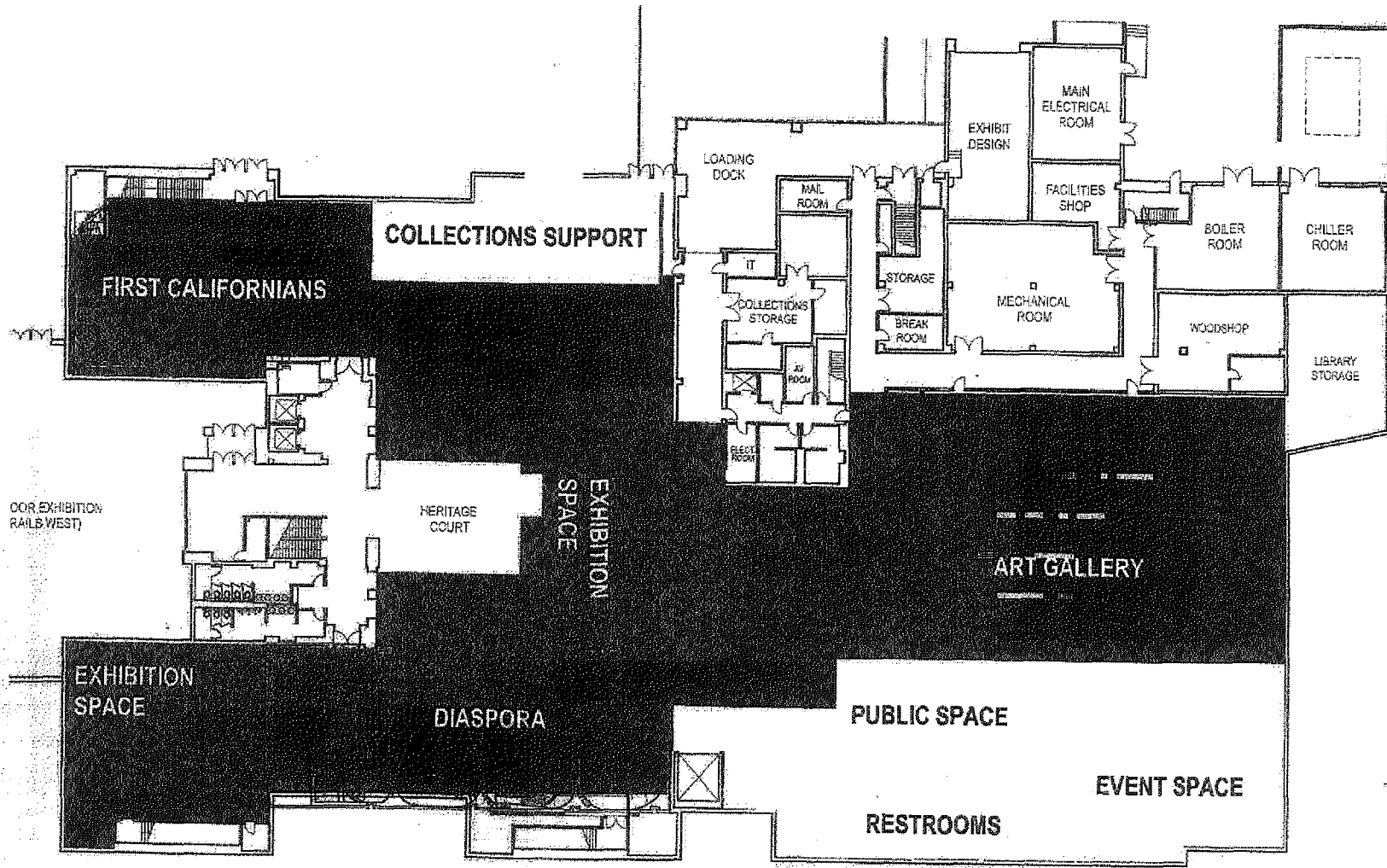
Garden Level  
Existing

Aurty Gallery  
Reinstallation  
BEGINNING 2012

PLANNING  
DOCUMENT

PAGE 2 OF 5

DRAWING NO. 05/12/10



**Garden Level**  
Final Reinstallation

Autry Gallery  
Reinstallation  
BEGINNING 2012

PLANNING  
DOCUMENT

PAGE 4 OF 5

Dispersed as/1/10

EXHIBIT 3

**From:** "John Gray" <jgray@theautry.org>  
**To:** Cid.Macaraeg@lacity.org  
**CC:** dburton@theautry.org; Paul.J.Davis@lacity.org  
**Date:** 5/13/2010 6:16 PM  
**Subject:** Howdy / lease comfort letter

Cid,

The Autry is going to reinstall our galleries over the next five or six years. This work will be done within the existing building footprint. We are now applying for a State of California Nature Education Facilities Grant (prop 84) for a specific project for the north end of the lower level of the building, and creating a new Native American landscape, replacing the existing landscape for our out door area called Trail's West.

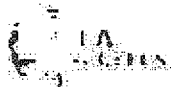
If the applicant's project is on a leasehold, there is a 30 year term requirement or, if the lease has less than a 30 years remaining, then the applicant provide a comfort letter from the landlord that the existing lease would be reasonably extended at the appropriate time. The Autry does not plan to ask the City to extend the lease at this time, so we would ask the City for a comfort letter.

If we provide you with suggested comfort letter language, could you process it for us? We do need it over the next month, and are not sure of your process or requirements.

If you would like for us to come down and meet with you, that is also possible.

Best!

John L. Gray  
President and CEO  
Autry National Center of the American West  
4700 Western Heritage Way  
Los Angeles, CA 90027-1462  
Tel: 323-667-2000 Ext. 302  
Fax: 323-660-5721  
jgray@theautry.org <mailto:jgray@theautry.org>  
www.theautry.org <http://www.theautry.org/>



Cid Macaraeg &lt;cid.macaraeg@lacity.org&gt;

## Re: Fwd: Howdy / lease comfort letter (Autry National Center)

1 message

Michael Shull &lt;Michael.A.Shull@lacity.org&gt;

Wed, May 19, 2010 at 9:17 AM

To: Cid Macaraeg &lt;Cid.Macaraeg@lacity.org&gt;, Vicki Israel &lt;Vicki.Israel@lacity.org&gt;, Kregan@rap.lacity.org

Please give them the letter

---Original Message---

From: Cid Macaraeg

To: Michael Shull &lt;Michael.A.Shull@lacity.org&gt;

To: Vicki Israel &lt;Vicki.Israel@lacity.org&gt;

To: Kevin Regan &lt;Kregan@rap.lacity.org&gt;

Sent: 5/18/2010 1:50:55 PM

Subject: Fwd: Howdy / lease comfort letter (Autry National Center)

Hi,

The Autry will be applying for Prop 84 funding and will need an extension of their current lease to qualify for the funding. The grant requires a 30 year term. They currently have 28 years left in their lease. At this time, they need a "comfort letter" to assure the State that we would grant them an extension. Are there any impediments to granting them this letter?

Cid M.

&gt;&gt;&gt; "John Gray" &lt;jgray@theautry.org&gt; 5/17/2010 6:22 PM &gt;&gt;&gt;

Cid,

There are three attachments: first is a letter from the autry to P &amp; R

second is a draft of

the comfort letter

third are the lease

guidelings.

We hope this provides the information that you need, and please contact us if you need anything else

Best!

John L. Gray

President and CEO

Autry National Center of the American West

4700 Western Heritage Way

Los Angeles, CA 90027-1462

Tel: 323-667-2000 Ext 302

Fax 323-660-5721

jgray@theautry.org &lt;mailto:jgray@theautry.org&gt;

www.theautry.org &lt;http://www.theautry.org/&gt;

10/27/2010

City of Los Angeles Mail - Re: FW: How

4700 Western Heritage Way


Los Angeles, CA 90027-1462

Tel. 323-667-2000 Ext. 302

Fax: 323-660-5721

[jgray@theautry.org](mailto:jgray@theautry.org) <mailto:jgray@theautry.org>

[www.theautry.org](http://www.theautry.org/) <http://www.theautry.org/>

 **Autry National Center Letter.pdf**  
82K



Cid Macaraeg &lt;cid.macaraeg@lacity.org&gt;

## Re: FW: Howdy / lease comfort letter

1 message

Cid Macaraeg &lt;Cid.Macaraeg@lacity.org&gt;

Wed, May 26, 2010 at 6:12 PM

To: John Gray &lt;jgray@theautry.org&gt;

John,

Here is a pdf of the signed comfort letter. The original is on its way via postal service.

Cid M.

&gt;&gt;&gt; "John Gray" &lt;jgray@theautry.org&gt; 5/24/2010 2:53 PM &gt;&gt;&gt;

Cid, thanks for the letter.

John L. Gray  
 President and CEO  
 Autry National Center of the American West  
 4700 Western Heritage Way  
 Los Angeles, CA 90027-1462  
 Tel: 323-667-2000 Ext. 302  
 Fax: 323-660-5721  
[jgray@theautry.org](mailto:jgray@theautry.org)  
[www.theautry.org](http://www.theautry.org/) < <http://www.theautry.org/> >

---

From: John Gray  
 Sent: Monday, May 17, 2010 6:22 PM  
 To: 'Cid Macaraeg'  
 Cc: David Burton  
 Subject: Howdy / lease comfort letter

Cid,

There are three attachments: first is a letter from the autry to P & R  
 second is a draft of  
 the comfort letter  
 third are the lease  
 guidelings.

We hope this provides the information that you need, and please contact  
 us if you need anything else

Best!

John L. Gray  
 President and CEO  
 Autry National Center of the American West

EXHIBIT 4

**From:** "David Burton" <dburton@theautry.org>  
**To:** Paul J Davis@lacity.org  
**Date:** 6/10/2010 10:57 AM  
**Subject:** Autry CEQA docs  
**Attachments:** CEQA NOE for NEF grant 6-9-10 doc, Autry Gallery Redesign doc, CEQA certification.pdf

Hi, Paul. Attached is the NOE form with the relevant sections filled in. I've also attached a slightly longer description of the project just for your information.

Also attached is the CEQA Certification form that we must also submit with our grant application. Could you please fill out the Lead Agency Contact Information section? Also, at the top, it asks what date the CEQA analysis was completed -- could you please advise on that? I spoke with an NEF grant officer who clarified that Rec & Parks does NOT sign this document. John Gray at the Autry will sign the certification at the bottom.

Do you think this can all be done by middle or end of next week? Please let me know if you need anything else from me. Thanks so much, David.

David Burton  
Director, Government Affairs & Special Projects  
Autry National Center of the American West  
4700 Western Heritage Way  
Los Angeles, CA 90027-1462  
(323) 667-2000, ext. 378  
(818) 679-8052 cell  
dburton@theautry.org <mailto:dburton@theautry.org>

**From:** Paul Davis [mailto:Paul.J.Davis@lacity.org]  
**Sent:** Wednesday, May 26, 2010 10:25 AM  
**To:** John Gray  
**Subject:** Re: Howdy / loose comfort letter

John,

Attached is the Notice of Exemption form that we will need to complete for your grant application along with the CEQA Certification page from the grant instruction. Please complete the "Project Title," "Project Address," and "Project Description" sections of the NOE form and return it to me along with the certification page. I will complete the rest of these forms and return them to you for the application.

## Autry Gallery Redesign

In 2011, the Autry will embark on a redesign of its exhibition galleries and other public spaces. The first phase of this multi-year project will be the creation of two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California, their relationship to the natural environment, and key stewardship practices they have employed in sustaining their traditions and lifeways. Through the Native Californian galleries and garden, visitors to the Autry will learn about historical and contemporary ecological issues that impact and, in some cases, threaten the way we live. They will also come to understand how Native communities developed systems and techniques dedicated to maintaining the plant and animal species upon which their peoples depended. These methods, and the ethical foundations from which they grew, have much to teach all Californians about how we might live more sustainably and harmoniously with the resources with which we've been blessed and which we are obliged to manage responsibly.

The Autry will be requesting a grant of roughly \$6.5 million through the state of California's Nature Education Facilities program to support the creation of the Native California component of its gallery redesign plan. This includes infrastructure improvements to two existing spaces that will house the California Indian galleries, as well as the installation of interpretive exhibits and the creation of the Native California teaching garden (also housed within the existing museum footprint). Funds will also support the revamping of existing restrooms common to each of these interpretive areas. The Autry will employ sustainable design in the construction of the galleries, garden, and restrooms, both to neutralize environmental impact and to encourage visitors in the use of sustainable practices.

No exterior walls of the current museum building will be breached. All work will be accomplished within the museum's existing footprint.

CITY OF LOS ANGELES  
 OFFICE OF THE CITY CLERK  
 ROOM 395, CITY HALL  
 LOS ANGELES, CALIFORNIA 90012  
 CALIFORNIA ENVIRONMENTAL QUALITY ACT

# NOTICE OF EXEMPTION

(Article III, Section 3, City CEQA Guidelines)

FORM 95-11-91

Submission of this form is optional. This form shall be filed with the County Clerk, 12400 East Imperial Highway, Norwalk, California 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21168(d), the filing of this notice starts a 35-day statute of limitation in Court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitation being extended to 180 days.

LEAD CITY AGENCY AND ADDRESS: Department of Recreation and Parks, 21 N Figueroa Street, Suite 100, Los Angeles, CA 90012	COUNCIL DISTRICT:
---	-------------------

PROJECT TITLE: Creation of Facilities Interpreting Native American Environmental Stewardship	LOG REFERENCE:
--	----------------

PROJECT LOCATION: 4700 Western Heritage Way, Los Angeles, CA 90027

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**  
 The Autry plans to create two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California, their relationship to the natural environment, and key stewardship practices they have employed in sustaining their traditions and lifeways. This project will include infrastructure improvements to two existing museum spaces that will house the California Indian exhibits, as well as the conversion of an existing exterior interpretive space into the Native California teaching garden. The project will also include the revamping of existing restrooms common to each of these interpretive areas. No exterior walls of the current museum building will be breached. All work will be accomplished within the museum's existing footprint. Through the Native California galleries and garden, visitors to the Autry will learn about historical and contemporary ecological issues that impact the way we live, and will be encouraged to engage in sustainable practices that protect natural resources and the environment.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON: PAUL DAVIS	AREA CODE 213	TELEPHONE NUMBER: 202-2667	EXT.:
-------------------------------	------------------	-------------------------------	-------

EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2(a)(1)	ART. 18, Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2(a)(2)(3)	ART. 18, Sec. 15269(b)(c)
<input type="checkbox"/> MINISTERIAL PROJECT	Art. II, Sec. 2b	ART. 18, Sec. 15268
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Art. II, Sec. 2(c) See Below	ART. 19, Sec. 15300-15332
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 2(d)	ART. 18, Sec. 15282
<input type="checkbox"/> STATUTORY EXEMPTION	Art. II, Sec. 2(i)	ART. 18, Sec. 15282
	Category	(City CEQA Guidelines)
	_____	Art. III, Sec(s): _____
	_____	Art. III, Sec(s): _____
	_____	Art. III, Sec(s): _____
	_____	Art. III, Sec(s): _____

OTHER: (See Public Resources Code Sect. 21080(h) and set forth the state & city guidelines provisions)

**JUSTIFICATION FOR PROJECT EXEMPTION:**  
 The project does not require any discretionary approvals or permits from the City or any other agency and, therefore, is exempt from CEQA review (Cal. Public Resources Code Section 21080(a)). Also, the project involves only alterations to an existing facility that will not increase the size of the building and, therefore, the project is exempt under State CEQA Guideline 153001.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE PAUL DAVIS	TITLE ENVIRONMENTAL SPECIALIST	DATE:
-------------------------	-----------------------------------	-------

FEES \$75.00	RECEIPT NO.	REC'D. BY:	DATE:
--------------	-------------	------------	-------

CEQA Compliance Certification Form

Applicant/Grantee: Autry National Center Project Name: Nature Education Facilities

Project Address: 4700 Western Heritage Way, Los Angeles, CA 90027

When was CEQA analysis completed for this project? Date:

What documents were filed for this project's CEQA analysis: (check all that apply)

- Initial Study  Notice of Exemption  Negative Declaration  
 Mitigated Negative Declaration  Environmental Impact Report  
 Other \_\_\_\_\_

Please attach the Notice of Exemption or the Notice of Determination as appropriate.

If these forms were not completed please attach a letter from the Lead Agency explaining why, certifying the project has complied with CEQA and noting the date that the project was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Certification:**

I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the project identified above and that the project is described in adequate and sufficient detail to allow the project's construction or acquisition.

I certify that the CEQA analysis for this project encompasses all aspects of the work to be completed with grant funds.

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE  
REPRESENTATIVE  
(Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
AUTHORIZED  
(Printed Name and Title)

From: "David Burton" <dburton@theautry.org>  
To: Paul.J.Davis@lacity.org  
Date: 5/27/2010 6:56 PM  
Subject: RE: Howdy / lease comfort letter

Paul, thanks so much for sending along the NOE form. As well as for meeting with us a couple of weeks ago! Hoping to have all this completed and back to you next week. Cheers, David

David Burton

Director, Government Affairs & Special Projects

Autry National Center of the American West

4700 Western Heritage Way

Los Angeles, CA 90027-1462

(323) 667-2000, ext. 378

(818) 679-8052 cell

dburton@theautry.org <mailto:dburton@theautry.org>

From: Paul Davis [mailto:Paul.J.Davis@lacity.org]  
Sent: Wednesday, May 26, 2010 10:25 AM  
To: John Gray  
Subject: Re: Howdy / lease comfort letter

John,

Attached is the Notice of Exemption form that we will need to complete for your grant application along with the CEQA Certification page from the grant instruction. Please complete the "Project Title," "Project Address," and "Project Description" sections of the NOE form and return it to me along with the certification page. I will complete the rest of these forms and return them to you for the application.

>>> "John Gray" <jgray@theautry.org> 5/13/2010 6:15 PM >>>

Cid,

The Autry is going to reinstall our galleries over the next five or six years. This work will be done within the existing building footprint. We are now applying for a State of California Nature Education Facilities Grant (prop 84) for a specific project for the north end of the lower level of the building, and creating a new Native American landscape, replacing the existing landscape for our out door area called Trail's West.

If the applicant's project is on a leasehold, there is a 30 year term

requirement or, if the lease has less than a 30 years remaining, then the applicant provide a comfort letter from the landlord that the existing lease would be reasonably extended at the appropriate time. The Autry does not plan to ask the City to extend the lease at this time, so we would ask the City for a comfort letter.

If we provide you with suggested comfort letter language, could you process it for us? We do need it over the next month, and are not sure of your process or requirements.

If you would like for us to come down and meet with you, that is also possible.

Best!

John L. Gray

President and CEO

Autry National Center of the American West

4700 Western Heritage Way

Los Angeles, CA 90027-1462

Tel: 323-667-2000 Ext. 302

Fax: 323-660-5721

[jgray@theautry.org](mailto:jgray@theautry.org) <<mailto:jgray@theautry.org>>

[www.theautry.org](http://www.theautry.org/) <<http://www.theautry.org/>>

EXHIBIT 5

06/22/2010 Paul Davis  
From: "David Burton" <dburton@theautry.org>  
To: Paul J Davis@lacity.org  
Date: 6/22/2010 12:55 PM  
Subject: RE: picking up Autry NOE

Thanks. I'll aim to pick up the form from your office at 9:30

---

From: Paul Davis [mailto:Paul.J.Davis@lacity.org]  
Sent: Tuesday, June 22, 2010 12:47 PM  
To: David Burton  
Subject: Re: picking up Autry NOE

Friday morning is fine. The filing doesn't take long—it's just a matter of stamping the document. It's the traffic and parking that takes time, as well as standing in line at the County Clerk (first-come-first-serve basis only). It will take a good couple of hours. Only the County requires a fee.

