

## Communication from Public

**Name:** Armando Pandola

**Date Submitted:** 02/17/2026 01:38 PM

**Council File No:** 25-1518

**Comments for Public Posting:** Re: 11973-11975 San Vicente Blvd, LA 90049 Dear Councilmembers: I oppose the appeal and support demolition of the above-stated property. I live one block away and know that this building is a safety hazard and a scar on the beautiful Brentwood landscape. Please examine the site yourself to see why almost the entire neighborhood supports demolition. Thank you, Armando Pandola

## Communication from Public

**Name:** Channel Law Group, LLP - Appellant Representative  
**Date Submitted:** 02/17/2026 01:59 PM  
**Council File No:** 25-1518  
**Comments for Public Posting:** Appellant's Comments and Objections to ENV-2019-6645-EIR (SCH #2020-110210), 11973 San Vincente Boulevard Project EIR, Council File: 25-1518, is enclosed here without exhibits due to file size. The complete document with exhibits was also sent via email.

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Phone: (310) 347-0050  
Fax: (323) 723-3960  
[www.channellawgroup.com](http://www.channellawgroup.com)

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN  
GREGORY T. WITTMANN

Writer's Direct Line: (310) 982-1760  
[jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com)

\*ALSO Admitted in Texas

February 17, 2025

## **VIA EMAIL AND ELECTRONICA UPLOAD**

PLUM Committee  
City Clerk  
Honorable Mayor and Council Members  
City of Los Angeles  
200 North Spring Street  
City Hall - Room 395  
Los Angeles, CA 90012  
[Clerk.CPS@lacity.org](mailto:Clerk.CPS@lacity.org)  
[Clerk.PLUMCommittee@lacity.org](mailto:Clerk.PLUMCommittee@lacity.org)

**Re: Appellant's Comments and Objections to ENV-2019-6645-EIR (SCH #2020-110210), 11973 San Vicente Boulevard Project EIR, Council File: 25-1518 ("Project")**

Dear Planning and Land Use Management Committee Members & Honorable Mayor and City Councilmembers:

This firm represents Angelenos for Historic Preservation (Appellant) who are doing what the City and Council should also be doing: fighting to protect an Historic Cultural Monument ("HCM"), the Barry Building, from unnecessary demolition (the proposed Project). To this end, the Council should reject the Environmental Impact Report ("EIR") for the proposed Project as failing to provide and analyze required feasible reuse alternatives,<sup>1</sup> and uphold the

---

<sup>1</sup> As well as for other defects in the EIR identified in the administrative record. The administrative record is incorporated herein by reference.

recommendation of the City’s Cultural Heritage Commission, that a Statement of Overriding Consideration for the demolition of the HCM cannot be justified.<sup>2</sup>

This is the story of a Draft Environmental Impact Report (“DEIR”)<sup>3</sup> and Final Environmental Impact Report (“FEIR”),<sup>4</sup> that have been designed to justify the applicant’s desired outcome, the demolition of an Historic Cultural Monument (HCM), ostensibly to create a vacant lot with no future development plans. The proposed Project appears to be part of a larger parcel assemblage and site clearance effort by the applicant. As detailed herein, the alternatives which avoid demolition of the HCM have been designed for rejection as either financially infeasible or as structurally unsound, and possible alternatives that would be both financially feasible and accomplish the necessary soft-story retrofit of the HCM have not been included in the analysis. This is, in part, the result of the City’s failure to require preparation of a reuse analysis, as required by the Municipal Code.

The City’s own Cultural Heritage Commission recommended against adoption of the proposed Statement of Overriding Considerations (“SOC”), finding them to not be supported by substantial evidence. Process and EIR defects<sup>5</sup> mandate that the Council should therefore grant the appeal and reject the EIR and Findings and Statement of Overriding Consideration.<sup>6</sup>

## **I. THE PROJECT**

The Barry Building was designated by the City as HCM No. LA-887 in 2007. The applicant seeks to demolish the existing two-story (approximately 23.5 feet in height), approximately 13,956 square foot commercial building (with 12,800 square feet of leasable space) commonly referred to as the Barry Building, and a portion of a surface parking lot, and

---

<sup>2</sup> The Report on Appeal From Determination of Superintendent of Building, (“Appeal Report”) dated 10/15/2025, available at: [https://cityclerk.lacity.org/online/docs/2025/25-1518\\_misc\\_5\\_12-16-25.pdf](https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf). The reasons the Commission recommended against adopting the Statement of Overriding Considerations are detailed in the Los Angeles Department of City Planning’s September 5, 2024 Recommendation Report to the Commission which is Exhibit E1 of the Appeal Report, beginning on PDF page 82.

<sup>3</sup> The DEIR is available at: <https://planning.lacity.gov/development-services/eir/11973-san-vicente-boulevard-project-0>.

<sup>4</sup> The FEIR is available at: <https://planning.lacity.gov/development-services/eir/11973-san-vicente-boulevard-project-1>.

<sup>5</sup> All comments submitted during the review process are incorporated herein by reference.

<sup>6</sup> The Findings and SOC are available in Exhibit A starting on page 30 of the Report on Appeal From Determination of Superintendent of Building, dated 10/15/2025, available at: [https://cityclerk.lacity.org/online/docs/2025/25-1518\\_misc\\_5\\_12-16-25.pdf](https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf).

replace it with a vacant lot and landscaped buffer fronting San Vicente Boulevard (proposed Project).

The project site is approximately 26,586 square feet in size (0.61-acre; APN 4404-025-008) and is located at 11973-11975 San Vicente Boulevard.

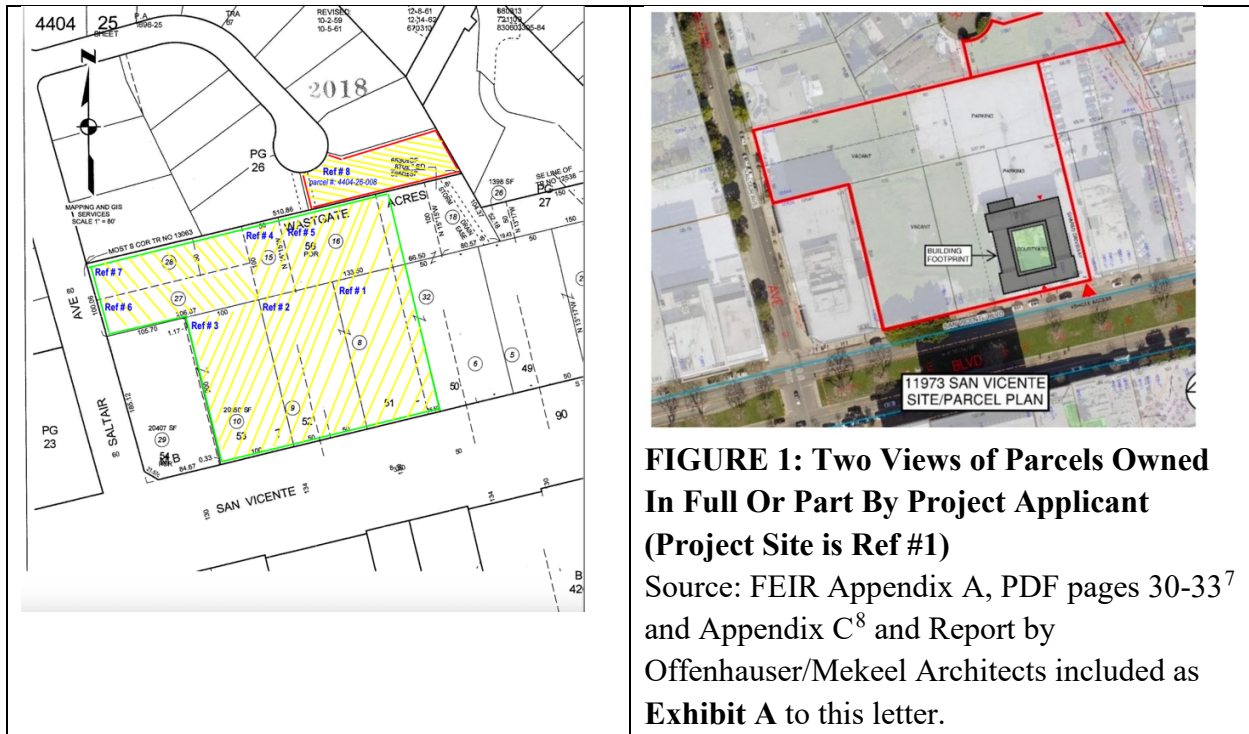
In 2017, the applicant evicted the building's tenants and the building has remained vacant since that time by the applicant's choice. In March 2018, the City of Los Angeles issued the Project Applicant an Order to Comply with the City's Soft Story Retrofit Program.

**Figure II-2** from the DEIR shows the building's placement on the Project Site:



**A. The Project Site is Part of a Larger Assemblage Of Vacant Land**

As shown in **Figure 1 and Table 1**, the Project Site is one of eight adjoining parcels owned by the project applicant:



//

//

<sup>7</sup> Comment letter submitted by Robert Blue and Sieglinde Kruse Blue dated April 18, 2023 (the “Blue Letter”), regarding the 11973 San Vicente Boulevard Project Draft Environmental Impact Report (“EIR”)

<sup>8</sup> Appendix C of the FEIR contains a letter regarding parcel ownership from the applicant’s representative Alston & Bird, which states in part: “The ownership interests for those companies are different and are not the same.” However, the letter does not provide any information to support any alleged differences in ownership of these two LLCs, which have the same identified Managers/Members.

**TABLE 1<sup>9</sup>**  
**Parcels Owned In Full Or Part By Project Applicant**

| Ref # | Parcel (AIN)# | Address                | Ownership                                                                                           | Sale Date                                                     | Demo Permit #                            | Demo Date (Finaled)                                |
|-------|---------------|------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------|----------------------------------------------------|
| 1     | 4404-025-008  | 11973 San Vicente Blvd | <b>11973 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 12/26/2006,<br>Owner<br>Transfer:<br>4/20/2017,<br>Quit Claim | 19019-10000-04750 &<br>19019-10000-05593 | NOT FINALED,<br>Under CEQA/EIR<br>(Barry Building) |
| 2     | 4404-025-009  | 11977 San Vicente Blvd | <b>11973 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 12/26/2006<br>(Owner<br>Transfer:<br>4/20/2017<br>Quit Claim) | 13019-30000-02218 &<br>13019-30000-02219 | 3/10/2016<br>(Issued on<br>02/13/2014)             |
| 3     | 4404-025-010  | 11991 San Vicente Blvd | <b>11991 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 10/20/2006,<br>Owner<br>Transfer:<br>4/20/2017,<br>Quit Claim | 13019-30000-02220 &<br>13019-30000-02221 | 05/19/2017<br>(Issued on<br>2/13/2014)             |
| 4     | 4404-025-015  | No Address             | <b>11973 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 12/26/2006<br>(Owner<br>Transfer:<br>4/20/2017<br>Quit Claim) | N/A: No Structure                        | N/A: No Structure                                  |
| 5     | 4404-025-016  | No Address             | <b>11973 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 12/26/2006,<br>Owner<br>Transfer:<br>4/20/2017,<br>Quit Claim | N/A: No Structure                        | N/A: No Structure                                  |

| Ref # | Parcel (AIN)# | Address               | Ownership                                                                                           | Purchase Date                                                 | Demo Permit #     | Demo Date (Finaled) |
|-------|---------------|-----------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------|---------------------|
| 6     | 4404-025-027  | 644 S Saltair Ave     | <b>11991 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 6/09/1989,<br>Owner<br>Transfer:<br>04/20/2017<br>Quit Claim  | 13019-30000-02217 | 8/26/2014           |
| 7     | 4404-025-028  | 642 S Saltair Ave     | <b>11991 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) | 10/24/1989,<br>Owner<br>Transfer:<br>04/20/2017<br>Quit Claim | 13019-30000-02208 | 8/26/2014           |
| 8     | 4404-026-008  | 11901 Saltair Terrace | <b>11991 San Vicente, LLC</b><br>Charles T Munger;<br>William Harold Borthwick<br>(Mangers/Members) |                                                               | 07019-30000-00349 | 3/29/2007           |

The most recent Statements of Information for 11991 San Vincente, LLC and 11973 San Vincente, are included as **Exhibit B** to this letter. They both show William Harold Borthwick and Charles T. Munger Jr. and managers or members of the two LLCs. The Project Site is thus part of a larger assemblage of ownership of land totaling approximately 73,252.6 square feet (“sf”) as shown in **Table 2**.

<sup>9</sup> Comment letter submitted by Robert Blue and Sieglinde Kruse Blue dated April 18, 2023 (the “Blue Letter”), regarding the 11973 San Vicente Boulevard Project Draft Environmental Impact Report (“EIR”)

**TABLE 2**  
**LOT SIZE AND ZONING**

| <i>Address</i>       | <i>APN</i>   | <i>Lot Size</i> <sup>10</sup> | <i>Zoning</i> | <i>General Plan Designation</i>   |
|----------------------|--------------|-------------------------------|---------------|-----------------------------------|
| 1 None               | 4404-025-008 | 26,586.4                      | C4-1VL        | Neighborhood Office<br>Commercial |
| 11977 W. San         |              |                               |               | Neighborhood Office               |
| 2 Vincente Blvd      | 4404-025-009 | 9,986.2                       | C4-1VL        | Commercial                        |
| 11991 1-9 W San      |              |                               |               | Neighborhood Office               |
| 3 Vincente Blvd      | 4404-025-010 | 19,972.8                      | C4-1VL        | Commercial                        |
|                      |              |                               |               | Neighborhood Office               |
| 4 None               | 4404-025-015 | 5,002.6                       | P-1VL-O       | Commercial                        |
|                      |              |                               |               | Neighborhood Office               |
| 5 None               | 4404-025-016 | 13,233.8                      | P-1VL-O       | Commercial                        |
| 6 644 S. Saltair Ave | 4404-025-027 | 10,387.1                      | RS-1-O        | Low Residential                   |
| 7 None               | 4404-025-028 | 2,346.1                       | RS-1-O        | Low Residential                   |
| 8 11901 Saltair Ter  | 4404-026-008 | 12,316.6                      | RS-1-O        | Low Residential                   |
| <b>TOTAL</b>         |              | <b>99,831.6</b>               |               |                                   |

The fact that the project Applicant owns adjoining sites was not disclosed in the Notice of Preparation (“NOP”)<sup>11</sup> or Initial Study (“IS”) or DEIR. This is significant information which was not included in the NOP/IS or DEIR. Failure to provide this information denied the public and Cultural Heritage Commission with meaningful information, necessary to comment on the appropriateness and feasibility of the alternatives included in the EIR, and the range of alternatives that should be addressed in the EIR. Even though this ownership information was provided by a member of the public commenting on the DEIR, its importance was dismissed and the FEIR ignored its potential relevance to the definition of feasible alternatives.<sup>12</sup> This conclusion is reinforced by the testimony of Melissa Jones of the Office of Historic Resources at the Cultural Heritage Commission hearing. (See **Exhibit M.**) The EIR thus fails as an information document.

## **II. SUMMARY OF IMPACTS AND ALTERNATIVES ADDRESSED IN THE EIR**

<sup>10</sup> ZIMAS records for each parcel.

<sup>11</sup> NOP available at: [https://planning.lacity.gov/odocument/a1615f80-cad7-4aa3-84d1-e06be1e507ea/NOP\\_Sigend\\_Combined.pdf](https://planning.lacity.gov/odocument/a1615f80-cad7-4aa3-84d1-e06be1e507ea/NOP_Sigend_Combined.pdf).

<sup>12</sup> See responses to comments: B1-4, B1-7, B1-8, B2-2, B2-8, B2-15. The information on the applicant’s ownership of adjacent vacant parcels is particularly relevant, given the applicant present the City with information intended to show that none of the Project alternatives included in the EIR was feasible, and that information was provided prior to release of the FEIR, when the City could have used the ownership information to craft new, feasible alternatives, and recirculated the DEIR for public review and comment.

As detailed below, the EIR identified the following environmental impacts, and addressed the following alternatives.

**A. Environmental Impacts**

**The following impacts were found to be less than significant in the EIR:**

- Air Quality: AQMP Consistency, Cumulatively Considerable Increase in Criteria Pollutants, Sensitive Receptors;
- Greenhouse Gas Emissions: Generation of Greenhouse Gas Emissions and Plan/Policy Consistency;
- Vibration;
- Emergency Access;
- Tribal Cultural Resources

**The following impacts were found in the EIR to be less than significant with mitigation:**

- Substantial Temporary or Permanent Increase in Noise

**The following impacts were found in the EIR to be significant and unmitigable, thus requiring approval of Findings and a Statement of Overriding Consideration if the Project is approved:**

- Historical Resources – Demolition of an HCM. As explained on DEIR p. VI-1:

(T)he Project would demolish the Barry Building and all those physical characteristics that convey its historical significance and that justify its designation as a City historic-cultural monument (HCM). Thus, the Project would materially impair the significance of the Barry Building and would cause a substantial adverse change in the significance of an historical resource as defined by CEQA. Therefore, Project impacts related to historical resources would be significant and unavoidable.

- Plan/Policy Consistency – As explained on DEIR p. VI-1:

(T)he Project would conflict with the applicable policies of the General Plan (Conservation Element) and the Brentwood-Pacific Palisades Community Plan related to historic preservation. Therefore, Project impacts related to land use would be significant and unavoidable.

**B. Alternatives Considered**

California Environmental Quality Act (CEQA) Guidelines Section 15126.6 requires that an EIR include (emphasis added):

- (a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would **feasibly attain most of the basic objectives of the project** but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider **a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.** The lead agency is responsible for selecting a range of project alternatives for examination and **must publicly disclose its reasoning for selecting those alternatives.** There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.
- (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.**
- (c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. **Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. . . .**
- (f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of

those alternatives, the EIR need examine in detail only the ones that the lead agency determines **could feasibly attain most of the basic objectives of the project**. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

- (1) **Feasibility.** Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site **(or the site is already owned by the proponent)**. No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

(Emph. added.)

As detailed in Appeal Report and the EIR for the Project, the EIR addressed the following alternatives to demolition of the Historic Cultural Monument:

“After determining the project would result in significant impacts, the EIR looked at a range of alternatives to the demolition project that would rehabilitate and preserve the Barry Building:

- **Alternative 1 - the No Project Alternative**, assumes that the demolition project would not be implemented, and the existing building would not be demolished. However, as the Barry Building is required to comply with the Soft-Story Retrofit Program, the mandatory seismic retrofit work on the south wing is included in this alternative, but no other structural or accessibility upgrades would be made.
- **Alternative 2 - the Preservation Alternative**, involves voluntary seismic retrofit and accessibility upgrades, building code updates, and energy efficiency upgrades of the existing building, after which the building would be re-occupied by approximately 12,800 square feet of retail uses.
- **Alternative 3 - the Partial Preservation with New Construction Alternative**, involves the partial preservation of the existing building with new construction on the remaining portion of the project site. Specifically, Alternative 3 would preserve the south, east, and west wings of the building, the courtyard, and the south facade of the north wing, including the voluntary seismic retrofit, accessibility upgrades, building code updates, and energy efficiency upgrades to the preserved portion of the

existing building. In addition, Alternative 3 would include the construction of a new building behind (north of) the existing building. The alternative includes 8,959 of commercial/retail space in the remaining portion of the Barry Building and 10,816 square feet in a new proposed 3-story annex. Approximately 4,293 square feet of the Barry Building would be demolished under this alternative. In total, Alternative 3 would include approximately 19,771 square feet of office and retail uses.

- **Alternative 4 - the Relocation Alternative**, involves the dismantling of the Barry Building into multiple small building portions to facilitate its relocation to a new site, which has yet to be identified. At the new location, the Barry Building would be reconstructed, which would incorporate additional preservation measures relating to seismic retrofitting, accessibility updates, building code updates, and energy efficiency upgrades. Once the building has been moved and rehabilitated, it would be occupied by 12,800 square feet of retail uses.”

#### **C. Project Objectives**

The EIR evaluated the potential impacts of each of these alternatives, as compared to the proposed demolition project, as well as whether the alternatives would meet the project objectives. As stated in the EIR, the objectives of the project are to: <sup>13</sup>

- 1) comply with the Soft-Story Retrofit Program, which includes complying with the requirements under LAMC Section 91.9305 and
- 2) abate the fire, loitering, vandalism, and other public safety hazards associated with structural defects and current vacancy of the Barry Building.

#### **D. The Environmentally Superior Alternatives**

As discussed in Section V, Alternatives of the DEIR, both Alternative 1 and Alternative 2 are considered to be Environmentally Superior Alternatives to the Project.

### **III. APPLICABLE MUNICIPAL CODE REQUIREMENTS REGARDING DEMOLITION OF AN HISTORIC CULTURAL MONUMENT AND RELATIONSHIP TO EIR DEFECTS**

Section 22.171.11 of the Los Angeles Municipal Code (“LAMC”) charges the Cultural Heritage Commission with taking all steps necessary to preserve Monuments, as follows:

---

<sup>13</sup> Report on Appeal From Determination of Superintendent of Building, PDF page 46.

**Sec. 22.171.11. Preservation of Monuments.**

The Commission **shall** take all steps necessary to preserve Monuments not in conflict with the public health, safety and general welfare, powers and duties of the City of Los Angeles, or its several boards, officers or departments. These steps may include assistance in the creation of civic citizens' committees, **assistance in the establishment of a private fund for the acquisition or restoration of designated Monuments**, and recommendation that a Monument be acquired by a governmental agency where private acquisition is not feasible.

(Emph. added.)

The financial feasibility studies for the proposed Project, and Alternatives 1, 2 and 3 fail to address the establishment of a private fund to assist with restoration of the HCM or the potential uses of the Mills Act<sup>14</sup> or historic tax credits<sup>15</sup> to offset costs. According to the Department of City Planning website:

Managed by Los Angeles City Planning's Office of Historic Resources (OHR), the Mills Act is implemented through a 10-year contract that automatically renews annually and transfers with the sale of a property. By entering into the contract with the City, program participants may realize a significant reduction in property taxes intended to offset costs for the rehabilitation, restoration, and maintenance of their properties. Each contract specifies rehabilitation and restoration work to be undertaken on a property. To be eligible to apply for the program, a property must be designated as a Los Angeles Historic-Cultural Monument (HCM) or Historic Preservation Overlay Zone (HPOZ) contributor and meet a minimum of three out of five Priority Consideration Criteria: Necessity, Uniqueness, Investment, Affordability, and Employment. The program also limits pre-contract assessed property values at \$1.5 million for single-family residential properties and \$3 million for multi-family residential,

---

<sup>14</sup> Mills Act information is available at: [https://planning.lacity.gov/odocument/a8173f0a-efa6-45fa-a3d3-d004c8e4e4b7/Mills\\_Act\\_Ordinance.pdf](https://planning.lacity.gov/odocument/a8173f0a-efa6-45fa-a3d3-d004c8e4e4b7/Mills_Act_Ordinance.pdf) and <https://planning.lacity.gov/preservation-design/historic-resources/incentives-resources/mills-act>.

<sup>15</sup> According to DEIR page IV.B-21: "The Barry Building is significant under Criterion C/3 as an example of Mid-century Modern commercial architecture in Los Angeles, and retains integrity of location, design, setting, materials, workmanship, and feeling. It is therefore eligible for listing in the National Register and the California Register." With listing in the National Register it would become eligible for historic tax incentives. For information on historic tax credits, see: <https://www.nps.gov/subjects/taxincentives/index.htm> <https://www.nps.gov/subjects/taxincentives/eligibility-requirements.htm> <https://www.nps.gov/orgs/1739/upload/brochure-tax-incentives-2012.pdf>

commercial, and industrial properties. An exemption to these limits requires approval from the Cultural Heritage Commission.<sup>16</sup>

The City and Commission have failed to take all steps necessary to preserve the HCM and have failed to require that those possible steps be addressed in the EIR, Findings, and Statement of Overriding Consideration. This has resulted in the Project applicant arguing that none of the alternatives are feasible. Establishment of a private fund to assist with restoration of the HCM and use of Mills Act and historic tax credits should have been included in any alternatives that the City believed would be financially infeasible in the absence of such funding mechanisms. Both the Commission and EIR failed to address additional steps and financing to preserve the HCM, resulting in an EIR which did not include **a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.**

Los Angeles Municipal Code (“LAMC”) Section 22.171.14(b) requires the Commission to:

- (b) **Standards for Issuance of a Permit for the Demolition or Relocation of a Site, Building or Structure Designated a Monument.** The Commission shall base its determination on the approval of a permit for the demolition or removal of any Monument on the following:
  - 1. **A report regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior’s Profession Qualification Standards as established by the Code of Federal Regulations, 36 C.F.R. Part 61. This report shall be based on the Secretary of the Interior’s Standards for Architectural and Engineering Documentation with Guidelines; and**
  - 2. Compliance with the California Environmental Quality Act, Public Resources Code Section 21000, et seq.

