

CHAPTER 5—SECTION 4(F) EVALUATION

The Westside Subway Extension Project (Project) will be seeking federal transit funding grants and discretionary approvals through the U.S. Department of Transportation (USDOT) Federal Transit Administration (FTA); therefore, compliance with Section 4(f) is required. Section 4(f), as amended, of the *U.S. Department of Transportation Act of 1966* (USC 1983) protects public parklands and recreational lands, wildlife refuges, and historic sites of national, state, or local significance. Federal regulations that implement Section 4(f) may be found in 23 CFR 774 (CFR 2008).

The FTA may not approve the use, as defined in 23 CFR 774.17, of a Section 4(f) property unless the FTA determines the following:

- There is no prudent and feasible alternative to the use of land from the property
- The program or project includes all possible planning to minimize harm to the property resulting from such use

This section has been updated from the Draft EIS/EIR. Information in this section is summarized from the *Westside Subway Extension Section 4(f) Technical Report* (Metro 2012d). For the project description, refer to Chapter 2, Alternatives Considered, of this Final EIS/EIR.

5.1 Section 4(f) Evaluation Overview

A preliminary inventory of Section 4(f) properties and their Section 4(f) use was conducted as a part of the previous Alternatives Analysis (AA) evaluation for the Project. For the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), a more detailed analysis was done to further identify strategies that would avoid or, in the case where avoidance is not possible and the use is not *de minimis*, minimize the use of Section 4(f) resources. Subsequent to the Draft EIS/EIR, avoiding or minimizing the use of Section 4(f) properties continued. This Final Section 4(f) evaluation describes whether and how the Locally Preferred Alternative (LPA) will use Section 4(f) resources. For such resources, a brief description and an overview of Section 4(f) use is provided, followed by a description of avoidance alternatives where there is a direct use and measures to minimize harm. For more detailed information, refer to the *Westside Subway Extension Section 4(f) Technical Report* (Metro 2012d).

5.2 Section 4(f) “Use” Definitions

As defined in 23 CFR 774.17, the “use” of a protected Section 4(f) property occurs when any of the conditions described in the following sections are met.

5.2.1 Direct Use

A direct use of a Section 4(f) resource occurs when property is permanently incorporated into a proposed transportation project (23 CFR 774.17). This may occur as a result of partial or full acquisition of the Section 4(f) property, permanent easements, or temporary easements that exceed regulatory limits noted below.



5.2.2 Temporary Use

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of a property that is considered adverse in terms of the preservationist purpose of the Section 4(f) statute. Under FTA regulations (23 CFR 774.13), a temporary occupancy of a property does not constitute a use of a Section 4(f) resource when all the following conditions are satisfied:

- Duration is temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land
- Scope of work is minor (i.e., both the nature and magnitude of the changes to the Section 4(f) property are minimal)
- There are no anticipated permanent adverse physical impacts, nor is there interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis
- The land being used will be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project)
- There must be documented agreement of the official(s) having jurisdiction over the Section 4(f) resource regarding the above conditions

5.2.3 Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from a resource, but the proximity of the project results in effects (e.g., noise, vibration, visual, and property access) so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished (23 CFR 774.15).

5.2.4 *De Minimis*

The requirements of Section 4(f) would be considered satisfied if it is determined that a transportation project would have only a *de minimis* impact on the Section 4(f) resource. The provision allows avoidance, minimization, mitigation, and enhancement measures to be considered in making the *de minimis* determination. The agencies with jurisdiction must concur in writing with the determination. *De minimis* impact is defined in 23 CFR 774.17 as follows:

- For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)
- For historic sites, *de minimis* impact means that the FTA has determined, in accordance with 36 CFR 800, that no historic property is affected by the project or the project would have “no adverse effect” on the property in question

To arrive at this determination in accordance with 36 CFR 800 (CFR 2004), effects to all identified eligible, determined eligible, or listed historic properties were evaluated within the current context and setting of the property, with regard to the identified historic significance and level of retention of historic integrity, and in relation to changes to the property or within its vicinity that the LPA will or may cause. An adverse effect

determination was made when the LPA will alter, directly or indirectly, any of the characteristics of the historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that will diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration was given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP.

Using the criteria of adverse effect established in 36 CFR 800.5(a)(1) and guidance found in the National Register Bulletin *How to Apply the National Register Criteria for Evaluation* (NPS 1997), each historic property was evaluated to determine if implementation of the LPA will alter any historically significant characteristics or features of a historic property by diminishing relevant aspects of that property's historic integrity. For some eligible or listed resources within the Area of Potential Effect (APE), certain aspects of integrity are not critical to the reasons that a property was determined to be eligible for listing. For each historic property, one of the following findings was made regarding the LPA's affect on each aspect of integrity: *no effect*, *no adverse effect*, or *adverse effect*.

5.3 Description of Section 4(f) Properties

This section describes Section 4(f) properties that were considered for evaluation. Properties subject to Section 4(f) consideration include historic resources of local, state, or national significance, whether privately or publicly owned, as well as publicly owned parks, recreation areas, and wildlife refuges of national or local significance.

5.3.1 Historic Resources

This section identifies eligible properties that are subject to Section 4(f) and describes the architectural styles that form the basis of the evaluation. Prior to completing the Section 4(f) evaluation, a *National Historic Preservation Act of 1966* (USC 1966) Section 106 analysis was completed to identify historical and archaeological resources in the APE and to determine their significance. Refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b) and the *Westside Subway Extension Archaeological Resources Supplemental Survey Technical Report* (Metro 2012c). The purpose of the Section 106 analysis was to identify cultural resources that are eligible or listed on the NRHP and that may be affected by the LPA.

Under Section 106, when a federally funded project will affect a historic property, the agency must apply the criteria of adverse effect to determine if the effect will be adverse or negative. Adverse effect is defined in 36 CFR 800.5(a)(1) as an action that may

“...alter, directly or indirectly, any of the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.”



Adverse effects include, but are not limited to, demolition; alteration; removal of a property from its original setting; neglect; abandonment; or the introduction of visual, atmospheric, or audible elements.

With regard to Section 4(f), in the event a historic property has been identified within the APE that is eligible for the NRHP, the property was evaluated for use. Historic and archival research was undertaken to determine the presence of previously identified historic properties eligible for the NRHP. In addition, a historic architectural survey was completed for the APE for the LPA to further identify and evaluate properties that are historically significant and meet the criteria for eligibility for listing on the NRHP. Properties within the APE that have a determination of eligibility for the NRHP as a result of the Section 106 process are summarized in Appendix D, Memorandum of Agreement and Section 106 Correspondence. Appendix D describes historic properties identified within the station APE and historic properties within the alignment APE. Appendix D also describes historic properties that are contributors to historic districts but were considered not individually eligible. The properties listed have a determination of eligibility for the NRHP by prior studies and through evaluation in support of the current LPA. The architectural distinctions, known associations with important historic persons or events, and other historic features of each eligible property are discussed in the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Properties were determined to be eligible if they meet at least one of the following NRHP criteria:

- Property is associated with events that have made a significant contribution to the broad patterns of our history
- Property is associated with the lives of persons significant in our past
- Property embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- Property has yielded, or may be likely to yield, information important in prehistory or history

The LPA may result in a Section 4(f) use of several eligible historic properties, as shown in Figure 5-1 through Figure 5-4, and are discussed in more detail in the following sections. The FTA has finalized determination of eligibility through consultation with the State Historic Preservation Office (SHPO). Section 4.14 presents effects to these historic properties as established by current consultation.

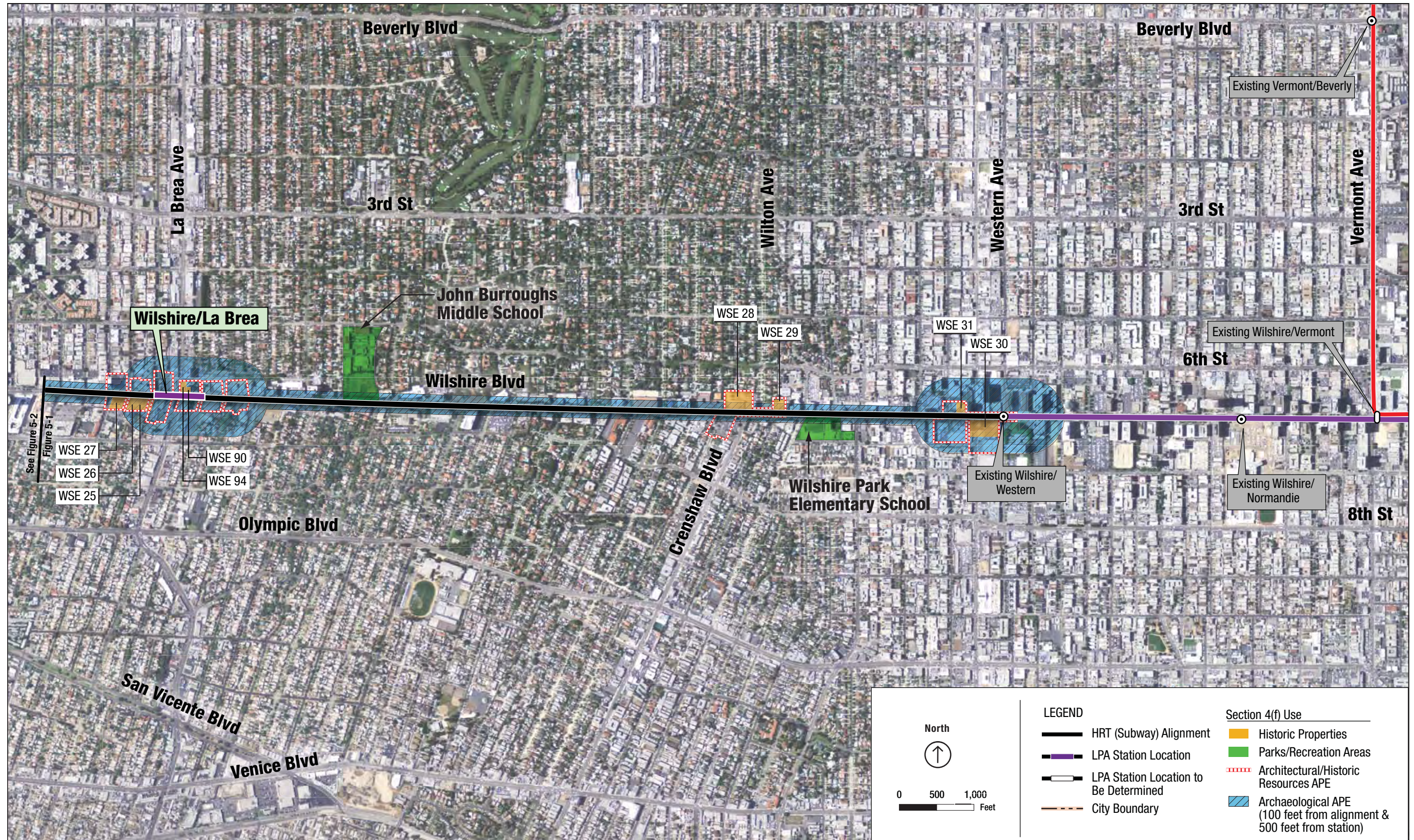


Figure 5-1. Section 4(f) Resources (Existing Wilshire/Western Station to Wilshire/La Brea Station)

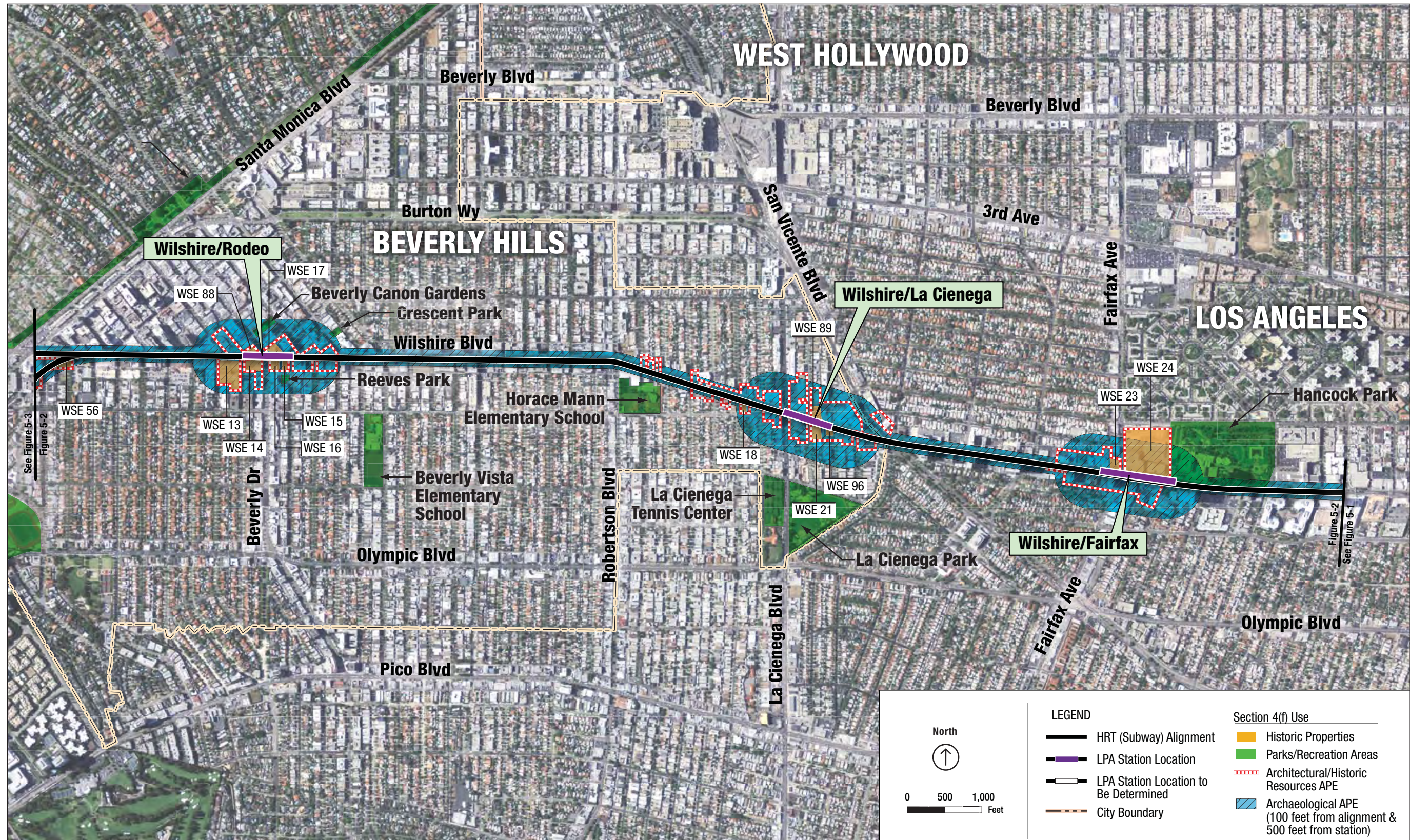


Figure 5-2. Section 4(f) Resources (Wilshire/Fairfax Station to Wilshire/Rodeo Station)