>>> "David Burton" <dburton@theautry.org> 6/22/2010 12:11 PM >>>

Paul, would it be possible for me to pick up from you the NOE with original signature this Friday morning? I'd like to take care of the filings that day. How much time do you recommend I budget for my trips to the clerks? Is it done fairly quickly or should I anticipate waiting around at the clerk offices?

Thanks again for the instructions below. I see the locations of the two clerk offices are on the NOE form: City Clerk in City Hall; County Clerk in Norwalk. Only the County requires a fee?

---

From: Paul Davis [mailto:Paul.J.Davis@lacity.org]  
Sent: Friday, June 18, 2010 11:00 AM  
To: David Burton  
Cc: David Attaway  
Subject: Re: Autry CEQA docs

David,

Got your voice message from yesterday. Attached are the signed Notice of Exemption (NOE) and CEQA Certification for your grant application. For the NOE, you will want to file it with both the City and County Clerk Offices before inserting in the application. Then insert the filing date into the Certification form to complete it.

You may already know the filing procedures, but I'll explain it just in case you don't. You will need to arrange to pick up the original signed copy of the NOE from me because the County Clerk only accepts the original (wet signature) for filing. Then you will take the original and two copies to the City Clerk first. All three documents will be stamped, and you will get back the original and one copy; they keep one of the copies. Take the stamped original and copy to the County Clerk, along

with a \$75 check made out to the Los Angeles County Clerk for the filing fee. The county Clerk will stamp and keep the original for the required 30-day posting, and give you the stamped copy with a receipt for the filing fee. In about 45 days the original will be mailed to me as the Lead Agency. I will keep the original and create a scanned PDF for your records and use in grant administration matters.

The City Clerk is located on the 3rd floor of City Hall, and the County Clerk is in Norwalk (file on the 2nd floor in Business Filings). Good luck on the grant and feel free to contact me if you have any further questions.

>>> "David Burton" <dburton@theautry.org> 6/10/2010 10:56 AM >>>

Hi, Paul. Attached is the NOE form with the relevant sections filled in. I've also attached a slightly longer description of the project just for your information.

Also attached is the CEQA Certification form that we must also submit with our grant application. Could you please fill out the Lead Agency Contact Information section? Also, at the top, it asks what date the CEQA analysis was completed -- could you please advise on that? I spoke with an NEF grant officer who clarified that Rec & Parks does NOT sign this document. John Gray at the Autry will sign the certification at the bottom.

Do you think this can all be done by middle or end of next week? Please let me know if you need anything else from me. Thanks so much, David

David Burton  
Director, Government Affairs & Special Projects  
Autry National Center of the American West  
4700 Western Heritage Way  
Los Angeles, CA 90027-1462  
(323) 667-2000, ext. 378  
(818) 679-8052 cell  
dburton@theautry.org <mailto:dburton@theautry.org>

From: Paul Davis [mailto:Paul.J.Davis@lacity.org]  
Sent: Wednesday, May 26, 2010 10:25 AM  
To: John Gray  
Subject: Re: Howdy / lease comfort letter

John,

Attached is the Notice of Exemption form that we will need to complete for your grant application along with the CEQA Certification page from the grant instruction. Please complete the "Project Title," "Project Address," and "Project Description" sections of the NOE form and return it to me along with the certification page. I will complete the rest of

these forms and return them to you for the application.

**FILED**

JUN 25 2010

CITY OF LOS ANGELES  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

DOCUMENT FILED  
City Clerk's Office  
Certified by [Signature]  
Date: JUN 25 2010  
No. 10-012-1117

REGISTRAR-RECORDER/COUNTY CLERK  
J. J. JENSEN

# NOTICE OF EXEMPTION

(Article 18, Section 3, City CEQA Guidelines)

FORM 88 3-1-91

Submission of this form is optional. This form shall be filed with the County Clerk, 12400 East Imperial Highway, Norwalk, California 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21168(d), the filing of this notice starts a 35-day statute of limitation on Court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitation being extended to 180 days.

LEAD CITY AGENCY AND ADDRESS: Department of Recreation and Parks,  
221 N. Figueroa Street, Suite 100, Los Angeles, CA 90012

COUNCIL DISTRICT:  
4

PROJECT TITLE: **AUTRY NATIONAL CENTER (Griffith Park)- Facility Remodeling of Exhibit Space for Interpreting Native American Environmental Stewardship**

LOG REFERENCE:  
Proposition 84 Grant

PROJECT LOCATION: 4700 Western Heritage Way, Los Angeles, CA 90027

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**  
The proposed project will to create two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California, their relationship to the natural environment, and key stewardship practices they have employed in sustaining their traditions and lifeways. The project will include infrastructure improvements to two existing museum spaces that will house the California Indian exhibits, as well as the conversion of an existing exterior interpretive space into the Native California teaching garden. The project will also include the renovation of existing restrooms common to each of these interpretive areas. All remodeling work will be accomplished within the museum's existing footprint and no exterior walls of the museum building will be modified. The patrons of the Autry National Center museum and Griffith Park will be the beneficiaries of the project.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:  
Autry National Center 4700 Western Heritage Way, Los Angeles, CA 90027

CONTACT PERSON: PAUL DAVIS  
AREA CODE: 213  
TELEPHONE NUMBER: 202-2667  
EXT.:

EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2a(1)	ART. 18, Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2(a)(2)(3)	ART. 18, Sec. 15269(b)(c)
<input type="checkbox"/> MINISTERIAL PROJECT	Art. II, Sec. 2b	ART. 18, Sec. 16269
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Art. II, Sec. 2(c) See Below	ART. 18, Sec. 15300 -16332
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 2(d)	ART. 18, Sec. 15262
<input type="checkbox"/> STATUTORY EXEMPTION	Art. II, Sec. 2(f)	ART. 18, Sec. 15282
	Category: 1, 13	(City CEQA Guidelines)
		Art. III, Sec(s): 1(a)(1)(13)
		Art. III, Sec(s):
		Art. III, Sec(s):
		Art. III, Sec(s):

OTHER (See Public Resources Code Sect. 21060(b); and set forth in state & city guidelines provisions)

**JUSTIFICATION FOR PROJECT EXEMPTION:**  
The project involves interior and exterior alterations to established and discrete areas of an existing facility, which are fully developed within the larger environment of parks or recreation centers, where such modifications are essentially a rearrangement (rather than an additive function) such as might occur at a museum, and will not increase the size or expand the use of the facility.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: PAUL DAVIS [Signature]	TITLE: ENVIRONMENTAL SPECIALIST	DATE: June 18, 2010
FEE \$75.00	RECEIPT NO.	REC'D. BY:
		DATE:

10 038665

REGISTRAR-RECORDER/COUNTY CLERK  
JUN 25 2010  
10-012-1117  
NO

CEQA Compliance Certification Form

Applicant/Grantee: Autry National Center Project Name: Nature Education Facilities

Project Address: 4700 Western Heritage Way, Los Angeles, CA 90027

When was CEQA analysis completed for this project? Date:

What documents were filed for this project's CEQA analysis: (check all that apply)

- Initial Study  Notice of Exemption  Negative Declaration
- Mitigated Negative Declaration  Environmental Impact Report
- Other \_\_\_\_\_

Please attach the Notice of Exemption or the Notice of Determination as appropriate.

If these forms were not completed please attach a letter from the Lead Agency explaining why, certifying the project has complied with CEQA and noting the date that the project was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name: Los Angeles Department Recreation & Parks Contact Person: Paul Davis

Mailing Address: 221 N Figueroa St., Suite 100, Los Angeles, CA 90012

Phone: 213 292-2667 Email: Paul.J.Davis@lacity.org

Certification:

I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the project identified above and that the project is described in adequate and sufficient detail to allow the project's construction or acquisition.

I certify that the CEQA analysis for this project encompasses all aspects of the work to be completed with grant funds.

Paul J. Davis 9/17/10  
AUTHORIZED REPRESENTATIVE Date  
REPRESENTATIVE  
(Signature)

Paul Davis, Env. Spclst.  
AUTHORIZED  
(Printed Name and Title)

EXHIBIT 6



Yadhira De Leon  
323.667.2000, ext. 327  
ydeleon@theautry.org

## **THE AUTRY NATIONAL CENTER ANNOUNCES PLANS FOR TWO MAJOR ARCHITECTURAL PROJECTS**

**Transformation of Griffith Park Facility by Levin & Associates Will Add 25,000 Square Feet and Offer Stunning Showcase for the Autry's Collections**

**New Building in Burbank Designed by Chu + Gooding Will Serve as Autry Research and Resource Center**

Los Angeles, CA (June 30, 2010)— Moving forward with its ambitious plan to create a major new intercultural center, where it will bring together and honor the stories of all the peoples of the American West, the Autry National Center today announced plans for two major architectural projects. The Autry will transform its existing Griffith Park campus into a cultural attraction for Los Angeles, designed by the distinguished firm of Levin & Associates. The Autry will also purchase a new building in Burbank and work with Chu + Gooding to create a new Research and Resource Center. Through the \$75 million, seven-year project, the Autry will bring its collections and exhibitions to the public as never before.

Over the past year, the Autry has worked closely with Brenda Levin, Principal of Levin & Associates, on a planning study for the Griffith Park facility. The study determined that if the Autry is to dramatically increase and modernize its galleries in the existing building, it must free up spaces on the first floor that are currently used for offices, conservation laboratories, and collection storage. To achieve this goal, the Autry will establish an off-site Research and Resource Center, which will accommodate its curatorial offices, laboratories, research libraries, and approximately 500,000 artworks and artifacts that have been stored until now in both the Griffith Park and Mt. Washington facilities.

“Brenda Levin has drawn on her great expertise, and her deep knowledge of our institution and the Griffith Park facility, to give us a sensitive, sustainable, and highly attractive plan,” said John Gray, President and CEO of the Autry. “By creating a museum space that better addresses the needs of our visitors, collections, exhibitions, and programs, this project will enable the Autry to fulfill its unique potential, as the institution that can tell the comprehensive and integrated story of the American West.”



Brenda Levin's plan will open up the first-floor level of the museum, adding 25,000 square feet of gallery space. These new galleries, scheduled to begin opening in 2013, will allow for the presentation of multiple exhibitions. Highlights include *First Californians*, a permanent gallery devoted to the story of Native Americans living in the West before European settlers arrived; a new gallery space for rotating exhibitions of the Southwest Museum's outstanding Native American collection; and a redesign of the outdoor landscape area now called Trails West.

The new Autry Research and Resource Center will be a two-story, 100,000-square-foot structure located on Victory Boulevard in Burbank, approximately 2.5 miles from Griffith Park. Its primary use will be to provide state-of-the-art, museum-quality storage for the Autry's extensive collections of art and artifacts and library materials. The Autry's Institute for the Study for the American West, which encompasses the Braun Research Library and the Autry Library, will move to the Research and Resource Center. A reading room will be open to the public by appointment.

The collections now stored at the Southwest Museum building in Mount Washington will also be moved over time into the Research and Resource Center. This move will ensure that these priceless artifacts and pieces of artwork are maintained under pristine conditions, that they remain safely accessible to scholars and researchers, and that the Autry's curators can select from them for exhibitions and installations. Gallery space in the Southwest Museum is currently being used for expanding much needed conservation and preservation work on the collection. The Autry expects this conservation project to be completed at the end of 2013. The Autry is currently seeking partnerships with educational, cultural, or civic organizations to develop future programs suitable to the Southwest Museum site.

### **About Levin & Associates**

Founded in 1980 by Brenda A. Levin, the urban planning and architecture firm Levin & Associates received worldwide attention early in the decade for its revitalizing historic preservation work on some of Los Angeles's most beloved landmarks. In the intervening 20 years, the firm's profound concern for enhancing urban memory and the humanity of a project has positioned it to be an active problem solver in the issues and neighborhoods of a complex city and region.

The scope of Levin & Associates' work includes urban design and master planning, large-scale renovation and adaptive reuse of historic buildings, and the design of new institutional, commercial, and multifamily housing facilities. Geographically, the firm's project sites blanket Southern California.

Levin & Associates Architects has been honored and recognized by many organizations, including the American Institute of Architects, the Urban Land Institute, the California State Legislature, the City of Los Angeles and its Cultural Affairs Commission, and the Los Angeles Conservancy.



A monograph featuring the firm's work, titled *Brenda Levin, Levin & Associates Architects: Los Angeles*, has also been published.

### **About Chu + Gooding Architects**

Chu + Gooding Architects is an award-winning, Los Angeles–based firm specializing in arts-related, cultural, and educational projects. Crafting engaging and lasting environments that integrate architecture, landscape, and interior design, their work is celebrated for its insightful recognition of the user's experience and its refined synthesis of materials and color.

The firm commits to a framework of design formed by a studied response to context and a close collaboration with all involved in the project. Notable clients include MoCA, the Hammer Museum, the Getty Center, the LA Philharmonic Association, and KPCC 89.3 FM.

### **Autry National Center**

The Autry National Center is an intercultural history center dedicated to exploring and sharing the stories, experiences, and perceptions of the diverse peoples of the American West. Located in Griffith Park, the Autry includes the collections of the Museum of the American West, the Southwest Museum of the American Indian, and the Autry Institute's two research libraries: the Braun Research Library and the Autry Library. Exhibitions, public programs, K–12 educational services, and publications are designed to examine critical issues of society, offering insights into solutions and the contemporary human condition through the Western historical experience.

Weekday hours of operation for the Autry in Griffith Park location are Tuesday through Friday, 10:00 a.m. to 4:00 p.m. The Autry Store's weekday hours are Tuesday through Friday, 10:00 a.m. to 4:30 p.m., and the Golden Spur Cafe is open Tuesday through Sunday, 9:00 a.m. to 4:30 p.m. Saturday and Sunday hours for the museum and the Autry Store are 11:00 a.m. to 5:00 p.m. The museum, the Autry Store, and the cafe are closed on Mondays. The libraries are open to researchers by appointment.

###

EXHIBIT 7

Evolution of the Center

# “Change Happens. It Will Only Get Better.”



Roughly seven years have passed since the merger of the Southwest and Autry museums, resulting in the creation of the Autry National Center. During that time, we've made enormous strides in saving and protecting the Southwest Museum's

magnificent collections, and have made important progress in addressing critical structural repairs to the Southwest's historic 1914 building. Considerable work has also been done organizing major exhibitions on Native cultures based on Southwest collections. Our Native North American baskets exhibition, which opened last November, is a key expression of the promise of the merger, just as the recent opening of *Home Lands: How Women Made the West* has helped advance the promise of the Autry's earlier merger with the Women of the West Museum.

These seven years have not been without bumps and disappointments. Primarily, plans to expand our facilities in Griffith Park—to accommodate new galleries and storage for Southwest Museum collections—were withdrawn due to political obstacles, and further hampered by the challenges of a major economic downturn. Thankfully, our accomplishments, as well as our ongoing work engaging the broader public, far outweigh any temporary setbacks or bruises. Over the past year, our board and staff have worked energetically on a plan to create greater exhibition space within the walls of our existing Griffith Park museum, getting us back on track to fulfill a key principle of the merger—the interweaving of the Native American experience into the larger story of the American West. And despite the global recession, we have managed our resources well, putting us on solid footing to pursue important work in the years ahead.

When we determined last year not to move forward with plans to expand our Griffith Park facilities, the Autry engaged in a visioning process to help us focus on a new course for the future, one that has resulted in the above-mentioned plan to reconfigure and redesign existing internal space. We undertook a similar focusing exercise when the Autry National Center was created in 2003. Through many visioning discussions, it has become remarkably clear that the institution's core beliefs and values are unchanged. While the physical elements

of the Autry will take a different form than had been anticipated a year ago, animating institutional principles have remained constant over time.

Foremost, the Autry tells the stories of the American West within the context of the convergence of cultures. At its heart, this represents an inclusive view of all the peoples of the American West, one that recognizes the staggering diversity of the region and at the same time acknowledges both its beauty and complications. Convergence is about looking honestly at our shared history, at times learning uncomfortable lessons about the darker aspects of human behavior, but ultimately finding inspiration and hope in the indomitable human spirit.

Second, the Autry tells the stories of the American West with respect and affection for people of all backgrounds, from North America's Indigenous cultures to those who trace their roots to Europe, Asia, Africa, and Latin America. Everyone's story deserves to be told, without pre-judgment or irony. We can all relate to personal journeys of struggle and failure and triumph, as well as to dreams of home, opportunity, and acceptance.. They are what unites us all. And they will always be found at the Autry.

Third, the love and care of our amazing collections is of primary importance. We are stewards of wide-ranging, wonderfully encompassing, and often surprising holdings that have the ability to teach us about a past both real and imagined, and a future we must all build together. Our everlasting responsibility is to preserve and keep them safe, and to find engaging and meaningful ways to share them with the public.

By now, many of you know that after eleven years at the helm of the Autry, I have announced my plans to retire. When I leave, I will do so with great hope for the future of this institution, for I will leave it in the hands of a committed board of trustees, a hard-working staff, and a new president with great ideas, Daniel M. Finley, whom you will learn more about in the next issue of this magazine. They will all be unified around a set of core beliefs and values that ground the Autry and make it matter.

Change happens. It will only get better.

### EDITORIAL BOARD

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Gasper Patrico  
Michael Rey

*Design Director*  
Mark Caneso

Printed by Faust Printing Inc.

### Autry Mission Statement

The Autry brings together the stories of all peoples of the American West connecting the past with the present to inspire our shared future.

*Inquiries and Comments*  
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ConvergenceEditor@theautry.org

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Institute for the Study of the American West  
4700 Western Heritage Way  
Los Angeles, CA 90027-1462  
323.667.2000 • Griffith Park

TheAutry.org



Southwest Museum of the American West  
Museum of the American West  
Institute for the Study of the American West

EXHIBIT 8

**CHATTEN-BROWN & CARSTENS**

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*Via U.S. Mail and Email to sberr@parks.ca.gov*

February 23, 2011

Ms. Sandra Berry, Supervisor,  
Nature Education Facilities Program  
Office of Grants and Local Services  
California Department of Parks and Recreation  
Post Office Box 942896  
Sacramento, CA 94296-0001

RE: Objection to Funding the Application of Autry National Center of the  
American West for Proposition 84 Grant Funds to Renovate Museum  
Building

Dear Ms. Berry:

This firm represents the Highland Park Heritage Trust and the Mount Washington Homeowners Alliance, two community-based organizations concerned with assuring that the collections of the Southwest Museum, Los Angeles' first and most historic museum, continue to be principally exhibited at the National Register of Historic Places site located in the Arroyo Seco area of Los Angeles on Mount Washington. Our client organizations were founding members of the Friends of the Southwest Museum, a broad coalition of over 60 organizations.

Our clients strenuously object to the grant request of the Autry National Center of the American West ("Autry Museum") for \$6.5 million under the Proposition 84 grant program. The Autry Museum does not meet the grant requirements and the application has failed to demonstrate appropriate land tenure in accordance with the Department's requirements, and provide environmental clearance for the proposed project.

In addition, the proposed redesign and expansion of exhibition space project at the Griffith Park location of the Autry Museum would have significant adverse impacts on land use policies of the City of Los Angeles, on the historic resource of

the Southwest Museum, and potentially upon traffic at one or more intersections near the Autry Museum. The state Department of Parks and Recreation (Department) has a responsibility under the California Environmental Quality Act ("CEQA") to assure that its discretionary grant will not lead to a significant negative impact on the environment.

The Autry Museum currently leases space from the City of Los Angeles in Griffith Park. Unless extended, the existing lease will expire in 2037. It is our understanding that the Autry Museum has submitted an application seeking up to \$6.5 million in state bond funds to undertake a redesign and expansion of exhibition space of the lower level of the Autry Museum building located at 4700 Heritage Way in Griffith Park. Currently, the space houses the collection storage and curatorial function of the Museum of the American West – it is not currently used for exhibition space for visitors, a more intensive use.