(Emph. added)

The City and Commission failed to require the applicant or EIR consultant to prepare the required “report regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior’s Profession Qualification Standards as established by the Code of Federal Regulations, 36 C.F.R. Part 61. This report shall be based on the Secretary of the Interior’s Standards for Architectural and Engineering Documentation with Guidelines” as

---

<sup>16</sup> [https://planning.lacity.gov/odocument/72d6c65d-b7bd-4499-bb07-d91813ebc5b6/Mills\\_Act\\_Program\\_Assessment\\_Report.pdf](https://planning.lacity.gov/odocument/72d6c65d-b7bd-4499-bb07-d91813ebc5b6/Mills_Act_Program_Assessment_Report.pdf)

required by the LAMC. The required Reuse Feasibility Study typically includes: current building condition; available plans and studies; codes requirements (what mandatory retrofit ordinances apply and what codes are applicable); and future marketability (what uses the building is suitable for; how the building's use can change or continue; what are options for single-tenant vs multi-tenant users).

As a result, the City failed to identify feasible preservation alternatives for analysis in the EIR, and instead allowed for the definitions and inclusion of alternatives that had the potential to be either structurally unsound or financially infeasible. This failure to comply with the municipal code has resulted in an EIR which fails to include **a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation**, as required by CEQA Guidelines Section 15126.6, rendering the EIR deficient.

LAMC § 22.171.15 specifies:

**Sec. 22.171.15. Time for Objection By the Commission.**

Where any matters subject to Section 22.171.14 of this article are referred to the Commission by its staff, the Commission shall have 30 days from the date of the referral to object to the proposed demolition, substantial alteration or relocation. If no objection is filed with the appropriate department or board within 30 days, all objections shall be deemed to have been waived. If the Commission objects to the proposed demolition, substantial alteration or relocation, it shall file its objection with the appropriate department or board.

Any objection by the Commission shall be set for a public hearing. The objection and the fact that the matter will be scheduled for a public hearing by the Commission shall be noted by Commission staff on the clearance worksheet utilized by the appropriate department or board for the issuance of the permit. The filing of an objection shall suspend the issuance of any permit for the demolition, substantial alteration or relocation of the Monument (Stay) for a period of not less than 30 days nor more than 180 days, **during which time the Commission shall take all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Monument to be demolished, altered or relocated.**

At the end of the first 30 days of the Stay, the Department shall report any progress regarding preservation of the Monument to the Commission, which may, upon review of the progress report, withdraw and cancel its objection to the proposed demolition, substantial alteration or relocation. If the Commission determines, upon the basis of the progress report to withdraw and cancel its objection, it shall promptly notify the appropriate

department or board concerned of its action. Upon receipt of notification of withdrawal of the objection, the permit may be issued and the Monument may be demolished, altered or relocated. If the Commission does not withdraw and cancel its objection, the Stay shall remain in effect.

If the Commission, or the Department acting on the Commission's behalf, finds at the end of the first 100 days of the Stay that the preservation of the Monument cannot be fully accomplished with the 180-day Stay period, and the Commission determines that preservation can be satisfactorily completed within an additional period not to exceed an additional 180-day Stay, the Commission may recommend to the City Council that the Stay be extended to accomplish the preservation. No request for an extension shall be made after the expiration of the original 180-day Stay.

The Commission's recommendation for an extension of the Stay shall set forth the reasons for the extension and the progress to date of the steps taken to preserve the Monument. If it appears that preservation may be completed within the time extension requested, the City Council may approve the request for extension of the Stay not to exceed an additional 180 days for the purpose of completing preservation of the Monument. No request for an extension of the Stay shall be granted where the City Council determines, after consulting with the appropriate department or board that granting an extension is not in the best interest of the public health, safety or general welfare.

(Emph. added.)

The matter was referred to the Commission by staff and the Commission held a hearing. In recommending against adoption of the Statement of Overriding Considerations, the Commission essentially objected to the proposed demolition of the HCM. However, the Commission then failed to take **“all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Monument to be demolished.”** The one step the Commission did take was to recommend against adoption of the SOC, finding that the SOC was not supported by substantial evidence as detailed later in this letter.

The LAMC also contains requirements regarding actions by the LADBS regarding demolition permits for historical buildings, as follows:

#### **Section 91.106.4.5. Permits for Historical and Cultural Buildings.**

The department shall not issue a permit to demolish, alter or remove a building or structure of historical, archaeological or architectural consequence if such building or structure has been officially designated, or has been determined by state or federal action to be eligible for designation, on the National Register of Historic Places, or has been included on the City of Los Angeles list of historic cultural monuments,

without the department having first determined whether the demolition, alteration or removal may result in the loss of or serious damage to a significant historical or cultural asset. If the department determines that such loss or damage may occur, the applicant shall file an application and pay all fees for the California Environmental Quality Act Initial Study and Check List, as specified in Section [19.05](#) of the Los Angeles Municipal Code. If the Initial Study and Check List identifies the historical or cultural asset as significant, the permit shall not be issued without the department first finding that **specific economic, social or other considerations make infeasible the preservation of the building or structure.**

(Emph. added.)

#### **IV. SUMMARY OF THE PROCESS AND RESULTING CEQA VIOLATIONS**

As detailed on PDF pages 3-4 of the Report on Appeal From Determination of Superintendent of Building (“Report on Appeal”), dated October 15, 2025,<sup>17</sup> and augmented with additional information in the record, the key steps in the CEQA and City’s review process included the following:

- City of Los Angeles adopts the Soft Story Ordinance (Ordinance 18393<sup>18</sup> dated October 9, 2015 and Ordinance 184081<sup>19</sup> amending time limits dated January 28, 2016).
- March 1, 2016 the applicant received a notice from LADBS saying the buildings is subject to the soft story ordinance.<sup>20</sup>
- May 1, 2016 applicant begins evicting tenants, asking them to vacate as soon as reasonably possible, but no later than December 31, 2016.<sup>21</sup>
- The EIR case was filed on November 6, 2019.<sup>22</sup>

---

<sup>17</sup> Report on Appeal From Determination of Superintendent of Building, dated 10/15/2025, available at: [https://cityclerk.lacity.org/online/docs/2025/25-1518\\_misc\\_5\\_12-16-25.pdf](https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf)

<sup>18</sup> [https://dbs.lacity.gov/sites/default/files/styles/medium/public/ordinance\\_183893.pdf](https://dbs.lacity.gov/sites/default/files/styles/medium/public/ordinance_183893.pdf)

<sup>19</sup> [https://dbs.lacity.gov/sites/default/files/styles/medium/public/14-1697-s2\\_ord\\_184081\\_2-19-16.pdf](https://dbs.lacity.gov/sites/default/files/styles/medium/public/14-1697-s2_ord_184081_2-19-16.pdf)

<sup>20</sup> PDF page 9, Secondary Submissions to CHC for hearing:  
<https://planning.lacity.gov/dcpapi2/meetings/document/addtlldoc/68009>

<sup>21</sup> PDF page 10, Secondary Submissions to CHC for hearing:  
<https://planning.lacity.gov/dcpapi2/meetings/document/addtlldoc/68009>

<sup>22</sup> <https://planning.lacity.gov/pdiscaseinfo/search/casenumbr/ENV-2019-6645-EIR>

- On November 18, 2020, the Department of City Planning (DCP) published an Initial Study/Notice of Preparation (IS/NOP) for the proposed demolition of the Barry Building (Project) with a 30-day comment period.
- On February 16, 2023, DCP published a Draft Environmental Impact Report (DEIR) for the Project, with a 45-day comment period ending April 3, 2023.
- On March 29, 2023, DCP extended the DEIR comment period to a total of 60 days, resulting in a comment period that ended on Monday April 18, 2023.
- An economic analysis (hereafter “Initial Renovation Cost Analysis”) was conducted and submitted to the record on April 20, 2023, by the Applicant.<sup>23</sup> The analysis attached the following reports prepared prior to the release of the DEIR:
  - *11971 San Vicente Boulevard - Retrofit Schemes* by Englekirk Structural Engineers (June 2021) (Soft Story Retrofit Letter Report) (Attachment A);
  - *11971 San Vicente Boulevard - Retrofit Schemes* by Englekirk Structural Engineers (June 2022) (Attachment B);
  - *11973 San Vicente Boulevard, ASCE 41 -13 Seismic Assessment* by Englekirk Structural Engineers (June 2022) (Attachment C);
  - *Project Impacts Assessment, 11973 San Vicente Boulevard* by Historic Resources Group (October 2022) (Attachment D);
  - *Barry Building ADA Update Requirements* by Gruen Associates (June 2021) (Attachment E);
  - *Barry Building Renovations* by Hill International (November 2022) (Attachment F); and
  - *Barry Building Land Residual Analysis* by CBRE, Inc. (March 2023) (Pro forma) (Attachment G)

This information was not provided to the public during the EIR process in either the DEIR or FEIR thus depriving the public of a meaningful opportunity to comment on the feasibility of the alternatives and appropriateness of the alternatives analyzed.

The Initial Renovation Cost Analysis Put the City on Notice That Potentially None of the Alternatives in the DEIR Were Feasible As Described

These documents were thus available to the City prior to the release of the FEIR and provided the City with information that the alternatives analyzed in the EIR were not feasible as proposed, in advance of completion of the EIR process.

As noted in the Findings discussion for Alternative 1 summarizing the conclusions of these studies:<sup>24</sup>

---

<sup>23</sup> The Initial Renovation Cost Analysis is included in the Administrative Record. (See Letter from E. Casey to J. Harris, RE: *11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (April 20, 2023).)

<sup>24</sup> See PDF pages 48 of the Appeal Report.

Alternative 1 involves the retention of the existing building, with minor seismic retrofitting, resulting in a structure that would be unsuitable for full occupation. Alternative 1 would avoid the significant impacts related to historical resources and land use. However, as discussed in **Englekirk Structural Engineers technical report dated May 26, 2021**, with the seismic retrofitting to comply with the requirements of the City's Soft Story Retrofit Program, the building would still present a seismic risk and safety hazard and could not be occupied. This is because the structural retrofit required by the Soft Story Ordinance only addresses the structural deficiencies in the south wing, and does not address the east, north, or west wing structural deficiencies. Further, the building would not meet ADA requirements for accessibility, further limiting its suitability for occupation. As discussed above, the alternative is not feasible because, even with compliance with the Soft Story Retrofit requirements, structural issues would remain, precluding occupation of much of the building and a reasonable return on investment, while persisting as a safety hazard. The structural condition of the building, combined with lack of ADA compliance would present both economic and legal complications for the owner, as failure to comply with ADA regulations could result in legal and economic penalties were the building to be occupied. Feasibility is defined by PRC Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." As discussed above, specific economic, legal, technical, and social limitations make the alternative infeasible.

As noted in the Findings discussion for Alternative 2 summarizing the conclusions of these studies:<sup>25</sup>

Collectively, the above-referenced reports found that a large number of modifications are required to renovate the Barry Building to meet minimum standards for safety and accessibility. In addition to the retrofits required under the Soft Story Ordinance, a seismic assessment (**Attachment C to the Initial Renovation Cost Analysis and included as Appendix G to the Draft EIR**) found that the building's the north, east, and west wings currently range from being 190-percent to 650 percent overstressed, and further recommended additional renovations to make the building seismically sound. In addition to seismic upgrades, the necessary upgrades for compliance with the ADA and building code were identified. (**See Attachment E to the Initial Renovation Cost Analysis and included as Appendix H-5 to the Draft EIR**).

---

<sup>25</sup> See PDF pages 51-52 of the Appeal Report.

**Attachment F to the Initial Renovation Cost Analysis contains a Cost Report Regarding Barry Building Renovations, prepared by Hill International on November 2, 2022.** Hill International estimated the cost of each of the renovations identified to make the building suitable for occupancy, and estimated a total cost for the work. The cost of these renovations was approximately \$12,818,000 as of November 2022.

In addition, a **pro forma revenue analysis completed by CBRE in March 2023** analyzed the expected value of the land and rental income based on the real estate market and the costs to complete necessary renovations to determine the maximum revenue that would be generated from a rehabilitated Barry Building. (See Attachment G to the Initial Renovation Cost Analysis.) CBRE evaluated Alternative 2 of the Draft EIR (the “Preservation Alternative”), including seismic retrofitting of the existing Barry Building, the ADA upgrades, and Building Code compliance renovations identified in the Hill International Report (discussed above). This alternative estimates a total of an approximate 12,800 square feet of retail uses (and includes some common areas like bathrooms). In addition to the \$12,818,000 estimated cost to complete necessary renovations (per Hill International, discussed above), leasing commissions, costs for improvements to the leased spaces (“Tenant Improvement Allowance”), transfer taxes and developer profit were considered. According to CBRE’s analysis dated March 2023 (**provided by the Applicant in April 2023**) the total combined costs of Alternative 2 are estimated at \$17,024,961. CBRE determined that under the assumptions of Alternative 2, the annual gross rental income for the retrofitted Barry Building is estimated at approximately \$736,960; the total value of the retrofitted Building is \$11,361,308. (See Attachment G to the Initial Renovation Cost Analysis.)

Thus, CBRE concluded that to preserve the Barry Building per Alternative 2, the residual land value would be \$11,361,308 minus \$17,024,961, or negative \$5,663,653. CBRE found that the proposed project alternative returns a negative valuation. That is, the total costs of the necessary renovations and preparing the Barry Building for lease are estimated to be greater than the value of the renovated property.

(Emph. added.)

As noted in the Findings discussion for Alternative 3 summarizing the conclusions of these studies:<sup>26</sup>

**The Initial Renovation Cost Analysis submitted to the record on April 20, 2023,** by the Applicant (and identified above) considered the economic

---

<sup>26</sup> See PDF pages 55-56 of the Appeal Report.

feasibility of Alternative 3. As with Alternative 2, CBRE prepared a pro forma valuation based on Alternative 3 of the Draft EIR (the “Partial Preservation with New Construction Alternative”) which would involve renovation and preservation of approximately 70 percent of the existing Building and construction of additional commercial space on the remaining portion of the Project Site. Alternative 3 would involve demolition of the building volume behind the south facade of the north wing to accommodate the construction of an additional 10,815 square feet of commercial space (three stories high). In total, Alternative 3 would include approximately 19,771 square feet of office and retail uses. Alternative 3 results in the most leasable space in the renovated building of the alternatives identified.

Alternative 3 includes seismic retrofitting, ADA upgrades, Building Code compliance, and energy efficiency upgrades. As provided by the Applicant, Hill International prepared an analysis of the cost of completing this work as of November 2022. (See Attachment F to the Initial Renovation Cost Analysis.) CRBE considered the cost estimate prepared by Hill International and determined that the total cost of renovations, demolition, and construction of the additional annex was estimated at \$19,646,307 as of March 2023. (See Attachment G to the Initial Renovation Cost Analysis.) CBRE’s 2023 analysis of the assumptions of Alternative 3, estimated the annual gross rental income for the retrofitted Barry Building at approximately \$1,049,100, and the total value of the property at completion is \$15,912,339. (See Attachment G to the Initial Renovation Cost Analysis.)

**CBRE’s 2023 analysis** determined that to preserve the Barry Building per Alternative 3, the residual land value is \$15,912,339 minus \$19,646,307, or negative \$3,733,908. (See Initial Renovation Cost Analysis.) CBRE found that this proposed project alternative returns a negative valuation. That is, CBRE calculated that the total costs of the necessary renovations and preparing the Barry Building per Alternative 3 for lease are estimated to be greater than the value of the renovated property. Although Alternative 3 offers the highest possible revenue for the preserved Barry Building by expanding leasable space of the Alternatives, CBRE’s cost analysis found total costs of the necessary renovations and retrofitting to prepare the Barry Building for lease pursuant to Alternative 3 are greater than the value of the renovated property.

(Emph. added.)

As noted in the Findings discussion for Alternative 4 summarizing the conclusions of these studies as well as reports included as appendices to the DEIR:<sup>27</sup>

---

<sup>27</sup> See PDF pages 61-62 of the Appeal Report.

Within Alternative 4, four different options for relocation were identified by HKA Global Inc. (See **Attachment H-12 to the Draft EIR.**) Options 1 and 2 are technically infeasible. Options 3 and 4 are economically infeasible and are still likely to result in significant damage to the historical character of the Barry Building. All four options would require a relocation site, which has not been identified and may not be available. (See **Attachment H-13 to the Draft EIR.**)

The ability of Alternative 4 to meet the Project objectives depends on finding a new site for the Barry Building, which has not occurred, and the EIR could not include an analysis as to the feasibility of finding a new site without engaging in speculation.<sup>28</sup> However, assuming a new site could be identified, the analysis provided in the EIR demonstrates that Alternative 4 may be able to meet both of the Project objectives, subject to economic factors, which were not addressed in the EIR.

HKA Global, Inc. provided an analysis to evaluate, and report on the feasibility of Alternative 4 of relocating the existing Barry Building to an off-site location while respecting and maintaining the historical “character defining features” of the building and its siting features. (See **Appendix H-12 to the Draft EIR.**) Options 1 and 2 as explained above were determined to be categorically infeasible due to street loading capacities and width limitations and maneuvering challenges (turning from one street to another).

Option 3 proposes partially dismantling the building elements at strategic horizontal locations into 9 total pieces. As noted in HKA’s report, Option 3 presents significant logistical challenges, and also presents high risks to the historical character of the Barry Building. HKA determined that this option, while technically possible, would likely damage and destroy character defining features which will be difficult to restore, eliminating the benefit of preserving the historic characteristics of the building through relocation.

Option 4 would dismantle the building into 20 segments. While this option is technically feasible, HKA determined that it would be costly, and that the risks associated with the relocation and reassembly are high. This option presents the greatest risk to architectural and historical feature integrity of the building and the building’s character defining features making this option least undesirable historical risk option if the desired effect is to protect the architectural integrity of the building.

---

<sup>28</sup> Quote footnote states: “As noted in Appendix h-13 to the Draft EIR, the new site would have to be located within the Los Angeles city limits, be located on a similar commercial thoroughfare and have a similar flat topography.”

Neither Option 3 or 4 is a practical option to meet the project's first objective, as both options would destroy character defining features and would present very high risks to the integrity of the building that could result in a significant adverse impact as defined by CEQA. (See Appendix H-12 and H-16.) However, even if the adverse impacts could be mitigated to a less than significant impact as outlined by HRG in Appendix H-16 to the Draft EIR, and assuming a suitable new site exists and can be obtained, Options 3 and 4 are economically infeasible. Feasibility is defined by PRC Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." As explained in Alternative 2, the cost to complete the necessary ADA upgrades and seismic retrofits such that the building can safely be occupied for use exceeds the value of the preserved building by approximately \$5,663,653.6. In this Alternative, the considerable additional cost for the relocation would mean the costs associated with relocation are likely much higher than Alternative 2, whereas the value of the preserved building (based on total leasable square footage) is unlikely to change significantly at its new location.

(Emph. added.)

The City was thus on notice from the applicant that **none** of the alternatives included in the EIR were feasible, **prior to the release of the FEIR**. However, the City failed to obtain an independent third-party review of the studies submitted by the applicant to support these infeasibility findings, to determine if the alternatives were truly infeasible. The City thus appears to have blindly accepted these conclusions.

In addition, even though the City had information, which it apparently accepted without question, that the EIR did **not** contain **a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation**, as required by CEQA Guidelines Section 15126.6, rendering the EIR deficient, the City proceeded with the FEIR, rather than revise the DEIR to: explain the finding that all of the alternatives in the DEIR were infeasible and the basis for those findings; to define new feasible alternatives; and, recirculate the DEIR. The EIR and EIR process thus failed to comply with CEQA Guidelines 15088.5, as the City deprived "the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Failure to include a range of feasible alternative rendered the EIR "fundamentally and basically inadequate" such that "meaningful public review and comment were precluded" and provides substantial evidence that the alternatives and the alternatives analysis is manifestly unreasonable.

- On September 11, 2023, DCP published a Final EIR (FEIR) for the Project, which included responses to all comments provided by members of the public and agencies.

- On March 21, 2024, before the DEIR or FEIR had gone to the Cultural Heritage Commission for review, the Department of City Planning (“DCP”) provided Los Angeles Department of Building and Safety (“LADBS”) written recommendations on the adoption and certification of the EIR. DCP also outlined the proposed findings and process for LADBS to either approve or deny issuance of a demolition permit based on the Project EIR. This written correspondence is included as Exhibit C of the Report on Appeal.
- On May 9, 2024, LADBS requested the Cultural Heritage Commission (CHC) to provide a recommendation on the certification of the EIR and adoption of the CEQA Findings and SOC. This written correspondence is included as Exhibit D of the Report on Appeal
- According to the Project applicant, a break in occurred on the property in May 2024 which caused damage to the Barry Building.<sup>29</sup>
- On June 6, 2025, prior to the Commission Hearing, LADBS issued The Letter of Determination which states as follows:

“To the extent this decision becomes final, either because no appeal is filed or it is ultimately upheld on appeal, before issuance of the demolition permit on the Project, the demolition permit will be referred to the Cultural Heritage Commission (CHC) pursuant to Los Angeles Administrative Code (LAAC) Sections 22.171.14 and 22.171.15. Under these Sections, the CHC and the City Council have authority to suspend issuance of a demolition permit to hold public hearings addressing preservation of a monument, but CHC and the City do not have the authority to condition or deny a demolition permit for any purpose, including to mitigate or avoid environmental impacts. As such, any action under LAAC Sections 22.171.14 or 22.171.15 is not appealable for purposes of CEQA or otherwise.”

- An updated economic analysis (hereafter “Additional Cost Analysis”) was provided by the Applicant on July 15, 2024.<sup>30</sup> Additional reports attached to this analysis included:
  - *Revised Cost Estimate*, Hill International (June 27, 2024) (Attachment H to the Additional Cost Analysis); and
  - *Revised Revenue Analysis*, CBRE, Inc. (July 2024) (Attachment I to the Additional Cost Analysis)

---

<sup>29</sup> Appeal Report, PDF page 109.

<sup>30</sup> The Additional Cost Analysis was provided to the Office of Historic Resources, in a letter from E. Casey dated July 15, 2024. (See Letter from E. Casey to K. Bernstein, *RE: 11973 San Vicente Boulevard Project/ENV-2019-6645-EIR/State Clearinghouse No. 2020110210 (“Barry Building”)* (July 15, 2024).)

These documents were not provided to the public during the EIR process in either the DEIR or FEIR and the public was thus deprived of the opportunity to comment on this important information.

- The applicants July 15, 2024 letter (which was included as an attachment to the September 17, 2024, CHC Letter), provides the applicant's analysis of why the benefits, goals, and objectives of the proposed project outweigh the impact of the demolition of the HCM, and constitutes the applicant's draft Statement of Overriding Considerations.
- On September 5, 2024, the CHC held a hearing and considered the EIR and CEQA Findings and OHR Staff Recommendation Report. Staff recommended that CHC recommend that LADBS certify the EIR **and that LADBS not adopt a Statement of Overriding Considerations**.
- On September 17, 2024, CHC issued a written letter reflecting their decision made the September 5, 2024 meeting (CHC Recommendation) wherein CHC recommended that LADBS certify the EIR **and that LADBS not adopt a Statement of Overriding Considerations** as it was not supported by substantial evidence. The CHC Recommendation was based on the Staff Recommendation Report prepared by Office of Historic Resources ("OHR") and attached to the CHC correspondence. The letter and its attachments which include the hearing transcript are included as Exhibit E of the Report on Appeal.
- In November 2024, the Applicant provided additional economic analysis to the City (hereafter "Updated Cost Analysis"),<sup>31</sup> including:
  - *Barry Building Retrofit Scope Costs*, Hill International (October 3, 2024)
  - *Barry Building Proposed Retrofit*, Englekirk Structural Engineers (September 9, 2024)
  - *Barry Building - Opinion of Probable Retrofit Cost*, Hill International (November 6, 2024) *Appraisal Report*, CBRE, Inc. (November 8, 2024)

This information was not provided to the public during the EIR process in either the DEIR or FEIR.

- On June 6, 2025, LADBS issued a determination (LADBS Determination) certifying the Project EIR pursuant to CEQA Guidelines Section 15090; adopting a Mitigation Monitoring Program (MMP), CEQA Findings, Statement of Overriding Consideration for the Project; and a finding under LAMC Section 91.106.4.5, that based upon the whole of the record, including the CEQA Findings (labeled EIR Findings) and the SOC, a demolition permit may be issued

---

<sup>31</sup> The Updated Cost Analysis was provided to the City on November 14, 2024. (See Letter from E. Casey to J. McCrea, *RE: 119 73 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (November 14, 2024).)

because specific economic, social, or other considerations make infeasible the preservation of the Barry Building. This determination is included as Exhibit B of the Report on Appeal.

- On July 8, 2025, a timely appeal was filed by Brandt-Hawley Law Group on behalf of the Angelenos for Historic Preservation, challenging the LADBS Determination. The appeal is included in Appendix A of the Report on Appeal.
- On October 15, 2025 LADBS issued its Report on Appeal From Determination of Superintendent of Building denying the appeal to the Board of Building and Safety Commissioners (“BBSC”). LADBS exceeded its standard 60-day period to respond to the appeal, providing a response 37 days late.
- On December 1, 2025, Channel Law Group filed a California Environmental Quality Act (“CEQA”) appeal on behalf of the appellants.

## **V. EIR DEFECTS**

There are significant defects in the EIR. As detailed, herein, the EIR lacks an accurate, stable or finite project description, it fails to contain a reasonable range of feasible alternatives, and it fails as an information document.