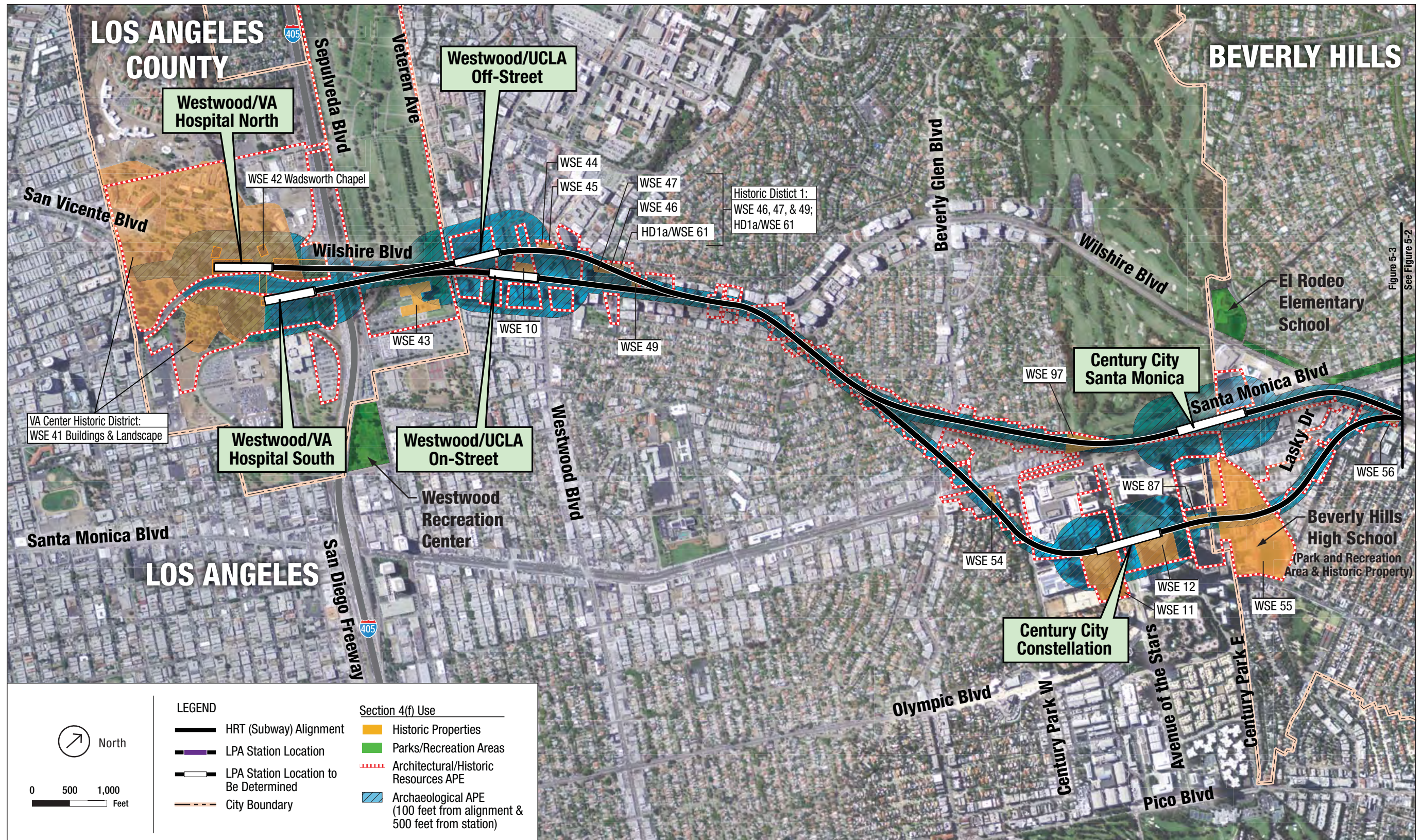


Figure 5-3. Section 4(f) Resources (Century City Station to Westwood/VA Hospital Station)

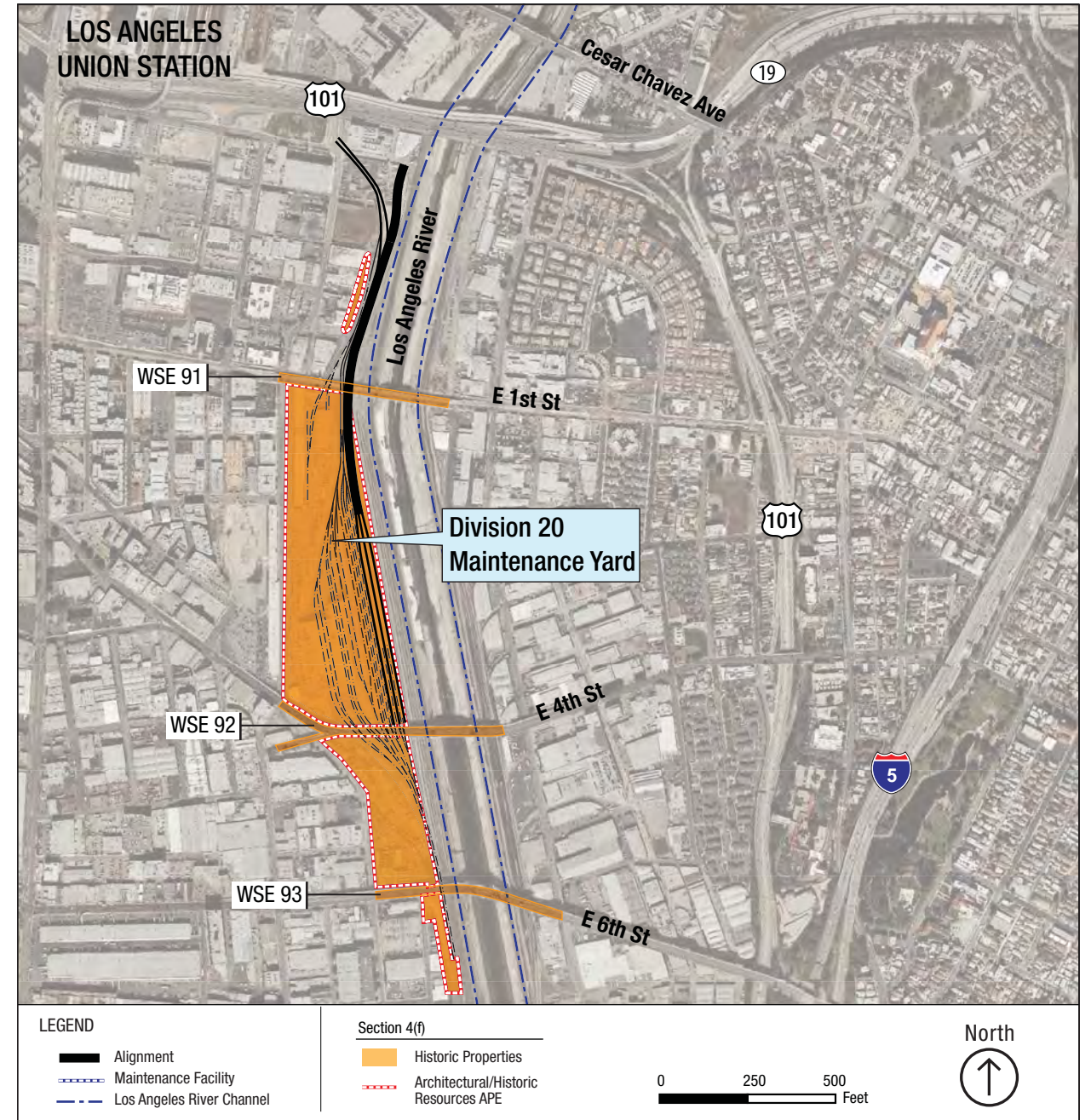


Figure 5-4. Section 4(f) Resources (Division 20 Maintenance Yard)

In addition, the NRHP specifies the following criteria when resources do not meet the above criteria.

- In general, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within one of the following categories:
 - ▶ **A religious property** deriving primary significance from architectural or artistic distinction or historical importance
 - ▶ **A building or structure removed from its original location** but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event
 - ▶ **A birthplace or grave** of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his/her productive life
 - ▶ **A cemetery** which derives its primary significance from graves of persons of transcendent importance from age, from distinctive design features, or from association with historic events
 - ▶ **A reconstructed building** when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived
 - ▶ **A property primarily commemorative** in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance
 - ▶ **A property achieving significance within the past 50 years** if it is of exceptional importance

5.3.2 Public Parks and Recreational Resources

Since the LPA is a heavy rail transit (HRT) subway, the study area established for the evaluation of Section 4(f) parks and recreational resources is 500 feet on each side of the alignments. The study area around the stations is one-quarter mile (1,320 feet), as reported in the *Westside Subway Extension Parklands and Other Community Facilities Supplemental Report* (Metro 2011n). Public parks and recreational areas inventoried within the Study Area are shown in Figure 5-1 through Figure 5-4 and listed on Table 5-1, which includes all parks and recreational resources publically owned and available for public use and all schools with recreational facilities available for public use.

Eight public parks and recreation areas and six public schools (with public recreational facilities) are located immediately on, adjacent to, or within 500 feet of the LPA alignment or within one-quarter mile of a station (see Section 4.13).

5.4 Direct Use of Section 4(f) Properties

A direct use of a Section 4(f) resource occurs when property is permanently incorporated into a proposed transportation project (23 CFR 774.17). This may occur as a result of partial or full acquisition of the Section 4(f) property, permanent easements, or temporary easements that exceed regulatory limits noted below (23 CFR 774.17).

According to the Federal Highway Administration’s (FHWA) *Section 4(f) Policy Paper* (FHWA 2005), where tunneling will occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, Section 4(f) would apply only if the tunneling

- Disturbs any archaeological sites on or eligible for the NRHP that warrant preservation in place
- Causes disruption that would permanently harm the purposes for which the park, recreation, wildlife or waterfowl refuge was established
- Substantially impairs the historic values of the historic site

5.4.1 Historic Resources

Table 5-2 and Figure 5-1 through Figure 5-4 show the historic properties Section within the Study Area. Appendix D, Memorandum of Agreement and Section 106 Correspondence, provides a more detailed list of historic Section 4(f) properties and includes Section 106 “effect” determinations. Of the 39 historic properties and 2 historic districts, 4 historic properties would be *de minimis* use. Only 1 of the 41 total properties would have a direct use—the Ace Gallery.

In addition, one archaeological site, CA-LAN-2610, a remnant of the circa 1893 cobblestone street and street car tracks associated with the La Grande Railroad Station that was adjacent to the Los Angeles River at the former eastern extent of the Little Tokyo Historic District, is within the APE. It will be avoided by construction for the LPA at the Division 20 maintenance yard and, therefore, no use.