As we understand the grant application, the Autry Museum plans to move the collections storage and curatorial functions of the Museum of the American West to a renovated building located on Victory Boulevard in Burbank, California. Additionally, it declared its intention to remove the entire Southwest Museum Collection and library materials to the same Victory Boulevard building. Thereafter, the Autry Museum stated its goal to make substantial internal modifications to their existing Griffith Park museum building, expanding its exhibition space by 20,000 additional square feet. Some or all of the state grant funds in this application are proposed for use by the Autry Museum to significantly expand its exhibition space to exhibit the collections of the Southwest Museum instead of rehabilitating and reusing the existing and historic Southwest Museum building it owns. Use of the existing building is required by the City of Los Angeles' 1999 Northeast Community Plan, and this important fact is ignored by the Autry Museum's proposal.

**A. The Grant Application is Based Upon an Unauthorized Project Approval and a Letter From City Staff Opining the City Would Be Inclined to Extend Autry's Lease.**

Our clients only recently learned of the content of the Autry Museum's grant application, the issuance of a Notice of Exemption (NOE) from CEQA filed by the City of Los Angeles on June 25, 2010, and a letter from City of Los Angeles Recreation and Parks General Manager Jon K. Mukri, dated June 23, 2010, saying that City Recreation and Parks would be favorably inclined to extend the existing lease of park land in Griffith Park for the Autry Museum.

The Autry Museum appears to have improperly convinced staff at the City of Los Angeles Department of Recreation and Parks to produce an NOE to make the Autry Museum's grant application particularly attractive by representing that CEQA compliance for the project was completed.

However, the NOE provided by City staff to the Autry Museum is void because the underlying project- reconfiguration of exhibition space at the Autry Museum- could not validly be approved by the City staff member, Recreation and Parks General Manager Jon Mukri, who seemed to approve it as part of signing a letter regarding the land tenure. The implied approval of an expansion of over 20,000 square feet costing over \$6.5 million requires approval by the City of Los Angeles Board of Recreation and Park Commissioners. The existing lease agreement between the Autry Museum and the City of Los Angeles states:

*"Following the original construction of the Western Heritage Museum, . . . (ii) any expansion or major permanent internal modification to the existing museum structure with an estimated cost of Twenty-Five Thousand dollars (\$25,000.00) or more shall require the prior written consent of the BOARD."*

(Lease paragraph XX.B, emphasis added, a copy of which is attached as Exhibit 1.)

There is no evidence the Autry Museum obtained the permission of the Board of Recreation and Parks Commissioners for its proposed exhibition expansion project as required by the lease, and we have been informed no such approval has occurred. In the absence of an action by the Board, Department of Recreation and Parks General Manager Jon Mukri had no authority either to issue an NOE or to provide a letter stating that the City would be favorably inclined to grant an extension of the Autry Museum's lease of park land for the minimum period required as a grant condition since only the Board has authority to approve such a lease extension.

Because they were granted without authority to do so, the implied project approval underlying the NOE and the letter seeking to provide assurance regarding the lease held by the Autry Museum are null and void. Consistent with the principles set forth in the case of *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, 773, the NOE does not provide sufficient environmental

clearance for the State Department of Recreation and Parks to make a grant award because it is void. In *Smith*, the County of Santa Barbara's building department was misled by the project applicant's representative to authorize revisions to a plan for microwave towers without performing new CEQA analysis. (*Id.* at 773.) Therefore, the court found that the County could not validly issue a permit based on those revisions obtained in fraud or error. (*Id.*) Likewise, the Autry Museum's purported NOE was given without proper authority, since the lease restricted the ability to approve such a large expansion to the Board. Since the implied approval and NOE for it were given in excess of authority, as in the *Smith v. County of Santa Barbara* case, they are void and therefore do not provide a valid basis for further approvals such as the Autry Museum's grant application.

**B. The Notice Of Exemption Provided to the Department by the City of Los Angeles Recreation and Parks Department Was Erroneously Filed.**

The Recreation and Parks staff's purported approval of an expansion of the Autry Museum based upon a categorical exemption<sup>1</sup> is improper because the staff does not have authority to approve a modification to the Museum that costs over \$25,000; that is the responsibility of the City Board of Recreation and Parks, and they have not acted upon an application for approval. Further, such a modification, if used for exhibiting the Southwest Museum Collection, would have direct, adverse impacts on the historically recognized Southwest Museum and would be contrary to the applicable City Community Plan that contemplates the continued existence of the Southwest Museum at its current location. The staff of the City of Los Angeles Recreation and Parks Department have conducted no appropriate level of environmental review of the potential negative impacts of the proposed project in the grant application, and instead falsely claim the project is categorically exempt from CEQA. To the extent review of an expansion of the Autry Museum to include 20,000 square feet of exhibition space for the Southwest

---

<sup>1</sup> Los Angeles staff members claimed a categorical exemption numbered Art.III. sec. 1(a)(1)(13) under its CEQA Threshold Guidelines. This exemption is for "Interior or internal modifications to established and discrete areas which are fully developed within the larger environment of parks or recreation centers, where such interior or internal modification is essentially a rearrangement (rather than an additive function) such as might occur at a zoo, outdoor museum, arboretum, formal garden, or similar display area." However, this exemption is inapplicable because the expanded area would be used to exhibit new collections brought in from the Southwest Museum.

Museum has been conducted in the Environmental Review process by the City in 2009 (EIR number EIR-RP-013-07), it revealed significant impacts that the City was not willing to certify and accept.

A public agency may not claim a categorical exemption from CEQA when the project it proposes would have a significant impact on the environment. “Even if an activity fits within an otherwise exempt category, the agency may not find it exempt if the project will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines, § 15300.2, subd. (c) [fn] .)” (*Committee to Save Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1186.) This is especially true when the impact would occur to a historic resource: “a categorical exemption is not applied to projects that may cause a substantial adverse change in the significance of a historic resource. (Pub. Resources Code, § 21084, subd. (e); Guidelines, § 15300.2, subd. (f).)” (*Ibid.*)

The City of Los Angeles Recreation and Parks Department has provided the Department with a NOE dated June 25, 2010. The City may argue the NOE is beyond challenge under the California Environmental Quality Act’s 180 day statute of limitation based on *Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481. However, we do not believe the NOE is beyond legal challenge because, unlike the staff member in *Stockton Citizens*, the Los Angeles City staff member who approved the Autry Museum expansion project for purposes of the NOE did not have the authority to do so. This case is like *Smith v. Santa Barbara* where environmental review had been avoided and a permit had been issued using mistake, fraud or error by the project applicant or planning staff, all permits issued as a result of the mistake, fraud, or error were void.

Even if it were beyond challenge under CEQA, that does not alleviate the Department of its own duties under CEQA to ensure any project it approves does not have a significant negative impact on the environment. The Department has an independent duty to identify and avoid significant impacts from a project. (CEQA Guidelines § 15096, subd. (g)(1); Pub. Resources Codes, § 21002.1, subd. (d).)

**C. The Autry Museum’s Application Does Not Meet Grant Requirements for Land Tenure.**

It is our understanding that the Application Guide for the Nature Education Facilities Program dated March 1, 2010 (Guide) requires the Autry Museum to demonstrate that it has site control for over 30 years for a grant of the size requested. The Autry Museum’s application does not meet the Land Tenure

Requirements set forth in the Guide. The Guide requires that for grants of over \$1 million, as this would be, the applicant must satisfy land tenure requirements of “at least 30 years of land tenure.” In this case, the Autry Museum’s lease was executed January 23, 1987 so it expires in 2037. Thus, it would be at least two years short of a 30-year land tenure if it received a grant this year. In an attempt to cover this shortfall, the Autry obtained a letter from Jon Mukri, General Manager of the City’s Department of Recreation and Parks, stating his opinion that the City of Los Angeles would be “favorably disposed” to extend the Autry’s lease, though he acknowledged his statement would be subject to approval by the Board of Recreation and Parks Commissioners. (Mukri Letter, Exh. 4.) This statement of a favorable view by a City staff member who cannot approve the proposed lease extension does not adequately prove the Autry Museum’s 30 year land tenure. The Guide requires that the Autry Museum provide “A letter from the landowner which confirms . . . Commitment to continue, to renew the land tenure agreement . . . to satisfy the . . . 30 year requirement.” (Guide, p. 32.) The City of Los Angeles is the landowner and there is no such commitment that was properly approved or granted from the City of Los Angeles through its Board of Recreation and Parks Commissioners.<sup>2</sup>

**D. The Autry Museum is Applying for \$6.5 Million for Redesigning and Expanding Exhibition Space to House the Collections from the Southwest Museum In Violation of the City’s Northeast Community Plan – A Proposal Previously Rejected by the Los Angeles Board of Referred Powers.**

There are multiple potential negative impacts that might result from adding 20,000 square feet of exhibition space for exhibition of the Southwest Museum Collections to the Autry Museum’s Griffith Park building. These impacts were identified and explained in a letter to the City submitted by Terry Speth, Diana Barnwell, and Miki Jackson on June 29, 2009, a copy of which is attached. (Exhibit 2.) Among these impacts is that the movement of Southwest Museum collections to the newly expanded Autry would violate Policy 14-3.1 of the 1999

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<sup>2</sup> This is not the first time the Autry Museum has failed to meet grant requirements. The Autry Museum’s most recent state grant was not successfully carried out as the Autry Museum terminated its Round 3 grant agreement with the California Cultural & Historical Endowment (CCHE), without having raised sufficient matching funds. (September 8, 2009 Letter from Autry National Center to CCHE, Exhibit 5.) The Autry Museum thus wasted CCHE’s staff time and with no tangible outcome or benefit to the State.

Northeast Community Plan.

Policy 14-3.1 states "Support the Southwest Museum as a cultural resource, encourage expansion on and off site, and *preserve its present location in Mt. Washington.*" (Speth et al. June 29, 2009 letter to the City of Los Angeles, Exhibit 2, p. 9.)

Other experts in preservation have opined that the unnecessary removal of the exhibition space of the Southwest Museum from its historic place would impair the National Register status of the site. (Exhibit 6, Letters of Highland Park Heritage Trust, Frank Parello/Nicole Possert, Charles Fisher.)

These are just some of the most significant negative impacts brought to the attention of the Los Angeles Recreation and Parks Department in the context of a prior Autry Museum expansion project. You should be aware of the full context of information relevant to this current project that the Autry Museum's earlier proposed project to add 20,000 sq. ft of exhibition space through expansion was the subject of a highly controversial public review process, including an Environmental Impact Report number EIR-RP-013-07 prepared by the City of Los Angeles, that ultimately culminated in no support for approval of the expansion project. (Details and supporting documents of this controversy may be viewed at [www.friendsofthesouthwestmuseum.com](http://www.friendsofthesouthwestmuseum.com).) A hearing was held before the City's Board of Referred Powers in June 2009 to consider approval of the Autry's requested project and certification of the EIR.

In the face of widespread public opposition and hundreds of Southwest Museum supporters at the Board of Referred Powers meeting, the hearing was continued before any decision was reached. Instead of pursuing its controversial expansion application, the Autry Museum withdrew its application. It appears that the NOE and grant application the Autry Museum is submitting now to your Department is an effort to obtain grant funding before many members of the public or officials throughout the City are even aware of the Autry Museum's revived intention to again try to expand exhibition space in its facility at the expense of depriving the Southwest Museum of its historic role of exhibiting the Collection -- the precise goal of the former project rejected by the City's Board of Referred Powers without a condition to protect the Southwest Museum.

#### **Conclusion.**

Based on the evidence presented, we request that you deny the grant

application for the Autry Museum's project due to its deficiencies and inability to meet Department grant guidelines. If you further consider it, the Department must prepare and certify a legally adequate environmental review document, since the NOE attached to this grant application is null and void as having been improperly issued and because the prior City of Los Angeles' EIR was never certified by the Los Angeles City Council. The Department must also request that the City of Los Angeles approve a legitimate and binding Lease Amendment to the existing Lease to extend the terms for 30 year land tenure.

The Department should be no less careful than the City of Los Angeles' Board of Referred Powers who refused to certify the EIR for the prior expansion project or grant approvals without a condition obligating the Autry Museum to rehabilitate and continue to use the historic Southwest Museum. The Department has the discretion to deny the grant request outright, or to impose conditions on this strikingly similar, but new expansion proposal, inside Autry Museum.

Please put this firm on your mailing list for all decisions or notices related to the Autry Museum's proposal and its environmental review by State Parks and Recreation.

Should you have any questions or require further information, please do not hesitate to contact me at (310) 314-8040, ext. 2.

Thank you for your consideration.

Sincerely,



Douglas Carstens

Exhibits:

1. Excerpt of City of Los Angeles Lease to Autry Museum, p. 36.
2. June 29, 2009 Letter re Autry National Center Expansion for the Southwest Museum Collections to Los Angeles City Council, without exhibits
3. Notice of Exemption of City of Los Angeles filed June 25, 2010
4. City of Los Angeles letter of June 23, 2010 re Autry National Center- Letter Regarding Land Lease Extension.
5. Autry National Center September 8, 2009 Letter to CHHE.
6. Letters of Highland Park Heritage Trust, Frank Parelo/Nicole Possert, Charles Fisher

Ms. Sandra Berry

February 23, 2011

Page 9

cc: Sedrick Mitchell, State Parks

Hon. Jose Huizar, Los Angeles City Council member

Hon. Ed Reyes, Los Angeles City Council member

Hon. Kevin de Leon, Senator

Hon. Gil Cedillo, Assemblymember

Autry National Center

**Exhibit 1**

XX. CONSTRUCTION OF MUSEUM:

A. CITY and MUSEUM agree that the Western Heritage Museum shall be constructed in conformance with plans prepared by MUSEUM and approved by the BOARD. Such approval by the BOARD shall not be unreasonably withheld. Subject to all applicable laws, rules and regulations, MUSEUM shall be entitled to grade and contour the premises, to excavate and to take all other actions on the premises that may be necessary or desirable in order to construct the Western heritage museum and any subsequent improvements or additions thereto.

B. Following the original construction of the Western Heritage Museum, (i) any expansion or major permanent external modification to the existing museum structure with an estimated cost of five thousand dollars (\$5,000.00) or more shall require the prior written consent of the BOARD and (ii) any expansion or major permanent internal modification to the existing museum structure with an estimated cost of Twenty-Five thousand dollars (\$25,000.00) or more shall require the prior written consent of the BOARD. Said consents shall not be unreasonably withheld or delayed.

C. The BOARD's approval of plans for the Western Heritage Museum shall include the approval of plans for landscaping and other outdoor improvements related to the MUSEUM.

**Exhibit 2**

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**LETTER OF NORTHEAST  
COMMUNITY PLAN EXPERTS**

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**REGARDING:**

**Autry National Center Improvements Project**

**EIR – RP –013-07 /Board of Referred Powers 2009-02**

**Terry Speth 4325 Victoria Park Drive Los Angeles, CA 90019  
Diana Barnwell 630 West Avenue 46 Los Angeles, CA 90065  
Miki Jackson 236 South Avenue 60 Los Angeles, CA 90042**

Hon. City Council and  
Related City Decision Makers  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

June 29, 2009

RE: Autry National Center Expansion for the Southwest Museum Collections  
2009-02 Board of Referred Powers EIR-RP-013-07

Dear Council and City Decision Makers:

The undersigned members and former City Planning Department staff of the Northeast Community Plan Advisory Committee, submit the following comments regarding the City of Los Angeles's ("City") lack of compliance with the California Environmental Quality Act ("CEQA") in respect to consideration of the project proposed in the final environmental impact report ("FEIR") prepared by the Department of Recreation and Parks for the Autry National Center Griffith Park Improvements Project ("Project").

#### **CREDENTIALS OF THE COMMENTERS**

Terry Speth was a planner for the City of Los Angeles for over 25 years. The Northeast Community Plan revision process ran from January 1990 until the Plan's adoption by the City Council on June 15, 1999. The Community Plan Advisory Committee ("CPAC"), a 21-member group of persons appointed by the affected council offices, guided development of the Plan. From March 1996, Mr. Speth was involved in ALL of the community meetings, drafting, and revisions of the entire Plan that was ultimately adopted by the City Council. Of all the Planning Department staff assigned to the revision of the Northeast Community Plan, Mr. Speth as the project manager served the longest in drafting and interpreting the Plan. Mr. Speth is a recognized expert on the Northeast Community Plan and its application in a variety of factual circumstances.

Diana Barnwell and Miki Jackson both participated in CPAC for its entire existence from January 1990 until a few years after the plan's adoption – a span of 13 years. As appointees for their respective council districts, they participated in both the drafting of all portions of the Plan until it was adopted. Subsequently, they continued to serve with the several other CPAC members as the body primarily responsible for Plan monitoring and interpretation of the Plan by reviewing proposed development projects in the Plan area. This experience makes both Barnwell and Jackson City –appointed and City-recognized experts in the application of the Plan to various factual situations.

In addition, Diana Barnwell was a key community activist involved in retaining the Southwest Museum in its historic location when that Museum's directors twice tried to move the Museum's world-class collections to other locations in Southern California. In both of these hard fought battles, the Council and Mayor declared the centrality of the Southwest Museum to Los Angeles' identity. To this end, Ms. Barnwell, perhaps more than anyone knows the history of how the Northeast Community Plan was designed to include an express land use policy that the Southwest Museum's use as a museum be retained on Mount Washington.

## I. INTRODUCTION.

Despite objections made during the Draft EIR's public comment process,<sup>1</sup> the FEIR fails to address a significant negative land use impact that will result if the City approves the Project as described in the FEIR. CEQA mandates that a Lead Agency shall analyze both the direct and indirect impacts that would occur as a result of the project being implemented as proposed. (Public Resources Code § 21065; CEQA Guidelines § 15378.) The Project as proposed would result in a violation of the City's General Plan policies (as expressed in the Northeast Community Plan) that obligates City decision makers to take no action that would result in the removal of the Southwest Museum from "its present location in Mt. Washington." Approval of construction of replacement space in the Autry Expansion Precinct would result in the removal of the Southwest Museum from its present location or enable such removal. Because the EIR denies there is any connection between the construction of replacement facilities in Griffith Park and the removal of the Southwest Museum from "its present location in Mt. Washington," the EIR contains an undisclosed significant adverse environmental

<sup>1</sup> Comment letter of Diana Barnwell, Comments 23-6 to 23-13; Comment letter of Nicole Possert and Frank Parello, Comments 43-62 and 43-63.

impact. This impact can be mitigated but the Autry and City refuse to incorporate feasible and enforceable mitigation measures from a 2004 Rehabilitation Report for the Southwest Museum prepared by Autry's own experts.

Additionally, by violating the City's General Plan, the required findings for the requested Vesting Conditional Use Permit, and Parking Zoning Variance cannot be made by the City because the Project is not in conformity with the City's General Plan.

## **II. SUMMARY OF THE ANALYSIS.**

The FEIR studiously avoids disclosing the principal purpose of this project and in so doing, violates the fundamental purpose of CEQA to disclose and mitigate with legally enforceable measures all potential significant negative impacts. The failure to provide an accurate Project Description cascades through the EIR tainting the Land Use, Cultural Resources, Alternatives, and Environmentally Superior Alternative analysis. The EIR is so deficient it cannot be used for the environmental clearance for the Project.

The Autry Board of Directors announced in a March 7, 2005 press release that the principal purpose of this Project was to absorb and merge the Southwest Museum into an expanded Autry building in Griffith Park. The March 7, 2005 press release was disseminated to the public before Autry hired the law firm of Latham & Watkins and the EIR consultant PCR Corporation to begin work to seek the entitlements to expand the Autry Museum building located in Los Angeles' historic Griffith Park.

Prior to morphing and massaging of the Project purpose in official City environmental documents, written by Autry's consultants and attorneys, Autry's declared purpose of this Project was to take the institutional administrative offices, the 250,000 piece artifact collection, the extensive Braun library collection, and the exhibition spaces of the Southwest Museum from its location within the boundaries of the Northeast Community Plan and construct a 129,000 square foot addition onto the former Gene Autry Western Heritage Building so that the entire Southwest Museum institution could be absorbed and merged into the single expanded Autry Museum Building. Over the past three years it has become increasingly clear that Autry intends to market the merged entity at the Griffith Park site location to the public under the exclusive brand name of the "Autry National Center" or just "the Autry."