### **A. Lack of an Accurate, Stable and Finite Project Description**

The definition of the Project Site was not consistent between the NOP and DEIR. **Figure 2** provides a comparison of the Project Site as shown in the NOP and as shown in the DEIR.

//

//

//

//

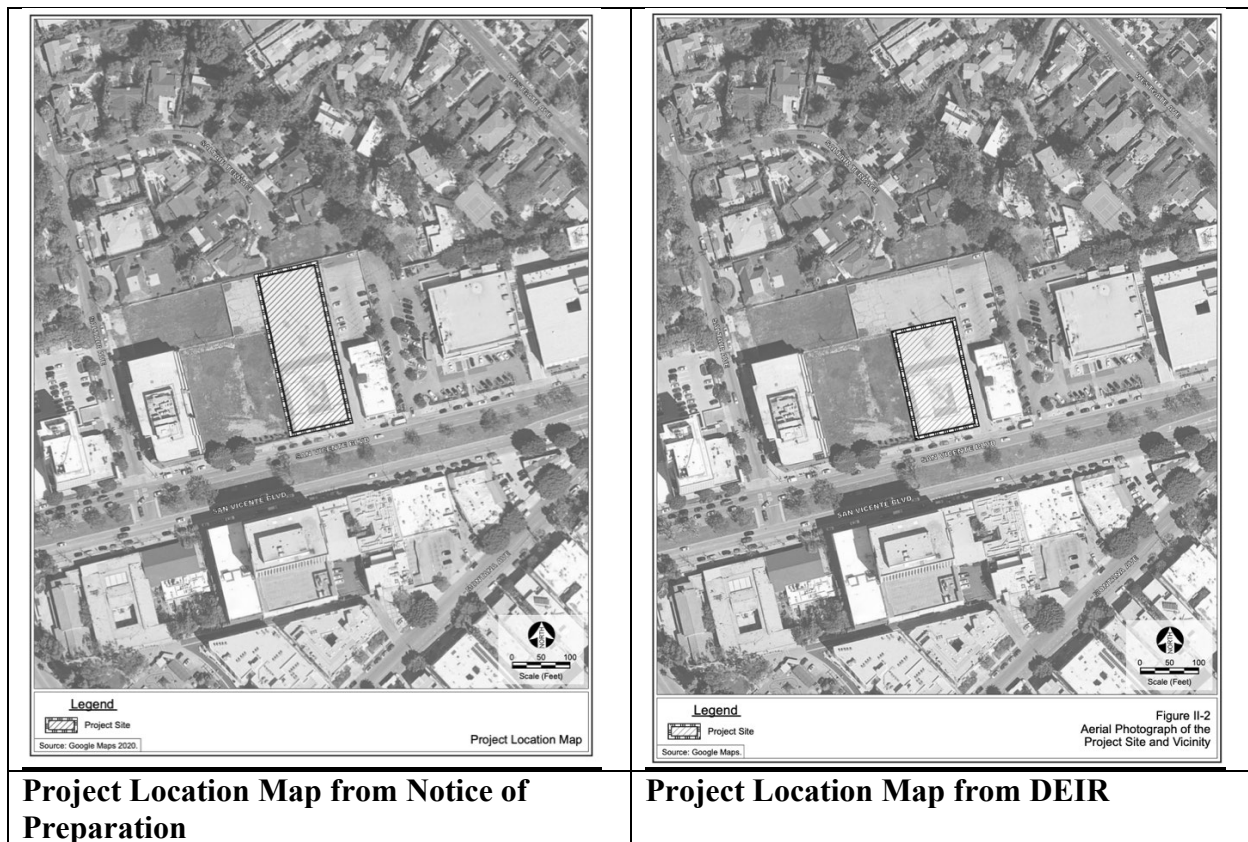


**FIGURE 2: Comparison of Project Site as Shown in the Notice of Preparation and DEIR**

This difference in the definition of the Project Site is important, as the DEIR’s definition constrains the range of alternatives that could be designed and thus the ability, potentially, to include a feasible alternative in the DEIR. The same map from the NOP<sup>32</sup>, which shows the Project Site as including portions of APN 4404-025-016 also appears in the Initial Study as Figure 3-2.<sup>33</sup> DEIR page II-12 indicates that “Demolition would take place within the Project Site, while the adjacent parcel to the north (APN 4404-025-016) would be used for staging.” However, DEIR Figure II-8 states that “*The portion of the parking lot on APN 4404-025-016 is not part of the Project Site.*”

**B. Failure to Include Feasible Alternatives**

The EIR fails to include any feasible alternatives according to information submitted to the City by the applicant prior to preparation of the FEIR, and accepted as true by the City. The

<sup>32</sup> Page 2 of NOP: [https://planning.lacity.gov/odocument/a1615f80-cad7-4aa3-84d1-e06be1e507ea/NOP\\_Sigend\\_Combined.pdf](https://planning.lacity.gov/odocument/a1615f80-cad7-4aa3-84d1-e06be1e507ea/NOP_Sigend_Combined.pdf)

<sup>33</sup> PDF page 15 of Initial Study: [https://planning.lacity.gov/odocument/c313ab5e-fd40-45bb-bd83-3459808111a3/Barry\\_Building\\_Initial\\_Study.pdf](https://planning.lacity.gov/odocument/c313ab5e-fd40-45bb-bd83-3459808111a3/Barry_Building_Initial_Study.pdf)

range of alternatives considered in the EIR is thus manifestly unreasonable, since the City accepted the applicant's assertion that they were all infeasible, prior to completion of the FEIR. The EIR fails to include a number of potentially feasible alternatives or to modify the alternatives so as to make them feasible. Examples of potentially feasible alternatives are presented below for illustrative purposes and to show that it is possible to define feasible alternatives to the Project.

**1. Alternative A - Alternative 2 With Mills Act and/or Tax Credits and/or Sale of Unused Portions of Ownership**

Alternative 2 was rejected due to the City's finding of financial infeasibility. The EIR fails to include an alternative where costs are partially offset by participation in the City's Mills Act Program or Tax Credits. The EIR also fails to explore whether a sale of other adjacent parcels owned by 11973 San Vincente, LLC could provide partial funding for the Project rendering it financially feasible. The City needed to address whether there were measures, like these, that the Project applicant declined to adopt, which could render Alternative 2 financially feasible and whether these mechanisms would also apply to Alternative 3.

**2. Feasible Alternatives Are Available**

**Table 3** provides a comparison of the "Residual Land Value" of a number of variations of Alternative 2 and Alternative 3. The spreadsheets for each scenario are provided in **Exhibit C**.

The analyses summarized in the table approximate the costing used in the CBRE analysis on which the City's Findings are based. The City rejected Alternatives 2 and 3 as economically infeasible, because the Residual Land Value was less than zero. The purpose of the spreadsheets is to demonstrate that: (1) economically feasible alternatives in which the Barry Building is rehabilitated are possible; and, (2) the sensitivity of the analysis to CBRE assumptions, including the assumption of an 18% developer profit.<sup>34</sup> The table, in combination of the remainder of the discussion of possible alternatives, herein, serves to demonstrate that the range of alternatives in the EIR is manifestly unreasonable and was designed to accomplish the Project applicant's aim of clearing the site, as part of the assembly of adjoining vacant parcels for future development by the applicant or others.

//

//

//

---

<sup>34</sup> The Residual Land Value calculations are approximations, but serve to show that it is possible to craft economically feasible alternatives to the proposed Project, which eliminate the significant unmitigable impacts of the Project.

**TABLE 3**  
**Alternative Scenarios and Cost Analysis Summary**

| Description                                                                                                              | Barry Building sf | New Construction sf | Demolition sf | Developer Profit | Residual Value         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------|---------------|------------------|------------------------|
| Alternative 2 - EIR - 18% Developer Profit                                                                               | 12,800            | 0                   | 0             | 18.00%           | <b>-\$5,670,528.00</b> |
| Alternative 2 - 15% Developer Profit                                                                                     | 12,800            | 0                   | 0             | 15.00%           | <b>-\$5,329,536.00</b> |
| Alternative 2 - 10% Developer Profit                                                                                     | 12,800            | 0                   | 0             | 10.00%           | <b>-\$4,761,216.00</b> |
| Alternative 3 - EIR - Partial Demo, 18% Developer Profit                                                                 | 8,959             | 10,816              | 4,203         | 18.00%           | <b>-\$3,319,966.00</b> |
| Alternative 3 - Partial Demo, 18% Developer Profit                                                                       | 8,959             | 65,000              | 4,203         | 18.00%           | \$39,346.41            |
| Alternative 3 - Partial Demo, 15% Developer Profit                                                                       | 8,959             | 50,000              | 4,203         | 15.00%           | \$317,649.00           |
| Alternative 3 - Partial Demo, 15% Developer Profit                                                                       | 8,959             | 47,000              | 4,203         | 15.00%           | \$73,482.00            |
| Alternative 3 - Partial Demo, 10% Developer Profit                                                                       | 8,959             | 30,000              | 4,203         | 10.00%           | \$57,338.46            |
| Alternative 3 - EIR - No Demo, 18% Developer Profit                                                                      | 12,800            | 95,000              | 0             | 18.00%           | \$223,556.00           |
| Alternative 3 - EIR - No Demo, 15% Developer Profit                                                                      | 12,800            | 70,000              | 0             | 15.00%           | \$372,046.00           |
| Alternative 3 - EIR - No Demo, 10% Developer Profit                                                                      | 12,800            | 45,000              | 0             | 10.00%           | \$360,162.00           |
| Alternative 2 = Rehabilitation Barry Building                                                                            |                   |                     |               |                  |                        |
| Alternative 3 = Rehabilitation Barry Building + New Construction                                                         |                   |                     |               |                  |                        |
| ASSUME CBRE Costing Is Accurate - SBRE costing assumptions have not been independently verified as part of this analysis |                   |                     |               |                  |                        |

### 3. Feasible Alternative B - Alternative 3 With 30,000 square feet of New Development

According to DEIR page II-1

The approximately 26,586 square foot (0.61-acre) Project Site (APN 4404-025-008) is currently improved with an existing two-story (approximately 23.5 feet in height), approximately 13,956 square foot commercial building (with 12,800 square feet of leasable space) commonly referred to as the Barry Building and a portion of a surface parking lot.

The cost analysis treats 12,800 square feet of the building as leasable. According to page II-12 of the DEIR:

The Project Site has a General Plan land use designation of Neighborhood Office Commercial and is zoned C4-1VL (Commercial Zone, Height District 1VL). The Commercial Zone permits a range of commercial uses including retail and office uses. Within Height District 1VL, the C4 zone allows for a building height maximum of up to 45 feet and establishes a floor area ratio (FAR) of 1.5:1.

//

//

Given the FAR of 1.5:1, that means that 39,879 square feet of development is allowable on the site,<sup>35</sup> before adjusting Floor Area as provided in LAMC Section 14.2.7.<sup>36</sup> Based on a rough calculation, this would allow for an additional approximately 25,923 square feet of new development on the Project site assuming retention of the full Barry Building and all of the 13,956 sq. ft of the Barry Building is treated as floor area.

Under Alternative 3, 4,203 square feet of the Barry Building would be demolished, reducing its full size to 9,753 and its leasable space to 8,956. Based on a rough calculation, this would allow for an additional approximately 30,126<sup>37</sup> square feet of new development on the Project site if all of the 9,753 sq.ft of the retained portion of the Barry Building is treated as floor area. As shown in **Table 3**, this alternative is economically feasible with a developer profit margin of 10 percent, conservatively treating all of the new construction as floor area, as shown in the spreadsheet included in **Exhibit C**. Parking could be accommodated on parcel 4404-025-016, which is owned by the Project Applicant and zoned P-1VL-O.

**4. New Feasible Alternative C – Rehabilitation of the Barry Building and New Development on Adjacent Parcels owned by the Project Site’s Owner 11973 San Vicente, LLC.**

This Alternative would include rehabilitation of the Barry Building, compliance with the Soft Story Ordinance, and new development on the Project site and portions of the some or all of the four parcels owned by 11973 San Vicente, LLC, shown in **Figures 3 and 4**. **Table 4** shows the combined lot area of the two parcels zoned C4-1VL.

//

//

//

//

---

<sup>35</sup> Per Sec. 2C.4.1: *Floor area ratio or FAR is defined as the measurement of the total floor area of all buildings on a lot in relation to the size of the lot.*  
<https://zoning.lacity.gov/browse/2#2C.4.1>.

<sup>36</sup> For what is included in building floor area, see:  
<https://zoning.lacity.gov/browse/14#14.2.7>

<sup>37</sup> 39,879 - 9,753 = 30,126.

**FIGURE 3:**  
**Parcels Included in Alternative C**

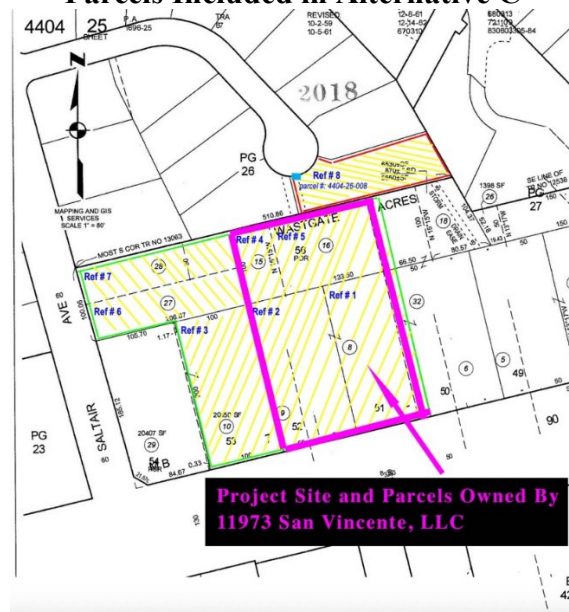


**FIGURE 4:**  
**Combined Area of Parcels Included in Alternative C per ZIMAS**

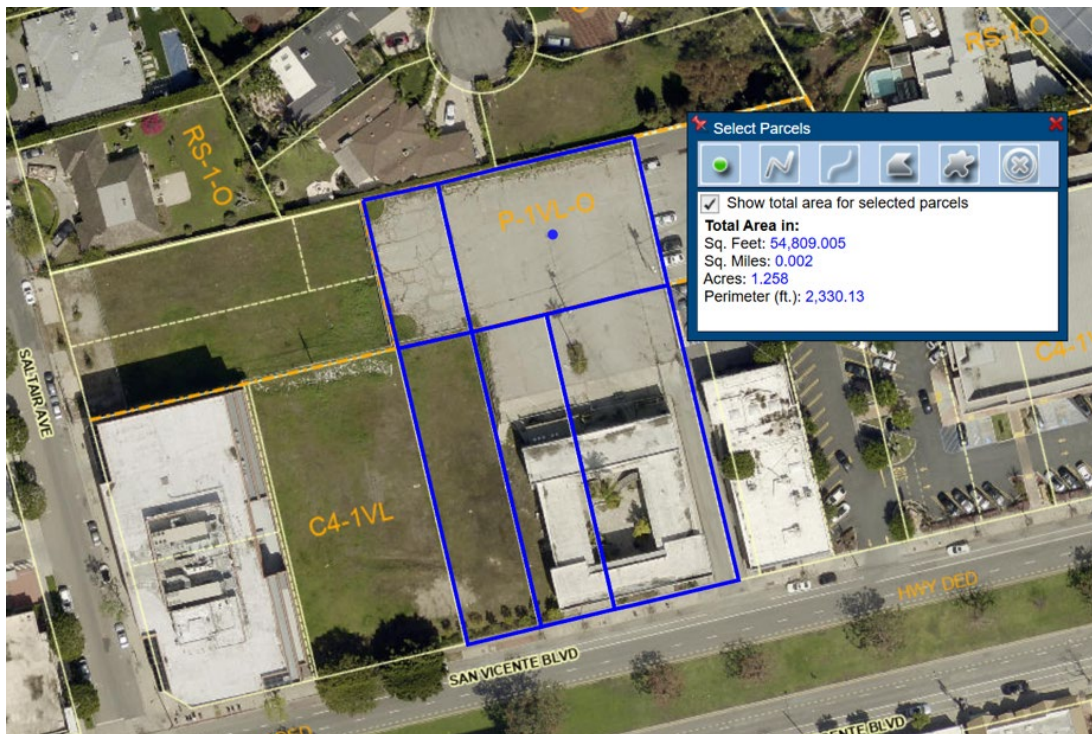


**TABLE 4**  
**LOT SIZE AND ZONING ALTERNATIVE C**

|   | Address       | APN          | Lot<br>Size <sup>38</sup> | Zoning | GP                             |
|---|---------------|--------------|---------------------------|--------|--------------------------------|
|   |               | 4404-025-008 | 26,586.4                  | C4-1VL | Neighborhood Office Commercial |
| 1 | None          |              |                           |        |                                |
|   | 11977 W. San  | 4404-025-009 | 9,986.2                   | C4-1VL | Neighborhood Office Commercial |
| 2 | Vincente Blvd |              |                           |        |                                |
|   |               | 4404-025-015 | 5,002.6                   | P-1VL- | Neighborhood Office Commercial |
| 4 | None          |              |                           | O      |                                |
|   |               | 4404-025-016 | 13,233.8                  | P-1VL- | Neighborhood Office Commercial |
| 5 | None          |              |                           | O      |                                |
|   |               | <b>TOTAL</b> | <b>54,809</b>             |        | C4 Area = 36,572.6             |

The area zoned C4-1VL is 36,572.6 and at a FAR of 1.5:1 would accommodate 54,858.9 square feet of development. The Barry Building is a 13,956 square foot commercial building (with 12,800 square feet of leasable space). This would leave approximately 40,902.9 square feet of FAR available for development on the two C4 parcels. This alternative is economically feasible with a developer profit level of 9%, conservatively treating all of the 40,902 sf of new development as floor area, as shown in the spreadsheet included in **Exhibit C**. Parking could be accommodated on the P-1VL-O lots.

**5. Feasible Alternative D – Retention and Rehabilitation of Barry Building and New Construction on Expanded Project Site on Parcels Owned by both Project Applicant 11973 San Vicente, LLC and also commonly owned 11991 San Vicente, LLC**

This Alternative would include rehabilitation of the Barry Building, compliance with the Soft Story Ordinance, and new development on the four parcels owned by 11973 San Vicente, LLC and the four parcels owned by 11991 San Vicente, LLC, as shown in **Figure 5**. **Figure 6** shows the combined lot area of the three parcels zoned C4-1VL.

---

<sup>38</sup> ZIMAS records for each parcel.

**FIGURE 5:**  
**Parcels Included in Alternative D**

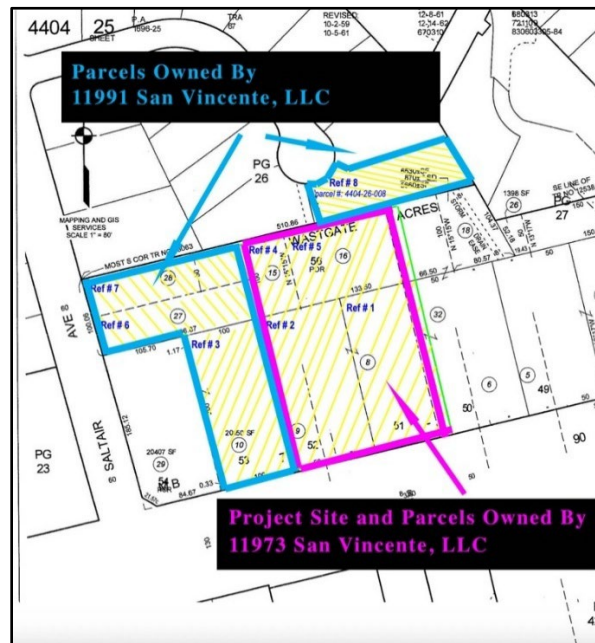


**FIGURE 6:**  
**Location and Combined Area of C4-1VL Parcels Included in Alternative D Per ZIMAS**



**TABLE 5**  
**LOT SIZE AND ZONING ALTERNATIVE B**

|   | <i>Address</i>                   | <i>APN</i>   | <i>Lot<br/>Size<sup>39</sup></i> | <i>Zoning</i> | <i>General Plan Designation</i>   |
|---|----------------------------------|--------------|----------------------------------|---------------|-----------------------------------|
| 1 | None                             | 4404-025-008 | 26,586.4                         | C4-1VL        | Neighborhood Office<br>Commercial |
| 2 | 11977 W. San<br>Vincente Blvd    | 4404-025-009 | 9,986.2                          | C4-1VL        | Neighborhood Office<br>Commercial |
| 3 | 11991 1-9 W San<br>Vincente Blvd | 4404-025-010 | 19,972.8                         | C4-1VL        | Neighborhood Office<br>Commercial |
| 4 | None                             | 4404-025-015 | 5,002.6                          | P-1VL-O       | Neighborhood Office<br>Commercial |
| 5 | None                             | 4404-025-016 | 13,233.8                         | P-1VL-O       | Neighborhood Office<br>Commercial |
| 6 | 644 S. Saltair Ave               | 4404-025-027 | 10,387.1                         | RS-1-O        | Low Residential                   |
| 7 | None                             | 4404-025-028 | 2,346.1                          | RS-1-O        | Low Residential                   |
| 8 | 11901 W Saltair Ter              | 4404-026-008 | 12,316.6                         | RS-1-O        | Low Residential                   |
|   | <b>TOTAL</b>                     |              | <b>99,831.6</b>                  |               | C4 Area = 56,545.4                |

The area zoned C4-1VL is 56,545.4 and at a FAR of 1.5:1 would accommodate 84,818.1 square feet of development. The Barry Building is a 13,956 square foot commercial building (with 12,800 square feet of leasable space). This would leave approximately 70,862.1 square feet of FAR available for development on the three adjacent C4 parcels. This alternative is economically feasible with a developer profit level of 15%, conservatively treating all of the 70,862.1 sf of new development as floor area, as shown in the spreadsheet included in **Exhibit C**. Parking could be accommodated on the P-1VL-O lots.

### **C. Failure to Analyze a Reasonable Scope of Alternatives**

The range of alternatives analyzed in the DEIR is manifestly unreasonable because none of them consider the availability of adjacent sites to develop or sell off in order to render financially feasible the preservation of the Barry Building. In this case, 11973 San Vicente, LLC (the applicant) owns adjacent property to the west and to the north of the Project Site while 11991 San Vicente, LLC owns further property to the west and north of those sites. The EIR did not consider development on the adjacent sites to capture the value of unused development rights from the Barry Building parcel, or to effectively subsidize restoration of the Barry Building by combining restoration with new development that would, in aggregate, be financially feasible.

Additionally, the EIR fails to provide any evidence that the applicant cannot reasonably acquire, control or otherwise have access to the parcels held by 11991 San Vicente, LLC. The evidence here strongly suggests that the parcels are so closely related in ownership that the applicant could acquire, control or otherwise have access to the parcels—requiring their consideration in the alternative analysis. (Guidelines § 15126.6(f)(1).)

<sup>39</sup> ZIMAS records for each parcel.

- 11973 San Vicente, LLC and 11991 San Vicente, LLC have the same managers (William Harold Borthwick and Charles T. Munger, Jr.), the same principal office address (200 N. Larchmont Blvd.), the same mailing address (515 S. Flower St.) and the same agent for service of process (Stacey A. Sullivan). (**Exhibit B**).
- The LLCs have virtually identical histories of filings with the California Secretary of State as documented over nine years of records, as shown in **Exhibit B**:
  1. The LLCs were formed just weeks apart from each other in 2017 with the same two managing members (January 30, 2017 for 11973 San Vicente, LLC and February 21, 2017 for 11991 San Vicente, LLC);
  2. Both LLCs amended their articles on August 13, 2024 to change from more than one manager to one manager in 2024 with William H Borthwick being the manager;
  3. Both LLCs filed Statements of Information on February 13, 2025;
  4. Both LLCs amended their articles on February 19, 2025 to change from one manager to more than one manager with both William H Borthwick and Charles T. Munger Jr. being the managers;
  5. Both LLCs filed Statements of Information on June 16, 2025, both of which changed the address for the agent of service of process from 300 S. Grand Ave., 37<sup>th</sup> Floor to 200 N. Larchmont Blvd.
- The managing members of both LLCs (William Harold Borthwick and Charles T. Munger, Jr.) are family members. See **Exhibit D** (Wikipedia entry) and **Exhibit E** (The Real Deal article).
- Moreover, title reports for all parcels owned by 11973 San Vicente, LLC and 11991 San Vicente, LLC show that all five parcels were acquired on the same day (April 27, 2017), by the same type of transfer (non-arm's length quitclaim) and from the same Munger-family entities (Charles T. Munger, the Munger Community Property Revocable Trust, and the NBACTMC II Partnership).<sup>40</sup> (See **Exhibit F** [Property Profile for 11973 San Vicente Blvd.]; **Exhibit G** [Property Profile for 11977 San Vicente Blvd.]; **Exhibit H** [Property Profile for 11991 San Vicente Blvd.]; **Exhibit I** [Parcel Profile for 11901 Saltair Ter.]; and **Exhibit J** [Property Profile for 664 S. Saltaire Ave.].) Screenshots summarizing the April 27, 2017 transactions are shown below:

---

<sup>40</sup> The NBACTMC II Partnership appears to be a Munger-owned property of Nancy Barry and Charles T. Munger based on Secretary of State filings for NBACTMC III, LLC and NBACTMC IV, LLC—both of which include William H. Borthwick and Charles T. Munger, Jr. as managing members.