Table 5-1. Park and Recreation Areas on or Adjacent to Westside Subway Extension LPA Alignment or within One-quarter Mile of a Station or Maintenance Facility

Alternative/Option	Resource Name	On or Immediately Adjacent to Tunnel Alignment?	On or Immediately Adjacent to Station?	Publicly Owned?	Major Purpose for Park or Recreational Activities?	Direct Use	Tunnel Under—No Use ¹
LPA: Wilshire/Crenshaw Construction Laydown	Wilshire Park Elementary School	Yes adjacent	No Wilshire/Western 0.30 miles (1,584 feet) west and .16 miles (844 feet) east of Crenshaw construction laydown	Yes Owned by the Los Angeles Unified School District	No Major purpose is school. Recreational facilities for baseball, basketball, soccer and playgrounds	No use No direct use of land	
LPA: Wilshire/La Brea Station	John Burroughs Middle School	Yes adjacent	No 0.25 miles (1,320 feet) east of Wilshire/La Brea Station	Yes Owned by the Los Angeles Unified School District	No Major purpose is school. Recreational facilities for baseball, basketball, soccer and playgrounds	No use No direct use of land	
LPA: Wilshire/Fairfax Station	Hancock Park	Yes adjacent	No Park is located 150 feet east of Wilshire/Fairfax Station box. The station entrances all west of the Park range from approximately 300 feet (Grove Avenue entrance) to 650 feet (Johnie's entrance) to reach the Page Museum. Construction laydown for the station and any of the 3 entrances would occur immediately south of Wilshire Boulevard between Orange Grove Avenue and South Ogden Drive. The site would be just south and immediately west of the Page Museum building.	Yes Owned by the County of Los Angeles. Maintained and operated by the County Department of Museum of Natural History	Yes Park is used for walking/jogging, travel to and from museums, organized community events. Location of the La Brea Tar Pits and George C. Page Museum of La Brea Discoveries and the Los Angeles County Museum of Art (LACMA). La Brea Tar Pits are a famous cluster of tar pits around which Hancock Park was formed. For additional information regarding paleontology, refer to Section 4.14 in this Final EIS/EIR. For more information about LACMA also refer to section 4.14 in the Final EIS./EIR and Section 5.5.1 in this Section 4(f) Evaluation.	No use No direct use of land	
LPA: Wilshire/La Cienega Station	La Cienega Park	No .17 miles (approximately 980 feet)	No 0.18 miles (950 feet) south of the Wilshire/La Cienega Station. Facility is not adjacent to surface disturbing construction areas.	Yes Owned by the City of Beverly Hills	Yes Park has three baseball diamonds, two soccer fields, a jogging track, various playground equipment, picnic tables, and barbecue grills. The La Cienega Park Community Center offers a variety of classes for children and adults, as well as year-round pre-school. There are also meeting and party rooms available for rent.	No use No direct use of the land.	
LPA: Wilshire/La Cienega Station	La Cienega Tennis Center	No .18 miles (approximately 950 feet)	No 0.18 miles (950 feet) south of the Wilshire/La Cienega Station. Facility is not adjacent to surface disturbing construction areas.	Yes Owned by the City of Beverly Hills	The Tennis Center has 16 courts. The tennis facility also includes locker rooms with showers and a secured covered parking. La Cienega Tennis Center was named one of the nation's most Outstanding Public Tennis Facilities by the United States Tennis Associations (USTA).	No use No direct use of the land.	
LPA: Wilshire/La Cienega Station	Horace Mann Elementary School	No .02 miles (Approximately 100 feet)	No 0.26 miles (1,372 feet) southwest of the Wilshire/La Cienega Station. Facility is not adjacent to surface-disturbing construction areas,	Yes Owned by the Beverly Hills Unified School District	No Major purpose is school. Recreational facilities and playgrounds	No use No direct use of land	
LPA: Wilshire/Rodeo Station	Reeves Park	Yes .Adjacent	Yes Park would be adjacent to the Wilshire/Rodeo-Ace Gallery Station entrance. Construction laydown for the station and any of the 3 entrances would occur on the Ace gallery property immediately top the north.	Yes Owned by the City of Beverly Hills	Yes Mini-park with passive setting, art sculptures, small playground, and fountain.	No use No direct use of land.	
LPA: Wilshire/Rodeo Station	Crescent Park	No .04 miles (Approximately 211 feet)	No 0.11 miles (600 feet) northeast of Wilshire/Rodeo Station. Facility is not adjacent to surface-disturbing construction areas.	Yes Owned by the City of Beverly Hills	Yes Mini-park with passive setting, art sculptures	No use No direct use of land.	
LPA: Wilshire/Rodeo Station	Beverly Canon Gardens	No .04 miles (Approximately 211 feet)	No 0.11 miles (600 feet) north of Wilshire/Rodeo Station. Facility is not adjacent to surface-disturbing construction areas.	Yes Owned by the City of Beverly Hills	Yes Mini-park with passive setting, art sculptures	No use No direct use of land.	
LPA: Wilshire/Rodeo Station	Beverly Vista Elementary School	No .1 miles (Approximately 550 feet)	No 0.15 miles (800 feet) east of Wilshire/Rodeo Station. Facility is not adjacent to surface disturbing construction areas.	Yes Owned by the Beverly Hills Unified School District	No Major purpose is school. Recreational facilities for baseball, basketball, soccer and playgrounds	No use No direct use of land	

Table 5-1. Park and Recreation Areas on or Adjacent to Westside Subway Extension LPA Alignment or within One-quarter Mile of a Station or Maintenance Facility (continued)

Alternative/Option	Resource Name	On or Immediately Adjacent to Tunnel Alignment?	On or Immediately Adjacent to Station?	Publically Owned?	Major Purpose for Park or Recreational Activities?	Direct Use	Tunnel Under—No Use ¹
LPA: Century City Station	Beverly Gardens Park	Yes .02 mile (Approximately 106 feet)	No 0.25 mile (1,320 feet) east of the Century City (Santa Monica Boulevard) Station and 0.35 mile (1,848 feet) east of the Century City (Constellation Boulevard) Station	Yes Owned by the City of Beverly Hills	Yes 1.9 mile linear landscaped pedestrian park	No use No direct use of land	
LPA: Century City Station	El Rodeo School	No .19 miles (Approximately 1,003 feet)	No 0.25 miles (1,320 feet) northeast of Century City Santa Monica Station. Facility is not adjacent to surface disturbing construction areas.	Yes Owned by the Beverly Hills Unified School District	No Major purpose is school. Recreational facilities for baseball, basketball, soccer and playgrounds	No use No direct use of land	
LPA: Century City Constellation	Beverly Hills High School	Yes tunnel under for Century City—Constellation Station	No 0.21 miles (1,101 feet) east of Century City (Constellation Boulevard) Station. Facility is not adjacent to surface-disturbing construction areas	Yes Owned by the Beverly Hills Unified School District	No Major purpose is school. Recreational amenities include football field, baseball field, basketball courts, track and field, and soccer field	No use No direct use of land	Tunnel under for Century City Constellation Station
LPA: Westwood/UCLA Station	Westwood Recreation Center	No .22 miles (Approximately 1,160 feet)	No 0.22 miles (1,160 feet) northeast of the Westwood/UCLA Station. Facility is not adjacent to surface disturbing construction areas	Yes Owned by the City of Los Angeles	Yes Swimming pool, tennis courts, recreation center	No use No direct use of land	

Source: Section 4(f) Policy Paper, March 2005.

¹ Where tunneling will occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, Section 4(f) will apply only if the tunneling:

- 1) Disturbs any archaeological sites on or eligible for the NRHP that warrant preservation in place, or
- 2) Causes disruption that would permanently harm the purposes for which the park, recreation, wildlife or waterfowl refuge was established, or
- 3) Substantially impairs the historic values of the historic site.

Table 5-2. Historic Properties with Section 4(f) Use in the Study Area

Historic Properties with Section 4(f) Use	Station	Direct Use	de minimis	No Use ¹
Individual Properties				
Wiltern Theater (WSE 30)	Wilshire/Western			No Use
Pierce National Life (WSE 31)	Wilshire/Western			No Use
Los Altos Hotel and Apartments (WSE 29)	Wilshire/Crenshaw			No Use
Tidewater (Getty) Oil building (WSE 28)	Wilshire/Crenshaw			No Use
Security National Bank Building/Zephyr Club (WSE 90)	Wilshire/La Brea			No Use
Art Deco-style Commerical Building (WSE 27)	Wilshire/La Brea			No Use
Darkroom Photography Store Façade (WSE 26)	Wilshire/La Brea			No Use
Art Deco-style Commerical Building (WSE 25)	Wilshire/La Brea			No Use
Clem Wilson/Mutual of Omaha Building (WSE 94)	Wilshire/La Brea			No Use
Johnie's Coffee Shop (WSE 23)	Wilshire/Fairfax			No Use
May Company Wilshire/LACMA West (WSE 24)	Wilshire/Fairfax		LPA—Station entrance would be inside LACMA	
Beverly Hills Porsche Dealership (WSE 89)	Wilshire/La Cienega			No Use
Fox Wilshire Theater (WSE 21)	Wilshire/La Cienega			No Use
Fine Arts Theater (WSE 18)	Wilshire/La Cienega			No Use
Unoccupied (WSE 96)	Wilshire/La Cienega			No Use
California Bank Building – Sterling Plaza (WSE 17)	Wilshire/Rodeo			No Use
Ace Gallery Building (WSE 15)	Wilshire/Rodeo	LPA—building demolished		
Union Bank Building (WSE 14)	Wilshire/Rodeo		LPA—Station entrance may be inside garage, alteration west end wall	
Glendale Federal Savings Building (Commercial Capital Bank) (WSE 16)	Wilshire/Rodeo			No Use
Wilshire-Beverly Centre Building (Bank of America) (WSE 88)	Wilshire/Rodeo			No Use
Beverly Wilshire Hotel (WSE 13)	Wilshire/Rodeo			No Use
Perpetual Savings Bank (WSE 56)	Wilshire/Rodeo			No Use ¹
Los Angeles CountryClub (South Course) (WSE 97)	Century City—Santa Monica Boulevard			No Use ¹
Beverly Hills High School (WSE 55)	Century City—Constellation Boulevard			No Use ¹
Century Plaza Hotel (WSE 11)	Century City—Constellation Boulevard			No Use
Century Park Towers (WSE 12)	Century City—Constellation Boulevard			No Use

Table 5-2. Historic Properties with Section 4(f) Use in the Study Area (continued)

Historic Properties with Section 4(f) Use	Station	Direct Use	de minimis	No Use ¹
AAA Building (WSE 87)	Century City—Constellation Boulevard			No Use ¹
The Barn (WSE 54)	Century City—Constellation Boulevard			No Use ¹
Ralph's Grocery Store (WSE 44)	Westwood/UCLA—Off-Street			No Use
Glendon Arcade Shops (WSE 45)	Westwood/UCLA—Off-Street			No Use
Lindbrook Village (WSE 46)	Westwood/UCLA—Off-Street			No Use ¹
Courtyard Apartment Complex (WSE 47)	Westwood/UCLA—Off-Street			No Use ¹
University Bible Building (WSE 49)	Westwood/UCLA—Off-Street			No Use ¹
Westwood Federal Building (WSE 43)	Westwood/VA Hospital—South			No Use
Linde (Westwood) Medical Plaza (WSE 10)	Westwood/UCLA—On-Street		LPA—Removal of section of wall between garage and main structure for entrance	
Catholic-Protestant Chapel/Wadsworth Chapel (WSE 42)	Westwood/VA Hospital—North			No Use
1 st Street Viaduct (WSE 91)	Division 20 Maintenance Yard			No Use
4 th Street Bridge (WSE 92)	Division 20 Maintenance Yard			No Use
6 th Viaduct (WSE 93)	Division 20 Maintenance Yard			No Use
Historic Districts				
Westwood-UCLA District (HD 1) ²	Westwood/UCLA			No Use ¹
Veterans Affairs Medical Center Historic District (WSE 41)	Westwood/VA Hospital		LPA—Station entrance, cut-and-cover construction, tree removal	

Source: Section 4(f) Policy Paper (FHWA 2005).

Note: Historic properties located within the Area of Potential Effect for the LPA are identified by Westside Subway Extension (WSE) number.

¹ Where tunneling will occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, Section 4(f) would apply only if the tunneling:

- 1) Disturbs any archaeological sites on or eligible for the NRHP that warrant preservation in place, or
- 2) Causes disruption that would permanently harm the purposes for which the park, recreation, wildlife or waterfowl refuge was established, or
- 3) Substantially impairs the historic values of the historic site.

² Includes WSE 46, WSE 47, WSE 49 and WSE 61 as contributing element

Wilshire/La Brea Station

As shown in Table 5-2 and Figure 5-1, five historic properties are located within the APE for the Wilshire/La Brea Station:

- Security National Bank Building/Zephyr Club—Westside Subway Extension (WSE) 90 (5209 Wilshire Boulevard)
- Clem Wilson/Mutual of Omaha Building—WSE 94 (5217 Wilshire Boulevard)
- Art Deco-style Commercial Building—WSE 25 (5350 Wilshire Boulevard)
- Darkroom Photography Store Façade—WSE 26 (5366 Wilshire Boulevard)
- Art Deco-style Commercial Building—WSE 27 (5400 Wilshire Boulevard)

The five properties are completely avoided or untouched by the LPA and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Wilshire/Fairfax Station

As shown in Table 5-2 and Figure 5-2, two historic properties are located within the APE for the Wilshire/Fairfax Station: Johnie’s Coffee Shop and the May Company Wilshire/LACMA West. Johnie’s Coffee Shop is completely avoided or untouched by the LPA and there are no impairments to the property due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of Johnie’s Coffee Shop, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

May Company Wilshire/LACMA West (1939-1940) WSE 24

Description and Significance of Property



APN 5508017007, 6067 Wilshire Boulevard, Los Angeles

WSE 24 is a Streamline Moderne-style commercial building (May Company Wilshire/LACMA West) designed by Albert C. Martin and Samuel A. Marx and constructed in 1939-1940. It occupies the southwest corner of the lot and has a southwest-facing orientation. The building appears to be minimally altered and is in good condition. For a more detailed description, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Application of Section 4(f)—De Minimis

The station entrance would be on the northeast corner of the Wilshire/Fairfax intersection (Figure 5-5). The entrance would be located within the lobby of the May Company Wilshire/LACMA West Building with two sets of stairs and escalators leading to the basement level where there would be a connection into the station box. Station elevators would be located within the building lobby, connecting to the basement level. For further discussion of the May Company Wilshire/LACMA West building, refer to

the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

FTA, with SHPO concurrence on the May Company Wilshire/LACMA West, has determined the proposed activity (undertaking) of the property would result in a “no adverse effect” in accordance with Section 106 consultation (36 CFR 800). Under 4(f) regulations, *de minimis* impact findings for a historic site can be made following a determination that the project will have “no adverse effects” on the historic property. As a result, FTA has determined the proposed Wilshire/Fairfax Station and alignment would have a *de minimis* impact on the May Company Wilshire/LACMA West.