Since the hiring of Latham & Watkins and PCR Corporation to prepare the draft EIR documents submitted to and adopted by the staff of the City's Recreation and Parks Department largely unchanged, the Project purpose has been recast as merely a set of "improvements" to accommodate the Autry National Center's collections – as if the physical merger of the institutions has already occurred and the Project is just a final niggling detail. To this end, the EIR evasively states that the Autry Board of Directors has no specific proposal for the future use of the nationally significant Southwest Museum or Casa de Adobe buildings and therefore it would be "speculative" to include in the EIR any discussion of potential environmental and land use impacts<sup>2</sup> that would follow once the Southwest Museum's museum use is removed its present location in Mount Washington.

First, this claim is directly contrary to the Merger Agreement between the Autry and Southwest Museums which specifically obligates the Autry Board of Directors to develop an Autry National Center Master Plan to be used for decision making about its two museum campuses. The Master Plan was to specifically guide Autry Board of Directors' decision making regarding the future of all of its facilities. For the Autry to now claim in EIR documents that it has "no specific proposal" for the future fate of the Southwest Museum's Arroyo Seco campus<sup>3</sup> appears to be in direct opposition to Autry's contractual and fiduciary duties by failing to prepare the required Master Plan before making the key decisions. It is puzzling that in testimony before City decision makers the Autry's attorneys and representatives claimed that such a Master Plan was completed. This Master Plan has never been released to the public for review. Thus, the claims in the EIR that no specific proposal exists are contradicted by the opposite claims made by Autry representatives in every other public venue EXCEPT the EIR.

Second, it must be conservatively assumed from the EIR's refusal to state the Autry Board's contemplated future use of the Arroyo Seco Campus, that the Project will enable the removal of the entire Southwest Museum's museum use from Mount Washington to Griffith Park. The Project proposal seeks 20,000 square feet of museum exhibit space for the Southwest Museum's collections. The historic Southwest Museum site on Mount Washington has 12,500 square feet of exhibition space. The new 129,000 square feet of the Project "improvements"

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<sup>2</sup> E.g., DEIR – Executive Summary at p. 20, DEIR – Cultural Resources at p. 164.

<sup>3</sup> Throughout the EIR the Autry and City refer to the Mount Washington site as the "Arroyo Seco campus." The site names may be used interchangeably in this letter.

would enable the complete removal of the museum use from Mount Washington because it would include more than enough floor space to remove all Southwest Museum operations from the Arroyo Seco campus location. For the last five years, Autry legal representatives have refused to discuss a project condition or project alternative that includes, as a condition of a City project approval, that the Griffith Park expansion be reduced in exhibition space and Autry rehabilitate and maintain the historic museum site use for primary ongoing exhibition of the Southwest's collection.

Based upon the foregoing, implementation of the Project as proposed will be inconsistent with the Northeast Community Plan policies that require that the Southwest Museum's museum use remain on Mount Washington. Additionally, if the City grants a discretionary permit allowing the construction of the Project so as to enable the removal of the Southwest Museum's museum land use from Mount Washington, the City decision makers will additionally violate the City's fundamental zoning law in the General Plan.

The EIR goes to extraordinary, indeed preposterous lengths, to deny that the Project in Griffith Park has any relationship to the Southwest Museum's Arroyo Seco campus. The reason for the forceful denials of any link between the Project and the Southwest Museum campus is palpably transparent. If the City and Autry conceded that there is a significant negative land use impact from implementation of the Project as proposed, either of the options contained in the Autry's 2004 Rehabilitation Report for the Southwest Museum would mitigate such a significant land use impact. CEQA would require the City to select the 2004 Rehabilitation Report plan if the EIR "finds" a potential significant land use impact, and as we understand the politics of this issue, Autry, particularly its most significant donor, Mrs. Autry, does not want a continuing obligation to preserve the Southwest Museum site on Mount Washington as a part of the Autry National Center. We are of the opinion that the elephant in the room is that the Autry and the City both KNOW there will be a potential negative impact if the Autry is allowed to remove the Southwest's collection and therefore the museum land use from Mount Washington.

In our expert opinion, the City cannot make the factual findings required for the Findings of Facts or a Statement of Overriding Considerations. The Autry National Center Board of Directors and its legal and EIR advisors have to know this. This has likely resulted in advisors to the Autry National Center Board of Directors to pursue a CEQA legal strategy to forcefully deny there is any land use impact of the Project even though it is obvious there is. Accordingly, Autry's legal advisors, Latham & Watkins, and Autry's EIR consultant, PCR Corporation,

have conducted an intellectually dishonest effort to draft false and misleading EIR documents and correspondence with the City claiming that there is no land use impact on the Northeast Community Plan.

Sadly, the Department of Recreation and Parks, Environmental Review Unit, has passively accepted this position expressed in the EIR and it is just one example of how the City, despite certifications to the contrary, has failed to exercise independent judgment in signing off on the current version of the EIR. This strategy of Latham & Watkins and PCR Corporation has been undertaken rather than properly informing their client that it is simply illegal to remove the Southwest Museum from Mount Washington when Autry's own expert study, confirmed by other museum operation experts, established as a fact that the existing Southwest Museum can feasibly be rehabilitated to meet museum standards and will earn revenues as a percentage of operating cost normal for the museum industry. By any normal metric, the Autry Board of Directors should be pursuing a sensitive rehabilitation of the Southwest Museum and reducing the size of its desires to appropriate the people's park land to private use.

For these reasons, the Board of Park and Recreation Commissioners, the Board of Referred Powers, the City Planning Commission, and the City Council have no factual or legal basis to adopt the Final EIR, certify that it currently complies with the requirements of CEQA, make the factual findings required for a Statement of Overriding Considerations, or make the required factual findings required for the Autry's requested land use entitlements, including the Vesting Conditional Use Permit and the multiple variances.

### III. ANALYSIS.

#### CITY APPROVAL OF THE PROJECT WILL VIOLATE THE NORTHEAST COMMUNITY PLAN WHICH IS AN UNDISCLOSED ADVERSE LAND USE IMPACT OF THE PROJECT ON THE GENERAL PLAN OF THE CITY.

##### A. The Previous And Current Text of the Northeast Community Plan Establishes That Maintaining The Museum Use Of The Southwest Museum Is A Central General Plan Policy

We begin our analysis of the current Northeast Community Plan with its predecessor, adopted by the City Council on July 3, 1979. A copy of the 1979 Northeast Community Plan is attached hereto as Exhibit 1. We begin by noting

for the record that the City Planning Department, in selecting an image for the cover of the 1979 Northeast Community Plan that best represented the area, chose the image of the Southwest Museum perched on its hillside above the historic Arroyo Seco and the community of Highland Park. It is hard to imagine more powerful visual evidence of the centrality of the Southwest Museum to the identity and sense of place than this iconic image selected by the City for the front cover of the 1979 Northeast Community Plan.

There are only four general objectives of the 1979 Northeast Community Plan. However, this one is most telling about the community's sense of connection to the Arroyo Arts culture and history:

**“OBJECTIVES OF THE PLAN  
GENERAL**

- To create an environment with diversity, balanced growth, identity and historical continuity.”

This objective epitomizes the vital impact of historic context in this Community Plan.

With regard to public facilities, the 1979 Northeast Community Plan set as an objective “to promote the preservation of views, historic sites, natural character and topography of the District for the enjoyment of both local residents and persons throughout the Los Angeles region.” This objective was clearly tied to the cultural richness and context of the hilly terrain of the Plan area and the desire to preserve the many historic sites within the Plan boundaries.

The 1979 Plan specifically called out that the Plan “supports the continued development of historic, cultural, and natural monument sites” and stars on the associated Northeast Community Plan map showed at least 13 Cultural & Historical Sites, including the Southwest Museum and Casa de Adobe locations.

The 1979 Plan prophetically envisioned a specific plan to enhance and connect the numerous cultural heritage museums and sites in close proximity:

**“V. SPECIFIC PLAN-  
CULTURAL AND HISTORICAL  
LANDMARKS**

The City should, when authorized by the City Council, consider the establishment of a regional Cultural Park through municipal or Federal funding. This facility should include and connect Heritage Square, the Lummis Home, Casa de Adobe, Sycamore Grove Park, the Southwest Museum, and the Native Sons of the Golden West Museum.”

This Specific Plan is the City’s acknowledgement that the original uses of the Southwest Museum and the Casa de Adobe, now owned by the Autry, are connected to other significant historic and cultural museum sites in the immediate vicinity.

While the 1979 Plan was replaced by the 1999 Plan, the 1979 Northeast Community Plan provides an important context and demonstrates the centrality of the Southwest Museum as the most significant museum land use in the Northeast Community Plan area.

In 1990, the City began the Community Plan Revision. To this end, the CPAC was appointed. Ms. Barnwell and Ms. Jackson were appointed to CPAC and Terry Speth was the principal City Planner assigned to staff the revision process. This is evidenced by Mr. Speth’s signature as City Planner on the April 27, 1999 staff report that recommended adoption of the Plan amendments. Attached as Exhibit 2 is a copy of a portion of the staff report. The City staff report describes the CPAC role at pages 16-18 of Exhibit 2.

Page 1 of the 1999 Northeast Community Plan states that the area has long been recognized as the location of major recreational resources, medical facilities, centers of higher learning, and home to “the City’s first museum, the Southwest Museum.” Attached as Exhibit 3 is a copy of relevant portions of the Northeast Community Plan.

As iterated in Chapter II of the Northeast Community Plan, the Plan is an integral part of the City’s General Plan, the fundamental land use planning policy document of the City of Los Angeles. “The General Plan clarifies and articulates the City’s intentions with respect to the rights and expectations of the general public, property owners, prospective investors, and business interests.”

The 1999 Northeast Community Plan identified the following as one of five fundamental purposes of the Plan:

“Regulating the development opportunities associated with the future rail transit system to maximize the economic potential while minimizing any adverse impacts.”

The Northeast Community Plan was therefore drafted in anticipation of rapid transit to enhance and ensure the economic viability of the Southwest Museum. A provision of the Northeast Community Plan makes it unlawful for the City to pursue any policies to allow the Museum to move away from the Northeast. This is clearly consistent with maximizing the economic potential of the Southwest Museum adjacent to a major transit node and minimizing any economic losses from a possible departure from the community.

The 1999 Northeast Community Plan had a special section devoted to preservation of historic and cultural amenities. GOAL 14 was: “A community which preserves and restores the monuments, cultural resources, neighborhoods and landmarks which have historical and/or cultural significance.”

Supporting that GOAL was OBJECTIVE 14-3: “To enhance and capitalize on the contribution of existing cultural and historical resources in the community.” This OBJECTIVE was implemented by the following policy:

“POLICIES

14-3.1 Support the Southwest Museum as a cultural resource, encourage expansion on and off site, and preserve its present location in Mt. Washington.

Program: The Plan’s policies and programs, regarding transit stations and transit-oriented districts improve the viability and accessibility of the museum and reinforce its significance as a focal point of the community.” (emphasis added).

This is it. This is the General Plan policy and program that Autry attorneys and EIR consultants do not wish to face. They have no credible response to the mandate that the City Council shall only take actions that “preserve its (the Museum’s) present location in Mt. Washington.” To support this important land use policy, the Northeast Community Plan emphasizes the transit station and transit-oriented district policies and programs as intended to “improve the viability (read economic viability) and accessibility (read more tourists, visitors, and income) of the museum and to reinforce its significance as a focal point of the

community.” This program of the City, that acknowledges that the Southwest Museum is the focal point of the community, is the functional equivalent of the 1979 Plan that placed the image of the Museum on the front cover of the Plan demonstrating it was indeed the focal point of the community.

Before the Autry knew the significance of the wording of its March 7, 2005 press release, it boldly announced that the purpose of the Project was to move the entire Southwest Museum institution from its location. That proposed action, if endorsed and enabled by the City, would result in a violation of the Northeast Community Plan. It cannot be explained away. It cannot be sidestepped. To the extent the EIR refuses to concede it, it is a biased and non-objective environmental document that violates the mandates of CEQA.

**B. There Is Substantial Evidence In The Record That The Project’s Unstated And Real Purpose Is To Remove The Southwest Museum From Mt. Washington To Griffith Park.**

**1. Autry’s 2005 Press Release Is The Best Evidence Of The Purpose Of The Project.**

On March 7, 2005, the Autry National Center Board of Directors issued a press release announcing that it had commissioned “Overland Partners Architects to Design New Buildings and Galleries at Los Angeles Campus.” A copy of the Autry’s press release is attached as Exhibit 4. The subheading on the Autry’s press release stated:

**“Design will highlight collection of the Southwest Museum of the American Indian and expand Center’s Research Institute and Library”** (emphasis added).

In the first paragraph of the press release, Autry publicly declared that the goal of the project was to “physically merge” the Autry and Southwest Museum institutions:

“LOS ANGELES, California (March 7, 2005) – The Autry National Center has selected Overland Partners

Architects,<sup>4</sup> an award-winning firm based in San Antonio, Texas, to develop a master plan and design new buildings and expanded galleries for the multicultural history center's campus in Los Angeles's Griffith Park. The project will physically merge the multiple institutions that have come together in recent years to form the Autry National Center. A large portion of the Autry's expansion will be dedicated to the Southwest Museum of the American Indian, quintupling the gallery space currently devoted to its world-class collection." (emphasis added).

A few paragraphs down in the press release are details that demonstrate the purpose of the Project is to expand the existing campus in Griffith Park to incorporate the existing Museum of the American West (the new name for the former Gene Autry Western Heritage Museum building) and new galleries and collection storage and staff offices of the Southwest Museum. The press release expressly acknowledges that the Project will involve "relocation" of the Southwest Museum to the expanded Griffith Park location:

"Overland Partners has been charged with creating a master plan for the Center's 10-acre campus in Griffith Park that incorporates new buildings with the Center's existing facilities,<sup>5</sup> chiefly the Museum of the American West. Opened in 1988, the museum's existing 148,000-sq.-ft. structure along Interstate 5 expresses the California Mission style in a contemporary context.

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<sup>4</sup> Two years into the design process, the Autry Board of Directors fired Overland Partners, presumably because the Board did not like the design created by Overland Partners or did not like the projected cost, or both. As a result, a personal friend of Autry CEO John Gray, Brenda Levin, was brought in to pick up the pieces and come up with a less expensive project proposal.

<sup>5</sup> As the project later evolved, the Autry Board of Directors abandoned all pretense of respecting the separate integrity and public identity of the Southwest Museum. Accordingly, what was originally represented to the press as adding "new buildings" to the campus came to be a single monolithic building for the "Autry National Center" and later, perhaps an adjacent building for the Institute for the Study of the American West which will merge together the libraries of the former separate institutions.

Overland will work over the coming months to design an expansion comprising approximately 20,000 sq.ft. of galleries to exhibit and interpret the collection of the Southwest Museum of the American Indian, an arm of the Autry National Center that is currently located about seven miles southeast of the Griffith Park campus in the Mt. Washington area of Los Angeles. An additional 30,000 sq. ft. of underground storage at the Griffith Park campus will securely house the remainder of the Southwest's collection, most of which will be visible to museum visitors.

The Southwest's cramped buildings in Mt. Washington, dating to 1914, have deteriorated to a point that threatens the museum's holdings. Relocating to Griffith Park will result in more than five times the current gallery space to showcase a collection of Native American art and artifacts that is considered one of the largest and most significant in the world."

The Autry's press release makes crystal clear in its own words, unfiltered by the omission and doublespeak of Latham & Watkins and PCR Corporation, that the Autry's goal is to move the Southwest Museum institution and "one of the largest and most significant in the world" Native American artifact collections into the Autry's single building where its own lesser collection currently resides.

Thus, the purpose of the project proposed in the EIR is to expand the Autry's museum building by 129,000 square feet so that the three institutions of the Autry National Center that were originally represented in press releases as three separate publicly identified institutions could be all located in a single campus complex henceforth only marketed to the public as the "Autry National Center" or, just "the Autry." In this way, the Autry's project, if approved as proposed, will have the City Los Angeles and its elected City Council participating in the Autry's breach of its Merger Agreement conditions of receiving these assets and result in a misrepresentation to the public of the Southwest Museum's world-class collection to future generations as only Autry's collection. This severs the Southwest's collection from its proper historic context in the National Register Southwest Museum campus.

2. **The FEIR And All Correspondence With The City Is Directed At Obscuring The Negative Land Use Impact On The Northeast Community Plan.**

Once the Autry retained William Delvac and George Muhlsten of Latham & Watkins and PCR Corporation, work began in 2005-2007 to draft an EIR that minimizes references to the Southwest Museum and doggedly denies that the expansion project in Griffith Park has any factual or legal environmental relationship with the existing Southwest Museum location. The effort to misrepresent the fundamental purpose and nature of the project began with the abstract title selected: "Autry National Center Griffith Park **Improvements Project**." Although the project was announced in 2005 as a master plan for **expansion** of the Griffith Park buildings, it is now entitled with the same name that someone might assign to a modest upgrade of building fixtures and landscaping: "improvements."

In the Project Description prepared by Latham & Watkins attorneys and PCR Corporation EIR consultants, the Initial Study removes all reference to the Southwest Museum or the fact that the project involves movement of Los Angeles's first and most historic museum from Mt. Washington into Griffith Park:

"To assist in implementing its mission to 'explore the experiences and perceptions of the diverse peoples of the American West,' the Autry National Center proposes the Autry National Center Improvements Project . . . at its facility within Griffith Park in the City of Los Angeles. The Project would renovate and modernize certain portions of the existing approximately 142,884 square-foot Museum; **expand the facility by approximately 129,000 square-feet** in two phases; and provide for the renovation of exterior landscape areas, enhanced vehicle and pedestrian circulation, and increased parking amenities over two development phases. **These improvements would allow the Autry National Center to establish the center as the premier interpretive site for the exhibition of the American West, to store its**

collections in a single location with museum standard-of-care controls and appropriate physical storage conditions; to showcase the internal workings of the Museum (e.g., storage of collection and staff areas); to provide additional gallery and presentation areas for the public; to enhance its research and education programs; and to enhance the facility as a cultural resource." (emphasis added).

The Project Description for the Initial Study morphs the three separate institutions of the Center into a single entity called the "Autry National Center." Therefore, instead of disclosing to the public that the expansion's purpose is substantially dedicated to constructing square footage to house the Southwest Museum's collection and programs, it is mischaracterized as allowing the Autry National Center to store ITS collections. Instead of disclosing to the public that the expansion's purpose is dedicated to providing new exhibition gallery space for the Southwest Museum to replace and render redundant the exhibition spaces in the National Register Southwest Museum building, it is only characterized as allowing the Autry National Center "to provide additional gallery and presentation areas." Instead of disclosing to the public that the expansion's purpose is to remove the third grade curriculum programs and the popular children's "Dig It" program from Mt. Washington to Griffith Park, it is only characterized as allowing the Autry National Center "to enhance its research and education programs."

The Autry Board of Directors has engaged in a multi-year public relations campaign to walk away from donor restrictions imposed upon it by the Merger Agreement with the former Board of the Southwest Museum. The Merger Agreement obligated the Autry Board to perpetually maintain the separate integrity and independent institutions of three public entities: *the Autry Museum of Western Heritage (later named the Museum of the American West), the Southwest Museum, and the Institute for the Study of the American West.* See Merger Agreement § 12(b) and § 13(f). These institutions were to have separate directors, separate curatorial staffs, and separate budgets which would reinforce their separate existing identities – especially that of the Southwest Museum. The Autry National Center was supposed to operate as an umbrella for these separate institutions, much like the Getty Trust or the Smithsonian Institution actually do independently market and operate their separate component museum institutions.