**Property Profile for 11973 San Vicente Blvd.**  
**(Exhibit F)**

| Buyer /<br>Borrower   | Seller                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|
| 11973 SAN VICENTE LLC | MUNGER, CHARLES T;<br>MUNGER COMMUNITY<br>PROPERTY REVOCABLE<br>TRUS; THE NBACTMC II<br>PARTNERSHIP |

**Property Profile for 11977 San Vicente Blvd.**  
**(Exhibit G)**

| Buyer /<br>Borrower   | Seller                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|
| 11973 SAN VICENTE LLC | MUNGER, CHARLES T;<br>MUNGER COMMUNITY<br>PROPERTY REVOCABLE<br>TRUS; THE NBACTMC II<br>PARTNERSHIP |

**Property Profile for 11991 San Vicente Blvd.**  
**(Exhibit H)**

| Buyer /<br>Borrower   | Seller                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|
| 11991 SAN VICENTE LLC | MUNGER, CHARLES T;<br>MUNGER COMMUNITY<br>PROPERTY REVOCABLE<br>TRUS; THE NBACTMC II<br>PARTNERSHIP |

**Property Profile for 11901 Saltaire Ter.**  
**(Exhibit I)**

| Buyer /<br>Borrower   | Seller                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|
| 11991 SAN VICENTE LLC | MUNGER, CHARLES T;<br>MUNGER COMMUNITY<br>PROPERTY REVOCABLE<br>TRUS; THE NBACTMC II<br>PARTNERSHIP |

**Property Profile for 644 S. Saltaire Ave.**  
**(Exhibit J)**

| Buyer /<br>Borrower   | Seller                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|
| 11991 SAN VICENTE LLC | MUNGER, CHARLES T;<br>MUNGER COMMUNITY<br>PROPERTY REVOCABLE<br>TRUS; THE NBACTMC II<br>PARTNERSHIP |

Preservation architect Fran Offenhauser has submitted a declaration establishing that the failure to consider the value and development rights of adjacent property was a fundamental methodological error in the EIR's alternatives analysis. (**Exhibit K.**)

**D. Failure as an Informational Document**

The DEIR did include the following appendices:

- Appendix G: Seismic Assessment
- Appendix H-1: Mothballing Memo
- Appendix H-2: Alternatives Structural Analysis
- Appendix H-3: Soft Story Memorandum
- Appendix H-4: Historic Memo (Alt 1)
- Appendix H-5: ADA Upgrade Report
- Appendix H-7: Historic Memo (Alt 2)
- Appendix H-9: Historic Memo (Alt 3)

However, the DEIR failed to provide sufficient information to allow independent review of the structural engineer's conclusion that additional seismic upgrades to the building were required even with the Soft Story Retrofit, and did not include the cost analysis used by the applicant to convince the City the alternatives were financially infeasible. The EIR thus failed as an information document since it did not provide the public with sufficient information to review these conclusions. It also fails as an information document because it did not include any alternatives which the City agreed were feasible.

**E. Inadequate Response to Comments**

CEQA Guidelines Section 15088(c) requires that the responses to comments on the DEIR:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments

must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

In comment B1-4 (“Blue letter”) and other comments, members of the public raised the issue of the applicant’s ownership of adjacent parcels. These comments were relevant to the definition of a reasonable range of alternatives that would reduce or eliminate the significant unmitigable impacts of the proposed Project. The response states that:

. . . It is also noted that the entity that owns the Subject Property does not own the parcels identified as APNs 4404-025-010, 4404-025-027, 4404-025-028, and 4404-026-008.

The Applicant has sent a letter to the City providing further details as to the ownership of the adjacent and nearby parcels that are identified in the documents in Attachment F (to the comment letter). A copy of that letter is attached as Appendix C to this Final EIR.”

The applicant’s letter in Appendix C states:

We have reviewed the Statements of Information from the California Secretary of State for 11973 San Vicente, LLC and 11991 San Vicente, LLC and the Property Detail Reports attached to the Blue Letter. The information is accurate however, the documents do not detail ownership interests in the limited liability companies identified on those documents, namely, 11973 San Vicente, LLC and 11991 San Vicente, LLC. The ownership interests for those companies are different and are not the same.

The response that “there are different entities” is not a good faith reasoned analysis given, as shown in **Exhibit B** to this letter, the two entities have the same managers, the same principal office address, the same mailing address, the same agent for service of process, an identical history of amendments spanning over nine years and where the managers are family members. The question is “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (Guidelines § 15126.6(f)(1).) The City’s reliance on this information to respond to a fundamental question about the feasibility of alternatives to preserve the Barry Building is not a good faith, reasoned analysis because it does not address the criteria for considering the feasibility of alternative site expressly stated in the Guidelines. (Guidelines § 15126.6(f)(1).) The City must request detailed ownership information regarding the LLCs and provided an abstract summarizing non-confidential information to substantiate its response in the Response to Comments. The record here demonstrates that the City failed entirely to even investigate the relationship between the owners beyond accepting the applicant’s counsel’s statement that the ownership interests are “different”—a statement that is irrelevant for CEQA purposes. The lack of relevant information and the City’s complete failure to obtain information

regarding ownership and present a non-confidential abstract to the public renders the response to comments inadequate.

**VI. THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE**

The Findings and Statement of Overriding Consideration (“SOC”) are included as Exhibit A to the June 6, 2025 Department of Building and Safety Letter of Determination.<sup>41</sup> They are not supported by Substantial Evidence and/or Substantial Evidence refutes the Findings and SOC.

**A. The Cultural Heritage Commission Found That the Statement of Overriding Considerations Was Not Supported By Substantial Evidence**

The Findings and Statement of Overriding Consideration were reviewed by the City’s Cultural Heritage Commission (“Commission”). LAMC Section 22.171.14(b) requires the Commission to:

- (b) **Standards for Issuance of a Permit for the Demolition or Relocation of a Site, Building or Structure Designated a Monument.** The Commission shall base its determination on the approval of a permit for the demolition or removal of any Monument on the following:
1. A report regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior’s Profession Qualification Standards as established by the Code of Federal Regulations, 36 C.F.R. Part 61. This report shall be based on the Secretary of the Interior’s Standards for Architectural and Engineering Documentation with Guidelines; and
  2. Compliance with the California Environmental Quality Act, Public Resources Code Section 21000, et seq.

While the CHC was not presented with a required reuse report, the CHC did consider the information from the applicant’s structural engineer. Following its review of the EIR and information presented at the hearing, the Cultural Heritage Commission recommended that the Department of Building and Safety **not adopt a Statement of Overriding Considerations**

---

<sup>41</sup> Starting on page 30 of pdf 25-1518\_misc\_5\_12-16-25, Report on Appeal From Determination of Superintendent of Building, dated 10/15/2025, available at: [https://cityclerk.lacity.org/online/docs/2025/25-1518\\_misc\\_5\\_12-16-25.pdf](https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf)

**because the CHC found, after reviewing the EIR and record, that there was not substantial evidence in the record to support the adoption of a Statement of Overriding**

**Considerations.** The reasons the Commission recommended against adopting the Statement of Overriding Considerations are detailed in the Los Angeles Department of City Planning's September 5, 2024, Recommendation Report to the Commission<sup>42</sup> and repeated below (emphasis added):

**2. There is not substantial evidence in the record to support the adoption of a Statement of Overriding Considerations.**

As outlined in LAMC 91.106.4.5, if the CEQA Initial Study and Checklist determines the building or structure meeting the requirements is historically "significant," LADBS shall not issue the permit to demolish, alter, or remove the building or structure without first finding that specific economic, social, or other considerations make infeasible the preservation of the building or structure. CEQA Guidelines Section 15093(b) dictates that a public agency or decision-maker must adopt a SOC if significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. The purpose of a SOC is to document a finding that the benefits of a project outweigh the project's significant and unavoidable impacts as balanced by the decision-maker, in this case LADBS. As per California Code of Regulations Title 14 Section 15093, if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'

A key policy of CEQA under PRC Section 21001 (b) and (c) is that the City as the lead agency, "take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history."

As outlined in its July 15, 2024 letter (attached), the applicant contends that the benefits, goals, and objectives of the proposed project outweigh the impact of the demolition of the HCM for the following reasons: 1) *Removal of an existing safety hazard and seismically unsafe and noncompliant structure;* 2) *Removal of an attractive nuisance for vandals, transient populations, loitering, and other unlawful behavior;* 3) *Clear the existing property of noncompliant structures in a manner that will not preclude any future development consistent with existing zoning;* and 4)

---

<sup>42</sup> Exhibit E1 of the Appeal Report, beginning on PDF page 82.

*Comply with the Soft-Story Ordinance, which provides for demolition at the owner's option, within the time limits as specified in the Ordinance, is the only economically feasible course of action.*

Staff recommends that the above benefits of the project are not supported with substantial evidence based on the following. The subject building was constructed in 1951 and has withstood the test of time, remaining standing over the past 70 years through multiple significant seismic events including in 1971 (San Fernando, magnitude 6.6), 1987 (Whittier-Narrows, magnitude 5.9), and 1994 (Northridge, magnitude 6.7). **At the time that the building was vacated in 2016, the subject building was not deemed dangerous or unfit for human habitation by LADBS nor was it slated to be condemned.**

Furthermore, it can be argued that the property owner created this problem by voluntarily vacating the building and leaving it unoccupied for over eight years. The proposed project is to demolish the building, rendering the site a vacant lot, with no proposed replacement structure. **In the balancing test of a project's public benefit versus its impacts to historical resources under CEQA, a vacant lot frequently contributes to additional community problems, serving as a further detriment while not conferring any additional benefits.** As it is commonly known, vacant lots (inclusive of vacant buildings) can have many negative impacts on communities that include increases in crime, vagrancy, damaging effects on mental and physical health, a reduction in values of neighboring properties, and decreased tax revenue.<sup>43</sup> Vacant lots also detract from efforts to create cohesive, vibrant, and pedestrian-friendly neighborhood commercial corridors, such as the San Vicente Commercial Corridor as highlighted in a report published by the National Trust for Historic Preservation and the Urban Land Institute.<sup>44</sup>

---

<sup>43</sup> Citing: (1) Branas, C. C., Rubin, D., & Guo, W. 2013. "Vacant Properties and Violence in Neighborhoods." *ISRN Public Health*, 2012, 246142. <https://doi.org/10.5402/2012/246142>; and (2) Stern, Matthew, and T. William Lester. 2020. "Does Local Ownership of Vacant Land Reduce Crime? An Assessment of Chicago's Large Lots Program." *Journal of the American Planning Association* 87 (1): 73-84. <https://www.tandfonline.com/doi/full/10.1080/01944363.2020.1792334>. <https://chicagopolicyreview.org/2020/12/08/impacts-of-local-ownership-of-vacant-land-on-crime/>.

<sup>44</sup> Citing: National Trust for Historic Preservation Preservation Green Lab and the Urban Land Institute. "Untapped Potential: Strategies for Revitalization and Reuse." 2017. <https://ohp.parks.ca.gov/pages/1054/files/Untapped%20Potential%20Green%20Lab%20ULI.pdf>.

In addition, one of the primary objectives of the Brentwood-Pacific Palisades Community Plan is to “preserve and enhance neighborhoods with a distinctive and significant historic character” and the plan actively promotes the protection and reuse of the area’s historic resources through its policies. Nevertheless, retaining the subject building does not preclude a future project that may involve the demolition of the building and construction of a new building. As stated by the applicant, there is not a foreseeable project, so it is not appropriate to weigh the purely speculative benefit of clearing the lot for an unknown future project.

And finally, out of the over 880,000 parcels in the City of Los Angeles, only 12,347 buildings are subject to the Soft-Story Retrofit Program, and of these 76-percent have complied as of February 2024; 30 of these, or 0.2 percent, complied through demolition. According to the applicant, **only three other Historic-Cultural Monuments are subject to this ordinance-all of which have complied with the ordinance by retrofitting the building.** These three buildings are the Elkay Apartments (HCM #368) located at 638-642% S. Kelton Avenue that complied with the ordinance in 2022, the Sheets Apartments (HCM #367) located at 10919 W. Strathmore Drive that complied with the ordinance in 2022, and the Roberts Apartments (HCM #1185) located at 3740-3744 Landa Street; 1780 N. Griffith Park Boulevard that complied with ordinance in 2020.

Applicants argue the benefit of the project is the “*removal of an existing safety hazard and seismically unsafe and noncompliant structure.*” However, it is arguable that **substantial evidence does not support that it is necessary to demolish the building to attain this “benefit.”** **Compliance with the Soft-Story Retrofit Program only requires the south facade of the building to be retrofitted and would not require any accessibility upgrades. As an historical resource, the subject building would be able to utilize the California State Historical Building Code, which provides alternative building regulations for permitting repairs, alterations, and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a qualified historical building or structure.** Specifically, the code is intended to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such buildings, structures and properties and to provide reasonable availability and usability by the physically disabled. In addition, **if upgrades were pursued, the Americans with Disabilities Act (ADA) enables designated historical properties to meet minimum standards if full compliance with the regular code would threaten or destroy the historical significance of the property.** As such, while it may be a benefit to remove the hazard, **demolition is not necessary to remove the hazard.**

Apart from the potential loss of the designated historic resource, the Barry Building is one of the rare examples of commercial mid-20th century modern design designated as an HCM. In fact, a preliminary review suggests that out of over 1,300 designated HCMs, the Barry Building is only one of a handful of modernist commercial buildings that include: the Neutra Office Building (HCM #676; constructed in 1951); the Jones and Emmons Building (HCM #696; constructed in 1954); CBS Columbia Square Studios (HCM #947, constructed in 1938); and the Musicians Union of Hollywood (HCM #1158, constructed in 1950). Further, of the 51 HCMs in the Brentwood-Pacific Palisades community, there are only two other commercial buildings: the Gas Station (HCM #387) on South Barrington Avenue and the Pacific Palisades Business Block (HCM #276) on Sunset Boulevard and Via de la Paz. Additionally, the subject building is significant to the cultural identity of the San Vicente Commercial Corridor. As a well-recognized gathering spot and local landmark, the subject building's relationship between its commercial identity and its unique architectural design have contributed greatly to the growth and development of San Vicente Boulevard as a vibrant commercial corridor.

(Emph. added.)

**B. The Statement of Overriding Considerations is Not Supported By Substantial Evidence**

The Statement of Overriding Considerations alleges:<sup>45</sup>

Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project would remove an existing safety hazard and seismically unsafe structure, which includes significantly seismically overstressed building portions, in compliance with the Soft Story Ordinance, and objectives to protect public safety or possible occupants in the event of a moderate to severe earthquake;
2. The Project would remove an attractive nuisance, namely a building known to be vacant, that may give rise to break-ins and other unlawful behavior, and which could pose safety and other

---

<sup>45</sup> Ibid. Page 66.

risks to the surrounding community and adjacent properties for unlawful behavior within a structurally unsound building;

3. The Project would pursue an economically feasible improvement to the property in a manner that will also benefit the surrounding community by removing public safety risks and health hazards;
4. The Project would create an additional vacant site that could accommodate housing or other commercially viable development in the future, built to more energy-efficient and structurally safer modern building codes, contributing to the City's Regional Housing Needs Assessment (RHNA) allocations and the City's critical housing need, or providing new commercial uses in line with smart growth policies and transit-oriented development; and
5. The Project would create jobs during demolition for construction workers in the City.

These findings are not supported by substantial evidence or are contradicted by substantial evidence for the following reasons:

**C. The Alternatives Would Cure the Seismic Safety Hazard Issue**

The SOC alleges that: the "Project would remove an existing safety hazard and seismically unsafe structure, which includes significantly seismically overstressed building portions, in compliance with the Soft Story Ordinance, and objectives to protect public safety or possible occupants in the event of a moderate to severe earthquake." The Cultural Heritage Commission implicitly rejected the contention that the building is seismically unsafe, as discussed above. It did so after hearing from the applicant's structural engineer,<sup>46</sup> as part of its consideration of whether the SOC was supported by substantial evidence.

Both of the environmentally superior alternatives, Alternative 1 – No Project with Soft Story Ordinance compliance and Alternative 2 – Rehabilitation of the Barry Building would cure the unsafe nature of the structure and comply with the City's Soft Story Ordinance, while eliminating the unmitigated impacts of the proposed Project, as detailed herein. (See **Exhibits A and L**). Furthermore, as detailed herein, it is possible to craft a version of Alternative 3 which is financially feasible and which rehabilitates the full Barry Building by providing construction of additional commercial space on the Project site. Overriding Consideration #1 is thus not supported by substantial evidence, or is countered by substantial evidence provided herein which demonstrates that Alternatives 1, 2 and 3 are superior to the proposed Project in meeting this aim.

---

<sup>46</sup> Cultural Heritage Commission Meeting of September 5, 2024, audio available at: [https://planning.lacity.gov/plndoc/Audio/CHC/2024/09-05-2024/4\\_CHC\\_2007\\_1585.mp3](https://planning.lacity.gov/plndoc/Audio/CHC/2024/09-05-2024/4_CHC_2007_1585.mp3); see transcript at **Exhibit M**.

**D. The Alternatives Would Remove the Nuisance Issue**

There is limited evidence in the record that the Project would “remove an attractive nuisance, namely a building known to be vacant, that has given rise to break-ins and other unlawful behavior, and which has posed safety and other risks to the surrounding community and adjacent properties for unlawful behavior within a structurally unsound building.” Los Angeles City Building Code Section 8904.1 specifies the Duties of the Owners of Vacant Property, including:

It shall be unlawful for the owner or person in control of a parcel of land to permit the accumulation of trash, debris, vehicle parts, rubbish, excessive vegetation or other similar nuisance conditions on a parcel or in and around any building or structure located on a parcel. The Department may order the fencing of such a parcel in the manner described below.

It shall be unlawful for the owner or person in control of a parcel of land to allow a vacant building or structure to be open to unauthorized entry on that land. The entire building or structure shall be securely maintained. The owner or person in control of a vacant building, structure, or lot which is open to unauthorized entry shall secure all openings, accessible for entry from the exterior of the building or structure, and where appropriate, the entire lot itself, . . .

Section 91.8904 of the LAMC similarly specifies the duties of owners of vacant property. Since the buildings was closed by the project applicant and left to decay in 2012, there has been only one complaint about the property in April of 2017, which was resolved.

11973 W. San Vincente

| Code Enforcement Information: <span>4</span> |                                                      |        |
|----------------------------------------------|------------------------------------------------------|--------|
| Date Received                                | Problem Description                                  | Status |
| 12/10/2012                                   | MISCELLANEOUS COMPLAINTS                             | CLOSED |
| 3/3/2017                                     | ANY CHANGES DONE TO A PROPERTY IN AN HISTORICAL AREA | CLOSED |
| 3/3/2017                                     | ANY CHANGES DONE TO A PROPERTY IN AN HISTORICAL AREA | CLOSED |
| 4/4/2017                                     | ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC | CLOSED |

//

//

//

11975 W. San Vincente

| Code Enforcement Information: 4 |                                                      |        |
|---------------------------------|------------------------------------------------------|--------|
| Date Received                   | Problem Description                                  | Status |
| 12/10/2012                      | MISCELLANEOUS COMPLAINTS                             | CLOSED |
| 3/3/2017                        | ANY CHANGES DONE TO A PROPERTY IN AN HISTORICAL AREA | CLOSED |
| 3/3/2017                        | ANY CHANGES DONE TO A PROPERTY IN AN HISTORICAL AREA | CLOSED |
| 4/4/2017                        | ABANDONED OR VACANT BUILDING LEFT OPEN TO THE PUBLIC | CLOSED |

The applicant reported that a break in occurred on the property in May 2024, the same month the Project was referred to the CHC and before the CHC hearing, which caused damage to the Barry Building.

Other than these two instances, there is no evidence in the record that this building functions as an attractive nuisance. The CEQA Appeal included an email from an LAPD Senior Lead Officer demonstrating that this was the only incident over ten years. If nuisance issues were more common, the City has a process for dealing and remedying the problem.

The applicant has a legal duty to ensure that the existing HCM does not function as an attractive nuisance and to properly secure the property. The Statement of Overriding Considerations thus assumes that the property owner will fail to comply with City requirements regarding securing vacant property, despite a lack of evidence that the property owner has failed to do so, and ignoring the applicants record of compliance between 2017 and just prior to the CHC hearing.

The proposed Project would create a vacant lot, which also has the potential to function as an attractive nuisance, as noted by the Cultural Heritage Commission. According to page 7, of the Report on the Appeal Determination, the applicant “has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger or new development project.”<sup>47</sup> LAMC Section 91.8904 et. seq. also applies to vacant lots stating that “It shall be unlawful for the owner or person in control of a parcel of land to permit the accumulation of trash, debris, vehicle parts, rubbish, excessive vegetation or other similar nuisance conditions on a parcel . . .” If the Statement of Overriding Considerations is to assume that the owner of the property will not comply with City requirements to ensure that the existing vacant building is not a nuisance, it must similarly assume that the owner of the property will not comply with requirements to ensure that the result of the Project, a vacant lot, is not a nuisance. By the same logic as used by

---

<sup>47</sup> PDF page 7, 108 of Report on Appeal From Determination of Superintendent of Building, dated 10/15/2025, available at:  
[https://cityclerk.lacity.org/online/docs/2025/25-1518\\_misc\\_5\\_12-16-25.pdf](https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf)

the applicant, the Project as proposed thus has the potential to result in, rather than cure an attractive nuisance. This overriding consideration is not supported by substantial evidence.

**E. The Environmentally Superior Alternative Is Economically Feasible and Would Remove Public Safety Risks and Health Hazards and There Exists Other Feasible Alternatives That Would Also Remove Public Safety Risks and Health Hazards While Retaining the HCM**

The applicant has argued and the Statement of Overriding Consideration states that: “The Project would pursue an economically feasible improvement to the property in a manner that will also benefit the surrounding community by removing public safety risks and health hazards.” However, the two Environmentally Superior Alternatives also have this benefit, while eliminating the two significant unmitigable impacts of the Project.

The applicant has argued that these alternatives are financially infeasible. The City has accepted that without question, however, as detailed in **Exhibits A and L** to this letter and explained below, this is based on a faulty analysis of the costs of retaining the HCM. Alternatives 1 and 2 would comply with the City’s Soft Story Ordinance, are both arguably financially feasible, and achieve the Project objectives. In addition, as demonstrated herein, if the City rejects Alternative 1 and 2 on feasibility grounds, there are other Alternatives, such as those provided herein for illustrative purposes, which would feasibly result in retention and reuse of the HCM. These alternatives cannot be rejected on the basis of financial infeasibility and financial infeasibility cannot be used as a justification for rejecting a Project Alternative that results in retention and reuse of the HCM.

***The Structural Focus Report***

**Exhibit L** contains a report by Structural Focus. The Structural Focus report concludes that the property owner’s claim of “economic infeasibility” is based on a fundamental misunderstanding of the City’s “Soft Story Ordinance.” The report explains that the owner’s consultants (Hill International and Englekirk) significantly overestimated the required work (and thus cost) involved the Alternative 1, by including voluntary upgrades rather than focusing strictly on the mandatory safety corrections. This concern was shared by the Cultural Heritage Commission. Specifically, the Structural Focus report explains:

- **Mandatory vs. Voluntary Scope:** The report explains that the Soft Story Ordinance **only** mandates retrofitting the “soft, weak, or open-front” wall lines, which in this case is limited to the first story of the “south wing”. Any work beyond this (including upper stories or other wings) is entirely voluntary and not required by law.
- **Validation of Lower Cost Estimates:** The report validates the cost estimate submitted to the City by Alpha Structural, which totaled approximately \$379,000 (\$365,000 construction + \$14,000 fees).
  - The report explains that this estimate is “far more realistic” because it targets only the mandatory ordinance requirements.

- In contrast, the Hill International estimates (exceeding \$10 million) are rejected by the report's author as inflated because they rely on a discretionary "expanded scope" that the City does not require.
- **Application of Historic Building Code:** The report emphasizes that as a historic resource, the Barry Building is subject to the California Historical Building Code (CHBC), which allows for alternative, less stringent regulations than standard code.
  - Seismic forces need not exceed 75% of standard code, and the focus should be on "load path continuity" rather than a full retrofit.
  - The author argues that even the "Phase 1" retrofit proposed by the owner's engineer (Englekirk) may be overly expensive because it likely ignores these historic code allowances.
- **Conclusion on Feasibility:** The report concludes that the demolition is being justified by costs associated with *voluntary* work. If the scope were limited to the actual legal requirements (South Wing Soft Story only), the retrofit would be a fraction of the cost presented to the City.
- **The Structural Focus report is authored by David Cocke**, a licensed Structural Engineer (S.E. #3005) with over 44 years of experience. His qualifications are highly specific to this case:
  - **Author of the Regulations:** David Cocke was appointed by Los Angeles Mayor Eric Garcetti to the Technical Task Force in 2014 that wrote the mandatory seismic retrofit ordinances (including the Soft Story Ordinance) at the center of this case.
  - **State Board Member:** He is a voting member of the California Historical Building Safety Board, the state body that governs the code for historic structures.
  - **Historic Preservation Expert:** He is an acknowledged expert in the seismic evaluation of historic buildings and has served on the boards of the L.A. Conservancy, the California Preservation Foundation and Pasadena Heritage.
  - **Meets the 1997 Secretary of the Interior's Historic Preservation Professional Qualification Standards:** His studies and experience include detailed investigations of historic structures and preparation of plans and specification for preservation projects.<sup>48</sup>

---

<sup>48</sup> Although the current (1983) Secretary of the Interior Standards do not include a separate qualification for structural engineering, the proposed Secretary of the Interior's Historic Preservation Professional Qualification Standards which were expanded and revised in 1997 (62

- **Professional Leadership:** He is a Fellow and Past President of the Structural Engineers Institute (SEI) and the Earthquake Engineering Research Institute (EERI).