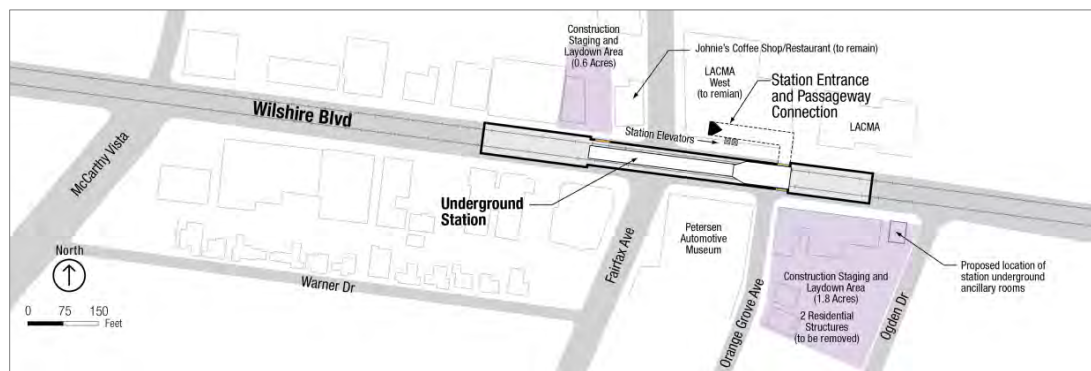


Figure 5-5. Wilshire/Fairfax Station—May Company Wilshire/LACMA West

Wilshire/La Cienega Station

As shown in Table 5-2 and Figure 5-2, four historic properties are located within the APE for the Wilshire/La Cienega Station:

- Unoccupied—WSE 96 (8400 Wilshire Boulevard)
- Fox Wilshire Theater—WSE 21 (8430 Wilshire Boulevard)
- Beverly Hills Porsche Dealership—WSE 89 (8423 Wilshire Boulevard)
- Fine Arts Theater—WSE 18 (8554 Wilshire Boulevard)

The four properties are completely avoided or untouched by the Project, and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Wilshire/Rodeo Station

This station would be under the center of Wilshire Boulevard, extending between El Camino Drive on the west and just past Canon Drive on the east. Three locations for the station entrance at the Wilshire/Rodeo Station are under consideration: on the northwest corner of the intersection of Wilshire Boulevard and Beverly Drive (Bank of America site), on the southwest corner of the intersection of Wilshire Boulevard and Reeves Drive (Ace Gallery site), and on the southeast corner of the intersection of Wilshire Boulevard and El Camino Drive (Union Bank site). Only one station entrance will be selected at this station location.

In addition to the construction activity around a station entrance, approximately 1 acre of construction staging and laydown area will be needed to support construction of the Wilshire/Rodeo Station. Construction staging areas will be located at the southwest corner of Wilshire Boulevard and Reeves Drive at the site of the Ace Gallery and on the northeast corner of Wilshire Boulevard and Canon Drive.

As shown in Table 5-2 and Figure 5-2, seven historic properties are located within the APE for the Wilshire/Rodeo Station:

- Ace Gallery Building—WSE 15 (9430 Wilshire Boulevard)
- Glendale Federal Savings Building—WSE 16 (9450 Wilshire Boulevard)
- Union Bank Building—WSE 14 (9460 Wilshire Boulevard)
- Beverly Wilshire Hotel—WSE 13 (9504 Wilshire Boulevard)
- Wilshire Beverly Centre Building (Bank of America)—WSE 88 (9461 Wilshire Boulevard)
- California Bank Building-Sterling Plaza—WSE 17 (9429 Wilshire Boulevard)
- Perpetual Savings Bank—WSE 56 (9720 Wilshire Boulevard)

Four historic properties, the Glendale Federal Savings Building, the Beverly Wilshire Hotel, the Wilshire Beverly Centre Building (Bank of America Building), and the California Bank Building-Sterling Plaza are completely avoided or untouched by the LPA, and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

One property, Perpetual Savings Bank, would require an easement for the tunnel under the property between the Wilshire/Rodeo Station and the Century City Constellation Station. Where tunneling would occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, “Section 4(f) would apply only if the tunneling ... substantially impairs the historic values of the historic site” (FHWA 2005). There are no impairments to the property due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the property, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

If the Union Bank Building property is selected as a station entrance, the effect on the property is expected to meet the *Secretary of Interior Standards for Rehabilitation*. FTA, with SHPO concurrence on the Union Bank Building under Section 106, has determined that selection of the Union Bank Building for a station entrance would result in a “no adverse effect.” Following the Section 106 determination, FTA has determined under Section 4(f) that a Wilshire/Rodeo Station entrance at the Union Bank Building would have a *de minimis* finding. Following the discussion of the direct use of the Ace Gallery, there is a brief discussion of the *de minimis* finding for the Union Bank Building.

The Ace Gallery Building, the recommended station entrance site, would require demolition of the existing building. FTA, with SHPO concurrence on the Ace Gallery under Section 106, has determined that selection of the Ace Gallery as a station entrance

would result in an “adverse effect.” Following the Section 106 determination, FTA has determined under Section 4(f) that a Wilshire/Rodeo Station at the Ace Gallery will have a “direct use.” The following sections first briefly describe the Ace Gallery and its significance (for further discussion of the property, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* [Metro 2012b]), then applies Section 4(f) for the Ace Gallery’s use as a station entrance, followed by the application of Section 4(f) for the Ace Gallery’s use as a construction staging site.

Ace Gallery Building (1957) WSE 15

Description and Significance of Property

APN 4331001045, 9430 Wilshire Boulevard, Beverly Hills



The Ace Gallery Building is a commercial building located on the southwest corner of Wilshire Boulevard and Reeves Drive. The original building on the site was a commercial restaurant dating from 1932 that was enveloped by the new façade that was designed in the Brutalism style of architecture on the front (north) and east side elevations when Bank of America purchased and rehabilitated the building in 1950. It occupies the majority of the lot and has a north-facing orientation.

Ace Gallery Building possesses the requisite significance to be eligible for listing on the NRHP and CRHR, or considered a historical resource for purposes of CEQA under Criterion C of

the NRHP and Criterion 3 of the CRHR, as a building that significantly embodies the distinctive characteristics of the New Formalist architectural style. For a more detailed description refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Application of Section 4(f)—Direct Use

Station Entrance Alternatives

Eight properties along the north and south sides of Wilshire Boulevard are adjacent to or in close proximity of the subway station platform area. The recommended station entrance location is the Ace Gallery Building site (Figure 5-6). For the eight properties, refer to Figure 5-7. The following is a summary of the Ace Gallery Building site as a station entrance and the avoidance alternatives considered.

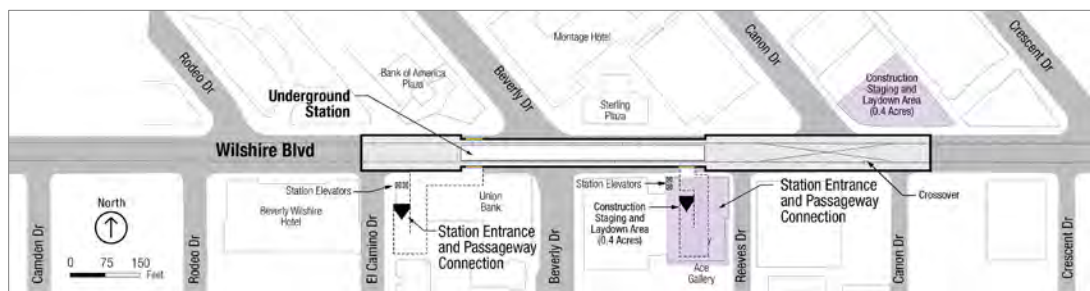


Figure 5-6. Wilshire/Rodeo Station—Ace Gallery Building

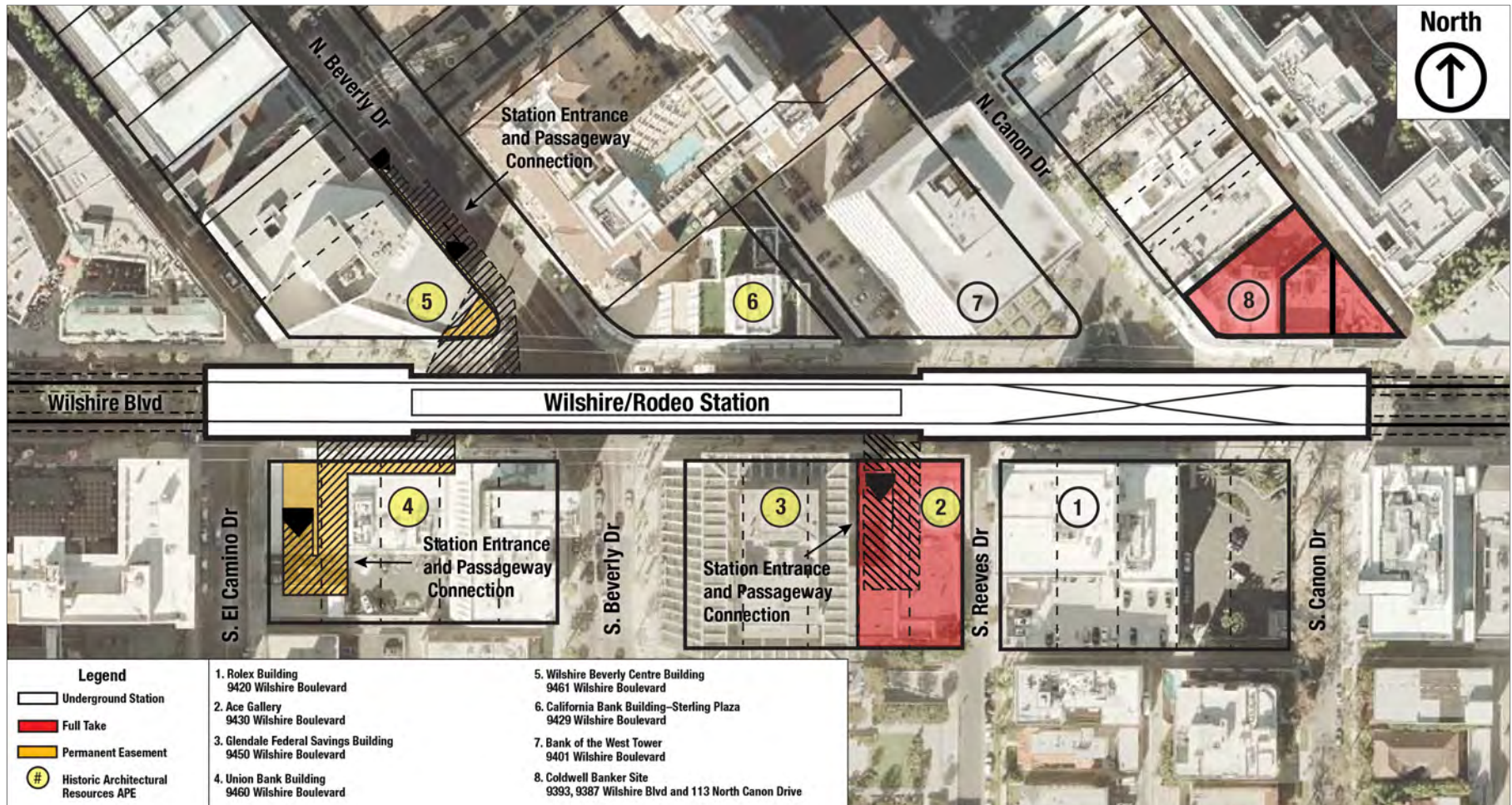


Figure 5-7. Wilshire/Rodeo Station Adjacent Properties

Avoidance Alternatives

This section discusses avoidance alternatives. For a discussion regarding the No Build Alternative, the overall project alternatives development process, and a general overview of the LPA, refer to Chapter 2, Alternatives Considered, of this Final EIS/EIR and the *Westside Subway Extension Section 4(f) Evaluation Technical Report* (Metro 2012d).

- **Ace Gallery Building** (southwest corner of Wilshire Boulevard and Reeves Drive)—The Ace Gallery site (Figure 5-7, site #2) is the recommended site for the Wilshire/Rodeo Station entrance. This property is adjacent to the subway station platform area and would accommodate a full station entrance (escalator and stairs) and construction staging. This site is the Station Area Advisory Group (SAAG) station entrance recommendation (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]) for the SAAG Workshop summary). The two-story Ace Gallery Building has been determined eligible for the NRHP.