The records of this City document that this was how the Merger Agreement was to be implemented. In Council File 04-1071, Councilmembers LaBonge and

Villaraigosa called upon the management of the Autry to present plans for implementation of the merger with the Southwest Museum to the Arts, Parks, Health and Aging Committee of the Los Angeles City Council:

“Motion - The Autry National Center, headquartered in Griffith Park, was created as a result of the recent merger of the Southwest Museum of the American Indian and the Museum of the American West (formerly the Autry Museum of Western Heritage). The Center is creating a broad foundation of knowledge about the significance of the history of the western United States and the profound role of America's indigenous peoples. The Center is providing new learning opportunities for scholars, educators, students, and the general public, thus giving the Autry a distinctive national profile. The Autry National Center is organized around three public entities--the Southwest Museum, Museum of the American West, and the Institute for the Study of the American West. It draws on the resources of each to preserve and expand the Center's unparalleled collections and advance public knowledge about the history of the peoples and cultures of the American West. Through public programs, publications, and outreach efforts, the Center is engaging increased numbers of people, including tens of thousands of City school children, as well as other audiences at the local, national, and international levels. The Southwest Museum will continue to operate at its Mount Washington campus where long-term exhibitions, research services, and a variety of public programs will be available for scholars, school groups, and the general public. The Museum of the American West and the Institute for the Study of the American West will continue to operate at the Center's Griffith Park campus, along with the Center's administrative offices. While core programmatic activities of the two museums and the Institute take place at their respective facilities, each entity will maintain a public life at both campuses. The creation of the Autry National Center provides exciting new opportunities for the City and its residents. As such it is important to

obtain information from the directors of the Southwest Museum, Museum of the American West, Institute for the Study of the American West as to their current operations under the merger and their plans for the future. THEREFORE MOVE that representatives of the Autry National Center be requested to make a presentation to the Arts, Parks, Health and Aging Committee relative to the recent merger of the Southwest Museum and Museum of the American West and creation of the Autry National Center, their current operations, and their plans for the future.” (emphasis added).

The specifics regarding the planned Autry National Center contained in this motion, beyond the knowledge of the various Council offices, were provided to the Council office staff by the Autry National Center management. This Motion and hearing occurred before the City Council in spring 2004, approximately one year before the Autry Board of Directors announced its new plan to “physically merge” all the institutions together under a single named building: Autry National Center. That announcement came with the Autry’s press release set forth above.

**C. The City Is Required By CEQA To Analyze All Direct And Indirect Impacts Of The Project Proposed In The EIR.**

As stated at the outset of this letter, CEQA requires the City to objectively and fairly analyze the direct and indirect impacts of the Project. Throughout the EIR, other potential significant impacts are analyzed and the Autry and City have not tried to deny possible impacts. For instance, the EIR does not say: “The intersection of Crystal Springs Drive and Los Feliz Blvd are not part of the Project,” and then deny that it must analyze traffic impacts. Or, the EIR does not say: “The Zoo Magnet School and the Golf Course are not part of the Project,” and then try to avoid analyzing the potential construction air quality and noise impacts on those off-site areas. Only the campus of the Southwest Museum in the Arroyo Seco is reserved for this differential treatment.

Such language appeared in the draft EIR and it appears today in the proposed findings of fact in support of the Project approvals before the City:

“The Arroyo Campus is not part of the project”  
Executive Summary, DEIR, p. 5.

The reason for this statement is clear. The Autry and its advisors are trying to avoid analyzing the Project in the context of the Northeast Community Plan. By constantly stating that the Arroyo Campus is "not part of the project" there is an arguable reason to avoid analyzing the Northeast Community Plan in the Land Use section of the EIR. On pages 180-81, of the DEIR, there is a claim that ONLY the Hollywood Community Plan "implements the land use standards of the City." Conspicuously absent from the analysis is ANY reference to the Northeast Community Plan. It is clear why: The Autry and its consultants cannot explain away a General Plan policy directed to maintenance of the Southwest Museum on Mount Washington. It is the elephant in the room and City's EIR is fatally flawed by its stubborn refusal to acknowledge that the PURPOSE of the Project is to move the Southwest Museum from the Northeast Community Plan area on Mount Washington to public land in Griffith Park.

**D. The City's General Plan Will Be Violated By Actions That Factually And Legally Will Flow From Approval Of The Project As Proposed.**

The approval of the Project by the City would directly or indirectly clear the way for the Autry to construct exhibition, storage, library, and administrative offices in Griffith Park and then, later, declare it is selling or giving away the Southwest Museum Arroyo Campus. Highlighting and underlying this likely scenario is the equally stubborn refusal to indicate that the Autry has any future plans for the Southwest Museum's Arroyo campus:

"The Arroyo Campus is not part of the project. Rather, the Autry National Center's decision to expand its Griffith Park Campus is independent of any decision as to how to reuse the Arroyo Campus. The Autry's Board has previously resolved to move the Southwest Collection, regardless of whether the expansion occurs at Griffith Park Campus.

As for the Arroyo Campus, a reuse report for the site was prepared in September 2004. Since that time and on an unrelated path, the Autry National Center has been exploring options for use of the site, and this exploration is ongoing. Therefore, the Autry National Center does not have a specific proposal related to the Arroyo Campus and, as such, any

analysis of such environmental impacts would be speculative. Thus, while the Arroyo Campus does include known historic resources, such as the Southwest Museum Building and the Casa de Adobe, in accordance with the Public Resources Code and the CEQA Guidelines, these resources would not be impacted by the project." DEIR, p. 164.

These two paragraphs of the DEIR contain numerous misrepresentations of fact. None of them were corrected in the Additions and Corrections to the Draft EIR after receipt of scathing comment letters from the public. First, the movement of the Southwest Museum's museum land use from Mount Washington to Griffith Park is a part of the contemplated actions related to the Project. Such actions cannot be broken down into discrete little actions: this Project entails not just building new space, but most significantly, moving the Southwest Museum into it. The representation that the Autry's Board is determined to move the collection out of the Southwest Museum building no matter what is not supported with any objective evidence. Where will the Board move the Southwest's collections if the expansion in Griffith Park is not approved? To a Public Storage building? To Mrs. Autry's garage? The mere suggestion is factually unsupported in the record.

It is true that there was an Autry report issued in September 2004, but it is factually untrue that it was a "reuse" report for the Southwest Museum. It is entitled "Rehabilitation Report" and its purpose was to determine if the Southwest Museum could be returned to service as a full museum. That is not "reuse" and the EIR contains this false representation. The Rehabilitation Report is barely mentioned because it is 227 pages of objective evidence in this record that to avoid a significant land use impact on the Northeast Community Plan, the City could use its discretion to reduce the exhibition spaces authorized for construction in Griffith Park and require the Autry to carry out Option A or B of the Rehabilitation Report. This report, prepared by about 15 subject matter experts concluded the Southwest Museum building was sound for rehabilitation to meet museum standards and could generate at least 38% of its operating costs which is acknowledged to be within the norm of the museum industry. Thus, the Draft EIR contains substantial misrepresentations of fact about the Autry's 2004 Rehabilitation Plan and significantly, the EIR fails to examine the feasibility of implementing Option A or Option B of the Rehabilitation Plan to mitigate the land use impact. Additionally, we are sure other experts are weighing in on how separation of the Southwest's collection from its historic building will also impair the cultural resource of the Southwest Museum building integrity and cultural context.

Finally, there is one more significant misrepresentation in the Draft EIR: the claim that Autry has no specific plan for the future of the Southwest Museum. Here in the EIR, the City's official document for this expansion project, there is a denial of any future plan and therefore an unsubstantiated claim of no requirement to analyze potential future impacts. Even if this were true, there are a limited number of options that the Autry has explored and the refusal to disclose to the public and the decision maker what these scenarios might be and discuss the environmental implications is an abuse of discretion and failure to proceed in accordance with CEQA.

More significantly, Autry has desperately tried to assure the public that it HAS A CONCRETE AND BELIEVABLE PLAN for the Southwest Museum outside the EIR. To this end, it has articulated a future vision at the website [www.futureswm.org](http://www.futureswm.org). When that failed to satisfy the public, Autry then brought out the Mayor of Los Angeles and Councilmember Jose Huizar to endorse the Autry's plan to convert the Southwest Museum land use from museum to an education and cultural center. The Mayor and Mr. Huizar even announced the formation of a group called "The Southwest Society" to raise funds for this future Autry plan. After 21 months of existence, this group has raised no funds. See the website [www.southwestsociety.org](http://www.southwestsociety.org). Attached at Exhibit 5 are copies of all of these materials that Autry is using apart from the EIR to represent that it has a plan while in the City's official document, claiming that there is no plan.

The City of Los Angeles cannot credibly join in this fraud by adopting the EIR that denies there is a project planned for the Southwest Museum when, outside the EIR, the City's own Mayor and City Councilmember are publicly claiming and endorsing the Autry's plan as an acceptable plan.

## CONCLUSION

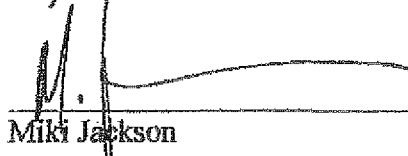
For the reasons set forth above, the EIR fails to comply with CEQA laws and regulations. The Southwest Museum's loss of its museum land use, in violation of the City's General Plan, is at risk with the City's project approval without an enforceable mitigation. Such a mitigation measure exists in the form of the options set forth in the Rehabilitation Report. The failure to properly describe the Project has resulted in a faulty analysis of the following: Project Description, Land Use, Cultural Resources, Alternatives and Environmentally Superior Project Selection. There is no power to approve the Project using the current deficient EIR.



Terry M. Speth



Diana Barnwell



Miki Jackson

**Exhibit 3**

COUNTY CLERK'S USE  
**FILED**

JUN 25 2010

REGISTRAR & COUNTY CLERK  
J. J. JENSEN

CITY OF LOS ANGELES  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY CLERK'S USE  
DOCUMENT FILED  
City Clerk's Office  
No. 1002-1002-1002  
Certified by [Signature]  
DATE: JUN 25 2010

# NOTICE OF EXEMPTION

(Article II, Section 3, City CEQA Guidelines)

Submission of this form is optional. This form shall be filed with the County Clerk, 12400 East Imperial Highway, Norwalk, California 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21158(d), the filing of this notice starts a 35-day statute of limitation on Court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitation being extended to 180 days.

LEAD CITY AGENCY AND ADDRESS: Department of Recreation and Parks,  
221 N. Figueroa Street, Suite 100, Los Angeles, CA 90012

COUNCIL DISTRICT:  
4

PROJECT TITLE: **AUTRY NATIONAL CENTER (Griffith Park) - Facility Remodeling of Exhibit Space for Interpreting Native American Environmental Stewardship**

LOG REFERENCE:  
Proposition 84 Grant

PROJECT LOCATION: 4700 Western Heritage Way, Los Angeles, CA 90027

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
The proposed project will to create two exhibit galleries and an outdoor teaching garden devoted to the indigenous peoples of California, their relationship to the natural environment, and key stewardship practices they have employed in sustaining their traditions and lifeways. The project will include infrastructure improvements to two existing museum spaces that will house the California Indian exhibits, as well as the conversion of an existing exterior interpretive space into the Native California teaching garden. The project will also include the renovation of existing restrooms common to each of these interpretive areas. All remodeling work will be accomplished within the museum's existing footprint and no exterior walls of the museum building will be modified. The patrons of the Autry National Center museum and Griffith Park will be the beneficiaries of the project.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:  
Autry National Center 4700 Western Heritage Way, Los Angeles, CA 90027

CONTACT PERSON: PAUL DAVIS  
AREA CODE: 213  
TELEPHONE NUMBER: 202-2667  
EXT.:

EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2(a)(1)	ART. 18, Sec. 15209(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2(a)(2)(3)	ART. 18, Sec. 15209(b)(c)
<input type="checkbox"/> MINISTERIAL PROJECT	Art. II, Sec. 2b	ART. 18, Sec. 15208
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Art. II, Sec. 2(c) See Below	ART. 19, Sec. 15300-15332
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 2(d)	ART. 18, Sec. 15262
<input type="checkbox"/> STATUTORY EXEMPTION	Art. II, Sec. 2(i)	ART. 18, Sec. 15262
	Category	(City CEQA Guidelines)
	1, 13	Art. II, Sec.(e) (a)(1)(13)
		Art. II, Sec.(e)
		Art. II, Sec.(e)
		Art. II, Sec.(e)

OTHER (See Public Resources Code Sect. 21060(b); and set forth in state & city guidelines provisions)

JUSTIFICATION FOR PROJECT EXEMPTION:  
The project involves interior and exterior alterations to established and discrete areas of an existing facility which are fully developed within the larger environment of parks or recreation centers, where such modifications are essentially a rearrangement (rather than an additive function) such as might occur at a museum, and will not increase the size or expand the use of the facility.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: PAUL DAVIS <i>Paul J. Davis</i>	TITLE: ENVIRONMENTAL SPECIALIST	DATE: June 18, 2010
FEE \$75.00	RECEIPT NO.	REC'D. BY:
		DATE:

10 1038665

REGISTRAR-RECORDS/COUNTY CLERK  
NO. 1002-1002-1002  
DATE: JUN 25 2010

**Exhibit 4**

**BOARD OF RECREATION AND  
PARK COMMISSIONERS**

**BARRY A. SANDERS**  
President

**LUIS A. SANCHEZ**  
Vice President

**W. JEROME STANLEY**  
**JILL Y. WERNER**  
**JONATHAN WILLIAMS**

**JOHN MARK MILKREI**  
General Manager

**CITY OF LOS ANGELES**



**CALIFORNIA**  
**ANTONIO R. VILLARAIGOSA**  
MAYOR

DEPARTMENT OF  
RECREATION AND PARKS  
721 N. Figueroa Street, Suite 100  
LOS ANGELES, CA 90017

(213) 202-2881  
FAX (213) 202-2612

**MICHAEL A. SHULL**  
Superintendent  
Planning and Construction

June 23, 2010

Mr. John L. Gray, President & CEO  
Autry National Center of the American West  
4700 Western Heritage Way  
Los Angeles, CA 90027

Dear Mr. Gray:

**AUTRY NATIONAL CENTER - LETTER REGARDING LAND LEASE EXTENSION**

The City of Los Angeles Department of Recreation and Parks supports the Autry National Center's (Autry) grant application to the State Department of Parks and Recreation, Office of Grants and Local Services' Nature Education Facilities grant program established by the passage of Proposition 84. We understand that if the application is successful, funding from this grant will enable the Autry to expand and install two new exhibitions within our existing building as well as to renovate our outdoor Trails West educational space.

We also understand that the Application Guidelines, which you have provided to us, require the Autry, due its land lease arrangement with the City of Los Angeles, Department of Recreation and Parks to have a lease for a period of 30 years after the grant appropriation date of July 1, 2009. The Autry's lease was executed 23 January 1987 for a fifty year period ending on 23 January 1937. Because the Autry's land lease expires two years prior to the Grant Application's requirement that the museum have a 30 year land tenure agreement, the museum requires that the Department of Recreation and Parks provide you with this letter for the purposes of completing your Application request.

Subject to the Autry's compliance with the terms and conditions of the Lease, the City of Los Angeles acting through the Department of Recreation and Parks, currently would be favorably disposed to extending the term of the lease. Any lease extension application would, of course, need to comply with applicable law regarding leases on City lands at the time at which extension is sought and subject to final approval by the Board of Recreation and Parks Commissioners and the Los Angeles City Council.

Mr. John L. Gray, President & CEO  
Autry National Center of the American West  
June 23, 2010  
Page 2

We trust this letter will fulfill the grant application requirements but please do not hesitate to contact Cid Macaraeg at 212.202.2608, should you require further assistance in this matter.

Sincerely,

JON KIRK MUKRI  
General Manager



MICHAEL A. SHULL  
Superintendent

JKK/MAS/CD:d

cc: Reading File

**Exhibit 5**



## Autry National Center

September 8, 2009

Ms. Mimi Morris  
Executive Officer  
California Cultural & Historical Endowment  
P.O. Box 942837  
Sacramento, CA 94237-0001

Dear Ms. Morris:

It is with sadness and regret that I inform you and the board of the California Cultural & Historical Endowment that the Autry National Center of the American West must terminate its Round 3 grant agreement. As was stated in our most recent quarterly progress report, the current economic climate necessitates that the Autry indefinitely postpone the tunnel waterproofing project at the Southwest Museum of the American Indian for which Round 3 funds were awarded. No state funds have been expended on this project, nor has the Autry submitted any requests for reimbursement.

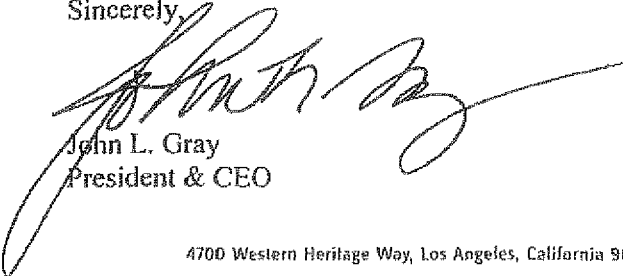
All matching funds for the tunnel waterproofing project were raised by the Autry through unrestricted operating support and assigned a special account designated solely for this purpose. However, due to the global recession, and subsequent drop in contributed revenues experienced by the Autry over the past twelve months, it has become necessary to reassign CCHE matching funds from their restricted use for tunnel waterproofing to support of the Autry's exhibitions, core programs, collections care, and general operations.

The Autry is taking a careful and cautious approach not only to the remainder of this fiscal year (ending December 2009), but to FY2010 and FY2011 as well. There is just no way for us to predict at this time when matching funds might be available for restoration work at the historic Southwest Museum site. For the moment and for the foreseeable future, the Autry must postpone making further capital investments there.

On the bright side, we recently completed our Round 1 project, involving major waterproofing work on the Southwest Museum's Caracol Tower. This critical project could not have been accomplished without a major grant from CCHE. For this, we are enormously grateful to CCHE for its leadership and support. We are also very grateful to the CCHE board for its understanding and patience throughout the Round 3 grant making and contracting process, as well as for its larger commitment to preserving the histories and legacies of California's diverse peoples.

Please feel free to contact me, or David Burton, the Autry's director of government affairs, should anything else be required for the proper termination of our Round 3 agreement. My best wishes to you and the CCHE board.

Sincerely,



John L. Gray  
President & CEO

**Exhibit 6**



P.O. Box 50894  
Los Angeles, CA 90050-0894  
(323) 256-4326 [www.hpht.org](http://www.hpht.org)  
June 29, 2009

*President:*  
Carmela Gomes

*Vice President:*  
Justine Leong

*Treasurer:*  
Charly Kemp

*Secretary:*  
Tina Gulotta

*Board of Directors:*  
Susan Adams  
Steve Crouch  
Lori Fiacco  
Charles Fisher  
Charly Kemp  
Geruna Marquez  
Virginia Neely  
John Nese  
Linda Phelps  
Chris Smith  
Robert Spira  
Aune Marie Wosniak

David M. Attaway  
Environmental Supervisor  
Department of Recreation and Parks  
1200 West 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Los Angeles, CA 90017

Re.: Autry Case No. 2009-02

Dear Mr. Attaway,

The Highland Park Heritage Trust (HPHT) is highly concerned about the impact of the Griffith Park Campus Project to the Southwest Museum and its Collections. The Southwest Museum is the most important local icon and cultural destination for the Northeast Los Angeles area. It is part of our community's identity and an important piece of our history. Autry's plans for the Museum will remove its cultural heritage and significance. As a local preservation group, we are asking for a shared vision by the Autry and the HPHT. The Southwest Museum needs to be functional, viable, sustained, supported and preserved. The Building needs to be rehabilitated in a phased manner to make it a viable and exciting destination for everyone. The Museum's objects should be preserved, conserved and maintained. An Exhibit Designer could be hired by the Autry to provide a themed display that is both engaging and interactive. There are many options to make the Southwest Museum a successful place as previously delineated and enumerated in Brenda Levin's Feasibility Study.