### *The Offenhauser/Mekeel Architects Report*

**Exhibit A** contains a report by Offenhauser/Mekeel Architects. The Offenhauser/Mekeel Architects report is a detailed critique of the construction cost estimates provided by Hill International (on behalf of the owner) and the subsequent appraisal by CBRE. It demonstrates that these documents are “highly deceptive” and “misled decisionmakers” into approving the demolition based on inaccurate claims of economic infeasibility. As explained in more detail in the report, the Hill International and CBRE estimated suffer from:

---

FR 33708, June 20) do include the qualifications for engineering. See:  
<https://www.govinfo.gov/content/pkg/FR-1997-06-20/pdf/97-16168.pdf> As noted therein:

In its 1992 amendments to the (National Historic Preservation ) Act (Pub. L. 102–575), Congress recognized the evolution and growth of the professional practice of historic preservation, and an expanded . . . the number of disciplines acknowledged as key to the responsible practice of historic preservation has been increased by the Act and therefore by the National Park Service from the five identified almost 20 years earlier to 12, now including Archeology (Prehistoric and Historic), Architectural History, Conservation, Cultural Anthropology, Curation, **Engineering**, Folklore, Historic Architecture, Historic Landscape Architecture, Historic Preservation, Historic Preservation Planning, and History.

Mr. Cocke meets these enumerated standards for engineering, which have been adopted by a number of states. (See for example, Georgia, which has combined the 1983 and 1997 Secretary’s standards). Although, the 1997 revision was not formally adopted for federal regulatory purposes, Mr. Cooke would qualify under the professional standard for engineering.

Pursuant to the Code of Federal Regulations, 36 CFR Part 61, the current 1983 Historic Architecture qualifications include: “The minimum professional qualifications historic in architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following: 1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, **or closely related field**; or 2. At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.” Structural engineering is a closely related field and Mr. Cocke arguably meets the current Historic Architecture qualifications, given his substantial experience in a field closely related to Historic Architecture, Structural Engineering, and the nature of his work.

- **Extreme Cost Inflation (Mandatory vs. Voluntary)**
  - **The "Required" Narrative:** The City was told that a project costing roughly **\$12 million to \$15 million** was "required" to save the building.
  - **The Actual Mandatory Cost:** The Offenhauser/Mekeel report calculates that using the Owner's own figures, the actual cost for the *mandatory* seismic retrofit is only **\$1,579,619**.
  - **Alternative Expert Cost:** Using a specialized soft-story contractor (Alpha Structural), the cost drops further to **\$1,167,441**, with the specific seismic work costing as little as **\$379,000**.
  - **Source of Inflation:** The Offenhauser/Mekeel Architects report demonstrates that the owner's estimates incorrectly included millions of dollars in *voluntary* work as "required," including:
    - **Scope Creep:** Retrofitting the *entire* building when the "Soft Story Ordinance" only applies to the first floor of the "South Wing".
    - **Unnecessary Upgrades:** Adding new air conditioning, window replacements, fire alarms, and "unsubstantiated abatement" for lead/mold that are not triggered by the mandatory retrofit.
    - **ADA Exaggeration:** Including disabled access upgrades (like elevators) for the second floor, which is legally exempt for a private office building of this size.
- **Flawed Appraisal & Economic Feasibility**
  - **Circular Logic:** The CBRE appraisal claimed the building had "negative value" (\$0) based entirely on the inflated Hill International construction costs.
  - **Inappropriate Use of Land Value:** The Offenhauser/Mekeel Architects report explains that relying on a "vacant land value" appraisal to justify demolition is deceptive because the land value exists whether the small 13,000 sq. ft. building remains or not.
  - **Feasibility Proven:** The Offenhauser/Mekeel Architects report notes that **95%** of the 12,433 soft-story buildings in Los Angeles have already complied with the ordinance; the Barry Building owners are in the small minority (5%) who have refused to act. Compliance with the soft-story ordinance is feasible while retaining the building.

- **Specific Errors in Estimates**

- **Hill Estimate #1:** Contained "obvious errors" (like requiring elevators) that were retracted after public outcry.
- **Hill Estimate #2:** After removing the erroneous ADA items, the estimate *increased* to \$15 million by adding new, previously unlisted costs (e.g., a new fire alarm system, 15-ton HVAC unit) to maintain the "infeasibility" argument.
- **Author Qualifications:** The report has been prepared by Offenhauser/Mekeel Architects. Their qualifications are described as follows:
- **Historic Preservation Veterans:** They are architects with "extensive experience with seismic retrofits in historic buildings over 50 years".
- **Meet the Secretary of the Interior's Standards for Architecture and Historic Architecture.**<sup>49</sup>
- **Code Experts:** They possess specialized expertise in complying with the "wide spectrum of building, structural, and disabled access codes" applicable to historic resources, specifically the State Historic Building Code (SHBC), which allows for cost-saving exemptions that the owner's consultants ignored.

Both Alternatives 1 and 2 and the alternatives contained herein, could potentially result in an economically feasible improvement to the property in a manner that will also benefit the surrounding community by removing public safety risks and health hazards. Alternative 1 is both environmentally superior and economically feasible. Alternative 2's costs must be compared to the cost of future new construction on the site which would be necessary to obtain the same economic return, and in so doing it is clear that Alternative 2 is also economically feasible. The new alternatives described in this letter would all retain and rehabilitate the Barry Building, eliminating the significant unmitigated impacts of the Project. Both Alternatives 1 and 2, and the variations on Alternative 3 presented herein, would result in economic use of the property, unlike the proposed Project which will result in the creation of a vacant lot. They thus achieve the Overriding consideration aim #3 of improving the property in a manner that will also benefit the surrounding community by removing public safety risks and health hazards, to a greater extent than the proposed Project; therefore, this rationale cannot be used to justify demolition of the HCM or as an overriding consideration to justify demolition of the historical resource.

---

<sup>49</sup> The qualifications are enumerated in:  
<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>

**F. The Project Applicant Has Indicated They Will Not Pursue Future Development of the Site**

There is no evidence in the record that: “The Project would create an additional vacant site that could accommodate housing or other commercially viable development in the future, built to more energy-efficient and structurally safer modern building codes, contributing to the City’s Regional Housing Needs Assessment (RHNA) allocations and the City’s critical housing need, or providing new commercial uses in line with smart growth policies and transit-oriented development.” In fact, the record indicates that:<sup>50</sup>

As previously noted in the Final EIR, there is no evidence in the record of piecemealing or that there is a proposed development project for the site. In fact, as part of the application for a demolition permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger or new development project.

Either: (1) future development is anticipated and must be addressed in the EIR for the Project, as demolition of the existing Barry Building (the Project) is a precursor to that development; or, (2) the proposed Project is not linked to, or a precursor to, future planned development, and thus the benefits of future development cannot be used to override the significant unmitigated impacts of the Project. Overriding Consideration #4 is without merit and is not supported by substantial evidence.

**G. The Alternatives Would Create More or a Similar Number of Jobs for Construction Workers**

The retrofit of the existing Barry Building under either Alternative 1 or Alternative 2, or the variants of Alternative 3 presented herein, would generate a number of jobs for construction workers. The generation of construction worker jobs is not unique to the proposed Project and thus cannot be used as an overriding consideration to justify demolition of the Barry Building, when there are feasible alternatives that will also generate construction jobs. In addition, Alternatives 1 and 2, and the variants of Alternative 3 presented herein, have the potential to result in long-term office or commercial jobs, whereas the Project will result in a vacant lot. The alternatives thus have greater job creation potential than the proposed Project and will result in a greater job creation benefit than the proposed Project. Overriding Consideration #5 is without merit, is not supported by substantial evidence, and is inferior to the job creation potential of the alternatives.

**VII. IMPROPER REJECTION OF THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

As specified in Public Resources Code (PRC) Section 21002 and CEQA Guidelines Section 15021(a)(2) a Lead Agency should not approve a project if there are feasible alternatives available that would lessen the significant environmental impacts of proposed development:

---

<sup>50</sup> Appeals Report PDF page 7.

**PRC § 21002. APPROVAL OF PROJECTS; FEASIBLE  
ALTERNATIVE OR MITIGATION MEASURES**

The Legislature finds and declares that it is the policy of the state that **public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects**, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

(Emph. added.)

**Guidelines § 15021. DUTY TO MINIMIZE ENVIRONMENTAL  
DAMAGE AND BALANCE COMPETING PUBLIC OBJECTIVES**

- (a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
  - (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
  - (2) **A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.**
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

Note: Authority cited: Section 21083, Public Resources Code;  
Reference: Public Resources Code Sections 21000, 21001, 21002,  
21002.1, and 21081; *San Francisco Ecology Center v. City and  
County of San Francisco*, (1975) 48 Cal. App. 3d 584; *Laurel Hills  
Homeowners Association v. City Council*, (1978) 83 Cal. App. 3d 515.

(Emph. added.)

As detailed herein, if the two Environmentally Superior Alternatives deemed infeasible, there are variations of Alternative 3 that are feasible and which would eliminate the unmitigable impacts of the proposed Project, once analyzed in a Recirculated DEIR. While some of the other impacts might be greater than those described for Alternative 3 in the EIR, like the impacts for Alternative 3 in the EIR, remaining impacts would be either less than significant, or less than significant with mitigation. If Alternatives 1 and 2 are eliminated as infeasible, then one of the variants of Alternative 3 would be the Environmentally Superior Alternative.

## **VIII. VIOLATION OF DUE PROCESS AND RIGHT TO A FAIR HEARING**

### **A. Failure to Provide Documents or Summaries of Relevant Information**

A fundamental precept of due process and fair hearings is that an agency must provide access to evidence to allow a party to address and rebut it. In this case, Angelenos for Historic Preservation does not have access to critical information including mold reports, hazardous material reports, photographs or diagrams of the site, reports by the applicant's consultants. Additionally, Angelenos for Historic Preservation does not have access to the articles of organization for 11973 San Vicente, LLC and 11991 San Vicente, LLC, which prevents it from making CEQA arguments regarding the scope of reasonable alternatives. The City could have requested this information and provided an abstract of non-confidential terms outlining the structure of ownership for each LLC and disclosing the relationship between the ownership interests. Angelenos for Historic Preservation is denied a fair hearing and its due process rights are violated because the City did not provide access to an abstract of non-confidential information regarding ownership.

### **B. Biased Decisionmaker**

The appeal by Angelenos for Historic Preservation of the decision made by the Board of Building and Safety Commissioners (BBSC) for the Barry Building (HCM #887) Demolition Project involves a quasi-judicial determination. Unlike legislative acts where political advocacy is permitted, this proceeding requires the City to act as a neutral arbiter. The integrity of this record has been fundamentally undermined. The circumvention of neutral professional staff, coupled with an inappropriate partnership between the applicant and the CD-11 office, constitutes a violation of the standard administrative process.

//

**1. Evidence of an Improper Conduit (October 15 and November 15, 2024 Emails)**

Attached for the record are publicly available emails dated October 15, 2024, and November 15, 2024, which demonstrate an improper back-channel between the Council Office and the administrative decision-makers.

Evidence of an improper conduit relationship is found in the October 15, 2024, correspondence from Sean Silva (CD-11). (**Exhibit N.**) By transmitting the applicant's Statement of Overriding Considerations as an editable Word document directly to LADBS leadership, the CD-11 office subverted the independent review process. This allowed the applicant to circumvent departmental resistance by using the Council Office as a facilitator, ensuring their hand-picked legal findings could be seamlessly adopted as the agency's own 'draft' language.

Established administrative practice and due process require that an applicant's technical justifications be submitted to, and independently vetted by, the professional staff at LADBS and DCP to maintain regulatory transparency. By using the CD-11 office as a private conduit to insert unverified, editable findings into the record, the applicant successfully circumvented this essential oversight.

This calculated intervention—evidenced by the October 15 transmission of the applicant's drafted Statement of Overriding Consideration—represents a sophisticated bypass of the City's professional check-and-balance system. By inserting the political weight of the Council Office into these granular technical details, CD-11 acted as a private advocate rather than a public steward, constituting a fundamental violation of the separation of powers and duties established under City Charter Section 500.

**2. Disqualifying Bias and Procedural Subversion (Petrovich, Sundstrom, & Topanga)**

The administrative record is fatally tainted by an “unacceptable probability of actual bias” under *Petrovich Development Co., LLC v. City of Sacramento (2020)*. This disqualifying bias was codified at the September 5, 2024, Cultural Heritage Commission (CHC) meeting, where CD-11 Planning Liaison Sean Silva publicly announced the Council Office's support for demolition before the Commission had even deliberated. To justify this pre-judgment, Mr. Silva lobbied for demolition by citing a purported “preservation agreement” for the building's stairs and benches—a document that remains unsigned, non-public, and legally illusory.

By relying on this “phantom” agreement, which was never vetted by the Office of Historic Resources (OHR) and is absent from the formal Conditions of Approval, the City has committed two further reversible errors:

- **Deferred/Off-the-Books Mitigation:** Under *Sundstrom v. County of Mendocino (1988)*, the City cannot rely on speculative, deferred mitigation to justify the destruction of a historical monument.

- **Lack of Substantial Evidence:** Per *Topanga Association for a Scenic Community v. County of Los Angeles* (1974), administrative findings must be supported by substantial evidence; a non-existent, unvetted agreement fails to meet this threshold.

The combination of this behind-the-scenes conduit role and the public promotion of illusory mitigation constitutes a clear *Petrovich* violation, stripping the proceedings of the required quasi-judicial neutrality.

### **3. The Standard of Professional Expertise as Evidence of Intentional Procedural Violation**

Councilmember Traci Park is a municipal law attorney with over 20 years of experience representing public agencies and cities. Her career at Burke, Williams & Sorensen was dedicated to advising local governments on policy compliance and legal standards. Consequently, the actions of her staff Sean Silva, in acting as a conduit for the applicant, represents a circumvention of the separation of powers. While advocacy is permitted in quasi-legislative matters (such as the designation in *Milstein vs. City of Los Angeles*, *LA Superior Court Case No. 24STCP01469*), the demolition of an HCM and the adoption of a Statement of Overriding Considerations (SOC) are quasi-judicial acts. In this capacity, the City is bound by strict fair hearing standards under California Code of Civil Procedure § 1094.5.

#### **C. The Necessity of Remand**

The evidence presented herein demonstrates that the administrative record for the Barry Building (HCM #887) is not merely flawed; it is legally void. The convergence of a calculated procedural bypass, a circumvention of professional staff oversight, and the reliance on legally illusory mitigation has stripped this proceeding of the required quasi-judicial neutrality.

The applicant and CD-11 have attempted to justify the total demolition of a designated Historic-Cultural Monument by citing a phantom preservation agreement limited to minor peripheral features like stairs and benches. Because this agreement is unsigned, unvetted through a normal transparent CEQA process explored as part of an alternative, and outside the formal Conditions of Approval, it constitutes a failure of substantial evidence under *Topanga* and a prohibited deferral of mitigation under *Sundstrom*.

To protect the integrity of the City's decision-making process and avoid inevitable judicial reversal, the PLUM Committee must take the following actions:

1. **Grant the Appeal:** Acknowledge that the current record is poisoned by improper conduit communications and an unacceptable probability of bias under *Petrovich*.
2. **Rescind all actions taken by BBSC on November 18, 2025:** The findings currently in the record—including the Statement of Overriding Considerations—are not the independent work of City staff, but are unverified templates provided by the applicant via CD-11.

3. **Remand to Professional Staff:** Direct the LADBS and DCP technical staff to conduct a de novo review. This review must strictly adhere to the City Charter and CEQA, focusing on the preservation of the entire monument rather than the applicant's hand-picked, non-binding concessions.

The City cannot bridge the analytic gap from evidence to findings with political weight. We respectfully request that the PLUM Committee uphold the law and grant this appeal.

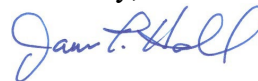
## **IX. CONCLUSION**

As detailed in this comment letter, the EIR for the proposed Project contains significant defects, including the failure to include a reasonable range of feasible alternatives. The Project as proposed cannot be approved given that there are feasible alternatives which eliminate the significant unmitigable impacts of the Project, which must be addressed in an EIR by the City. For these reasons, the City must reject the EIR and Findings and Statement of Overriding Considerations and grant the appeal.

Please keep this office on the list of interested persons to receive timely advance notice of all hearings, votes and determinations related to the Project, its DEIR and requested entitlements. Pursuant to Public Resources Code Section 21167(f), please provide us with a copy of each and every Notice of Determination issued in connection with the Project.

As previously noted, we adopt and incorporate by reference all Project comments and objections raised by all others during the environmental review and land use entitlement processes for the Project. Pursuant to PRC Section 21167.6(e) and *Consolidated Irrig. Dist. v. Superior Court*, 205 Cal.App.4th 697 (2012), please include all of the hyperlinked references cited in each of the comment letters submitted during the administrative process in the administrative record.

Sincerely,



Jamie T. Hall

Cc: Patrice Lattimore, City Clerk ([patrice.lattimore@lacity.org](mailto:patrice.lattimore@lacity.org))  
Candy Rosales, Deputy City Clerk ([candy.rosales@lacity.org](mailto:candy.rosales@lacity.org))  
Faruk Sezer, Building Civil Engineer ([faruk.sezer@lacity.org](mailto:faruk.sezer@lacity.org))  
Ronald Devin Myrick, Assistant Deputy Superintendent of Building  
([devin.myrick@lacity.org](mailto:devin.myrick@lacity.org))

Encls.

Exhibit A: Report by Offenhauser/Mekeel Architects  
Exhibit B: Secretary of State Documents for 11973 San Vicente, LLC and 11991 San Vicente, LLC

//

|            |                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------|
| Exhibit C: | Spreadsheet of Residual Land Value                                                                |
| Exhibit D: | Wikipedia entry for Charles Munger                                                                |
| Exhibit E: | The Real Deal, Berkshire's vice chair's family moves to demolish landmark building, Nov. 7, 2019. |
| Exhibit F: | Property Profile for 11973 San Vicente Blvd.                                                      |
| Exhibit G: | Property Profile for 11977 San Vicente Blvd.                                                      |
| Exhibit H: | Property Profile for 11991 San Vicente Blvd.                                                      |
| Exhibit I: | Property Profile for 11901 Saltaire Ter.                                                          |
| Exhibit J: | Property Profile for 644 Saltaire Ave.                                                            |
| Exhibit K: | Declaration of Frances Offenhauser                                                                |
| Exhibit L: | Structural Evaluation Report from Structural Focus                                                |
| Exhibit M: | Transcript of Cultural Heritage Commission hearing                                                |
| Exhibit N: | October 15, 2024, correspondence from Sean Silva                                                  |

## Communication from Public

**Name:** Channel Law Group, LLP - Appellant Representative  
**Date Submitted:** 02/17/2026 02:00 PM  
**Council File No:** 25-1518  
**Comments for Public Posting:** Supplement to Appellant's Comments and Objections to ENV-2019-6645-EIR (SCH #2020-110210), 11973 San Vincente Boulevard Project EIR, Council File: 25-1518, is enclosed here without exhibits due to file size. The complete document with exhibits was also sent via email.

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Phone: (310) 347-0050  
Fax: (323) 723-3960  
[www.channellawgroup.com](http://www.channellawgroup.com)

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN  
GREGORY T. WITTMANN

Writer's Direct Line: (310) 982-1760  
[jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com)

\*ALSO Admitted in Texas

February 17, 2026

## **VIA EMAIL AND ELECTRONIC UPLOAD**

PLUM Committee  
Honorable Mayor and Council Members  
City of Los Angeles  
200 North Spring Street  
City Hall – Room 395  
Los Angeles, CA 90012  
[Clerk.CPS@lacity.org](mailto:Clerk.CPS@lacity.org)  
[Clerk.PLUMCommittee@lacity.org](mailto:Clerk.PLUMCommittee@lacity.org)

**Re: Supplement to Appellant's Comments and Objections to ENV-2019-6645-EIR (SCH #2020-110210), 11973 San Vicente Boulevard Project EIR, Council File: 25-1518 ("Project")**

Dear Planning and Land Use Management Committee Members & Honorable Mayor and City Councilmembers:

This firm represents Angelenos for Historic Preservation ("Appellant") regarding the above-mentioned Project. Appellant has cited to a variety of reference materials in the Supplemental Appeal Justification concurrently submitted on February 17, 2026. As a courtesy, this letter is intended to provide copies of the cited source documents to ensure that they are made part of the Administrative Record. Please see these citations attached as **Exhibits 1 - 22**.

I may be contacted at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall

Cc: Patrice Lattimore, City Clerk ([patrice.lattimore@lacity.org](mailto:patrice.lattimore@lacity.org))

Candy Rosales, Deputy City Clerk ([candy.rosales@lacity.org](mailto:candy.rosales@lacity.org))  
Faruk Sezer, Building Civil Engineer ([faruk.sezer@lacity.org](mailto:faruk.sezer@lacity.org))  
Ronald Devin Myrick, Assistant Deputy Superintendent of Building  
([devin.myrick@lacity.org](mailto:devin.myrick@lacity.org))

Encls. **Exhibits 1-22**

## Communication from Public

**Name:** Elyse Arbour

**Date Submitted:** 02/17/2026 05:40 PM

**Council File No:** 25-1518

**Comments for Public Posting:** I OPPOSE the Appeal and SUPPORT Demolition of the Barry Building located at 11973-11975 San Vicente Blvd. LA 90049. The building is a safety hazard and a blight to beautiful San Vicente Bl in Brentwood. We prefer for a new development of retail and restaurants and a public area to sit. The project has been sitting vacant for 20 years now and enough is enough. The building needs to be demolished Now. No developer would buy this property until this building is demolished and they would not want to take the risk of not being able to build.

## Communication from Public

**Name:**

**Date Submitted:** 02/17/2026 10:13 PM

**Council File No:** 25-1518

**Comments for Public Posting:** Please add document "2026-02-17\_ZKB\_Public Comment Letter related to Tribal Cultural Resources" to Council File 25-1518.

**Sieglinde Kruse Blue**  
**Los Angeles, CA 90049**  
[ziggykruse2005@yahoo.com](mailto:ziggykruse2005@yahoo.com)

February 17, 2026

**VIA Online Portal Only**

Los Angeles City Planning and  
Land Use Committee  
City Clerk's Office  
Los Angeles City Hall  
200 N. Spring Street, Room 340  
Los Angeles, CA 90012

**City Council File#:** 25-1518  
**LADBS NO.:** BF 250851  
**CASE NO.:** CHC-2007-1585-HCM  
**RELATED CASE NO:** ENV-2019-6645-EIR  
**CEQA:** SCH#2020110210 (EIR)  
**Location:** 11973-11975 W. San Vicente Boulevard  
**Applicant:** 11973 San Vicente, LLC  
**Council District:** 11 - Park  
**Community Plan Area:** Brentwood - Pacific Palisades

**Subject:** PUBLIC COMMENTS IN SUPPORT OF APPEAL OF BBSC DECISION  
(11/18/2025) & OBJECTION TO FEIR CERTIFICATION  
RELATED TO TRIBAL CULTURAL RESOURCES (TCR; FATALLY  
FLAWED FEIR: Tribal Cultural Resources; Admission of  
Failure to Consult; Contradictory Soil Data;  
Rejection of Expert Testimony; and Demand for Audit.

Members of the LA City PLUM Committee:

As a member of the public and a concerned stakeholder, I am submitting this letter in support of the appeal and in objection to the Certification of the Final Environmental Impact Report (FEIR) for the Barry Building Demolition Project.

**I. EXECUTIVE SUMMARY**

The FEIR's analysis of Tribal Cultural Resources (TCR) is legally deficient, factually contradictory, and not supported by substantial evidence.

As the largest City in the State of California, Los Angeles bears a distinct responsibility to uphold the mandates of Assembly Bill 52 (AB 52) and set the standard for government-to-government consultation. Instead, the Administrative Record reveals a systemic failure. This submission presents irrefutable evidence—confirmed by the City's own Custodian of Records on February 5, 2026—that the

Department of City Planning (DCP) abandoned the consultation process by failing to respond to direct Tribal inquiries.