Construction of the station entrance would be accomplished by preserving a portion of the exterior façade or by demolishing the entire structure. However, there would be additional construction costs to maintain the façade (the interior and a portion of the exterior would be gutted) and to use another site for construction staging as this site with preservation of a portion of the façade would not be able to accommodate construction staging, which would increase costs. Preservation of the façade would limit any future development of the site.

As compared to other alternatives considered, this is a relatively small structure to acquire with only one tenant. The cost of property acquisition and construction without preserving a portion of the building façade is approximately \$24 million¹ (approximately \$15 million is for property acquisition. The cost of the station entrance within a portion of the existing façade would increase the total cost to \$45 million due to the costs of underpinning, seismic underpinning, and supporting the existing structure in place. The construction staging area needs are further discussed in the next section under avoidance alternatives for the Ace Gallery Building as a construction staging area.

- **Rolex Building** (southwest of Wilshire Boulevard between Reeves Drive and Canon Drive)—This property (Figure 5-7, site #1) is not adjacent to the subway station

¹ The right-of-way budget is composed of costs for appraisal, title and escrow, acquisition (purchase price of land, improvements and fixtures and equipment), environmental site assessment, relocation benefits, and loss of goodwill. Cost estimates for property acquisition were developed during the Draft EIS/EIR phase. MTA appraisal staff provided preliminary unit values for various classes of real estate based on land use and location and calculating the area of each proposed take. The unit values were then multiplied by the individual take areas based on the preliminary right-of-way drawings, experience with the local real estate market, and inspection of the proposed take areas. An estimate for buildings and other improvements, damages to remaining property, loss of goodwill, and estimated relocation benefits was added to the land value. This provided the base figures for the acquisition and relocation budget. The budget for acquisition and relocation-related services also considered previous acquisition and relocation-related expenses experienced with other projects and previous experience in acquiring parcels for other transit projects. Some acquisition services costs (such as title and escrow services) were derived as a percentage of the acquisition cost; some were based on contracts for similar services on comparably sized projects or scopes of work. The cost for the relocation consultant services is based on the consultant cost proposal for completing the Relocation Plan and providing relocation services. The Project real estate budget will be updated as actual appraisal data become available. A contingency amount of 24.2 percent was applied to the total acquisition and relocation costs.

platform area and, therefore, would not accommodate a full station entrance (escalator and stairs) as a 150-foot long pedestrian tunnel walkway and additional easement and property acquisition would be required to make such a connection. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* (Metro 2012d) for the SAAG Workshop summary).

The five-story Rolex Building has been determined not eligible for the NRHP. The 1950s era, 46,420-square-foot office and retail building was redeveloped by Architect Richard Keating in 1998. This 46,000-square-foot project is a renovation of two existing buildings that were combined to create a five-story office and retail space for the lead tenant, Rolex International. The ground floor provides office space and a watch repair facility. The building earned first place awards for outstanding renovation from the Los Angeles Business Council and the City of Beverly Hills.

The building would require closure during construction of the station entrance with the permanent loss of basement parking as well as ground-floor tenants. The Rolex Building currently has five tenants with some additional space for the business tenants available. The full parking requirements for the building would not be met once construction was concluded. In addition, there would be additional costs for easements and property acquisition to the west (Ace Gallery Building) for the connecting facility since the property is not immediately adjacent to the station platform area. An open-cut excavation would be needed within the footprint of the Ace Gallery Building driveway and also Reeves Drive.

The cost of property acquisition is approximately \$43 million.² The cost of construction and an easement on the Ace Gallery property for the station entrance access to the platform would add approximately \$24 million, increasing the total construction cost to \$67 million.

The Rolex Building was dropped from further consideration as a prudent alternative to the Ace Gallery Building as a station entrance.

- **Glendale Federal Savings and Loan Building** (southeast corner of Wilshire Boulevard and Beverly Drive)—This property (Figure 5-7, site #3) is adjacent to the subway station and would accommodate a full station entrance (escalator and stairs). This site would not accommodate construction staging unless the 12-story building was demolished. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

The 12-story Glendale Federal Savings and Loan Building, also known as the Commercial Capital Tower, has been determined eligible for the NRHP. The use of the Glendale Federal Savings and Loan Building property as a station entrance would not avoid the use of a historic property.

² See Footnote 1, page 5-20.

As compared to the Ace Gallery Building, this is a larger (12-story) structure with multiple business tenants. Furthermore, the Glendale Federal Savings and Loan Building has a multi-story underground parking garage that includes parcels to the south of the building. The cost of property acquisition is approximately \$86 million.³ The building would require closure during construction of the station entrance with the permanent loss of some parking as well as ground-floor tenants; therefore, acquisition would be required to complete construction. The full parking requirements for the building would not be met once construction is concluded.

Given the high costs and its eligibility for the NRHP, the Glendale Federal Savings and Loan Building was dropped from further consideration as a prudent alternative to the Ace Gallery Building as a station entrance.

- **Union Bank Building** (southwest corner of Wilshire Boulevard and Beverly Drive)—This property (Figure 5-7, site #4) is adjacent to the subway station and would accommodate a full station entrance (escalator and stairs). This site would not accommodate construction staging unless the nine-story building was demolished. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

The nine-story Union Bank Building and associated parking has been determined eligible for the NRHP. As compared to the Ace Gallery Building, this is a larger (nine-story) structure with multiple business tenants. The Union Bank tower would remain untouched but underground parking would be relocated during construction to accommodate station entrance construction and then partially restored at the completion of construction. Since this parking is tied to the office tower and replacement parking immediately adjacent to the building is not available, this would require the acquisition of the full property, both the office tower and the parking garage (approximately \$46 million for property acquisition and an approximate total of \$69 million including construction). In addition, the full parking requirements for the building would not be met once construction ends due to the reconfiguration of the garage required for the station entrance.

The Union Bank Building was dropped from further consideration as a prudent alternative to the Ace Gallery Building as a station entrance.

- **Wilshire Beverly Centre (Bank of America) Building** (northwest corner of Wilshire Boulevard and Beverly Drive)—This property (Figure 5-7, site #5) is adjacent to the subway station platform area and would accommodate a full station entrance (escalator and stairs). However, the Wilshire Beverly Centre (Bank of America) station entrance option would place two half-portals (up and down escalators separated by access points) end-to-end along Beverly Drive at the northwest corner of Wilshire Boulevard and Beverly Drive, resulting in traffic and parking impacts. This site would not accommodate construction staging. The SAAG did not recommend this site as a station entrance at this time; however, the SAAG did recommend a

³ See Footnote 1, page 5-20.

knockout panel to provide for a second future entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

This station entrance option would require the following modifications to Beverly Drive between Dayton Way and Wilshire Boulevard:

- ▶ Widening of the sidewalk on the western side to 15 feet
- ▶ Removal of the southbound right-turn lane
- ▶ Removal of three metered parking spaces and one loading zone space on the western (southbound travel direction) side
- ▶ Removal of up to 13 metered parking spaces on the eastern side (northbound travel direction) side
- ▶ Removal of the mid-block curb extension on the eastern side
- ▶ Removal of the mid-block northbound and southbound left-turn pockets that serve commercial development

A traffic impact analysis (*Westside Subway Extension Wilshire/Rodeo Station Bank of America Portal Traffic Impact Analysis Report* [Metro 2011ak]) was conducted to assess the localized impacts resulting from reduced southbound capacity of Beverly Drive. In addition to Wilshire Boulevard and Beverly Drive being assessed for impacts, 16 intersections (comprising those within the Wilshire/Rodeo Station area) were assessed for impacts due to the potential for a traffic shift to occur when lane capacity is reduced.

The results indicate that a Wilshire Beverly Centre (Bank of America) station entrance option at the Wilshire/Rodeo Station would result in a significant impact at the intersection of Wilshire Boulevard and Beverly Drive if the project were built under future conditions. Average intersection delay would increase 25 seconds in the a.m. peak hour and 50 seconds in the p.m. peak hour. Approach delay in the southbound direction would increase by 147 seconds in the a.m. peak hour and 281 seconds in the p.m. peak hour. The analysis found that no other Study Area intersections would be impacted. The station entrance at the Ace Gallery Building and the other avoidance alternatives would not result in any traffic impacts and would avoid all traffic impacts associated with the Wilshire Beverly Centre (Bank of America) station entrance.

The eight-story Wilshire Beverly Centre (Bank of America) building and associated parking has been determined eligible for the NRHP. The use of the Wilshire Beverly Centre (Bank of America) building property as a station entrance would not avoid the use of a historic property.

The cost for an easement on the property to construct a full station entrance would be approximately \$11 million plus seismic upgrades to the existing structure at approximately \$10 million. Including construction costs of approximately \$27 million, the total cost would be \$47 million).

The Wilshire Beverly Centre (Bank of America) was dropped from further consideration as a prudent alternative to the Ace Gallery Building as a station entrance.

Bank of California/Sterling Plaza (northeast corner of Wilshire Boulevard and Beverly Drive)—The Bank of California/Sterling Plaza building (Figure 5-7, site #6) is adjacent to the subway station platform area; however, the building does not have sufficient space requirements for a full station entrance (escalator and stairs). This site would not accommodate construction staging. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

The seven-story Bank of California/Sterling Plaza building has been determined eligible for the NRHP. The use of the Bank of California/Sterling Plaza building property as a station entrance would not avoid the use of a historic property. Therefore, the Bank of California/Sterling Plaza building was dropped from further consideration as a prudent alternative to the Ace Gallery Building as a station entrance due to the feasibility of construction on the property due to its size and its status as a property eligible for the NRHP.

- **Bank of the West Tower** (northwest corner Wilshire Boulevard and Canon Drive)—The Bank of the West Tower (9401 Wilshire Building) (Figure 5-7, site #7) is partially located adjacent to the subway station platform area and would accommodate a full station entrance (escalator and stairs) in the plaza area with a pedestrian tunnel to provide access to the location of the entrance within the site. There is insufficient room in the interior of the Bank of the West Tower to place a full station entrance (escalator and stairs). This site would not accommodate construction staging. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

The 12-story Bank of the West Tower has been determined not eligible for the NRHP. The 12-story Bank of the West Tower pedestrian tunnel reaches the site from the platform area to an area where, with some loss of underground parking, the station entrance would open onto the plaza. The loss of some underground parking and building closure during construction would require property acquisition. The cost of property acquisition is approximately \$46 million.⁴ The pedestrian tunnel, approximately 80 feet in length, would increase costs due to the distance from the station box to the station entrance with construction costs at approximately \$18 million. The total cost of property acquisition and construction is approximately \$64 million.⁵

The Bank of the West Tower was dropped from further consideration as a prudent alternative to the Ace Gallery as a station entrance.

- **Coldwell Banker Site** (northeast corner of Wilshire Boulevard and Canon Drive)—The Coldwell Banker site (three parcels) (Figure 5-7, site #8) is not located adjacent to the subway station platform area; however, it would accommodate a full station entrance (escalator and stairs) if tunnel access were provided. The site would be used

⁴ See Footnote 1, page 5-20.

⁵ See Footnote 1, page 5-20.

for a portion of the construction staging regardless of the station entrance selected. The SAAG did not recommend this site as a station entrance (see Appendix E of the *Westside Subway Extension Section 4(f) Evaluation Technical Report* [Metro 2012d]).

The three structures at the Coldwell Banker site have been determined not eligible for the NRHP. The acquisition of these three properties combined, including relocation, would be \$15 million,⁶ but there would be additional construction costs to provide a long pedestrian tunnel entrance to the station platform access and some acquisition and easements at the Bank of the West Tower as well as some loss of parking at that tower. The tunnel length would be approximately 320 feet. Construction costs of approximately \$22 million combined with property acquisition brings the total costs to approximately \$54 million.⁷

The three structures/three parcels at the Coldwell Banker site were dropped from further consideration as a prudent alternative to the Ace Gallery as a station entrance.

Summary

While all alternatives meet the Purpose and Need for the Project, the Ace Gallery remains the prudent alternative as a station entrance. The site has sufficient room to include a full station entrance (escalator and stairs) either by maintaining the existing façade at greater overall Project cost or demolishing the existing structure. Given it is a two-story building with a single tenant, there is less community impact and no loss of parking. The Ace Gallery Building can accommodate both a station entrance and a construction staging area at a much lower cost than the other alternatives.

Application of Section 4(f)—Direct Use as a Construction Staging Site

The recommended construction staging site for the Wilshire/Rodeo Station (Figure 5-8) would require demolition of the Ace Gallery Building. The Ace Gallery was identified as one of two construction staging sites required for station construction immediately adjacent to the station box. Combined, both properties total approximately 1 acre. Under Section 106, FTA, with SHPO concurrence, has determined that demolition of the Ace Gallery for construction staging would result in an “adverse effect.” Under Section 4(f), the Ace Gallery as a construction staging site would be a “direct use.” For additional details on the avoidance alternatives, such as their NRHP status, refer to the previous discussion on their potential use as station entrances.

⁶ See Footnote 1, page 5-20.

⁷ See Footnote 1, page 5-20.