The Southwest Museum honors the Native American tribes who were decimated. It embodies the legacy and vision of local figure Charles Fletcher Lummis. Its primary purpose is to pay respect to the indigenous cultures of the Southwest. The Southwest Museum tells the story of the Native American through the tribal artifacts and art collected and specifically gathered by Lummis to display at this location for generations to come.



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Los Angeles, CA 90050-0894  
(323) 256-4326 [www.hpht.org](http://www.hpht.org)  
June 29, 2009

Even the Arroyo Seco Museum Science Magnet School was named for its fortuitous location next to the first Museum of Los Angeles.

The HPHT Board Members do not agree with PCR's findings in the FEIR, because, from a preservation and cultural resources stand-point, the project does not reduce the impact to a less-than-significant level. According to 15064.5 of the CEQA Guidelines, a Project could have a significant effect on the environment if it "may cause a substantial adverse change in the significance of an historical resource." The significant adverse effects are as follows:

- 1) Change in use of the Museum
- 2) Movement of the Collections.

Under CEQA, a project that follows The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures (The Standards) is considered to have mitigated impacts to a historic resource to a less-than-significant level (CEQA Guidelines 15064.5).

*Standard #1: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The Southwest Museum needs to remain in its current use to comply with the Secretary of the Interior's Standards Guidelines for Rehabilitation. Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of major periods of California history or prehistory. The Project at the Griffith Park campus would detract, from the importance of the Southwest Museum by mimicking a "Southwest Gallery" at its new location. What reason will people have to attend the Southwest Museum if all the "good bits" are featured at another venue?

The Autry Trustees are adversely affecting this important local Landmark by rejecting "a museum-only use for the Southwest building." On Page I-24, under the Executive Summary, it states that "the movement of the Collection is not a project under CEQA." The act of relocating extant collections that reside at an original location is subject to CEQA because the Project will impact the Southwest Museum, specifically the "Southwest Collections." In reference to page 2 of Appendix 6: Technical Memorandum regarding the Southwest Museum and Collections,



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Los Angeles, CA 90050-0894  
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June 29, 2009

it can be argued that the collections are historical resources. The Memorandum contradicts itself when it states on page 4: "Presently, there are three areas within the larger museum complex where there exists a direct relationship between the distinctive collections and building use...Hence, there is a direct relationship between the Poole basketry collections which it was intended to house." Then on page 6, it states "the proposed relocation of portions of the Southwest collections will not materially impair any historic resources within the Southwest Museum."

Regardless of whether the collections are listed as resources or not, they are eligible historical resources, and shall be treated as such. Pursuant to CEQA Section 21084.1, a project impacts the resource if it "causes a substantial adverse change in the significance of an historical resource or materially alters or impairs in an adverse manner those characteristics that convey its historical significance and/or account for its inclusion on a historic resource list." A walk down the "subway" tunnel is very different without the original diaramas lit up in their display cases, providing a wonderful miniaturized view of Native American life. Would the Poole wing be the same without the beautiful baskets that are displayed? Removal of the collections would greatly impact the Museum for they are an essential part of the experience. A majority of the pre-pueblo collections have resided at the Museum since 1914. They are contributors to the resource, if not resources themselves, which makes the entire collections eligible and subject to CEQA. They are an integral part of the Museum and shall be respected as such.

Keep the Southwest Museum operating as a Museum. Make the Museum a living, emblematic icon that brings visitors from all over the city and the country to see the Southwest Collections at the Southwest Museum – the First Museum of Los Angeles and the crown jewel of Mt. Washington. Turn the lights back on the Caracol Tower as a symbol of pride to the community and a beacon to travelers driving down the Arroyo Seco Parkway. Bring the Southwest Museum back to its original glory! Have the vision of Lummis become a reality for now and for future generations.

Sincerely,

  
Justine M. Leong, Vice President  
Highland Park Heritage Trust

cc: Barbara Greaves, City Clerk  
Carmela Gomes, President

June 30, 2009

Hon. Janice Hahn, Chair and Committee Members  
Board of Referred Powers  
c/o Barbara Greaves  
Room 395, City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

RE: Autry Case No. 2009-02

Dear Board of Referred Powers,

Please accept this as comment for consideration by this Ad Hoc Council Committee acting on behalf of the Recreation and Park Commission and accept this into the public record for the Proposed Project identified in the staff report (No. 09-106), dated April 28, 2009.

We oppose the proposed project which is four times bigger than the Griffith Observatory and would cover four acres of land, zoned open space. We question and disagree with the city giving parkland for private buildings and allowing this on city land for minimal to no compensation when the Autry now owns 12 acres of land in the City in which to make improvements. The Griffith Park land is not suitable for additional development and the public benefit of this project does not outweigh the loss of more parkland, increased traffic and other impacts to Park.

Therefore, we request that this Board deny the staff recommendations in light of the significant community opposition and the fact that comments to date have never been sufficiently addressed through the environmental process, starting at the Initial Scoping stage and at each process stage since.

Issues:

- 1) We believe the FEIR and the responses to comment are inadequate and biased. Issues we raised on our Comment to the Draft EIR (dated October 1, 2007) were not adequately addressed and are still outstanding. The FEIR failed to address the specifics of our comments giving a cursory review that was biased towards the project and not based upon factual evidence to the contrary.
- 2) The FEIR was prepared by agents of the Autry and not by an objective third party who would prepare facts and documenting evidence for the decision makers' review. Therefore the FEIR is biased. Even though this practice is somehow allowed in the City of Los Angeles, the City should not allow developers and their representatives (Autry's agents) to write the document. Many jurisdictions have determined that this is not the

best practice to secure objective environmental review and results in a document that is biased and inadequate.

3) The FEIR is non-responsive to evidence and facts of our comments on the record. The document responds with general broad brush strokes that avoids the specifics of the issues and does not provide factual counterpoints.

4) As stated in the City's General Plan, "The City's 35 community plans collectively comprise the Land Use element of the General Plan". Therefore any and all Community Plan's stated policies and objectives should be reviewed as to the proposed project's potential for negative impact. Related elements of the General Plan including the Northeast Community Plan that were not supportive of the project were dismissed and the FEIR is therefore inadequate.

5) The FEIR Project Description misses the 800 pound gorilla in the room... Autry's own press release from 2005 states that "the project will physically merge the multiple institutions that have come together in recent years to form the Autry National Center. A large portion of the Autry's expansion will be dedicated to the Southwest Museum..." The whole purpose of the project is to physically accommodate the removal of the Southwest Museum from its original home. Therefore, if objectively written, the entire environmental process should have reviewed potential impacts, analysis and alternatives in the proper manner, which would have included the Southwest Museum and Casa de Adobe.

Also, the project description narrows the proposed project to such as point that the only project alternative that can possibly satisfy the project's objectives is the proposed project. When, in fact the Southwest Museum site, if they moved everything there would technically achieve the same results was not considered. Closing the building in Griffith Park and consolidating the facility at the museum site in Mount Washington would place the project on the private property instead of on city-owned parkland and would achieve the projects objectives -- but this alternative wasn't considered or analyzed. It would appear that the EIR should have considered consolidation of the museum someplace else which most logical would be on a property Autry owns yet the environmental review did not consider this.

#### 6) Cultural Resource Impact

Contrary to the FEIR document a proposed project doesn't have to result in destruction of a resource to have a substantial adverse impact. The guidelines refer to "materially detrimental or other actions" that cause the loss of the reasons for the property being listed on the National Register. As for the consultant's citing of the former Saint Viviana, it should be noted that no one has come forth to challenge the property's listing in the Register since a substantial portion of its character defining features were removed. Therefore, using this example to justify in the FEIR for this project states that the removal of artifacts would create no impact is not relevant. Furthermore, in case of the

Southwest Museum the National Register description that the listing is more than the buildings physical structure. In the 1997 National Register nomination it clearly states:

“The Museum meets the National Register Criterion A in the areas of significance for Education and Archeology as a contributor of consequence to the broad pattern and trend of acquisition of knowledge relating to Southwestern United States and Native American cultures, and its conveyance through their research, exhibit and publication programs in the United States. The distinguished work of various professionals associated with the Southwest Museum is important to the development in the academic fields of archeology and ethnology and study of American and Southwestern United States cultures, and museums in the United States with education programs related specifically to the Southwestern and Native American material.”

Building this proposed project facilitates the removal of the artifacts from the Southwest Museum and Casa de Adobe. There’s nothing else under consideration that would have the same result.

FEIR specifically states that there were no potential impacts to the Southwest Museum even though it states that removal of artifacts would have an impact on the building “integrity” in terms of its loss of aspects related to “feeling” and “association”.

Furthermore, the recently adopted National Register amendment put forward by the Autry also discusses the interrelationship between the artifacts and the Poole Wing building design: "The varied basketry designs reflect the artifacts that the Poole Wing was constructed to house." Also "Mrs. Poole was influential in the wing's design, sharing her vision for the basketry-inspired exterior elements as well as for its interior color scheme." Correspondence from Mrs. Poole is very clear that the baskets were integral to the building. Autry is ignoring Mrs. Poole donor restriction concerning ever removing the collection from the wing it was built to house. (See attachment)

Therefore the Southwest Museum Collection is an integral part of the integrity of the National Register significance of the Southwest Museum. Thus the building will no longer be the Southwest Museum but the structure that formally housed the Southwest Museum in that Autry is abundantly clear that the Southwest Museum will be located in Griffith Park.

7) The FEIR didn’t evaluate the appropriate project size – i.e. the size of proposed project that would also include the existing building. Nothing in response to comments provides factual evidence to prove that the existing building was originally processed correctly and has the legal ability to exist on parkland.

The question of the existing building having the appropriate entitlements has not been adequately addressed. The Autry would like to rectify this by requesting extending the proposed conditional use permit to the existing building. If that is the case the existing FEIR did not address the full project and the City needs to prepare a new EIR which covers entire construction of 290,000+ sq feet versus just the proposed 129,000 sq ft.

addition. This position is based on the fact that the existing building was built when the property was zoned R1 zone and in accordance with the Los Angeles Municipal Code required a Conditional Use for a private non-profit museum to be constructed in the first place. The rebuttal of this by Autry's lawyers is based on weak evidence relating to the position of DRP staff. It was not an opinion of the City Attorney and there is no evidence of concurrence from the City Attorney in the staff's report. Therefore, this is insufficient evidence that the existing structure is legally allowed and constructed.

Note: a letter in the Planning entitlement file relates to initiation of OS zone and that a CUP not be a requirement for buildings under their jurisdiction including museums. The outcome of this request was that the requirement that DPR buildings obtain a CUP was extended to the new OS Zone. Furthermore, the letter from DRP discussed their position on this matter refers to facilities *owned and operated/managed* by the City. The current environmental report is very clear in stating that the City does not own or operate the Autry building. Therefore, in addition to the fact that DPR request to be excluded from obtaining a CUP under the new zone was turned down, the applicability to a private held building is suspect.

Finally, the fact that the Autry is now proposing to include in the entitlements for this proposed project a request to extend the Conditional Use provision to include the existing building (basically a retroactive action to grandfather in this entitlement) is proof that Autry admits that the existing building never had a CUP and its previous entitlements are suspect. Therefore, the environmental review process would now need to analyze the development in totality and not just the expansion. Since that review has not occurred the FEIR is fatally flawed and should not be certified.

In light of the issues stated above and because the approval of this lease amendment will facilitate the loss of our communities most iconic resource we ask you to deny the proposed lease amendment.

Thank you for your attention to these comments.

Sincerely,

Frank Parrello  
1552 Oak Grove Drive  
Los Angeles, CA 90041

Nicole Possert  
124 Roselawn Pl  
Los Angeles, CA 90042

*Charles J. Fisher, Historian  
140 S. Avenue 57  
Highland Park, CA 90042  
Phone: 323/256-3593 Fax: 323/255-0041  
Email: arroyoseco@hotmail.com*

June 30, 2009

City of Los Angeles Board of Referred Powers  
200 N. Spring Street, Room 350  
Los Angeles, CA 90012

Attn: Board Members

RE: Atrny Museum Expansion Final EIR-RP-013-07.

Dear Board Members,

This letter is in response to my review of the above environmental document regarding architectural and cultural resources, specifically as they are dealt with in section III of the document.

I am a professional historian with over 25 years experience specializing in the history of real estate in Southern California. I have written and or researched and advocated 110 Historic Cultural Monuments for the City of Los Angeles and have prepared assessments on various historic properties in the Southern California area.

I have also been a board member and past president of the Highland Park Heritage Trust, as well as a former co-chair of the Los Angeles Conservancy Cultural Resources Committee and a past president of the Heritage Coalition of Southern California. I was also a contributor to the 1992 National Register nomination for the Southwest Museum and wrote the Los Angeles Historic Cultural Monument nomination for the Casa de Adobe in 1990.

There are a number of issues with the EIR documents that ask more questions than they answer. This is especially in the areas of cumulative

impacts and alternatives. In this letter, I will address two of these impacts as well as the lack of a viable alternative that needs to be brought into the process, that of a split project.

Although the original concept for the Southwest Museum can be traced back to an article by founder Charles Fletcher Lummis in 1895, the founding of the Southwest Museum can be traced back to 1903, when a group of Los Angeles citizens formed the Southwest Society at Lummis' home. The society was set up under the auspices of the Archeological Society of America and it's stated goal was to create a Southwest Museum for the study and display of our Native American and Hispanic heritage. Lummis, who was widely known for his continual work to promote the qualities of Native Americans and to properly document their history, was the spirit behind the creation of the institution.

A number of sites were considered and rejected by the society, including four potential hilltops that were offered by railroad magnet, Henry Huntington. This offer is noted in a 1905 Los Angeles Times article (Addendum "A").

The current site was selected by 1906 and an early version of Sumner Hunt's design was published at that time (Addendum "B"). The site was procured through Henry O'Melvany, who fronted \$50,000.00 for its purchase, donating \$10,000.00 and being reimbursed for the remaining \$40,000.00. The construction of the building was largely paid for through a bequest of Mrs. Carrie M. Jones in her 1909 will. The result was the Acropolis on the Hill as noted in a 1912 article in the Times that speaks about the goals and the future of the new museum that was then about to break ground (Addendum "C")

The building was specifically built to house several substantial Native American collections that were initially donated to the museum, as well as a place for research and interpretation of the history. The site was very carefully chosen as noted in the 1993 National Register nomination (Addendum "D", which states in Section 8, "The Museum is perched on a bluff overlooking the Arroyo, a former campsite of the local Native Americans. Together the museum architectural style and complete collection serve as a unique monument to the intense concern of Lummis in preserving Los Angeles' local heritage and his association with Hunt in

finding an architectural form which was both appropriate and representative of the areas uniqueness.”

This comment about the importance of the collection with the building directly contradicts the contention made in the PCR Services Corporation report (Volume III, Appendix 6 of Final EIR-Addendum “E”) that the collection is not a part of the original nomination.

Furthermore, it is noted in the 2007 amendment to the original nomination, at the time it was actually placed on the National Register, that the Poole Wing was specifically built in 1941 as a repository for the extensive basket collection that was donated to the Museum by Colonel John Hudson Poole and his second wife, who also financed it’s construction (Addendum “F”). Again, this information is in direct conflict with the assertion that the museum was not specifically designed for a particular collection.

I would like to refer to comments made by Ruthanne Lehrer as the Advocacy chair for the Los Angeles Conservancy (Addendum “G”) that the Museum Building and the collection are inseparable as the Central Library and its collection are inseparable, as both structures were specifically designed to house their respective collections.

The fact is that it was the vision of Charles Lummis and others that the hilltop site and design of the building was specifically intended to be the permanent home for the various collections.

The Southwest Museum is the historic site of the first major museum of Native American history and the people that made it. It was the vision of Charles Fletcher Lummis, who was emphatic that it be built in its present location as early as 1906. It remains as Lummis’ most visible legacy to the present day. Unfortunately, the Southwest museum has had a poor history of adequately advertising it’s virtues and its valuable collection of Native American cultural and historical artifacts have remained unknown to a vast proportion of the American public.

In 2003, the merger of the Southwest Museum, the Autry created the Autry National Center and promised to keep the two museums as separate entities in a letter to their membership (Addendum “H”). A Los Angeles City Council Resolution at the same time assured the City’s support for the historic use of the Southwest museum (Addendum “I”).

The subsequent study by Brenda Levin shows that the existing Southwest Museum structure can be brought up to today's standards for the collection.

However, it appears that it was the Autry's intent from early on to move most of the collection to the Griffith Park site and keep only a token part of it in the historic venue.

The Autry EIR discusses doing the entire expansion project at the Mt. Washington site as an alternative to the expansion at the Griffith Park location, even stating that these changes could be done in accordance with the Secretary of the Interior's Standards for additions and changes to an historic site. Yet the expansion of the Southwest Museum location is discounted by the Autry because "it would not allow the Autry National Center to enhance its relationship to the Griffith Park setting".

This analysis appears shortsighted in light that the Autry EIR fails to explore the viability or the practicality of doing smaller expansion projects at both sites, which could be coordinated to work together for a more full and enjoyable museum experience for the visitor as well as a more complete use of research facilities through the use of both locations.

The argument that this alternative would "limit the ability to attain the Program Objective to stimulate a convergence dialogue among researchers, curators and the public" fails to make sense in light of the existing institutions to be found in the United States. Many universities maintain campuses in various locations and many businesses carry on in locations scattered throughout the globe. Modern media creates a virtual office environment that can bring the various parties together in an instant. Furthermore, museums have started doing this very thing.

One needs only to look across town to the Getty, which successfully maintains the museum in Brentwood and the original Getty Villa in Malibu, which specializes in the Greco-Roman collection. This option is very viable, yet the EIR fails to even look at it.

Furthermore, the proximity of the Southwest Museum and the Autry's Griffith Park location is such that the two sites could become a very viable mix, with the Autry building focusing on the development of the American West as well as the movie industries take on it, while the Southwest

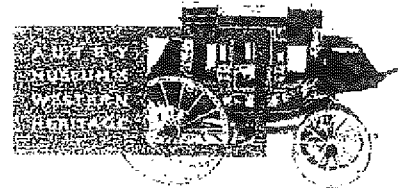
Museum could continue to specialize in the history and culture of our earliest Americans. Our Spanish-Mexican heritage is one that is be the full link between the two periods that have been outlined here. A full use of the Casa de Adobe as it is intended helps to bring this part of our history as Americans, while both sites can help to enhance and tell that history.

It has always been our position that the collection is large enough to share at the two sites and that we are only concerned that the principal use of the historic Southwest Museum remains as a repository for the exhibition and study of our Native American history.

In conclusion, in order for the Autry National Center establish itself as the premier institution for the study of the American West, it must work to preserve the legacy of that American West. The Southwest Museum is an integral part of that history and by maintaining and enhancing the historic use of that structure, the Autry will help to ensure that the people of America will have the most enjoyable an educational museum experience possible.

Sincerely yours,

Charles J. Fisher,  
Historian



January 14, 2003

Charles J. Fisher & Anne Marie Wozniak  
140 S Avenue 57  
Los Angeles, CA 90042-4702

Dear Charles And Ann:

We are thrilled to announce that the Southwest Museum of the American Indian and the Autry Museum have agreed to merge under the umbrella of the Autry National Center of the American West. The merger has been enthusiastically endorsed by all of our trustees and is being recognized locally and nationally as a truly historic opportunity, both to ensure the care and conservation of the Southwest's remarkable collection and to provide for greater public access through expanded and innovative programming.

The new Center will consist of the Southwest Museum, the Autry Museum, and the Institute for the Study of the American West. Each will be led by its own director who will manage the curatorial and collection activities and budgets of their respective entities. The Center will manage essential common functions such as accounting, development, membership, marketing, maintenance, security, and retail.