Furthermore, the City improperly rejected the expert recommendations of the Tribe's PhD Archaeologist in favor of a City consultant who explicitly disclaimed expertise regarding Tribal cultural values. Because the underlying environmental document is fatally flawed, the Statement of Overriding Considerations (SOC) based upon it is invalid and must be rescinded.

## **II. IRREFUTABLE EVIDENCE OF PROCEDURAL FAILURE (VIOLATION OF AB 52)**

AB 52 mandates "meaningful consultation." This legal standard is violated when a Lead Agency ignores a Tribe's direct request for justification regarding the value of their cultural resources.

- **The Tribe's Specific Inquiry (August 30, 2022):** Upon receiving the City's Pre-Closure letter, the Gabrieleno Band of Mission Indians - Kizh Nation emailed City Planner James Harris with a specific demand:

*"Could you please provide how you or your agency evaluated or analyzed our information... we ask that you please provide a formal response along with your substantial findings on your final determination..."*  
**(Attachment A)**

- **The City's Admission of Non-Response (February 5, 2026):** In response to a Public Records Act request regarding this specific inquiry, Beatrice Pacheco, Custodian of Records for City Planning, confirmed:

*"To confirm - no further communication was found between City Staff and the Tribe."*  
**(Attachment B)**

**Legal Consequence:** The City formally closed consultation without answering the Tribe's core question: *"Why did you reject our evidence?"*

This admission proves the consultation was hollow and performative. The City acted arbitrarily and capriciously, rendering the FEIR certification invalid.

## **III. SUBSTANTIVE VIOLATION: THE FEIR CONTRADICTS ITS OWN SOIL DATA**

The FEIR's "Less Than Significant" determination relies entirely on the premise in Section IV.G that the site is previously disturbed.

This premise is factually false based on the City's own technical appendices.

- **The Tribe's Constraint (2020):** The Administrative Record shows the Tribe was specifically *"interested in the soil 0-5 ft. below ground"* due to the potential for native resources.
- **The City's Own Data (Appendix F-3, Page 5):** The SWCA Tribal Cultural Resources Assessment states:

*"Geotechnical bores identified artificial fill to depths of at least 2 feet... Older alluvial fan deposits were encountered beneath the artificial fill."*

**Demonstrated Non-Compliance:** The City is using the top 2 feet of fill to justify the destruction of the native soil sitting from 2-5 feet. The City acknowledges that native alluvial fan deposits—the exact soil type the Tribe identified as sensitive—begin at a depth of only 2 feet. By refusing to analyze the 2-5 foot native zone and falsely labeling it as "disturbed," the City has effectively "hidden" three feet of potential resource impacts from the PLUM Committee and the public.

#### **IV. IMPROPER SUBSTITUTION OF JUDGMENT: VIOLATION OF *Koi Nation of Northern California v. City of Clearlake* (Koi Nation)**

While the City's consultants (SWCA) are qualified in the field of archaeology, AB 52 and the *Koi Nation* ruling establish that Tribes possess unique, expert standing regarding their own cultural resources. The City is required to treat Tribal testimony on cultural value as substantial evidence.

- **The Tribe's Scientific & Cultural Standing:** During the AB 52 consultation, the Tribe submitted a formal attachment containing a 2018 directive from Gary Stickel, Ph.D., Principal Consulting Archaeologist for ERA Environmental Research Archeologists: a Scientific Consortium. **(Attachment C)**

This submission provided the City with dual expertise: The Tribe's sovereign expertise on cultural value, backed by Dr. Stickel's scientific expertise on archaeological methods.

- **The City Consultant's Disclaimer (Appendix F-3, Page i):** The City relied on the SWCA Report to overrule the Tribe. However, SWCA explicitly limited the scope of their own expertise:

*"The analysis and conclusions stated herein... should not be considered a replacement for tribal expertise or assumed to represent tribal cultural values."*

**Statutory Violation:** The City committed a fatal legal error by using an archaeological report (which disclaimed authority on Tribal values) to supersede the Tribe's direct expert testimony. Under *Koi Nation*, the City cannot substitute its own judgment—or that of a consultant lacking specific Tribal expertise—for that of the Tribe regarding the significance of a Tribal Cultural Resource. The Tribe's evidence, supported by Gary Stickel, Ph.D., carries equal if not superior weight on this specific issue, and the City failed to provide substantial evidence to the contrary.

## **V. CONCLUSION AND REMEDY**

The FEIR is fatally flawed. The City (1) admitted it failed to consult, (2) relied on factually false soil data, and (3) violated *Koi Nation* by ignoring Tribal experts.

**The PLUM Committee should recommend to the City Council that they act to:**

1. **GRANT THE APPEAL** challenging the decision of the Building and Safety Commission (BBSC);
2. **RESCIND THE STATEMENT OF OVERRIDING CONSIDERATIONS (SOC)** adopted by the Commission. A Statement of Overriding Considerations cannot legally stand when the underlying Environmental Impact Report is fatally flawed and fails to accurately identify significant impacts to Tribal Cultural Resources;
3. **SET ASIDE THE FEIR CERTIFICATION** due to the procedural and substantive legal defects identified herein;
4. **ORDER THE DEPARTMENT OF CITY PLANNING** to re-open AB 52 consultation to provide the formal response illegally withheld from the Tribe in 2022;
5. **REQUIRE THE RECIRCULATION OF THE EIR** to accurately analyze impacts to the native alluvial soil existing in the 2-5 foot horizon; and

6. **INITIATE AN INDEPENDENT AUDIT** of the Department of City Planning's AB 52 compliance practices to determine if this failure to respond is systemic.

Thank you.

Sincerely,

*Sieglinde Kruse Blue*

Sieglinde Kruse Blue

**Attachment A:** 2022-07-21 Email James Harris to Salas and 2022-08-30 Email Salas to James Harris

**Attachment B:** 2022-07-21 Email James Harris to Salas and 2022-08-30 Email Salas to James Harris

**Attachment C:** 2021-05-12\_Gary Stickel, Spectrum News 1

**Attachment A**

James Harris &lt;james.harris@lacity.org&gt;

**Barry Building ENV-2019-6645-EIR**

1 message

James Harris &lt;james.harris@lacity.org&gt;

Thu, Jul 21, 2022 at 9:59 AM

To: Gabrieleno Administration &lt;admin@gabrielenoindians.org&gt;

Chairman Salas:

Thank you for the opportunity to discuss the Barry Building Project located at 11973 San Vicente Blvd (Case No. ENV-2019-6645-EIR) on October 7, 2020, and for providing follow up information. We recognize that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleno Band of Mission Indians – Kizh Nation, and very much appreciate the Tribe's dedication to continued conversations and collaboration with the City regarding this Project.

As indicated in the AB 52 Pre-Closure of Consultation letter sent to you on July 6, 2022, the City's tribal cultural resources analysis for the Project is set forth in the Draft EIR Tribal Cultural Resources Section and associated Appendix. Although no evidence was found identifying any tribal cultural resources on the Project Site, and the analysis in the Project's Draft EIR concludes that there would not be a potential significant impact on tribal cultural resources, we recognize the Tribe's concerns noted in your November 2, 2020, email. As discussed and analyzed in the Tribal Cultural Resources Section of the Draft EIR, the City's *Condition of Approval – Tribal Cultural Resource Inadvertent Discovery* would be imposed under the City's police powers to protect any potential inadvertent discovery of tribal cultural resources during construction activities.

The Tribe may submit written comments on the adequacy of the Draft EIR, to be made public and incorporated in the Final EIR.

Sincerely and respectfully,

Jim Harris

LOS ANGELES  
CITY PLANNING

Jim Harris

Major Projects

Los Angeles City Planning

221 N. Figueroa St., Room 1350

Los Angeles, CA 90012

T: (213) 978-1241 | [Planning4LA.org](http://Planning4LA.org)



James Harris &lt;james.harris@lacity.org&gt;

---

**Barry Building ENV-2019-6645-EIR**

---

**Gabrieleno Administration** <admin@gabrielenoindians.org>

Tue, Aug 30, 2022 at 10:06 AM

To: James Harris &lt;JAMES.HARRIS@lacity.org&gt;, Jane Choi &lt;jane.choi@lacity.org&gt;

Cc: "Dr. Christina Swindall Martinez" &lt;christinaswindall@yahoo.com&gt;, ICRM &lt;indigenous.crm@gmail.com&gt;, Kara Grant &lt;kara@grant-law.net&gt;, Lauren Arenson &lt;larenson@gmail.com&gt;, Mari Pritchard Parker &lt;mapp@pacbell.net&gt;, "Matt Teutimez.Kizh Gabrieleno" &lt;matt.teutimez@gmail.com&gt;, Silvia El Sereno &lt;aljcruzmoreno@gmail.com&gt;

Hello James

Thank you for your email . Could you please provide how you or your agency evaluated or analyzed our information that "No "evidence was found identifying any tribal cultural resources on the Project Site" . **Please note that our free information that we continuously provide to your agency during AB52 consultation " and that we know your consultants will eventually utilize" is in connection to the "traditionally" and "culturally affiliated" "geographic" area of where the project location is proposed. Consultation is also in regards to the current state law that provides a limited measure of protection for sites, features , places , objects , and " Landscapes with cultural value to California Native American Tribes such as ours . With that said we ask that you please provide a formal response along with your substantial findings on your final determination on how our oral and documented information was not substantial enough to protect our last remaining tribal cultural resources . Thank you for your time**

# Handbook of North American Indians

WILLIAM C. STURTEVANT

*General Editor*

VOLUME 8

# California

ROBERT F. HEIZER

*Volume Editor*



SMITHSONIAN INSTITUTION

WASHINGTON

1978

# Gabrielino

LOWELL JOHN BEAN AND CHARLES R. SMITH

The Gabrielino (gäbréál'ñé) are, in many ways, one of the most interesting—yet least known—of native California peoples. At the time of Spanish contact in 1769 they occupied the "most richly endowed coastal section in southern California" (Blackburn 1962-1963:6), which is most of present-day Los Angeles and Orange counties, plus several offshore islands (San Clemente, Santa Catalina, San Nicolas). With the possible exception of the Chumash, the Gabrielino were the wealthiest, most populous, and most powerful ethnic nationality in aboriginal southern California, their influence spreading as far north as the San Joaquin valley Yokuts, as far east as the Colorado River, and south into Baja California. Unfortunately, most if not all Gabrielinos were dead long before systematic ethnographic studies were instituted; and, as a result, knowledge of them and their lifeways is meager.

## Language, Territory, and Environment

Gabrielino was one of the Cupan languages in the Takma family, which is part of the Uto-Aztecan linguistic stock (Bright 1975).<sup>\*</sup> Internal linguistic differences existed, Harrington (1962:viii) suggesting four dialects and Kroeber (1925), six. Harrington's four-part division includes Gabrielino proper, spoken mainly in the Los Angeles basin area, Ferndeño, spoken by people north of the Los Angeles basin, mainly in the San Fernando valley region; Santa Catalina Island dialect; and San Nicolas Island dialect—although according to Bright (1975) insufficient data exist to be sure of the Cupan affiliation of the San Nicolas speech. There were probably dialectal differences also between many mainland villages, a result not only of geographical separation but also of social, cultural, and linguistic mixing with neighboring non-Gabrielino speakers.

The names Gabrielino and Ferndeño (ternis'dä-nyó) refer to the two major Spanish missions established in Gabrielino territory—San Gabriel and San Fernando.

<sup>\*</sup> Kalkreuth Gabrielino words have been written in a phonemic alphabet by Kenneth C. Hill, on the basis of John Peabody Harrington's unpublished fieldnotes. The consonants are: stops and affricates p, t, k, ts; fricatives s, x, h; nasals m, n, ŋ (approximate); & s; y. Stressed vowels are e, é, i, a, o (p, u, which may occur long or short; in unstressed syllables the vowels are only e, (e), a, and u (o).

It was to these two missions that the majority of the Indians living on the coastal plains and valleys of southern California were removed.

Although the major outlines of Gabrielino territorial occupation are known, the fixing of definitive boundaries is difficult. Generally, Gabrielino territory included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers, several smaller intermittent streams in the Santa Monica and Santa Ana mountains, all of the Los Angeles basin, the coast from Aliso Creek in the south to Topanga Creek in the north, and the islands of San Clemente, San Nicolas, and Santa Catalina (fig. 1). The area thus bounded encompassed several biotic zones (such as Coast-Marsh, Coastal Strand, Prairie, Chaparral, Oak Woodland, Pine) and, following Hudson's (1971) studies, can be divided into four macro-environmental zones (excluding the islands): Interior Mountains/Adjacent Foothills, Prairie, Exposed Coast, and Sheltered Coast. Each area is characterized by a particular floral-faunal-geographical relationship that allows delineation of subsistence-settlement patterns "according to the macro-environmental setting." The interior mountains and foothills, according to Hudson, comprise an area of numerous resources including "many small animals, deer, acorns, sage, piñon nuts, and a variety of other plants and animal foods." Settlement-pattern studies

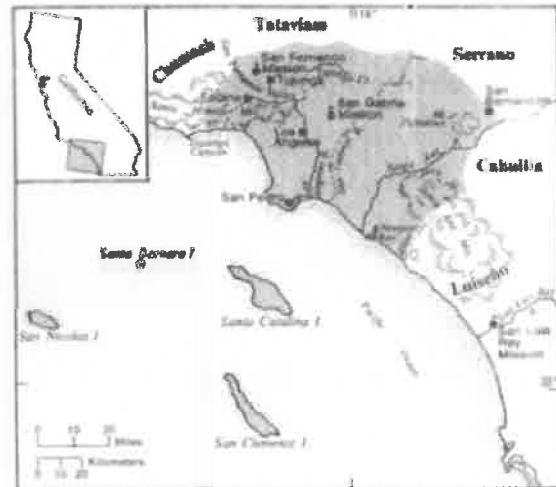


Fig. 1. Tribal territory.

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchoes and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized—the fact that in its early decades, without the Gabrieleno, the community simply would not have survived."*

[Quoted text hidden]

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchoes and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized—the fact that in its early decades, without the Gabrieleno, the community simply would not have survived."*

**Attachment B**

utlook

**Fw Barry Building Follow Up, TCR and Final Action Letter, Action No. 5****From** Beatrice Pacheco <beatrice.pacheco@lacity.org>**Date** Thu 2/5/2026 8:14 AM**To** Bob Blue <bob.blue@live.com>**Cc** Ziggy Kruse <ziggykruse2005@yahoo.com>; Planning Custodian of Records  
<planning.custodianofrecords@lacity.org>

Good morning, Bob:

Your email was forwarded to me as I am the Custodian of Records for City Planning of Los Angeles.

Please be advised that the City Planning staff reviewed all previous potential records for subsequent email communication after the Close of Consultation between the Department of City Planning and the Tribe. The only subsequent emails from Jim Harris regarding the consultation process have been determined to be attorney-client privileged and therefore would not be provided pursuant to the California Public Records Act, as attorney-client privileged communications are generally exempt from disclosure. **To confirm - no further communication was found between City Staff and the Tribe.**

If we can assist you any further, please let us know.

Thank you.

**Beatrice Pacheco, Chief Clerk**  
**Department of City Planning****T:** (213) 847-3732221 N. Figueroa St., Room 1450  
Los Angeles, CA 90012

----- Forwarded message -----

**From:** Milena Zasadzien <[milena.zasadzien@lacity.org](mailto:milena.zasadzien@lacity.org)>**Date:** Wed, Feb 4, 2026 at 8:00 AM**Subject:** Re: Barry Building Follow Up, TCR and Final Action Letter, Action No. 5**To:** Bob Blue <[bob.blue@live.com](mailto:bob.blue@live.com)>**Cc:** Ziggy Kruse <[ziggykruse2005@yahoo.com](mailto:ziggykruse2005@yahoo.com)>

Hi Bob,

I'm looking into whether James or anyone else responded regarding the TCR concerns from

8/30/2022, and regarding the Final Action Letter and the statute of limitations, we should likely have a response to you later today or tomorrow. Appreciate your patience.

Thanks,  
Milena



**Milena Zasadzien**

Principal City Planner, Major Projects

**Los Angeles City Planning**

221 N. Figueroa Street, Suite 1350

Los Angeles, CA 90012

[milena.zasadzien@lacity.org](mailto:milena.zasadzien@lacity.org)

T: 213.847.3636 | [Planning4LA.org](http://Planning4LA.org)



**Effective February 23, 2026: Updated fee rates will apply to all City Planning filings and clearance requests per [Ordinance No. 188796](#).** Please visit our [Fee Estimator page](#) to review the updated fee schedules. Applicants should plan for new filings accordingly.

On Tue, Feb 3, 2026 at 7:27 PM Bob Blue <[bob.blue@live.com](mailto:bob.blue@live.com)> wrote:

Hello Milena,

Thanks again for meeting with us on Monday and for the follow up email.

We also wanted to summarize the other items we discussed with you:

• **Tribal Cultural Resources (TCR) / AB 52:**

We dropped off two emails (also attached):

1. Date: 07/21/2022 at 9:59 AM

From: James Harris

To: Chairman Salas

2. Date: 08/30/2022 at 10:06 AM

From: Gabrieleno Administration

To: James Harris

In the second letter from 08/30/2022, it says in part:

*Thank you for your email. Could you please provide how you or your agency evaluated or analyzed our information that "No" evidence was found identifying any tribal cultural resources on the Project Site"...*

*..."With that said we ask that you please provide a formal response along with your substantial findings on your final determination on how our oral and documented information was not substantial enough to protect our last remaining tribal cultural resources Thank you for your time"*

You mentioned that you and others are trying to recover James Harris's emails to see if he (James) or anyone else from the City ever responded to this email?

• **LADBS Final Action Letter for the Barry Building:**

On another note, we asked about the LADBS Final Action Letter (Attached), Board Action No. 5:

*5. Adopted the Finding for L.A.M.C. 91.106.4.5 that specific economic, social or other consideration make infeasible the preservation of the Barry Building.*

We asked if this action taken by the Board if the statute of limitations starts on the date of the Final Action, November 19, 2025.

Thank you,  
Bob & Ziggy

SOUTHERN CALIFORNIA (CHANGE) &gt; | FEBRUARY 14, 2026

DOWNLOAD THE APP

Stay informed throughout your day with the Spectrum News app, available

on all your favorite devices.



## Archaeologist discovers ancient Indigenous astronomical site

BY NIC CHA KIM | AZUSA

PUBLISHED 10:51 AM PT MAY. 12, 2021



AZUSA, Calif. — Off-roading off the beaten path is a normal way at the office for Dr. Gary Stickel.

As a tribal archaeologist for the [Gabrieleño Band of Mission Indians - Kizh Nation](#), Stickel has explored Los Angeles County in areas that average daytrippers would never imagine.

SOUTHERN CALIFORNIA (CHANGE) &gt; | FEBRUARY 14, 2026



"I did the research and developed this map, official tribal map, which shows the vast extent of the Kizh territory, which extends across parts of five counties, including the land area, greater Los Angeles area, and the greater sea area including Catalina," Stickel said.

Recently, Stickel made a discovery in an area known as Big Rock, which updated the oldest known rock art site in California as an astronomical marker to predict winter and summer solstices. To test his hypothesis, Stickel assembled a team, but they first had to cross a river for them to get to the site.

SOUTHERN CALIFORNIA (CHANGE) &gt; | FEBRUARY 14, 2026



"We're in the upper reaches of the San Gabriel River," Stickel said. "Unfortunately, the crossing has become bad since the last time we were here. We can't drive across now. We'll have to walk across."

Stickel has excavated at the legendary "Lost City of the Incas" in Machu Picchu, but his most recent discovery right in his own backyard of LA County has him most excited.



SOUTHERN CALIFORNIA (CHANGE) &gt; | FEBRUARY 14, 2026

"They also carved a specially shaped hole, and this hole is for the inclusion of what I think is a sun staff comprised of a stone with five protrusions around its perimeter," Stickel said. "Archaeologists call them cog stones, but the tribe calls them sunstones."



When Stickel tested out his theory out, and the shadows lined up, he knew he was onto something. Barbara Lonsdale is an Inupiaq Native American from Alaska, and she came to witness the site.

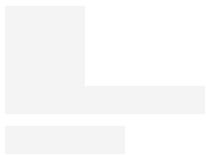
"A lot of people don't know about the local native peoples, and we have more native Americans here in this city than any city in the U.S., so I think it's really important to preserve the local native history," Lonsdale said. "I would hope we can spread awareness and really just preserve a lot of these heritage sites."

SOUTHERN CALIFORNIA (CHANGE) &gt; | FEBRUARY 14, 2026



Often called the real-life Indiana Jones by his peers, Stickel is now working on publishing his findings and raising the support needed to preserve the site and restore it.

"I think this is an ancient astronomical site and the whole configuration of how it was utilized makes it unique in American archaeology," Stickel said.

[View this post on Instagram](#)



SOUTHERN CALIFORNIA (CHANGE) > | FEBRUARY 14, 2026



A post shared by Kizh Nation Resources Mgmt. (@kizhnation\_m)



S ECTRUM NEWS

CONTACT

ABOUT

RSS

FAQ

SITEMAP

CAREERS

CERTIFICATIONS

TERMS

ADVERTISE WITH US

YOUR PRIVACY RIGHTS

CALIFORNIA CONSUMER PRIVACY RIGHTS



SOUTHERN CALIFORNIA (CHANGE) > | FEBRUARY 14, 2026



2026, Charter Communications, all rights reserved.

## Communication from Public

**Name:**

**Date Submitted:** 02/17/2026 01:00 PM

**Council File No:** 25-1518

**Comments for Public Posting:** To whom this may concern, I oppose the appeal and support the demolition of the abandoned Barry Building (Council File #25-1518 for 11973-11975 San Vicente Blvd). This building is a safety hazard with earthquake and fire risk and must be torn down now. This building is an eyesore and has been sitting vacant for 18. years. We would love for the opportunity for retail or restaurants to be available in such a central and walkable part of our neighborhood. Thank you.

## Communication from Public

**Name:** Susan Hirsch

**Date Submitted:** 02/17/2026 11:33 AM

**Council File No:** 25-1518

**Comments for Public Posting:** I oppose the appeal and support demolition for the following reasons: 1. It's a fire hazard. 2. It's an earthquake hazard. 3. It's a magnet for the homeless and vandalism. 4. It's an eyesore. 5. It's a waste of a valuable piece of property that could be used for the benefit of the community.

## Communication from Public

**Name:** Pamela Brown

**Date Submitted:** 02/17/2026 11:48 AM

**Council File No:** 25-1518

**Comments for Public Posting:** I oppose the appeal and support demolition of the Barry Bldg located at 11973-11975 San Vicente Blvd, LA 90049 I've lived in Brentwood for 31 years. A couple of decades ago, we were very excited at the proposed re-development of the building into a mixed-use complex (retail & restaurant(s) below and housing above). Instead, what we got was an empty dilapidated property. The building is a blight on our community and it has been sitting empty for nearly 20 years! I'd prefer to see neighborhood-serving retail, restaurants, and other services in this highly walkable area. Brentwood deserves a functional property that is vibrant and beautiful. Not the boarded up fire hazard and dark empty fields that sit there rotting away on our scenic corridor!

## Communication from Public

**Name:** David Hirsch

**Date Submitted:** 02/17/2026 11:48 AM

**Council File No:** 25-1518

**Comments for Public Posting:** I oppose the appeal and support the demolition of the Barry Building at 11973-75 San Vicente as it is an fire and earthquake safety hazard, attracts homeless and vandals, an eyesore for the neighborhood and could be used for the community's benefit.

## Communication from Public

**Name:**

**Date Submitted:** 02/15/2026 07:24 PM

**Council File No:** 25-1518

**Comments for Public Posting:** Please add document "HKA Preservation Report - Barry Building Stair Features On-Site Feasibility Options - 1.15.24.pdf" to Council File 25-1518. Thank you.