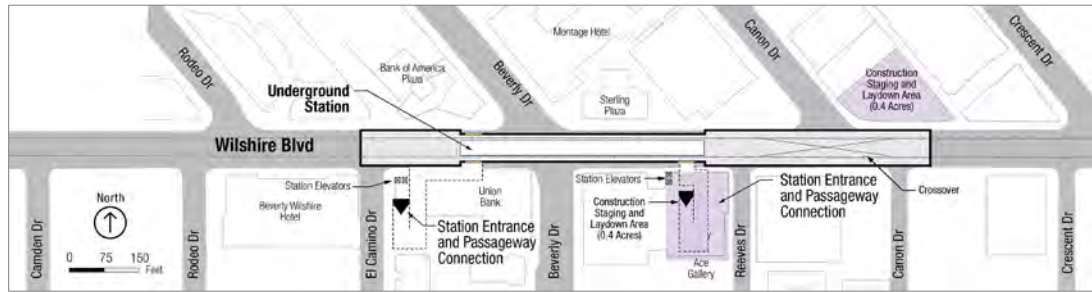


Figure 5-8. Wilshire/Rodeo Station—Ace Gallery

Avoidance Alternatives

The following discusses the use of the Ace Gallery site for construction staging and avoidance alternatives. For the overall project alternatives development process, and a general overview of the LPA, refer to Chapter 2, Alternatives Considered, of this Final EIS/EIR and the *Westside Subway Extension Section 4(f) Evaluation Technical Report* (Metro 2012d).

The need for construction staging sites on the Westside Subway Extension varies between 1 and 3 acres for each subway station site, depending upon the types of construction activities and whether tunnel boring machine (TBM) activities are being initiated at each site. The Wilshire/Rodeo Station would not support TBM facilities; therefore, only 1 acre would be needed.

The laydown areas are required to be directly adjacent to the station excavation to store materials and equipment used to construct the station excavation and decking and for “access adits” into the shaft from the laydown areas that would allow the contractor to freely move personnel, materials, and equipment between the laydown area and the station excavation beneath the decked street without the need to close traffic lanes.

Eight properties located along the north and south sides of Wilshire Boulevard are contiguous to the station subway box and were reviewed for possible construction staging sites. All of these properties when used as construction staging sites support the overall project Purpose and Need, and all properties (some in combination with a second site to assemble the area necessary) would meet the size requirements of approximately 1 acre. The following is a summary of construction staging considerations for the eight properties shown in Figure 5-7, proceeding on the south side from east to west and then on the north side from west to east.

- **Ace Gallery Building** (southwest corner of Wilshire Boulevard and Reeves Drive)—The two-story Ace Gallery (Figure 5-7, site #2) is optimally located for combining construction staging and a station entrance as it is adjacent to the station box and station platform area. The property is approximately 0.38 acre in size. This, combined with the 0.38 acre at the Coldwell Banker properties, yields slightly less than 1 acre, meeting the general criteria of the area required for a construction staging site without a TBM machine drop location. The cost of property acquisition of the Ace Gallery is approximately \$15 million.⁸ If this site were used as a station

⁸ See Footnote 1, page 5-20.

entrance and construction staging site in junction with the Coldwell Banker site, the total cost, as previously discussed, would be approximately \$34 million. One business tenant would be displaced as would three business tenants on the three combined Coldwell Banker properties.

During the Metro SAAG workshops, which included representatives of the City of Beverly Hills, this site was recommended for use as a construction staging site because it would be less disruptive to traffic at the intersection of Beverly Drive and Wilshire Boulevard. This property could also accommodate a full station entrance (escalator and stairs), which many of the Wilshire/Rodeo Station sites cannot fully accommodate (see previous discussion).

- **Rolex Building** (southwest of Wilshire Boulevard between Reeves Drive and Canon Drive)—The Rolex Building property (Figure 5-7, site #1) was reviewed and not recommended as a construction staging site for the following reasons.

The property is comprised of an office building and an adjacent parking lot. In order for either the parking lot or the land under the office building to be used for construction staging, it would need to be acquired in its entirety (0.7 acre) as the visitor parking lot is tied to meeting the parking requirements for the building and, therefore, cannot be acquired separately as a portion of the construction laydown area needed. Parking is limited in this area of Beverly Hills, and the building's parking structure cannot accommodate additional parking to make up for the visitor parking loss. Property acquisition (two parcels: building at \$28 million plus visitor parking lot at \$12 million) including relocation costs would be approximately \$40 million. However, because the property is not adjacent to the station platform area, additional property would be required for a station entrance. (For station entrance property acquisition costs, refer to the previous discussion on avoidance alternatives for the station entrance location.)

The need for a station entrance at a site other than that used for construction staging would increase the costs of property acquisition and construction. This separation of the construction staging area from the station entrance site would also add additional construction disruption to the community and businesses. For example, if the recommended station entrance remains at the Ace Gallery property, the cost of the Ace Gallery is currently estimated at approximately \$15 million excluding station construction costs, which would bring the total property acquisition cost for this station with the Ace Gallery and Rolex Building to approximately \$55 million. This is well above the comparable cost of the Ace Gallery and Coldwell Banker sites property acquisition combined, at approximately \$34 million.

- **Glendale Federal Savings and Loan Building** (southeast corner of Wilshire Boulevard and Beverly Drive)—The use of the Glendale Federal Savings and Loan Building property (Figure 5-7, site #3) as a construction staging site requires the demolition of the building and, therefore, would not avoid the use of a historic property; therefore, the Glendale Federal Savings and Loan Building is not under consideration as a viable avoidance alternative for use as a construction staging site.



- **Union Bank Building** (southwest corner Wilshire/Beverly)—The nine-story Union Bank Building and associated parking has been determined eligible for the NRHP. The use of the Union Bank Building property (Figure 5-7, site #4) as a construction staging site, which would necessitate the demolition of the building, would not avoid the use of a historic property; therefore, the Union Bank Building property is not under consideration as a viable avoidance alternative for use as a construction staging site.
- **Wilshire Beverly Centre (Bank of America) Building** (northwest corner Wilshire Boulevard and Beverly Drive)—The use of the Wilshire Beverly Centre (Bank of America) building property (Figure 5-7, site #5) as a construction staging site, which would necessitate the demolition of the building, would not avoid the use of a historic property; therefore, the Wilshire Beverly Centre (Bank of America) building is not under consideration as a viable avoidance alternative for use as a construction staging site.
- **Bank of California/Sterling Plaza** (northeast corner of Wilshire Boulevard and Beverly Drive)—The use of the Bank of California/Sterling Plaza building property (Figure 5-7, site #6) as a construction staging site, which would necessitate the demolition of the building, would not avoid the use of a historic property; therefore, the Bank of California/Sterling Plaza building is not under consideration as a viable avoidance alternative for use as a construction staging site.
- **Bank of the West Tower** (northwest corner Wilshire Boulevard and Canon Drive)—The 12-story Bank of the West Tower (Figure 5-7, site #7) with underground parking would require acquisition and demolition of the existing structure to facilitate its use as a construction staging site. The cost of property acquisition is approximately \$67 million.⁹ There would be displacement of multiple tenants and significantly increase costs of acquisition as compared to the combined Ace Gallery and Coldwell Banker sites.
- **Coldwell Banker Site** (northeast corner of Wilshire Boulevard and Canon Drive)—Three parcels (Figure 5-7, site #8) comprise this site for a total of 0.36 acre. There are three tenants—Coldwell Banker, Winnie Couture, and the Shanghai Grill (a single tenant on each parcel)—and two property owners. The structures on these parcels are one-to-two stories in height. While not sufficient on their own to make up the size necessary for a construction staging site, these properties would comprise almost half the amount needed for construction staging. The acquisition of these three properties combined, including relocation, would cost \$19 million. When combined with the Ace Gallery property, this would constitute sufficient property to serve as the construction laydown site at much lower cost than the acquisition of other properties, as discussed above. However, the properties would not also serve as a station entrance because they are not contiguous to the station platform.

Based on additional study to optimize project operations since the Section 4(f) Evaluation in the draft phase, a double crossover was added to the east end of the

⁹ See Footnote 1, page 5-20.

station box. Given the location of the Beverly Wilshire Hotel, to the west it was determined early on that the station box location would need to be to the east of Beverly Drive; therefore, the additional length was to the east. This additional easterly length created access to additional properties adjacent to the station box and created the opportunity to use property on the northeast corner of Wilshire Boulevard and Canon Drive.

Summary

The use of the Union Bank Building, Glendale Federal Savings and Loan, Wilshire Beverly Centre (Bank of America) Building, and Bank of California/Sterling Plaza for construction staging would not avoid the use of historic resources for construction. Therefore, they were eliminated from further consideration. The use of the Rolex Building property would necessitate the acquisition of the Rolex Building, displacing five business tenants. Since the Rolex Building is not adjacent to the station platform, a property easement or acquisition for use as a station entrance would still have been required elsewhere. As described above, this would almost double, at a minimum, the cost of property acquisition for just this station. Bank Tower of the West, also necessitating demolition of a 12-story structure and displacement of multiple business tenants, as well as its location next to the Montage Hotel, would present extraordinary costs and community disruption for this single station.

Therefore, the combination of the Ace Gallery Building and the Coldwell Banker sites (site comprises three total properties) would best serve as the construction laydown site. One of the two sites is not a historic property, thereby minimizing the need to use other historic properties to make up the 1-acre site. The location of the Ace Gallery Building adjacent to the station platform allows for its combined use as a construction staging site and station entrance to minimize costs for this station. These are the only properties with single business tenants in each of the properties, thereby minimizing tenant displacement and relocation costs.

Measures to Minimize Harm

All efforts were made during the development and design of the Wilshire/Rodeo Station to minimize harm to Section 4(f) resources; however, given the constrained nature of the corridor, the need to have a construction staging site immediately adjacent to the station box, the cost of using other properties, and the number of properties in the area that are historic (six), the acquisition and demolition of one historic property, the Ace Gallery Building, is unavoidable. Measures to minimize harm were incorporated into the Memorandum of Agreement (MOA) signed and executed by FTA, Metro, and SHPO.

- **HABS/HAER Documentation**—The adverse effects of the Project on the Ace Gallery Building will be resolved by FTA by requiring Metro to implement and complete National Park Service Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) documentation, pursuant to Section Section 110(b) of the National Historic Preservation Act for the adversely affected property. Prior to any action, the photo-recordation and documentation consistent with the standards of the National Park Service HABS or HAER will be prepared by a Secretary of Interior qualified professional architectural historian or



historic architect. Whenever possible, HABS/HAER documentation Level 2 would be employed whenever measured drawings for a property are available. If measured drawings are not available, HABS/HAER documentation Level 1 would be employed.

The HABS/HAER documentation will be forwarded by Metro to FTA and SHPO for review. The FTA, in consultation with Metro and SHPO, will approve the materials and permit Metro to proceed with demolition of the adversely affected property.

Following approval of the HABS/HAER documentation, Metro will ensure that the materials are placed on file with Metro and responsible agencies, historical societies and preservation groups, local university and community libraries, and other appropriate national and local repositories and archives, as identified by Metro.

- **Public Website Development**—In connection with HABS/HAER documentation, Metro will develop a public website linked to Metro’s website concerning the history of the Ace Gallery Building. The website would be based on the photographs produced as part of the HABS project and historic documentation. A public website, which provides historic and documentary information regarding historic properties that would be substantially altered or demolished as a result of the Project, will be prepared and maintained for 10 years.

Union Bank Building (1957) WSE 14

Description and Significance of Property

APN 4328033001, 9460 Wilshire Boulevard, Beverly Hills

WSE 14 is the Union Bank Building, an International-style commercial building constructed in 1957. The building appears to be minimally altered and is in good condition. For a more detailed description, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Application of Section 4(f)—De Minimis

A station entrance was considered for the southeast corner of the Wilshire/El Camino intersection for the Wilshire/Rodeo Station. The Union Bank Building would have remained untouched, but underground parking would have been relocated during construction to accommodate station entrance construction and then partially restored at the completion of construction. Since this parking is tied to the office building, this would have required the acquisition of the full property—both the office building and the parking garage—at great cost.

FTA, with SHPO concurrence on the Union Bank Building, has determined the proposed activity (undertaking) of the property would result in a “no adverse effect” in accordance with Section 106 consultation (36 CFR 800). Under Section 4(f) regulations, *de minimis* impact findings for a historic site can be made following a determination that the project will have “no adverse effects” on the historic property. As a result, FTA has determined the proposed Wilshire/Rodeo Station and alignment would have a *de minimis* impact on the Union Bank Building.

Section The Union Bank Building is not recommended as either a station entrance or a construction staging site.