The merger will be finalized upon completion of a six-month planning process that will include the development of both a long-term master plan and integration strategies. The master plan will address the potential renovation of the historic Mt. Washington facilities and the redesign of some of the Autry's exhibition space. During this period, the museums will remain open to the public and members will receive free reciprocal admission and store discounts to both.

The Southwest and Autry have long been devoted to preserving and interpreting the complex history of the American West. The partnering of these institutions will deeply strengthen the work of both and strategically advance our shared vision and goals. Together, the Southwest and the Autry will elevate public knowledge in a way neither could do alone.

We look forward to keeping you informed of our progress and also to your participation in the process. We would like to invite you to an informal discussion and coffee at the Autry Museum (4700 Western Heritage Way) on Saturday, February 8 at 11 a.m. Please call 323/667-2000 ext. 326 to RSVP. We also encourage you to share your thoughts with us by visiting the Autry website at [www.autry-museum.org](http://www.autry-museum.org) and clicking on "contact us".

Thank you for your ongoing support.

With best regards,

Duane King  
Executive Director  
Southwest Museum

John L. Gray  
Executive Director  
Autry Museum

EXHIBIT 9

**LAW OFFICE OF DANIEL WRIGHT**

467 CRANE BLVD.  
LOS ANGELES, CA 90066-5018

PHONE: (213) 925-2592 FAX: (323) 223-4797

FIBERFLASH@GMAIL.COM

May 24, 2011

**HAND DELIVERY**

Hon. Eric Garcetti and  
Los Angeles City Council  
200 N. Spring Street, Rm. 340  
Los Angeles, CA 90012

Re: Request for Investigation of the Deletion of Emails From Recipient List of the  
Recreation and Parks Department's Meeting Agenda Alert System

Dear President Garcetti and Councilmembers:

Last Friday, May 20, 2011, the Recreation and Parks Department, pursuant to a Special Meeting notice, conducted a "stealth public meeting" to consider and approve a proposed replacement of Southwest Museum exhibition space in Griffith Park. For many reasons, the Board's action was illegal and in order to give this action proper public review, the City Council is urged to add to its meeting agenda next week an item to hear whether or not it should assume jurisdiction over the Commission's decision under Charter Section 245.

This action is destined to go down in the City's history as one of the examples of why voters are so disgusted with gamesmanship at City Hall where only friends and family get "Gold Card" treatment. Myself and a number of the members of the Friends of the Southwest Museum are subscribers to the email distribution list of the Recreation and Parks Commission's meeting agendas. Over the past three years we have received in our inbox the Commission's meeting agendas which is much easier than constantly having to check the Departmental website for its frequent and unlawful use of Special Meeting notices, or traveling to City Hall East to check the meeting agenda posted on a bulletin board.

The action taken by the Commission last Friday occurred without our knowledge until the meeting was nearly over. Just four Autry employees or supporters testified at the hearing. We got a phone call that the item had been placed on a Special Meeting notice while it was happening.

We have checked our email inboxes. Many of us stopped receiving email notice of the Recreation and Parks Commission last month, just before the Commission issued its agenda that included approval of the Autry Project. The City Clerk's website states that any member of the public may subscribe a City Council or Commission meeting agenda email list. There is no notice on the City Clerk's website that once subscribed, that a person may be unsubscribed unless they do it themselves on the City Clerk's webpage.

Call for Investigation  
May 24, 2011  
Page 2

We have learned that other persons on the meeting agenda email list of the Recreation and Parks Commission received an email notice very close to the time of the meeting, but those of us who have previously attended public meetings to object to the Autry's controversial actions related to the Southwest Museum DID NOT RECEIVE ANY EMAIL ALERT EVEN THOUGH WE WERE SUBSCRIBED TO THE LIST.

Someone in the Recreation and Parks Department ordered or authorized the deletion of our emails from the meeting agenda list for the malicious purpose of denying us the opportunity to rally the thousands of supporters of the Southwest Museum to object. The timing is too suspect for it to be a "coincidence" that just before the offending agenda is issued, the Department, without any authorization from the recipients, removed email addresses from the list.

Such action is patently transparent: Because the Autry could not obtain its controversial entitlements at a noticed public hearing in 2009, the forces at City Hall have manipulated the process for their "Gold Card" friends on the Autry Board of Directors. The action has no integrity and that is why City Council must intervene to correct this act of thuggery.

**For these reasons, we call upon the City Council to initiate an investigation of how and under whose authority members of the public were selectively removed from the email notification system of Recreation and Parks Commission meetings.**

Please contact me with any questions or concerns.

Sincerely,



Daniel Wright, Friends of the Southwest Museum Steering Committee

EXHIBIT 10

REPORT OF GENERAL MANAGER

NO. 11-129

DATE May 20, 2011

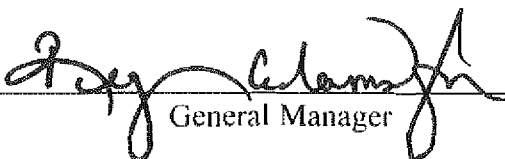
C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GRIFFITH PARK - AUTRY NATIONAL CENTER - RENOVATION OF EXISTING EXHIBIT SPACE AT THE MUSEUM OF THE AMERICAN WEST

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
V. Israel \_\_\_\_\_

K. Regan \_\_\_\_\_  
\*M. Stull MS  
N. Williams \_\_\_\_\_

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board grant approval of the proposed renovations of existing exhibit in the galleria, and outdoor area and restrooms at the Autry National Center's Museum of the American West, as described in the Summary of this Report and depicted in Exhibit A.

SUMMARY:

The Museum of the American West (Museum) is located at 4700 Western Heritage Way, within Griffith Park, and in the Hollywood community of the City. The Museum is operated by the Autry National Center (Autry) on land leased by the Autry from the City of Los Angeles Department of Recreation and Parks (RAP).

On January 23, 1987, the City approved a fifty (50) year ground lease agreement (Lease) with the Gene Autry Western Heritage Museum (now known as the Autry National Center), a California non-profit organization, authorizing their occupancy of approximately 12.75 acres of land located in the northeast portion of Griffith Park for the construction and operation of the Museum. The approximately 143,000 square foot Museum was constructed and opened to the public in 1988. The mission statement of the Autry and the Museum is "The Autry brings together the stories of all peoples of the American West, connecting the past with the present to inspire our shared future."

Pursuant to the terms and conditions of the Lease, Autry is required to receive the approval of the Board of Recreation and Park Commissioners (Board) prior to the construction of modifications to the Museum structure if the estimated costs of those modifications is in excess of either \$25,000, for internal modifications, or \$5,000, for external modifications.

## REPORT OF GENERAL MANAGER

PG. 2

NO. 11-129

The Lease also specifies that the Autry is required to provide the City with a surety bond, or approved substitute, that shall not be for less than 100% of the construction price of any internal or external improvements. Furthermore, Autry is required to submit to the Board as-built drawings of any improvements, with the exception of those improvements related to the Museum security system.

### Proposition 84 Nature Education Facilities Grant Program

In March 2010, the State of California released a Request for Proposals (RFP) for the Proposition 84 Nature Education Facilities (NEF) Grant Program. The Proposition 84 NEF Grant Program will award a total of \$93 million in competitive grant funding for nature education and interpretation exhibits, research facilities, and equipment to non-profit organizations and public institutions including natural history museums, aquariums, research facilities and botanical gardens. The goal of the Proposition 84 NEF Grant Program is to support institutions that enable focused learning about the natural environment and increase public understanding and recognition of the need to sustain the environment for future generations.

In response to the RFP, Autry submitted a grant application for a renovation project at the Museum (Project) that proposed to construct two exhibit galleries, an outdoor teaching garden, and associated site improvements within the existing footprint of the Museum facility. On April 12, 2011, the State announced the award of 44 grants, totaling \$93 million, from the Proposition 84 NEF Grant Program. The grant application submitted by the Autry for the Project was among those successfully awarded funding. The Project received a grant award of \$6,593,463 from the Proposition 84 NEF Grant Program.

### Museum of the American West Renovation Project

The Project proposes a major re-visioning and redesign of approximately 18,000 square feet of the Museum's existing exhibition galleries and other public spaces. The Project will include the renovation and reconstruction of two exhibit galleries, the installation of long-term exhibits, the conversion of an existing outdoor area into an outdoor teaching garden, and associated improvements including the renovation of existing restrooms. Autry will employ sustainable design practices in the construction of the Project both to neutralize environmental impact and to encourage visitors in the use of sustainable practices.

The two exhibit galleries and the outdoor teaching garden will be devoted to the native people of California, their relationship to the natural environment, and the key resource stewardship practices they have employed in sustaining their traditions and customary manner of living. Through the exhibit galleries and the outdoor teaching garden, visitors to the Autry will learn about historical and contemporary ecological issues that impact and, in some cases, may threaten the way Californians live. The exhibit galleries and the outdoor teaching garden will impart how native communities

## REPORT OF GENERAL MANAGER

PG. 3

NO. 11-129

developed systems and techniques dedicated to maintaining the plant and animal species upon which their people depended.

One of the renovated exhibit galleries will house a long-term exhibition called "First Californians." "First Californians" will look at native communities and cultures through a thematic and bio-regional perspective and will show how nature is weaved into the customs and ceremonial traditions of native Californians. Three themes - "Singing to Our Ancestors," "Dancing the World into Being," and "Gathering for Tomorrow" - will lead Museum visitors through traditions and practices that are common to native Californians and are further defined by specific environments within the state.

The "First Californians" exhibition will feature distinctive immersive environments that are specific to each of the exhibit's three themes. The "Singing to Our Ancestors" theme will feature a fabricated river willow ramada and will highlight bird songs and salt songs of interior California tribes, which are tied to the State's southern deserts and habitats where natural-occurring water and food sources are scarce. The "Dancing the World into Being" theme will feature an authentic hand-split plank house set in the forested mountains of California's northwest coast where native tribes engage in life renewal rituals but where logging and fishing industries, as well as dammed rivers, create challenges. The "Gathering for Tomorrow" theme will feature an oak tree canopy and acorn-grinding scene set in the temperate coastlands, valleys, foothills, and woodlands of the southern part of the State where ecosystems dependent on oak trees are important to the different native cultures of those areas.

The other renovated exhibit gallery will house a long-term exhibition called "Dreamers, Doctors, Basketweavers." This gallery focuses on the foothills and coastal woodlands of the central part of the State and looks at Pomo Indian culture through the lives of two significant 20th-century Pomo women, Mabel McKay and Essie Parish. These women were both "doctors" and key community leaders who worked in traditional methods and helped to sustain the customs and traditions of the Pomo Indians. The exhibit is designed to demonstrate how contemporary Californians can benefit from an understanding of the practices, attitudes and ethics of these women.

The outdoor teaching garden will provide an opportunity for additional environmental education and will include plants native to California's coniferous forests, mountain meadows, valley grasslands, woodlands, alluvial fans, and marshes. The outdoor teaching garden will showcase the various bio-regions and flora that will be depicted in the "First Californians" exhibition. A water feature will replicate the journey of a river from its mountain source to a pool that depicts riparian ecosystems in lower woodlands and coastal marshes. The water feature will serve as a medium for demonstrating how human activity at the upper reaches of a river can impact downstream ecosystems. Exhibit signage, interactive displays, and educator-led talks in the woodlands area will teach how native communities set controlled fires as a strategy for facilitating plant diversity and acorn cultivation. The outdoor teaching garden will also demonstrate the connection between the cultural objects

## REPORT OF GENERAL MANAGER

PG. 4

NO. 11-129

displayed in the exhibit galleries and the living plants used to make those objects. A section of the garden devoted to medicinal plants will foreshadow the stories of Mabel McKay and Essie Parish in the "Dreamers, Doctors, Basketweavers" exhibit.

The "First Californians" and the "Dreamers, Doctors, Basketweavers" exhibition galleries will both feature an interplay of artifacts, labels, in-gallery media, sound, and computer kiosks. 500 objects, representing over 50 Native cultures, will be on display in these two exhibits. Almost all of these objects were made from natural materials endemic to the habitats in which California natives lived. Examples include baskets made from sedge root and quail feathers (Pomo Indians), dance regalia of ringtail fur (Hupa Indians) or eagle feathers (Luiseño Indians), and a fishing canoe of redwood (Yurok Indians).

The conceptual plan for the Project is attached hereto as Exhibit A.

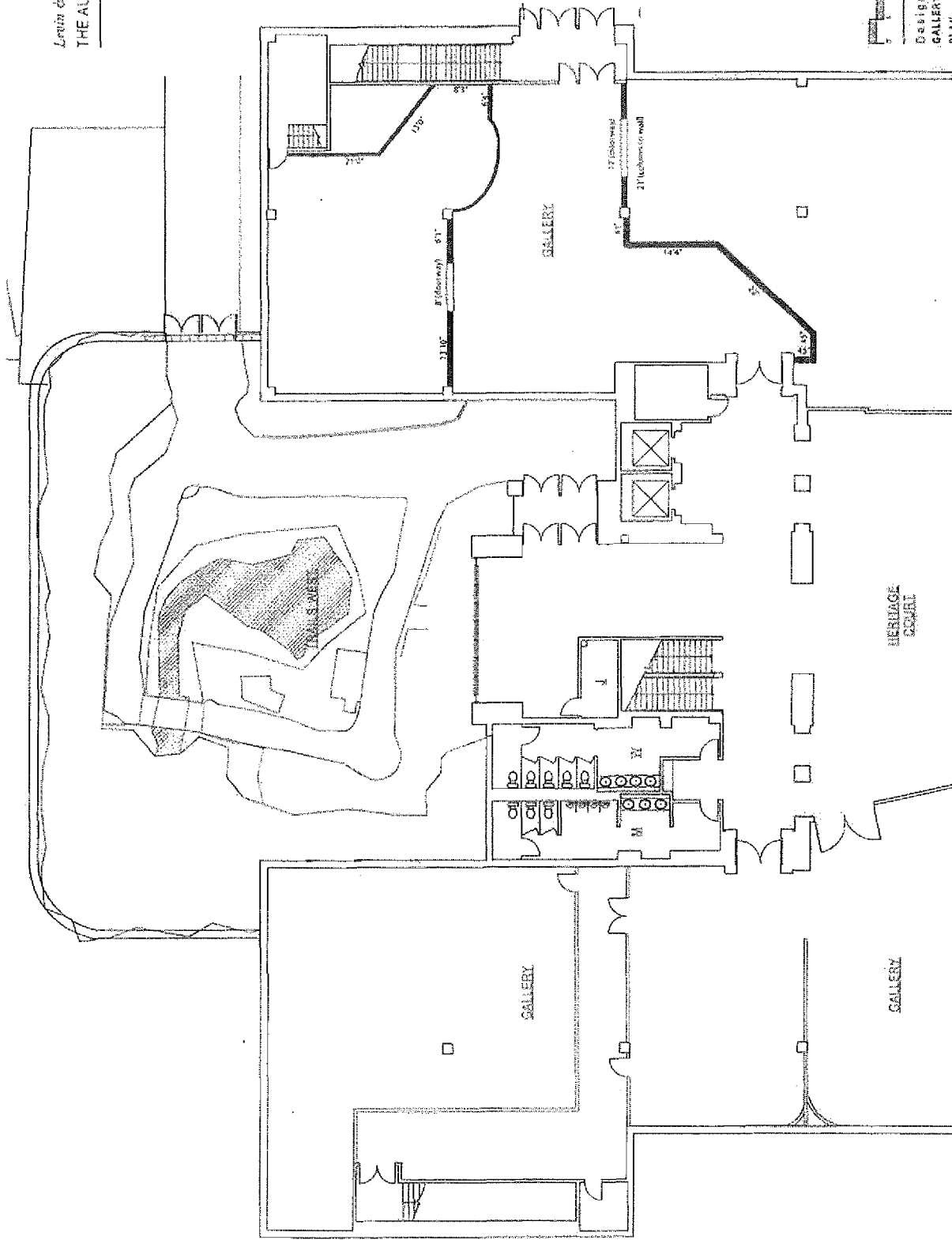
Staff has evaluated the subject project for environmental effects and determined that the project is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(1) and Class 1(13) of the City CEQA Guidelines. A Notice of Exemption for this project was filed with the Los Angeles City and County Clerks on June 25, 2010. No additional CEQA documentation is required for Board approval.

### FISCAL IMPACT STATEMENT:

The approval of this project should not have any fiscal impact on the Department, as the costs of this project is anticipated to be funded by funding sources other than the Department's General fund.

This report was prepared by Darryl Ford, Management Analyst II, Planning, Construction, and Maintenance Division.

Levin & Associates Architects  
THE AUTRY

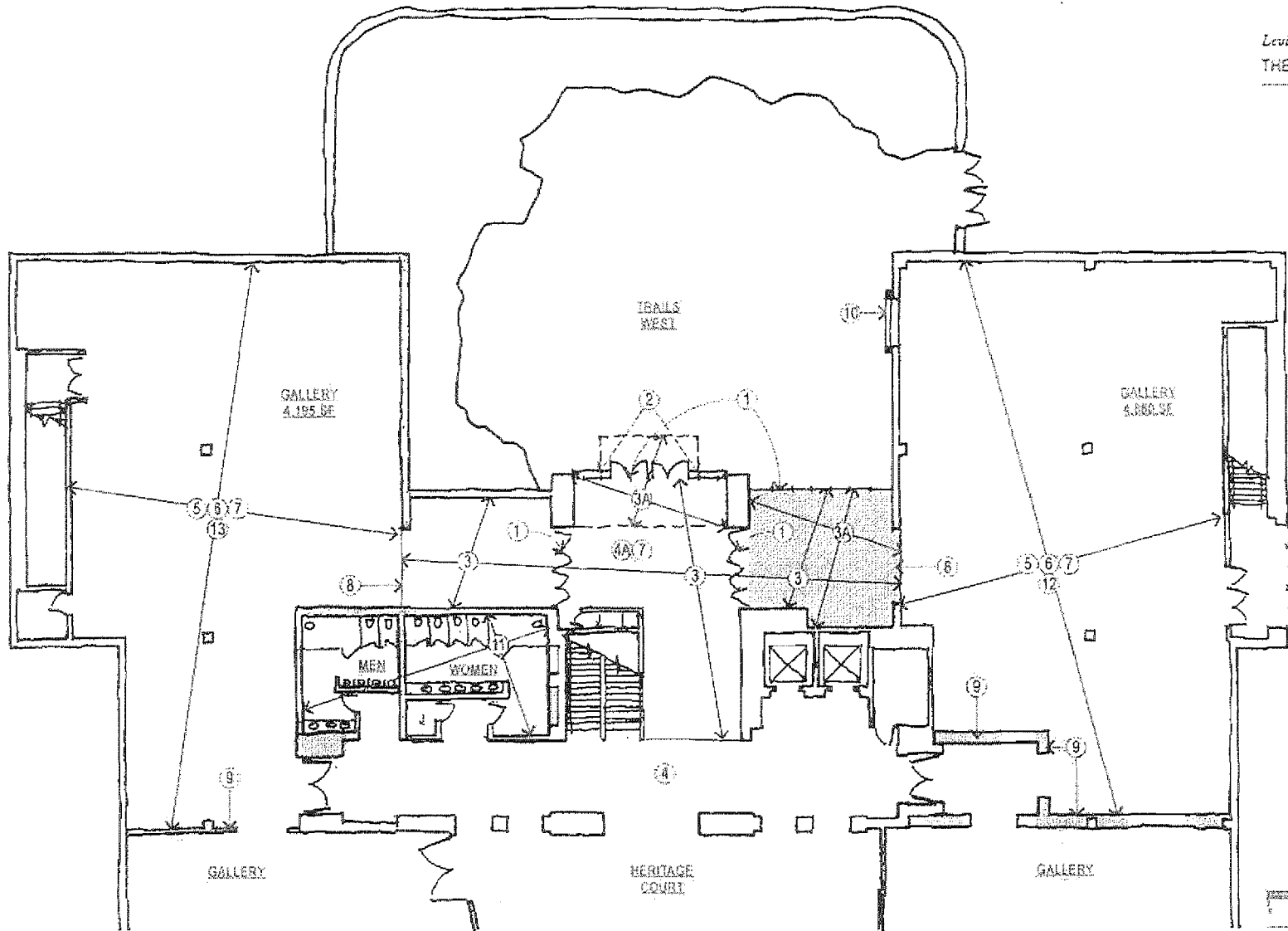


EXISTING CONDITIONS

# GTEC1

Design Criteria Sheet  
GALLERY TRAILS WEST GRANT  
PLAN  
May 13, 2010

Levin & Associates Architects  
**THE AUTRY**



**KEYNOTES**

- ① NEW STORE FRONT DUAL GLAZING W/ NEW DOORS
- ② NEW DECORATIVE CUT METAL PANELS AT PERIMETER OF EXISTING WINDOW AREA. SEE PROPOSED NORTH EXTERIOR ELEVATION.
- ③ NEW STONE FLOOR
- ③A NEW ROOF ABOVE
- ④ EXISTING FLOOR TO REMAIN
- ④A NEW DRYWALL CEILING ABOVE W/ NEW LIGHTS & NEW LINEAR DIFFUSERS
- ⑤ EXISTING CEILING STRUCTURE PAINTED BLACK
- ⑥ NEW DUCT WORK OR EXISTING MODIFIED AS REQUIRED PAINTED BLACK
- ⑦ NEW LIGHTING EXHIBIT & GENERAL
- ⑧ NEW OPENING IN EXISTING WALL (6'-0" X 12'-0")
- ⑨ NEW DRYWALL WALL WITH CASED OPENING
- ⑩ NEW BAY WINDOW (±8'-0" X 12'-0")
- ⑪ NEW FIXTURES & FINISHES THROUGHOUT.
- ⑫ NEW CARPET & LINOLEUM FLOOR
- ⑬ NEW WOOD FLOOR