**Barry Building  
Stairs & Benches Safekeeping**

**Report  
*of*  
James C. Wolf**

Prepared at the Request of:  
Alston & Bird

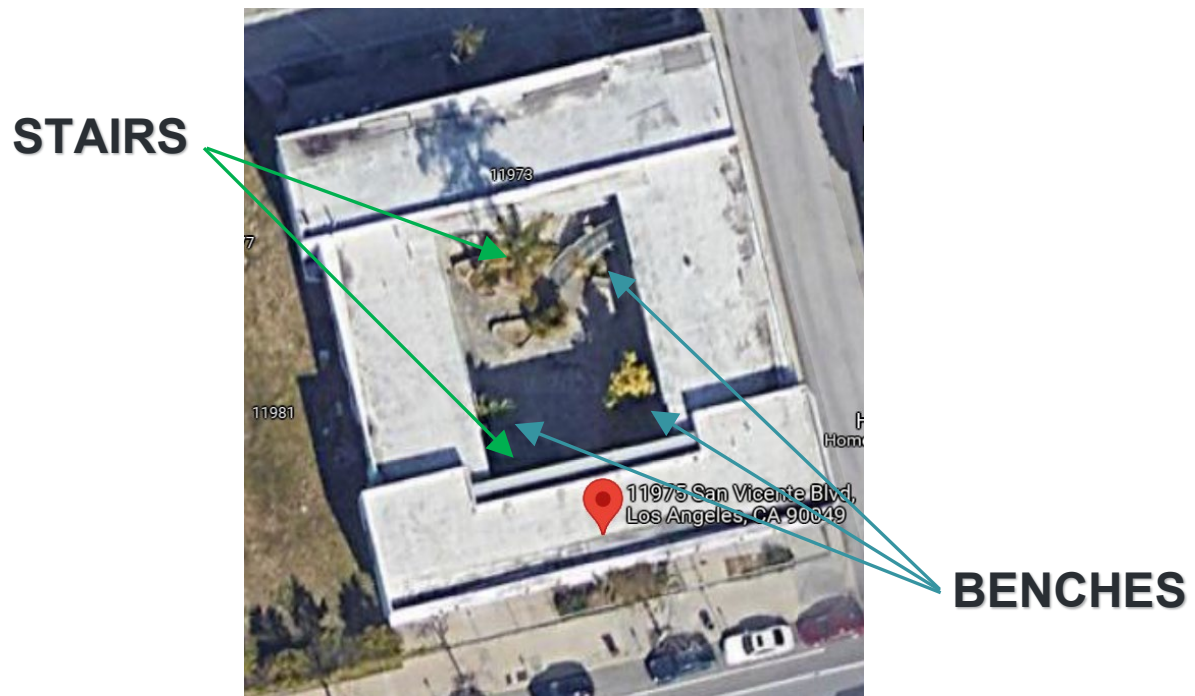
**January 15, 2024**

## I. Overview

1. **Considerations:** This report is prepared regarding the Barry Building which has a number of prominent exterior architectural features. This evaluation focuses on two particular architectural features: exterior stairs (of which there are two) and benches (of which four are planned for preservation), located in the central courtyard. This Report addresses safekeeping those features in order to preserve them for later use. Specifically, this Report evaluates the dismantling, protection and storage of those architectural features at the subject property.
2. **Scope:** Alston and Bird, on behalf of the property owner, 11973 San Vicente, LLC, engaged Mr. James C Wolf, Principal of HKA Global, Inc., to explore, evaluate, and report on the feasibility of removing existing exterior stairs and benches located in the courtyard of the existing Barry Building while maintaining the “character defining features” of those benches and stairs. Accordingly, this Report examines the physical feasibility of removal of these features and potential damage to those features during removal.
3. **Not in Scope:** This report covers only the process for removing and storage the identified features. This report does not address (a) the estimated cost of physically removing the features from the building structures or (b) the feasibility of reinstalling the features as part of any future development project.
4. **Evaluation:** In order to evaluate the preservation of the existing exterior stairs and benches safekeeping at the Barry Building, HKA has performed an analysis to address the physical feasibility and potential damage to the relevant features as summarized in this report. The photos below are demonstrative of the staircases evaluated as well as the location of the stairs and benches considered in this analysis.



Central Courtyard View (looking south)



**Barry Building** aerial view with courtyard for context and relevance of stairs and benches.

## II. Information Concerning Physical Components of Staircases Obtained From Original Plans and Recent Field Work

HKA recently found original architectural plans for the staircases. (Refer to Section V of this report.) In addition, limited field work was performed adjacent to the base of the staircases to view their foundations. (Also refer to Section V.) Based on that additional information, the staircase construction and relationship of its various parts were confirmed. The parts making up the staircases are: foundation, super structure, treads, and railings. Descriptions of the parts from the foundation up to the top of the staircase are described below.

**Foundation:** The foundation is made up of reinforced concrete (rebar and concrete) cast in an earthen trench. It is important to note the foundation construction involved creation of a keyway that makes a trough like formed depression in the top of the concrete that allows for later engagement of the subsequent super structure construction physically into the foundation. Making this engagement more structural, rebar that projects from the body of the foundation and keyway to engage the super structure concrete and rebar, in effect “marrying” the foundation to the super structure.

**Super Structure:** The architectural pierced reinforced concrete super structure was cast in place using temporary wood formwork which was removed after the concrete achieved strength. In this process, the super structure rebar and concrete engulf the projecting foundation rebar physically and structurally joining the super structure to the foundation. The foundation and a portion of the super structure were later concealed with backfill of soil coverage and planting.

**Treads:** The individual stair treads (21 treads at each staircase) are made from a formed steel pan filled with cement. A bent steel plate is welded to the back and underside of two consecutive treads and attached to the super structure with a bolt, washer and nut. The bolts were embedded into the concrete super structure. This relationship is shown on the last photo in Section V. The upper most tread is attached with bolts to the balcony landing.

**Railings:** The railings (two railings at each staircase) are configured with welded round steel pipe and attached to the underside of the treads with a bolted plate connection. The upper most portion of the railings is attached to the balcony landing with bolts.

The benches are made of steel and wooden components. Original architectural plans do not show the benches. However, field observations are noted below.

**Benches:** The benches (four individual benches) are fabricated from rectangular steel tubing welded into a framework to which the seating and back wooden slats are attached. The slats and frames have been painted. The two tubular steel legs on each bench are set into the concrete paving.

### III. Preservation and Storage Plans

1. **Stairs – Option 1:** One-piece intact stairs, railings, and architectural pierced concrete super structure including its intact foundation stored on-site.

**Process<sup>1</sup>:** For each stair location, it makes most sense to achieve the successful preservation to move the architectural pierced concrete super structure and its foundation intact in one piece. The design documents indicate a keyway and reinforcing steel configuration joining the architectural pierced concrete super structure and its foundation that can remain intact and not separated as part of the moving process.

The first step to remove the staircases will require construction of temporary support carriages to cradle each staircase to stabilize and support the staircase prior to excavation to fully expose the concrete foundation. Once the foundation has been exposed and undercut, the temporary support carriage would be augmented to also capture and support the foundation intact with the staircase. The staircases lower tread would be detached from the courtyard. In addition, separation of the staircases would occur at the upper limit of the stair where it attaches to the balcony. This connection is primarily wood and would be less substantial to separate. The north stair has an additional vertical beam projecting above grade but through exploration has recently been determined to be separate from the staircase and only part of a surrounding planter.

Both during and after excavation, the carriages would hold the foundation, architectural pierced concrete super structure, stairs and railings in place in order to relocate the staircase as one intact element.

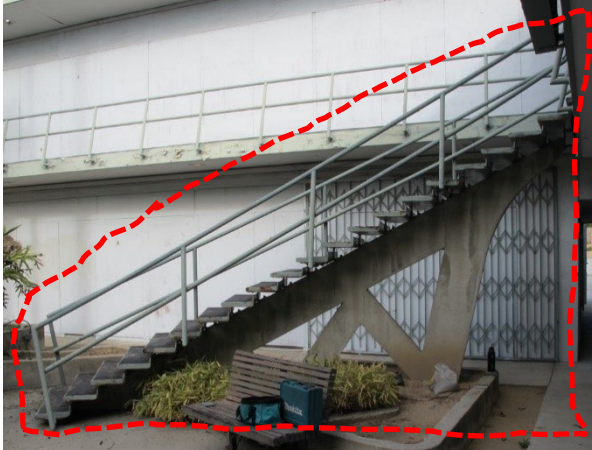
The staircase, including the railings and treads and its foundation properly supported could probably be moved using a mobile “pick and carry crane” to an adjacent on-site location presenting few logistical challenges.<sup>2</sup>

---

<sup>1</sup> At the time of this report, Mr. Wolf’s exploration, evaluation, and feasibility opinions are based on review of the recently available design documents and on-site non-destructive limited excavation. Should additional information become available or differing course direction change, this report is subject to revision as directed by counsel.

<sup>2</sup> Craning or other means applicable to movement of stair elements may be simplified if performed after partial building demolition allowing a clear route from the courtyard to the on-site safekeeping location.

- Each staircase will be relocated intact in one piece including existing foundation. Conceptualized Lifting Carriage can be found in Section VI.
- Dashed lines represent the proposed boundary of separation of the component pieces for moving.



**NORTH STAIR**



**SOUTH STAIR**

**Storage:**

Depending on the final location of the staircase for storage, it may need to be craned to the storage location. The temporary support superstructure would be used to cradle the element during this process, which would allow the staircase to be lifted safely. Assuming that the removal and preservation of the staircase will occur after demolition has begun, the temporary support superstructure could be pulled via truck (employing a mobile pick and carry crane) to the storage location on the property where it would be stored in temporary housing. The temporary housing could be a prefabricated building or a built-in-place structure.

The overall length, width, and height of the prepared one-piece intact element with foundation reduces the number of challenges associated with craning and movement to storage location on-site and to protecting stairs from exposure to damage and weather.

**2. Stairs – Option 2:** Separate stair treads and railing from architectural pierced concrete super structure including its intact foundation stored on-site.

**Process<sup>3</sup>:** For each stair location, it also makes sense to achieve the successful preservation to move the pierced architectural concrete super structure and its foundation intact in one piece after dismantling/disconnecting the railings and individual stair treads. The design documents indicate a keyway and rebar configuration joining the architectural pierced concrete super structure and its foundation which should be maintained intact and not separated as part of the moving process.

The first step prior to removing the railings and stair treads from the architectural pierced concrete super structure and from the patio paving and balcony connection points will require construction of temporary support carriages to cradle the super structure and foundation to stabilize and support them.

Next step would involve unbolting and separation of the railings and individual stair treads then cataloging and crating them for storage. Once the foundation has been exposed and undercut by excavation, the temporary support carriage would be augmented to also capture and support the foundation intact with the staircase. The north stair has an additional vertical beam projecting above grade but through exploration has recently been determined to be separate from the staircase and only part of a surrounding planter and would not be removed with the staircase.

Both during and after excavation, the support carriages would hold the foundation and architectural pierced concrete super structure in order to relocate them as one intact element.

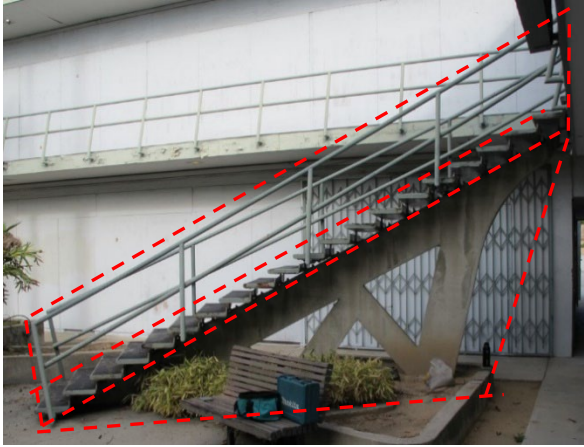
The staircase and its foundation properly supported could probably be moved using a mobile “pick and carry crane” to an adjacent on-site location presenting fewer logistical challenges than that described in Option 1.<sup>4</sup>

---

<sup>3</sup> At the time of this report, Mr. Wolf’s exploration, evaluation, and feasibility opinions are based on review of the recently available design documents and on-site non-destructive limited excavation. Should additional information become available or differing course direction change, this report is subject to revision as directed by counsel.

<sup>4</sup> Craning or other means applicable to movement of stair elements may be simplified if performed after partial building demolition allowing a clear route from the courtyard to the on-site safekeeping location.

- Each architectural pierced concrete super structure, after dismantling treads and railings, will be relocated intact in one piece including existing foundation. Conceptualized Lifting Carriage can be found in Section VII.
- Dashed lines represent the proposed boundary of separations of the component pieces for moving.



**NORTH STAIR**



**SOUTH STAIR**

**Storage:**

Depending on the final location of the staircase for storage, it may need to be craned to the storage location. The temporary support carriage would be used to cradle the element during this process, which would allow the staircase to be lifted safely. Assuming that the removal and preservation of the staircase will occur after demolition has begun, the temporary support superstructure could be pulled via truck (employing a mobile pick and carry crane) to the storage location on the property where it would be stored in temporary housing. The temporary housing could be a prefabricated building or a built-in-place structure.

The overall length, width, and height of the prepared one-piece intact element with foundation reduces the number of challenges associated with craning and movement to storage location on-site and to protecting stairs from exposure to damage and weather.

3. **Benches:** Separate each bench from its foundation (paving) and then temporarily support, crate, and move each bench intact (seating portion and frame).

**Process:** The benches have a tube steel fabricated assembly with a wooden seating element. There may be a base plate under the bench below grade which would be determined during excavation. The bench can be separated by building a modest temporary support cradle to hold the bench in place while excavation will break away the concrete foundation to expose the metal frame that holds the seating element. Each bench can then be separated from the concrete foundation while the seating element is left intact. The cradled element can then be trucked to the identified storage location.

Due to the minimal bench mass, the benches could be sufficiently secured with temporary construction, stabilization, and crating. Relocating the crated benches to a location on-site appears feasible and practicable.

**Storage:** The benches can be crated and stored on-site.

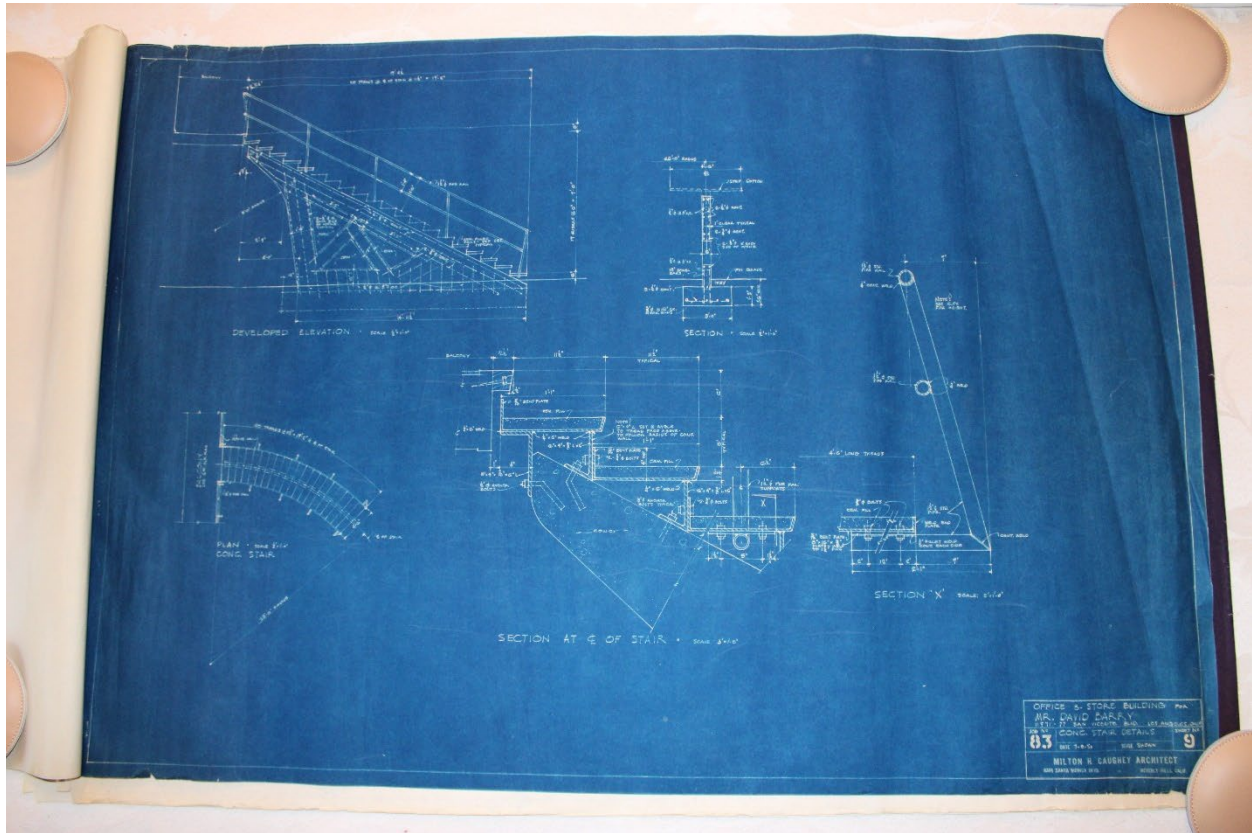


#### IV. Conclusion

HKA has determined that it is feasible to safekeep two identified architectural features of the Barry Building in order to preserve those features for later use by dismantling, protecting and storing these features at the subject property. The excavation, protecting/lifting and moving on-site to the storage location would take approximately four weeks after a four week logistical planning phase.

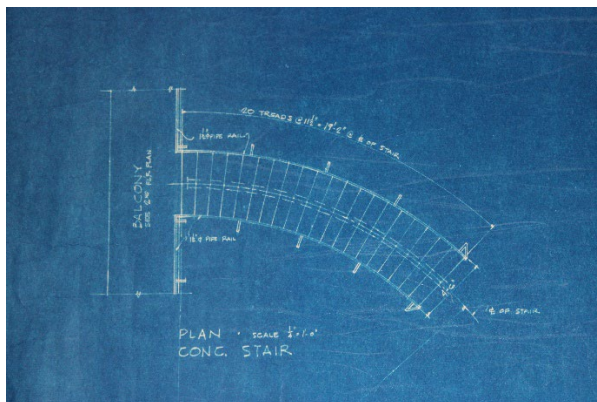
This report outlines a logistically feasible method to remove the two floating staircases intact from the existing Barry Building for preservation and storage. This process would allow for reincorporation in a future setting while preserving the primary character defining features of the staircases. In addition, four benches can similarly be removed from the courtyard and crated for future reincorporation while preserving their character defining features.

## V. Images from Recently Provided Historical Design Documents and Limited Shallow Excavation at the Existing Staircases



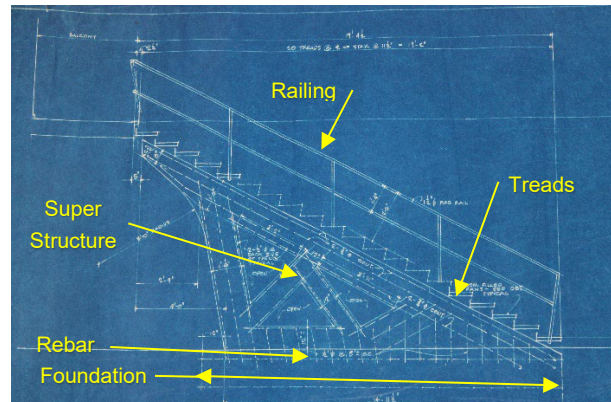
### Drawing: Courtyard Staircase Plan, Elevation and Details

Shows Staircase footprint, geometry, profile and details as designed, dated 7-8-50



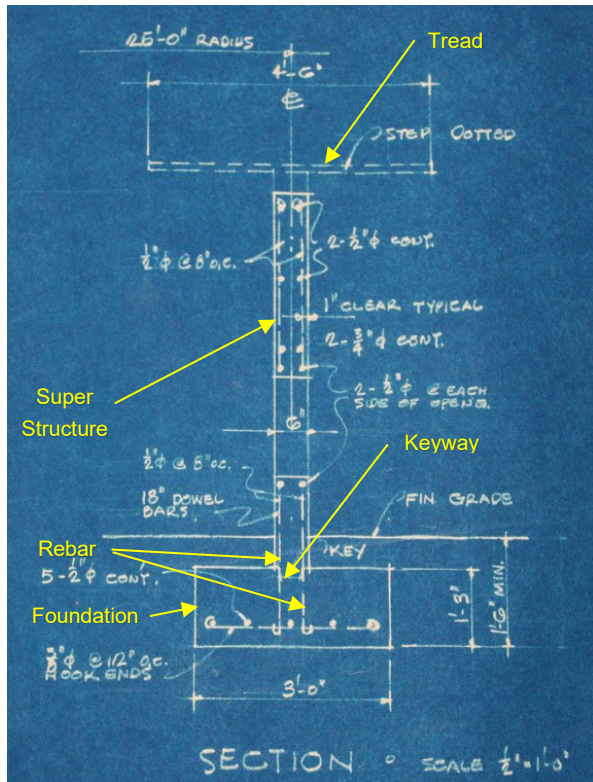
### Drawing: Staircase Plan

Shows staircase footprint and curvature



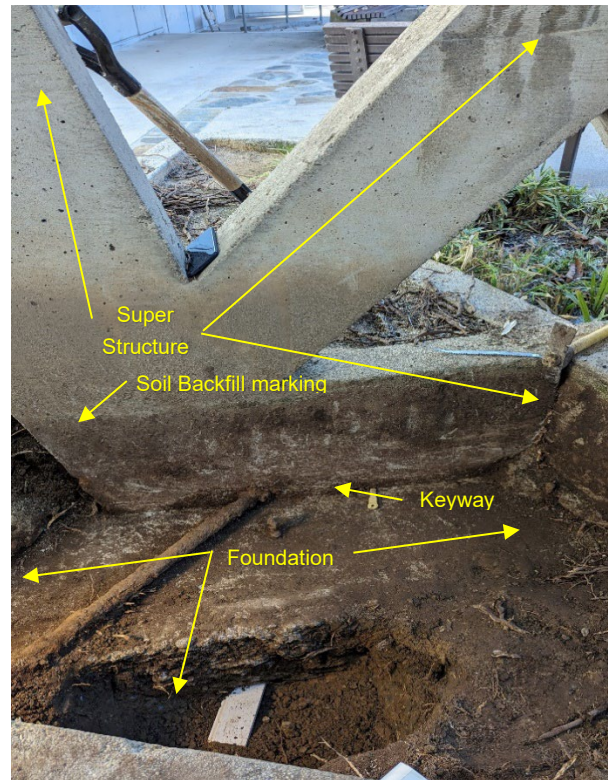
### Drawing: Staircase Elevation

Shows handrail, treads, architectural pierced concrete super structure and rebar into the foundation



### Drawing: Cross Section of Staircase Foundation and Architectural Pierced Concrete Super Structure

Shows Architectural Pierced Concrete Super Structure seated in the Foundation keyway (slot at top of Foundation to receive Architectural Pierced Concrete Super Structure) and Rebar tying the two elements together



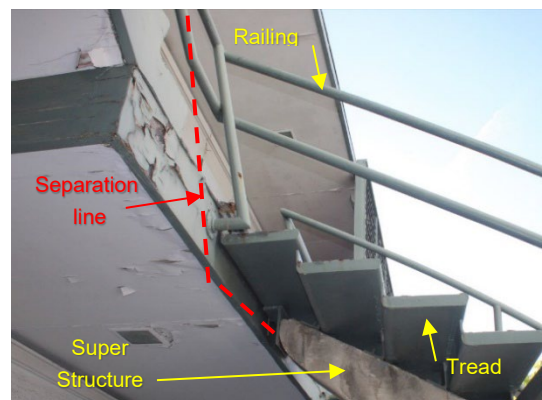
### Exploratory Excavation: Detail of Architectural Pierced Concrete Super Structure and Foundation

Careful hand excavation using shovel and whisk broom not disturbing concrete super structure or foundation. Shows Architectural Pierced Concrete Super Structure and Foundation, appear to be consistent with design drawings. Super Structure seated into Foundation keyway