Century City Santa Monica Station Option

As shown in Table 5-2 and Figure 5-3, one historic property is located within the APE for the Century City Santa Monica Station option:

- Los Angeles Country Club (South Course)—WSE 97 (10101 Wilshire Boulevard)

The alignment would require an easement for the tunnel under this property. Where tunneling would occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, “Section 4(f) would apply only if the tunneling ... substantially impairs the historic values of the historic site” (FHWA 2005). There is no impairment to the property due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Century City Constellation Station Option

As shown in Table 5-2 and Figure 5-3, five historic properties are located within the APE for the Century City Constellation Station and alignment option:

- Century Park Towers—WSE 12 (2029 Century Park East)
- Century Plaza Hotel—WSE 11 (2025 Avenue of the Stars)
- Beverly Hills High School—WSE 55 (241 Moreno Drive)
- AAA Building—WSE 87 (1950 Century Park East)
- The Barn—WSE 54 (10300 Santa Monica Boulevard)

Two of the five properties (Century Park Towers and Century Park Hotel) are completely avoided or untouched by this alignment and there would be no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

The alignment would require an easement for the tunnel under three of the five properties: Beverly Hills High School, AAA Building, and The Barn. Where tunneling would occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, “Section 4(f) would apply only if the tunneling ... substantially impairs the historic values of the historic site” (FHWA 2005). There would be no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Westwood/UCLA Station

As part of the LPA selection, the Metro Board of Directors decided to continue to study two station locations at Westwood/UCLA (Off-Street and On-Street). As shown in Table 5-2 and Figure 5-3, six historic properties and a historic district are located within the APE for the Westwood/UCLA Station and alignment options:

- Ralph’s Grocery Store—WSE 44 (1142 Westwood Boulevard)
- Glendon Arcade Shops—WSE 45 (1139 Glendon Avenue)



- Lindbrook Village—WSE 46 (10830,10836 Lindbrook Drive)
- Courtyard Apartment Complex—WSE 47 (10840 Lindbrook Drive)
- University Bible Building—WSE 49 (10801 Wilshire Boulevard)
- Westwood/UCLA Historic District—(includes WSEs 46, 47, 49)
- Linde (Westwood) Medical Plaza—WSE 10 (10921 Wilshire Boulevard)

Westwood/UCLA Off-Street Station Option

Six of the seven properties, including the Westwood/UCLA Historic District, listed above are only associated with the Westwood/UCLA Off-Street Station option. Two of the six properties associated with the Westwood/UCLA Off-Street Station option (Ralph’s Grocery Store and Glendon Arcade Shops) are completely avoided or untouched by the LPA, and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

The alignment would require an easement for the tunnel under four of the six properties associated with the Westwood/UCLA Off-Street Station option: Lindbrook Village, Courtyard Apartment Complex, University Bible Building, and Westwood/UCLA Historic District. Where tunneling would occur under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, “Section 4(f) would apply only if the tunneling ... substantially impairs the historic values of the historic site” (FHWA 2005). There are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Westwood/UCLA On-Street Station Option

The Westwood/UCLA On-Street Station option box would be located under Wilshire Boulevard, extending just west of Westwood Boulevard to west of Gayley Avenue, almost to Veteran Avenue. Two options for the station entrance locations are under consideration at this location. A station entrance on the northwest corner of Wilshire Boulevard and Westwood Boulevard would potentially be located in the Linde (Westwood) Medical Plaza building, a resource eligible for the NRHP.



Linde (Westwood) Medical Plaza (1962-1963) WSE 10

Description and Significance of Property

APN 4363023032, 10921 Wilshire Boulevard, Los Angeles

The Linde (Westwood) Medical Plaza at 10921 Wilshire Boulevard is an International-style commercial building constructed in 1962-1963. The building appears to be minimally altered and in good condition. An attached parking garage was designed in conjunction with the building and allows for parking atop the roof of the pedestal portion of the building. For a more detailed description, refer to the *Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Application of Section 4(f)—De Minimis

The Westwood/UCLA On-Street Station option box would be located under Wilshire Boulevard, extending just west of Westwood Boulevard to west of Gayley Avenue, almost to Veteran Avenue. Two station entrances would be constructed given the high ridership projections at this station. In both options for the two on-street station entrances, one of the entrances would be in the Linde (Westwood) Medical Plaza building (Figure 5-9 and Figure 5-10).

- **North of Wilshire Boulevard**—In the first option, both station entrances would be located on the north side of Wilshire Boulevard. One station entrance would be located at the north side of Wilshire Boulevard between Gayley Avenue and Veteran Avenue in UCLA Lot 36, and the other would be located on the northwest corner of the Wilshire Boulevard and Westwood Boulevard intersection. The station entrance at the Wilshire Boulevard and Westwood Boulevard intersection would be retrofitted into the Linde (Westwood) Medical Plaza. The station entrance would be designed to enter the Linde (Westwood) Medical Plaza building within the parking garage along Westwood Boulevard to avoid impacting the historic façade of the building along Wilshire Boulevard.
- **North and South of Wilshire Boulevard**—In the second option, the station entrance on the northwest corner of Wilshire Boulevard and Gayley Avenue in UCLA Lot 36 would be in the same location, but the station entrance at the Wilshire Boulevard and Westwood Boulevard intersection would be split between the north and south sides of Wilshire Boulevard. The two station entrances near Westwood Boulevard would be “half-station entrances,” consisting of only one set of escalators and stairs each, as well as one elevator adjacent to each station entrance. The station entrance on the north side of Wilshire Boulevard in the Linde (Westwood) Medical Plaza building would be oriented toward the north, and the station elevator would be located to the west of the station entrance, along Wilshire Boulevard.

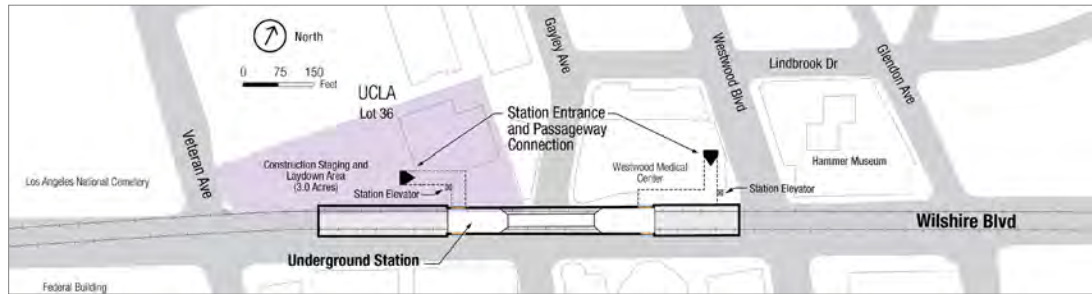


Figure 5-9. Westwood/UCLA On-Street Station North of Wilshire Option

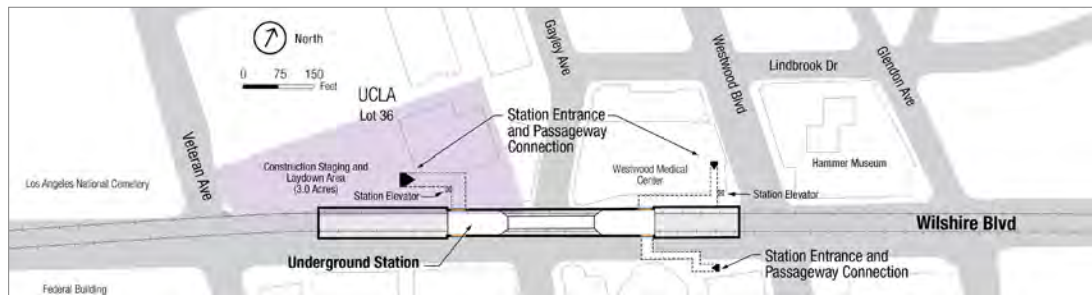


Figure 5-10. Westwood/UCLA On-Street Station South of Wilshire Option

Although this historic property would be a station entrance, the effect by the LPA is expected to meet the *Secretary of Interior Standards for Rehabilitation*. FTA, with SHPO concurrence on the Linde (Westwood) Medical Plaza, has determined the proposed activity (undertaking) of the property would result in a “no adverse effect” in accordance with Section 106 consultation (36 CFR 800). Under 4(f) regulations, *de minimis* impact findings for a historic site can be made following a determination that the project will have “no adverse effects” on the historic property. As a result, FTA has determined the proposed Westwood/UCLA On-Street Station and alignment would have a *de minimis* impact on the Linde (Westwood) Medical Plaza.

Westwood/VA Hospital Station

As part of the LPA selection, the Metro Board decided to continue to study two station locations at Westwood/VA Hospital—South of Wilshire Boulevard and North of Wilshire Boulevard (Figure 5-11 and Figure 5-12).

As shown in Table 5-2 and Figure 5-3, two historic properties and a historic district are located within the APE for the Westwood/VA Station and alignment options. This includes the following:

- Westwood Federal Building—WSE 43 (11000 Wilshire Boulevard)
- Catholic-Protestant Chapel/Wadsworth Chapel—WSE 42
- VA Medical Center Historic District—WSE 41 (11301 Wilshire Boulevard)

The Catholic-Protestant Chapel/Wadsworth Chapel is avoided by either station entrance and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there would be no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

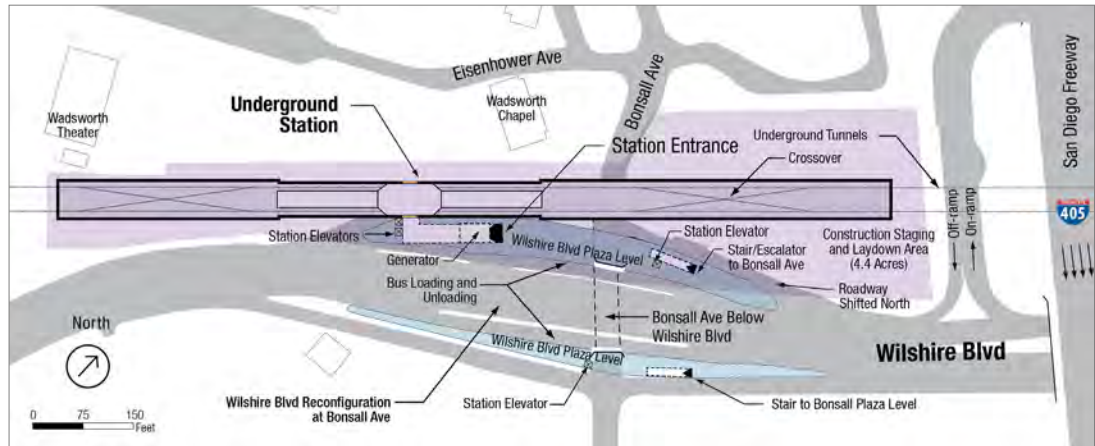


Figure 5-11. Westwood/VA Hospital North Station

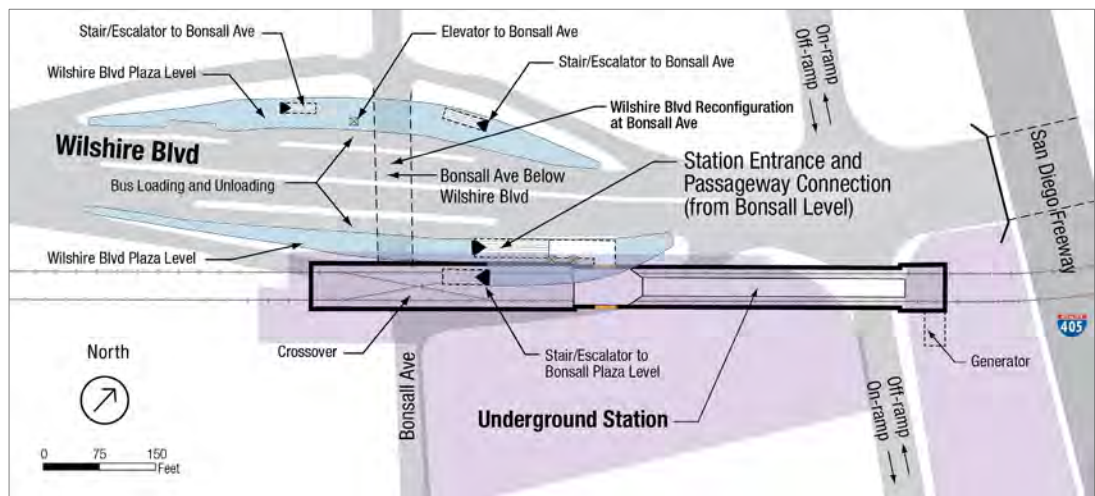


Figure 5-12. Westwood/VA Hospital South Station

The alignment would require an easement for the tunnel under the Westwood Federal Building. Where tunneling occurs under a publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site and an easement is required, “Section 4(f) would apply only if the tunneling ... substantially impairs the historic values of the historic site” (FHWA 2005). There is no impairment to the property due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

The Westwood/VA Hospital North Station option would be within the VA Medical Center Historic District. A portion of the Westwood/VA Hospital South Station option would be within the VA Medical Center Historic District. The following discusses the use of the VA property and the *de minimis* finding.

Veterans Affairs Medical Center Historic District—WSE 41

Description and Significance of Property

The Los Angeles Veterans Affairs Medical Center District is a thematic historic district, which is comprised of properties related in time and historical significance through an established theme, in this case, Veterans Affairs facilities. The NRHP district nomination describes the boundaries as irregular shaped, bounded by roadways and other physical land features with the San Diego Freeway to the east, Federal Avenue to the west, and remaining Veterans Affairs land to the north and south (Figure 5-13). Wilshire Boulevard runs through the southern portion of the district.