NEW ENCLOSED AREA: 395 SF

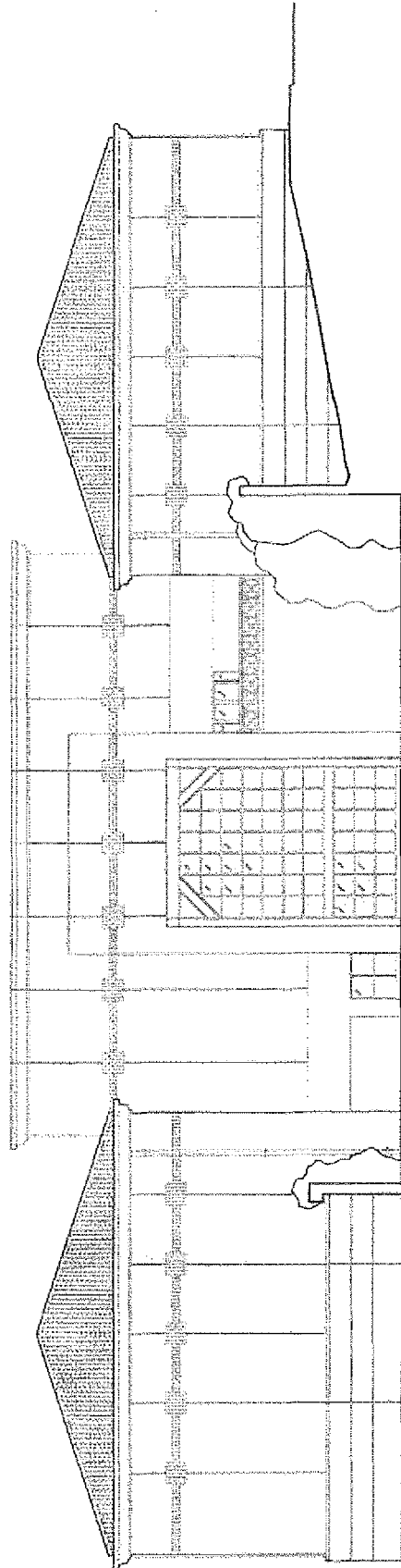


SCHEME B

Design Criteria Sheet  
 GALLERY | TRAILS WEST GRANT  
 PROPOSED FLOOR PLAN  
 May 13, 2010

**GTB02**

Levan & Associates Architects  
THE AUTRY



EXISTING CONDITIONS

**GTEC2**

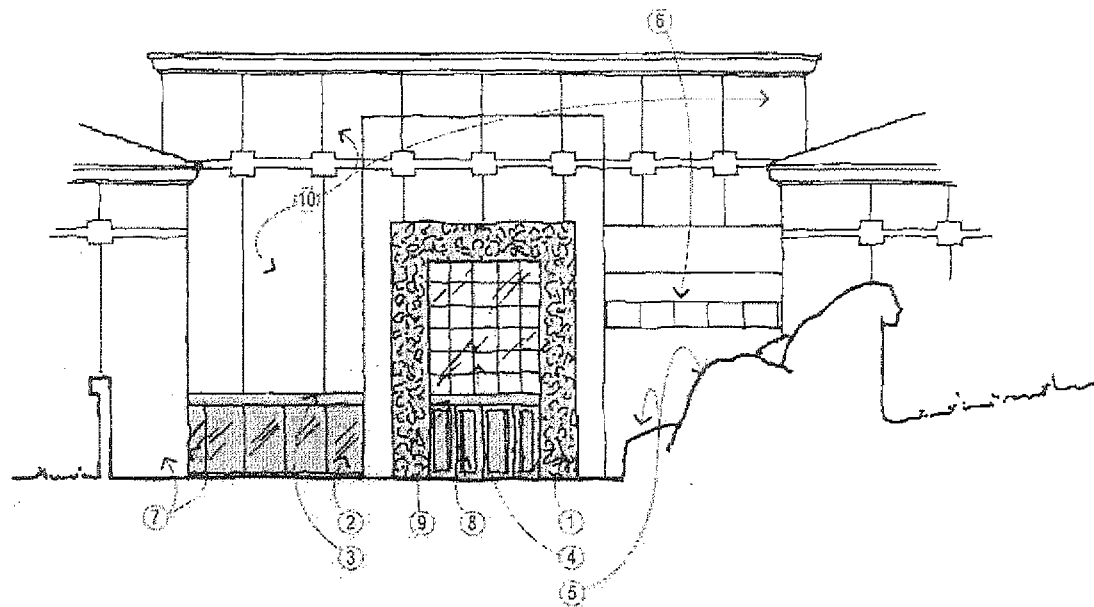
Design: Criteria Steel  
GALLERY / TRAILS WEST GRANT  
NORTH ELEVATION  
Aug 13, 2019

Levin & Associates Architects

THE AUTRY

KEYNOTES

- ① NEW DECORATIVE CUT METAL PANELS OVER EXISTING WINDOW, 2 SIDES
- ② NEW STORE FRONT
- ③ NEW ROOF
- ④ EXISTING WINDOW & STRUCTURE
- ⑤ EXISTING FAUX ROCKS TO REMAIN
- ⑥ EXISTING BALCONY TO REMAIN
- ⑦ REPAIR EXISTING WALL AT LOCATIONS OF REMOVAL OF FAUX ROCKS
- ⑧ NEW STOREFRONT DOORS, DUAL GLAZING
- ⑨ NEW OVERHANG AT EXISTING BEAM WITH ROOF AT INTERIOR
- ⑩ NEW PAINT

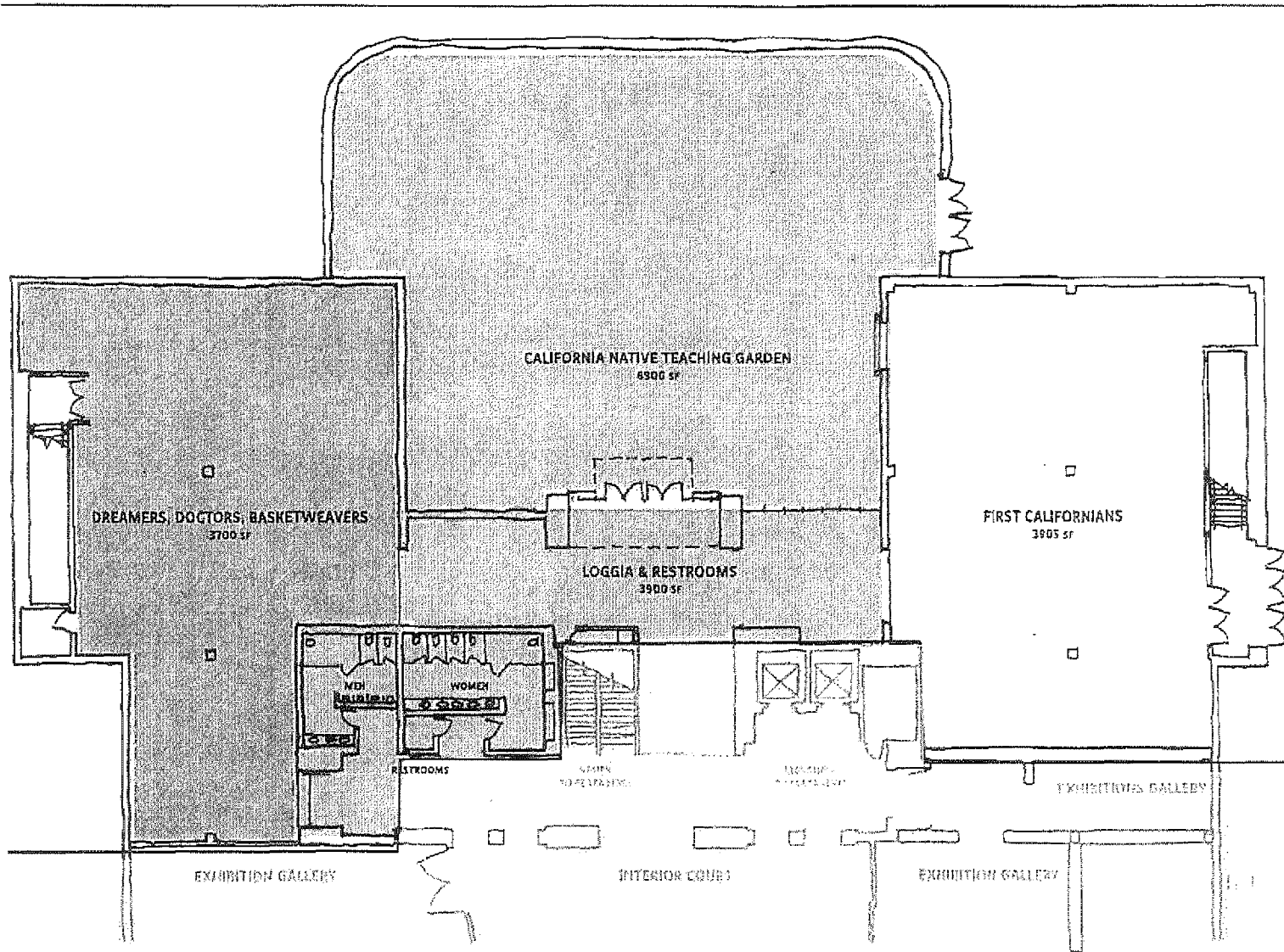


SCHEME B

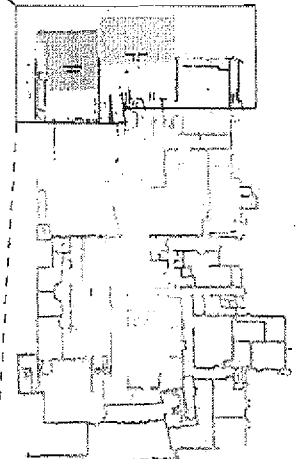
Design Criteria Sheet  
GALLERY / TRAILS WEST GRANT  
NORTH EXTERIOR ELEVATION  
May 10, 2010

**GTB03**

Concept Level Site Plan  
 Autry National Center

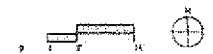


Nature Education Project Area  
 18,405 total square footage of  
 public spaces

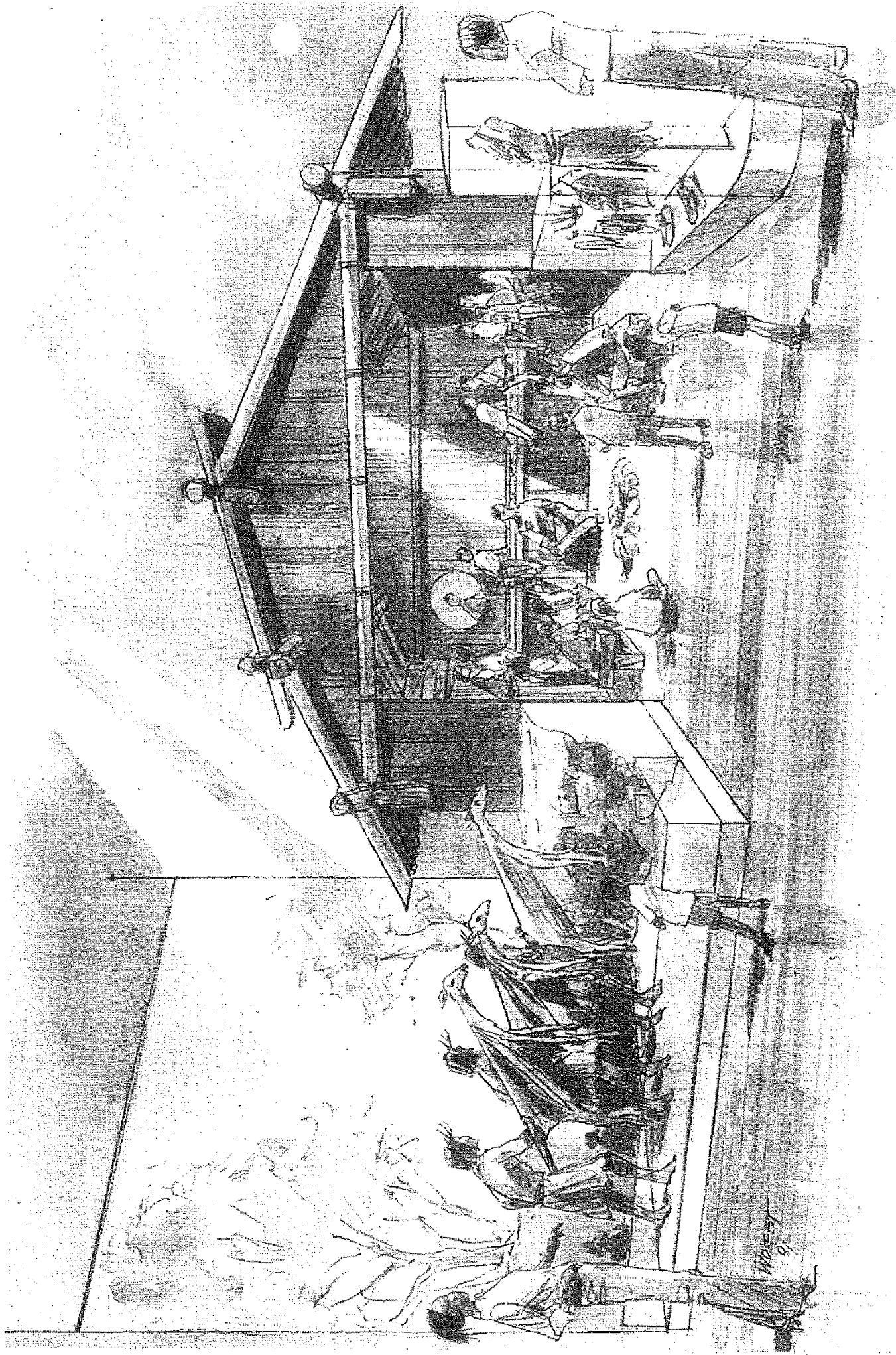


AUTRY SITE PLAN  
 46,239 total square footage  
 of public spaces

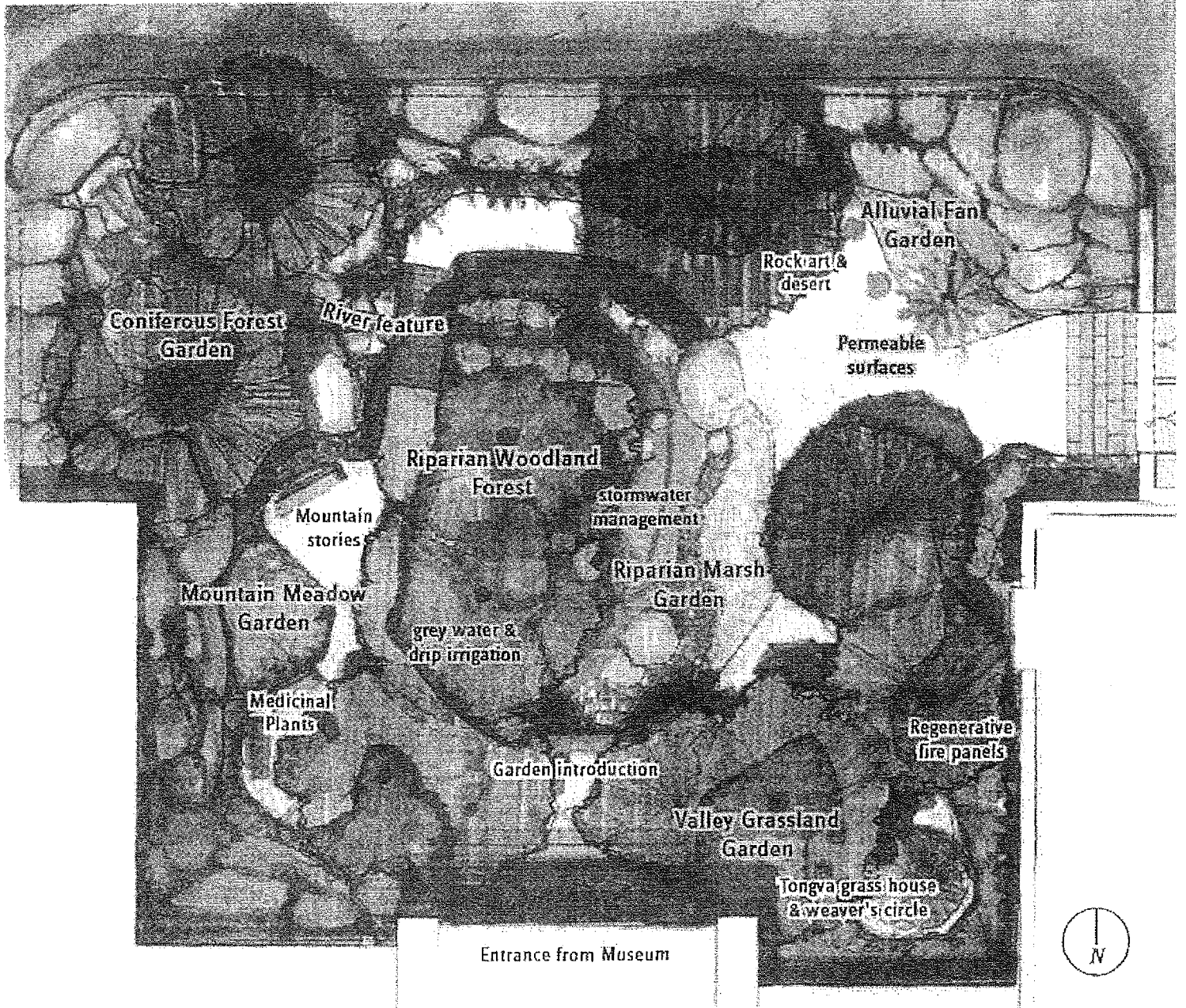
Levin & Associates Architects  
 THE AUTRY



Design Criteria Sheet  
 GALLERY / TRAILS WEST GRANT  
 PROPOSED FLOOR PLAN  
 May 10, 2010



Site Plan for California Native Teaching Garden



**LEGEND**  
 Bio-Regions & Plant Communities  
 Interpretive Centers  
 Sustainable Practices