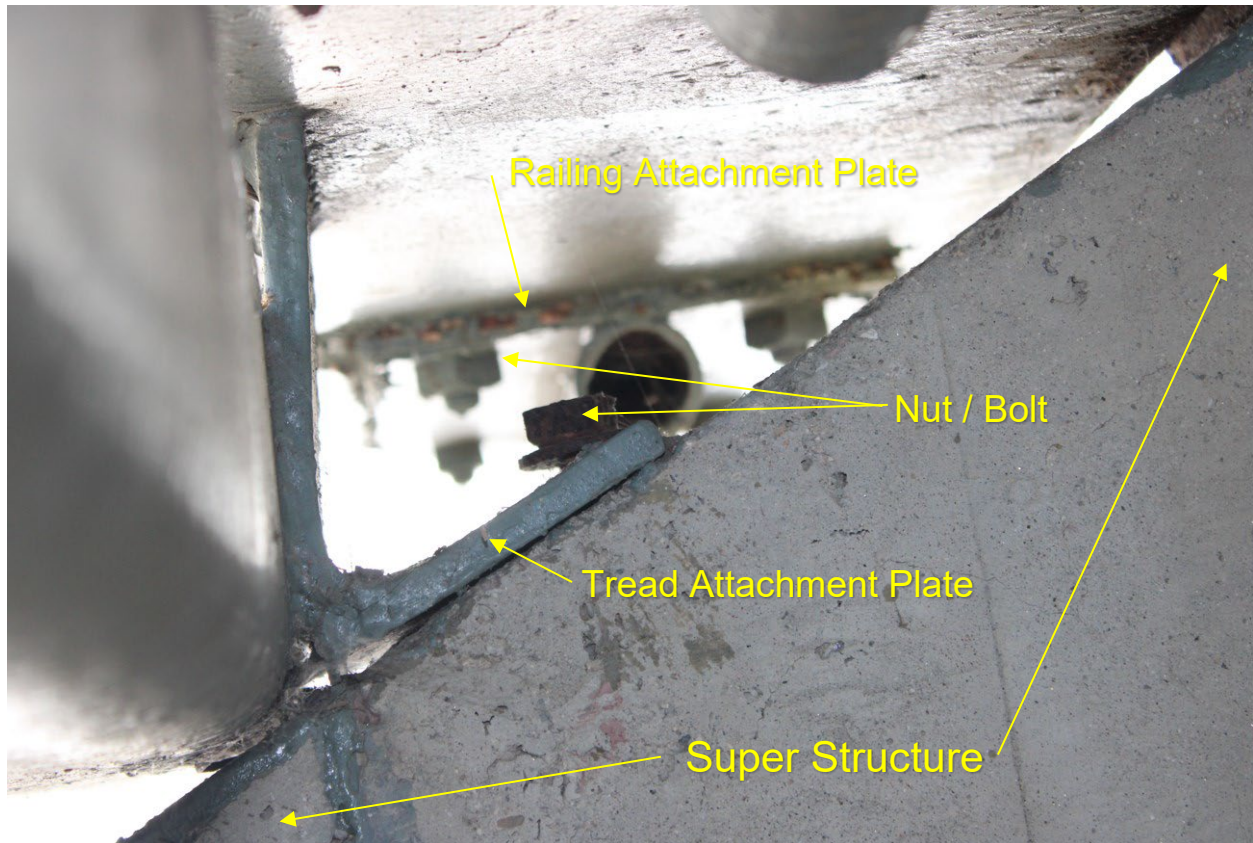
### Staircase Base at Courtyard Paving

Remove paving and excavate to expose foundation all around Super Structure



### Staircase Connection at Balcony

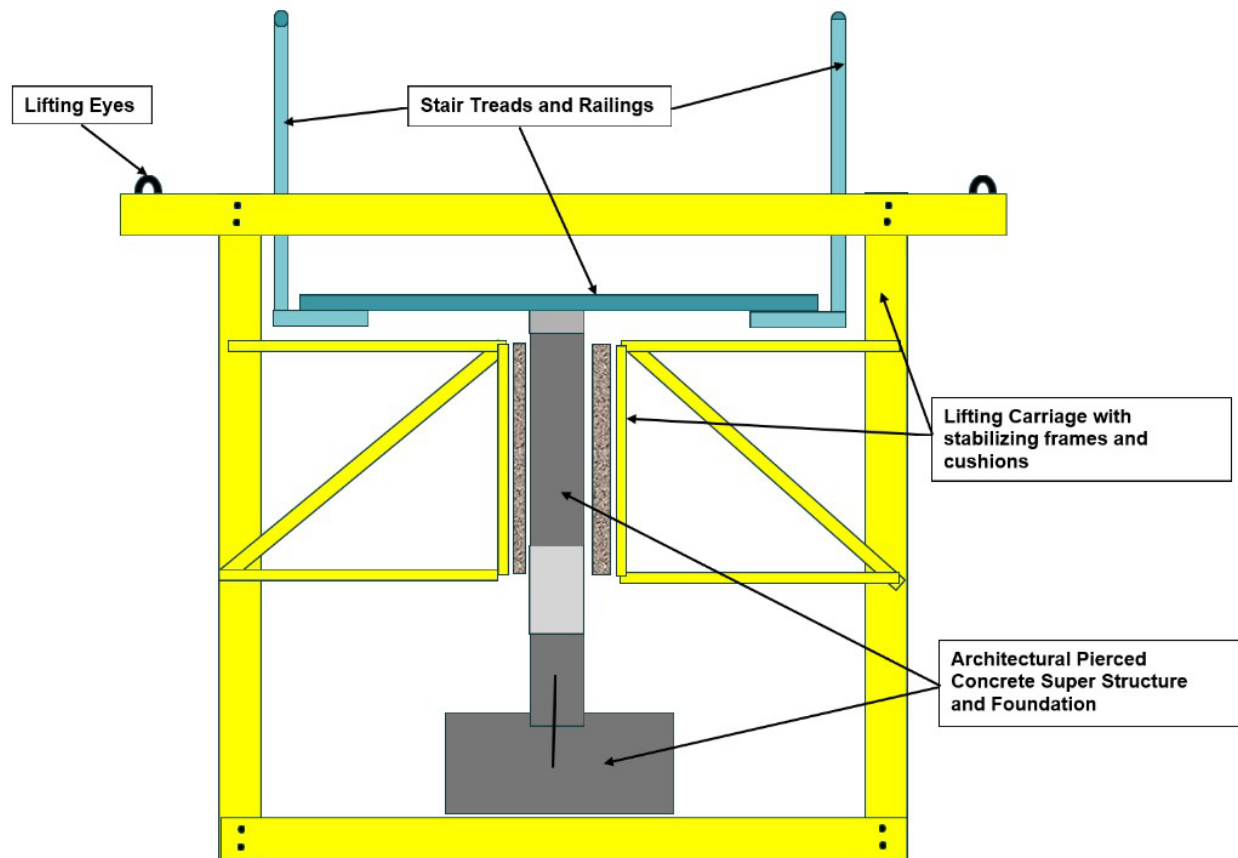
Separate Tread, Railing, and Architectural Pierced Concrete Super Structure from Balcony



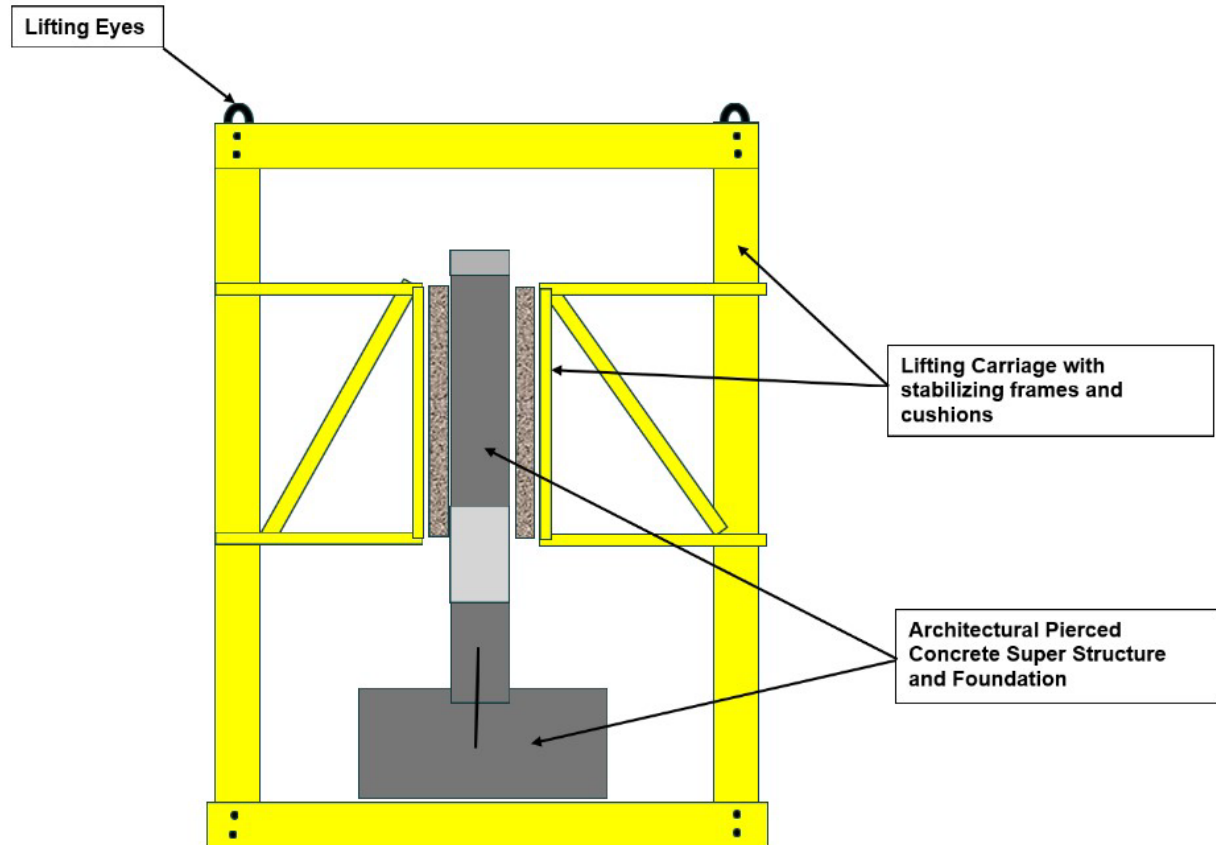
### **Stair Tread and Railing Connection to Pierced Architectural Concrete Superstructure**

Remove nut and washer to remove Tread attachment plate from Architectural Pierced Concrete Super Structure and remove nut from Railing attachment plate from Tread

## VI. Option 1: Conceptualized Lifting Carriage, Move Staircase, Treads and Railings Intact



## VII. Option 2: Conceptualized Lifting Carriage, After Removing Treads and Railings, Move Architectural Pierced Concrete Super Structure and Foundation Intact



## VIII. CURRICULUM VITAE

### JAMES C. WOLF MANAGER

#### QUALIFICATIONS

BS, Architecture, University of Southern California, 1975  
BS, Civil Engineering, University of Southern California, 1972  
Architecture License, California

#### MEMBERSHIPS

Member, American Institute of Architects (AIA)  
Member, Construction Management Association of America (CMAA)

#### PERSONAL DEVELOPMENT

California Legislature "Assembly – Certificate of Recognition"  
City of Los Angeles City Council "Certificate of Appreciation" for Public Safety Committee  
City of Los Angeles "Mayoral Certificate of Appreciation" for Hancock Park Street Lighting Replacement Project  
City of Los Angeles "Public Works Award" for Hancock Park Street Lighting Replacement Project  
City of Los Angeles City Council "Certificate of Appreciation for Service to Community"  
Windsor Square – Hancock Park Historical Society "Preservation Services Award"

#### PROFILE

**James Wolf** is a Registered Architect in California with over 40 years of experience in the areas of construction consulting, construction, project management, and architecture. His project-type experience encompasses commercial, retail, housing, educational facilities, public works, healthcare, libraries, community centers, historic buildings, theaters, research facilities, historical preservation, veteran's homes, hotels, parking structures, airlines facilities and terminals, and petrochemical facilities.

James has also served the design and construction industries in the capacities of Vice President, Area Manager, Project Director, Senior Project Manager, and Project Architect. He has previously directed the Los Angeles office of a major construction management firm, been a construction project manager, and a design architect.

While being involved with both pre-construction and construction project phases, James possesses particular expertise in preconstruction planning from program to construction contract award involving project programming, design professional selection, design milestones and conformance with project program, design criteria, and project budget, while navigating public agency entitlements and plan checking processes, interface with public utilities for power, natural gas, water, and data/voice communications leading up to the successful launch of the construction process with a variety of project delivery strategies including design-bid-build, multiple prime, design-build, and guaranteed maximum prices negotiated contracts.

In his dispute resolution roles, James has served as an Expert Consultant and a Testifying Expert. In these capacities, he has conducted expert investigations, produced expert work product, attended mediation, and testified at trial.

#### EXPERIENCE

##### BUILDINGS

##### **Tokyo Disney Resort Toy Story Hotel, Tokyo, Japan**

Provided full pre-construction and construction period project management services including consultant selections, design document reviews, value engineering, scheduling, review of design/builder designs, submittals, and schedule, and construction administration on this \$280M project.

##### **Disneyland Resort Paradise Pier Hotel, Anaheim, California**

Provided pre-construction period project management services through the feasibility

stage on this \$85M major hotel renovation project.

**Disneyland Resort Evergreen Hotel, Anaheim, California**

Provided full pre-construction period project management services including consultant and contractor selections, design document reviews, value engineering, estimating, scheduling, and agency of jurisdiction reviews on this \$700M project.

**Sequoia Hospital, Redwood City, CA**

Assisted an attorney and his client in making an expert evaluation as to whether the design professionals satisfied the architectural standard of care for the hospital addition. Developed expert work product that was used during expert meetings and at mediation. The case settled successfully as the result of the mediation.

**Tulare Regional Medical Center, Tulare, CA**

Assisted an attorney and his client in making an expert evaluation as to whether the design professionals satisfied the architectural standard of care for a new hospital construction project. Developed expert work product that was used during expert meetings and at mediation. His portion of the case settled successfully as the result of the mediation.

**University of California, Los Angeles (UCLA), Santa Monica Replacement Hospital, Santa Monica, CA**

Provided a preliminary expert evaluation of architectural design documents on an approximately \$400M critical care facility in Santa Monica, California.

**Edgemoor Skilled Nursing Facility, San Diego (Santee), CA**

Provided a preliminary expert evaluation of a construction manager's standard of care in managing construction of a 192-bed extended care facility.

**UCLA Neurological Sciences Medical Research Building, Los Angeles, CA**

Provided full pre-construction and construction period construction management services including design document reviews, value engineering, cost estimating, scheduling, bidding and award, and construction administration on this \$55M project.

**UCLA AIDS Research Building, Los Angeles, CA**

Provided full pre-construction and construction period construction management services including design document reviews, value engineering, cost estimating, scheduling, bidding and award, and construction administration on this \$45M project.

**UCLA Orthopedic Research Building, Los Angeles, CA**

Provided full pre-construction and construction period construction management services including design document reviews, value engineering, cost estimating, scheduling, bidding and award, and construction administration on this \$48M project.

**Saint John's Health Center Replacement Project, Santa Monica, CA**

Appointed Pre-construction Project Manager, providing full-service management services to facilitate phasing, cost estimating, and document reviews including expediting OSHPD code reviews for full medical center replacement hospital while maintaining full operational functions on this \$340M program.

**UCLA Gordon and Virginia MacDonald Medical Research Building, Los Angeles, CA**

Provided construction management during construction phase including document control for RFI's, Submittals, Change Orders, Inspection, construction administration for schedule review, progress payments, and project close-out on this \$38M project.

**Cedars-Sinai Medical Center Barbara and Marvin Davis Medical Research Center, Los Angeles, CA**

Provided construction management during preconstruction and construction phases including design and progress reviews of milestone design documents, bid packing, solicitation, and award, document controls for RFI's, Submittals, Change Orders, inspection coordination, construction administration for schedule review, progress payments, and project close-out on this \$43M project.

**County of San Bernardino Regional Medical Center (Arrowhead Medical Center), Colton, CA**

Provided pre-construction design document constructability, coordination (including clash detection), and bid-ability reviews on this \$450M project.

**County of Los Angeles Public Works, Olive View Medical Center, Emergency Department Expansion Project, Los Angeles, CA**

Provided project oversight for project management team conducting overall management, document review and lessons learned, and cost estimating services during the very volatile construction cost escalation period experienced in the middle part of the last decade.

**Providence Healthcare St. Joseph's Burbank Hospital Replacement Program, Burbank, CA**

Guided project management team in phasing assessment and planning for ongoing campus utilization while phasing in new and expanded facilities. Oversight of project reviews associated with document review, buy-out strategies, and estimating services. This \$100M program included the replacement of the patient tower, expansion to the emergency department and the central plant, and eight phases of campus upgrades while under full hospital operations.

**Holy Cross Medical Center Patient Tower Addition and Central Plant Expansion, CA**

Provided program oversight included project planning and phasing on this \$120M program, while the hospital maintained full operations. Project included the addition of a new patient tower and an expanded central plant.

**Kaiser Permanente Oakland Replacement Hospital, Oakland, CA**

Provided program oversight for project review team that conducted milestone document development reviews and evaluations for consistency with Kaiser Permanente design standards on this \$400M program.

**Kaiser Permanente – Bakersfield Medical Office Building and Honolulu Patient Wing Addition**

Provided program oversight for project review team that conducted milestone document development reviews and evaluations for consistency with Kaiser Permanente design standards. Provided oversight of forensic evaluation team evaluating construction defects.

Implemented corrective strategies to facilitate work with planned minimal operational disruptions.

**Aerospace Corporation Research Building, El Segundo, CA**

Provided oversight for project team for this \$8M black ops research facility.

**Chevron Oil El Segundo Research Building, El Segundo, CA**

Project architect and manager for research building project.

**Mount San Antonio Community College – Agricultural Science Complex, Walnut, CA**

Assisted an attorney and its school district client in making a preliminary expert evaluation as to whether the design professionals satisfied the architectural standard of care for a science complex for teaching, laboratory training, animal care procedure and training spaces, and animal care and animal housing facilities.

**Los Angeles Unified School District (LAUSD), East Valley High School 1A, Pacoima, CA**

Assisted an attorney and their subcontractor client in a subcontractor scope of work and licensing dispute. This matter went to trial with a verdict entered by the court in favor of the subcontractor, based on his testimony.

**Ventura County Community College District, Camarillo, CA**

Principal-in-Charge for this \$360M, four-campus expansion and modernization program.

**Los Angeles Community College District (LACCD), Staff Augmentation, Los Angeles, CA**

Principal-in-Charge for staffing of various projects.

**LACCD, New Construction Staff Augmentation and Region 2 Modernization Program Management Team, Los Angeles, CA**

Principal-in-Charge of a 14-member, on-site team with oversight of more than 100 school campuses.

**California Institute of Technology Nano-science Technology Research Building, Astronomy and Astrophysics Research Building, Chemical Engineering Research**

**Building, Environmental Sciences Research  
Building Historical Preservation and  
Modernization, and Undergraduate Student  
Housing Historical Building Preservation and  
Modernization, CA**

Provided oversight and project management for a series of research building projects valued at \$122M. Coordinated construction activities with campus operations. Developed project controls system and unified multiple-project reporting for university.

**Southwestern University School of Law  
Library - Adaptive reuse of Historic Bullocks  
Wilshire Building**

Preconstruction management period services including document reviews, cost estimating, scheduling, and strategizing construction period procurement.

**El Segundo Unified School District High  
School Gymnasium**

Project architect and manager for new high school gymnasium.

**El Segundo Unified School District High  
School Food Service Facility**

Project architect and manager for district-wide food service facilities including food preparation and service, dining areas, and centralized food storage warehouse.

**USC Trojan Residential Hall Expansion and  
Food Service Facility**

Project architect and manager for foodservice operations kitchen modernization and expansion with enhanced and enlarged dining facilities in the existing residence hall.

**Torrance Unified School District South High  
School Gymnasium**

Project architect and manager for new gymnasium project.

**Torrance Unified School District North High  
School Administration Expansion**

Project architect and manager for extensive alterations and additions to administration offices.

**Palos Verdes Miraleste High School  
Music/Fine Arts Building**

Project architect and manager for new music and fine arts building with multiple funding sources and phasing.

**Las Virgenes Unified District School  
Calabasas High School Aquatic Facility**  
Project architect and manager for new Olympic  
class swimming pool.

**City of Highland, California Storm Flood  
Damage Analysis, Highland, CA**  
Assisted the attorney in determining the scope  
and costs associated with the necessary repairs  
or replacements to restore the properties to pre-  
damage condition. Project involved site survey,  
measurements, documentation, photography,  
and cost estimates for over 40 residences in  
class action lawsuit associated with stormwater  
flooding impacting 150 homes.

**CSI (Church of Scientology), PAC (Pacific  
Area Command) Los Angeles, CA**  
Pre-construction and construction period project  
management. Scope of services included  
working with client on several existing facilities  
undergoing alteration, addition and expansion by  
evaluating scope, costs, and schedule  
associated with the modifications to many  
existing facilities. Work included visual  
evaluation of existing conditions applicable to  
the scope of services for architects and  
engineers for specific design services. Oversight  
of contractor's effort to price, schedule, and  
construct the alterations and additions scope of  
work. Facilitated communications with project  
team including reporting project status and  
making recommendations to the owner.

**CSI (Church of Scientology), Valley Org,  
North Hollywood, CA**  
Construction period project management. Scope  
of services included working with client on a  
multi-building campus undergoing adaptive  
reuse and enhancements to facilities. Oversight  
of contractor's effort to construct the alterations  
and additions scope of work. Coordinated efforts  
of client and other contractors and professionals  
performing work simultaneously with contractor's  
work. Facilitated communications with project  
team including reporting project status and  
making recommendations to the client.

**California Department of Corrections and  
Rehabilitation – Women's Facility, Corona,  
CA**

Currently assisting the State of California in the  
analysis of potential design deficiencies related  
to architectural services and standard of care.

**California Department of Corrections and  
Rehabilitation – Men's Colony, San Luis  
Obispo, CA**  
Assisted the State of California in the analysis of  
potential design deficiencies related to  
architectural services and standard of care.

**City of Vacaville Easterly Wastewater  
Treatment Plant Expansion Project,  
Vacaville, CA**  
Provided a preliminary expert evaluation of  
potential claim exposure on an approximately  
\$65M wastewater treatment plant in Vacaville,  
California. Reviewed the project change orders  
and proposed change orders relative to the  
architectural design and architect's practice of  
the standard of care on behalf of the architect's  
insurance company.

**County of Riverside District Attorney  
Headquarters Building, Riverside, CA**  
Participated in this \$100M project.

**City of Fontana Main Public Library, \$45M  
Project; City Hall Expansion, \$8M Project;  
Community Center, \$5M Project, CA**  
Principal-in-Charge for staffing of various  
projects.

**City of West Hollywood 25th Anniversary  
Campaign Program, Main Public Library and  
City Council Chambers, City Hall Expansion,  
and Park and Historic Theater Renovation,  
CA.**  
Served as an integral team member on this  
\$150M program.

**City of Buena Park Senior Community Center, Buena Park, CA**

Participated in this \$6M project.

**City of Moreno Valley Main Public Library, Moreno Valley, CA**

Participated in this \$15M project.

**State of California Veterans Homes West Los Angeles, CA**

Pre-construction Project Director for this \$180M, 400-bed skilled nursing facility on the West Los Angeles VA campus. Set up coordinated functions and communications between Federal VA and State of California. Provided full project management services before construction including design document reviews, cost estimating, and value engineering and procurement strategies.

**State of California Veterans Home Palmdale, CA**

Pre-construction Project Director for this \$24M, 60-bed resident care nursing facility in Palmdale. Provided design document reviews, cost estimating, and value engineering and procurement strategies associated with project management services.

**State of California Veterans Home Ventura, \$24 million Project.**

Pre-construction project director for this \$24M, 60-bed resident care nursing facility in Ventura. Provided design document reviews, cost estimating, and value engineering and procurement strategies associated with project management services.

**UCLA Northwest Campus Undergraduate Student Housing, Los Angeles, CA**

Construction phase construction management services including project controls, change orders, submittals, and progress payment processing.

**California Institute of Technology Undergraduate Student Housing Historical Building Preservation and Modernization Project, CA**

Provided construction management during construction phase including document controls for RFI's, submittals, change orders, inspection coordination, construction administration for schedule review, progress payments, and project close-out.

**Armand Hammer Museum, Los Angeles, CA**

Appointed co-project manager for construction management services. Project management responsibilities included project communications, information facilitation, submittal process, payment application review and recommendation, contract compliance reviews, schedule review, change order review and recommendation. Part of the management effort was to keep the Headquarters Building fully operational while the museum construction was underway. The project involved construction of a new museum building adjacent to the Occidental Petroleum Headquarters building at Wilshire and Westwood Boulevards with a direct interface and connection to the Headquarters Building. This project was completed around 1990.

**The Huntington Museum, Pasadena, CA**

As a licensed architect with construction project management experience, was involved in the repairs to the Huntington Museum as a result of a fire at the museum. Assisted the on-site project superintendent /Project Manager and he was one of two project managers. Charged with setting up project controls and working with the on-site Project Superintendent/Project Manager. Efforts included contract administration and overall schedule compliance on the construction side. The project involved removing for restoration the very valuable artwork, fire damage removal and extensive cleaning and repair, improvements to the fire sprinkler system and fire alarm system, alterations to the elevator shaft and enclosures as the fire had raced up the elevator shaft and impacted various floors of the museum. Improvements were also made to the HVAC system and lighting system as well.

**Multiple Southern California Shopping Centers, CA**

Conducted existing conditions surveys associated with pre-occupancy and post-vacate conditions for commercial tenant occupancies at several locations in several shopping centers. The detailed examinations included a review of tenant leases for specific requirements as to landlord and tenant responsibilities, assessment of conditions to document scope, measurements, and costs (estimated or quoted)

of physical conditions and required restorations necessary before the return of security deposits.

## LANGUAGES

English (native)

## INFRASTRUCTURE

### **Anaheim Regional Transportation Intermodal Center (ARTIC), Anaheim, CA**

Assisted a general contractor in resolving a subcontractor dispute as to the scope of work and performance parameters, including a schedule evaluation.

### **San Diego SR125 Toll Road, CA**

Provided a preliminary expert evaluation of potential claim exposure on an approximately \$400M toll road project in San Diego, California. Reviewed the contractor's payment applications and progress reports on behalf of the title insurance company.

### **American Airlines LAX Terminal 4 Expansion Program, Los Angeles, CA**

Provided project management for this CM-at-Risk project involving ticketing terminal and board terminal additions associated with second-level roadway addition.

### **American Airlines O'Hara Airport Terminal Expansion Program, Chicago, IL**

Provided management and coordination for this extensive terminal expansion effort.

### **American Airlines Santa Barbara Airport Terminal Expansion, CA**

Assisted in the design and implementation of upgrading the airline terminal operations at this historic airport facility allowing for commercial jet aircraft operations.

### **Los Angeles World Airports Utility Infrastructure Upgrade and Central Plant Expansion, CA**

Provided architectural services associated with full underground utility work and Central Plant and Cooling Tower Facility expansion in conjunction with new terminal additions and existing terminal expansions separating arriving and departing passengers within the expanded terminal buildings.

### **Cedars-Sinai Medical Center, South Parking Structure (2,000 spaces), CA**

Preconstruction and construction phase full services associated with this \$24M design-build parking structure.