The boundary line for the NRHP-eligible VA Medical Center Historic District includes the Protestant Chapel/Wadsworth Chapel, the Wadsworth Theater, and the contributing landscape within the district. A grove of large ficus trees near the Wadsworth Theater and a palm garden on the east side of Bonsall Avenue are located in the “cut-and-cover” area of the station APE. For further discussion, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

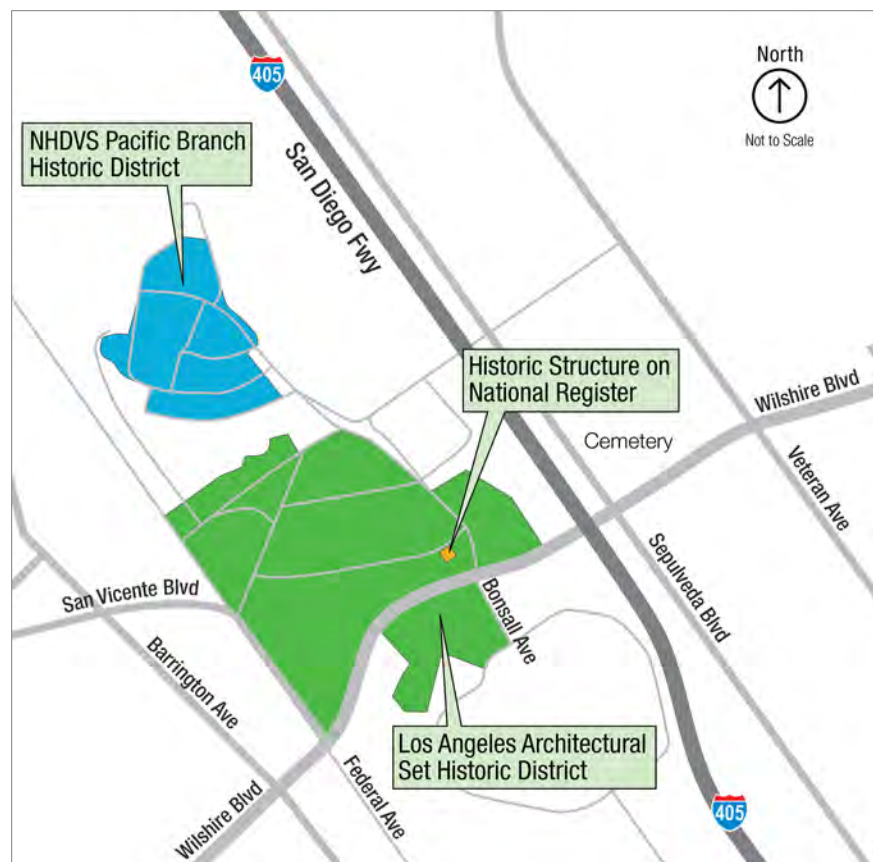


Figure 5-13. Veterans Affairs Medical Center District

Application of Section 4(f)—De Minimis**Westwood/VA Hospital North Station Option**

The Westwood/VA Hospital North Station is within the VA Medical Center Historic District. This station option would locate the Westwood/VA Hospital Station on the north side of Wilshire Boulevard. However, the access road from Wilshire Boulevard to Bonsall Avenue would need to be reconfigured on the north and south sides of Wilshire Boulevard to accommodate the station entrance and access features. The access road would be reconfigured both east and west of Bonsall Avenue on the north side of Wilshire Boulevard and only east of Bonsall Avenue on the south side of Wilshire Boulevard.

Although this historic property would be used as a temporary construction laydown area, the effect of the North Station option is expected to meet the *Secretary of Interior Standards for Rehabilitation*. FTA, with SHPO concurrence, has determined that a station entrance and subsurface tunneling within the VA Medical Center Historic District would result in a “no adverse effect.” As a result, FTA has determined the proposed Westwood/VA Hospital North Station and alignment would have a *de minimis* impact on the VA Medical Center Historic District.

Westwood/VA Hospital South Station Option

The portion of the Westwood/VA Hospital South Station option is within the VA Medical Center Historic District. This station option would locate the Westwood/VA Hospital Station on the south side of Wilshire Boulevard. The access road from Wilshire Boulevard to Bonsall Avenue would need to be reconfigured on the north and south sides of Wilshire Boulevard to accommodate the proposed station entrance and access features. The South Station option is included in the recommendation.

Although this historic property would be used as a temporary construction laydown area and some property would be used for cut-and-cover tunneling (less than 300 feet), the effect of the South Station option is expected to meet the *Secretary of Interior Standards for Rehabilitation*. FTA, with SHPO concurrence has determined that a station entrance and subsurface tunneling within the VA Medical Center Historic District would result in a “no adverse effect.” As a result, FTA has determined the proposed Westwood/VA Hospital South Station and alignment would have a *de minimis* impact on the VA Medical Center Historic District..

Division 20 Maintenance Yard

As shown in Table 5-2 and Figure 5-4, three historic properties are located within the APE for the Division 20 Maintenance Yard:

- 1st Street Viaduct—WSE 91 (Los Angeles River Bridge 53C1166)
- 4th Street Bridge—WSE 92 (Los Angeles River Bridge 553C0044)
- 6th Street Viaduct—WSE 93 (Los Angeles River Bridge 553C1880)

The 1st and 6th Street Viaducts and the 4th Street Bridge are avoided by the LPA for the Division 20 Maintenance Yard and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

In addition, one archaeological site, CA-LAN-2610, is within the APE. The site will be avoided and, therefore, “no use.”

Wilshire/Western Construction Staging and Laydown Site

At the Wilshire/Western construction staging and laydown site, a shaft would be constructed to retrieve the two TBMs tunneling to the Wilshire/Western Station from the Wilshire/La Brea Station. A construction staging and laydown area would be required adjacent to the shaft to store materials and equipment used to construct the shaft and decking and for access into the shaft from the laydown area that would allow the contractor to freely move personnel, materials, and equipment between the laydown area and the shaft beneath the decked street without the need to close traffic lanes. There are two options for the location of this construction staging and laydown area. The first option for the site is at the northeast corner of Wilshire Boulevard and Manhattan Place. Alternatively, the construction staging and laydown area would be located on the south side of Wilshire Boulevard between Western Avenue and St. Andrews Place.

As shown in Table 5-2 and Figure 5-1, two historic properties are located within the APE for the Wilshire/Western construction staging and laydown site:

- Wiltern Theater—WSE 30 (3780 Wilshire Boulevard)
- Pierce National Life—WSE 31 (3807 Wilshire Boulevard)

The Wiltern Theater and Pierce National Life buildings are avoided by the LPA for either station entrance and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Wilshire/Crenshaw Construction Staging and Laydown Site

Properties on the south side of Wilshire Boulevard between Lorraine Boulevard and Crenshaw Boulevard would be used for construction staging.

As shown in Table 5-2 and Figure 5-1, two historic properties are located within the APE for the Wilshire/Crenshaw construction staging and laydown site:

- Tidewater (Getty) Oil Building—WSE 28 (4201 Wilshire Boulevard)
- Los Altos Hotel and Apartments—WSE 29 (4121 Wilshire Boulevard)

The Tidewater (Getty) Oil Building and Los Altos Hotel and Apartments are avoided by the LPA for either station entrance and there are no impairments to the properties due to noise, vibration, or visual quality; therefore, there is no use under Section 4(f). For further discussion of the properties, refer to the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* (Metro 2012b).

Public Park or Recreational Resources

The LPA will not result in any Section 4(f) use of any park or recreational resource on or adjacent to the stations or alignments (Table 5-1).

5.5 Determination of Section 4(f) Use

This section summarizes Section 4(f) properties affected by the LPA.

5.5.1 Historical Resources

Of the 39 historic properties and two historic districts in the approximately 9-mile corridor, 36 historic properties, including 1 historic district, would have “no use.” Four historic properties, including one historic district, would have a *de minimis* use. For these four historic properties, FTA, with SHPO concurrence, has made a determination under Section 106 of “no adverse effect.” Only one property in the Study Area would have a direct use. The Ace Gallery Building on the southwest corner of Wilshire/Reeves at 9430 Wilshire Boulevard would be demolished for use as a construction laydown area and station entrance. Table 5-2 shows the historic properties that would have a use under Section 4(f).

5.5.2 Public Park or Recreational Resources

The LPA will not have a direct use of Section 4(f) parks or recreational facilities.

5.6 Least Overall Harm

In situations where all Build Alternatives use Section 4(f) properties, “the Administration may approve only the alternative that causes the least overall harm in light of the statute’s preservation purpose.” The least overall harm is determined by balancing the following factors:

- The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property)
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection
- The relative significance of each Section 4(f) property
- The views of official(s) with jurisdiction over each Section 4(f) property
- The degree to which each alternative meets the Purpose and Need for the Project
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f)
- Substantial differences in costs among the alternatives (23 CFR 774.3(c)I)

The purpose of the Project is to improve transit travel time, provide more reliable transit service to transit riders who access the Study Area today, and provide an alternative to the automobile for current and future transit riders. All alternatives, with the exception of the No Build Alternative, meet the Purpose and Need to some degree.

The use of the Union Bank Building, Glendale Federal Savings and Loan, Wilshire Beverly Centre (Bank of America) Building, and Bank of California/Sterling Plaza for construction staging would not avoid the use of historic properties for construction staging and were dropped from further consideration. The use of the Rolex Building property would necessitate the acquisition of the Rolex Building, displacing five business tenants. Since the Rolex Building is not adjacent to the station platform, property easement or acquisition for use as a station entrance is required elsewhere. This would result in a substantial difference in the costs for use of the Rolex Building property as



compared to costs for use of the Ace Gallery Building and Coldwell Banker site, along with the additional community disruption due to the need for an additional site for a station entrance. Bank Tower of the West also would displace multiple business tenants, is located next to the Montage Hotel, and would have a very limited area to use as a station entrance. These factors would have adverse impacts that present unique problems.

Therefore, the combination of the Ace Gallery Building property and the Coldwell Banker site (site comprises three total properties) will best serve as the construction laydown site. One of the two sites is not a historic property, thereby minimizing the need to use other historic properties to make up the 1-acre site. The location of the Ace Gallery Building adjacent to the station platform allows for its combined use as a construction staging site and station entrance, thereby minimizing costs. Finally, these are the only properties with single business tenants in each of the properties, thereby minimizing tenant displacement and relocation costs.

Based on the above, there is no prudent and feasible alternative to the use of the Ace Gallery Building. The Project includes all possible planning to minimize harm to the Section 4(f) property.

5.7 Agency Coordination and Consultation

Metro has coordinated with SHPO through meetings (August 2009) and correspondence to resolve issues on methodology, APE definition, and documentation content throughout the Project. The APE was presented to personnel from SHPO on June 22, 2009, via a notification letter from FTA to the SHPO. On August 17, 2009, Metro and its consultant team met with SHPO personnel to further discuss the proposed project, methods for identification of historic properties, and documentation standards (see the *Westside Subway Extension Historic Resources Properties Supplemental Survey Technical Report* [Metro 2012b] and the *Westside Subway Extension Archaeological Resources Supplemental Survey Technical Report* [Metro 2012c]). Initial findings were presented for public and agency review in the Draft EIS/EIR. The FTA, with concurrence of the SHPO, made determinations of eligibility and effects. The SHPO letters of concurrence can be found in Appendix D, Memorandum of Agreement and Section 106 Correspondence, of this Final EIS/EIR.

In addition to ongoing consultation with SHPO, there is ongoing consultation with local agencies, jurisdictions, and historical societies and preservation groups, including the following:

- City of Los Angeles
- City of Beverly Hills
- Los Angeles Conservancy
- Los Angeles City Historical Society
- Beverly Hills Historical Society

The Draft Section 4(f) Evaluation was presented in the Draft EIS/EIR circulated for public and agency review in September 2010. Recipients of the document included the

U.S. Department of the Interior and local jurisdictions. No specific comments were received on the Section 4(f) Evaluation.

Metro conducted “Station Area Information Meetings” in October and November 2009 to discuss topics such as station box locations, station access points, locations for pick up/drop off, bicycle and pedestrian access, transit connections, and other issues that relate to the facilities at or near station entrances.

A key component of the station area planning for the Project is the urban design process. The urban design process initiated in the AA phase was continued during the Conceptual Engineering phase with the formation of the Urban Design Working Group (UDWG). The UDWG is composed of key staff from the Cities of Los Angeles, Beverly Hills, Santa Monica, and West Hollywood.

The UDWG participated in workshops discussing station location, urban design, and station entrance locations that were closely coordinated with the Public Outreach effort. The UDWG participated in an initial urban design workshop on July 15, 2008, with a follow-up meeting on September 4, 2008, to discuss the urban design concepts and station location options. The UDWG examined local issues, urban design guidelines, or specific geographic concerns regarding station locations and station design. The workshops were part of the public outreach effort during the AA phase and have been part of the continuing design process for the station area planning process in future phases of the Project.

During the Final EIS/EIR phase of the Project, the UDWGs evolved into “Station Area Advisory Groups” (SAAG) that met three times before the conclusion of this final planning stage of the Westside Subway Extension.

The purpose of the SAAGs was to provide community input to Metro subway planners and city planners on urban design and other features at each proposed station during the Final EIS/EIR and Preliminary Engineering phases of the Westside Subway Extension. Topics included station entrance locations and station design within the context of an Urban Design Station Planning Toolkit framework and station design parameters developed by Metro during this phase of the Project. The SAAGs also informed communities about the status of station planning and design.

SAAGs were formed for six of the seven stations. Membership on each SAAG was comprised of stakeholders representative of key community groups in the neighborhood of the station. Nevertheless, meetings were open to the public to ensure that the process remained transparent. City staff and other elected officials or their representatives were not officially members.

Since the Westwood/VA Hospital Station would affect federally owned property, a SAAG was not formed for that group. Planning discussions have instead occurred directly with VA representatives. Chapter 8, Public and Agency Outreach, in this Final EIS/EIR lists SAAG meetings and provides additional details.

