

## **EXHIBIT A**

# ALSTON & BIRD

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July 22, 2025

Osama Younan, General Manager  
Los Angeles Department of Building and Safety  
201 North Figueroa Street, Suite 1030  
Los Angeles, CA 90012  
Attn: Veronica Lopez, Secretary, Board of Building and Safety Commission

Re: 11973 San Vicente Blvd (Response to Appeal Challenging Demolition Permit)

Dear Ms. Lopez:

On behalf of the owner (“Property Owner”) of the subject property located on 11973 San Vicente Boulevard in Los Angeles (the “Property”), I am sending this letter to respond to the letter dated July 8, 2025 from Susan Brandt-Hawley (the “Hawley Letter”) in support of the appeal (“Appeal”) purportedly filed by a group called Angelenos for Historic Preservation (the “Appellant”).<sup>1</sup> The Appeal objects to the Department of Building and Safety’s (“DBS”) certification of the Environment Impact Report (“EIR”) and adoption of a Statement of Overriding Consideration (“SOC”) for a permit to demolish (“Demo Permit”) the one building remaining on the Property (the so-called “Barry Building”). As correctly stated in the Hawley Letter, the legal validity of DBS’ certification of the EIR and adoption of the SOC is based on whether there is “substantial evidence” to support those decisions. As explained below, all of the evidence submitted during the permitting process supports DBS’ actions, and the Appellant (nor any other project opponent) has not submitted any evidence, technical, expert, or otherwise, to support their opposition position. Nor has the Appellant (nor any other project opponent) challenged the validity of submitted evidence or conclusions drawn.

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<sup>1</sup> We note that the actual appeal application included with the Hawley Letter is not signed by the Appellant, nor does the application even state the Appellant’s name. For that reason alone, the Appeal should be denied by the City.

**I. WHAT CONSTITUTES SUBSTANTIAL EVIDENCE**

Since the Appeal concerns the EIR and SOC, the controlling law is the California Environmental Quality Act (“CEQA”). CEQA has a very clear definition of “substantial evidence.” CEQA Guideline 15384 defines substantial evidence as follows: “‘Substantial evidence’ as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. ... Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (Emphasis added.) Guideline 15384 also defines what is not substantial evidence: “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” (Emphasis added.) As shown below, the Appellant (or any project opponent) has only provided opinion and speculation, but not substantial evidence.

**II. CERTIFICATION OF THE EIR IS NOT IN DISPUTE**

The Appeal does not object to the certification of the of the EIR (nor did the Cultural Heritage Commission.) A certification of EIR necessarily means that the EIR “was completed in compliance with CEQA.” (Refer to CEQA Guideline 15090(a).) That further means that the EIR analyzed a “reasonable range” of alternatives that could preserve the Barry Building because that is a requirement for EIRs under CEQA. (Refer to CEQA Guideline 15126.6(a).)

In this case, the range of preservation alternatives evaluated in the EIR was comprehensive. The EIR examined these alternatives:

1. Alternative 1 is a “No Project” alternative, which assumes the project would not be implemented and the existing building would remain on site. However, as the Barry Building is required to comply with the Soft Story Ordinance, the mandatory seismic retrofit work in the south wing is included in this alternative. In this scenario, the building would not be suitable for occupancy as structural deficiencies in other wings would remain and mandatory ADA improvements would not be made.
2. Alternative 2 is the “Preservation” alternative. In this scenario, the Soft Story seismic retrofit work *and* additional structural improvements, ADA renovations, building code, and energy efficiency upgrades would be made to the existing building.
3. Alternative 3 is the “Preservation with New Construction” alternative. In this alternative, the Barry Building would be partially preserved (and renovated for occupancy). A portion of the building

would be demolished and a new “annex” would be built to increase leasable commercial space on the site.

4. Alternative 4 is the “Relocation” alternative. This scenario involves dismantling the building into smaller segments and transporting them to a new location.

**III. THE ECONOMIC INFEASIBILITY OF THE PRESERVATION ALTERNATIVES WAS CONFIRMED BY MULTIPLE EXPERT REPORTS – AND NO EXPERT REPORT WAS EVER SUBMITTED BY ANYONE IN OPPOSITION**

CEQA also has a clear definition of “feasibility.” CEQA Guideline 15364 provides this definition: “‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (Emphasis added.)

The economic infeasibility of preserving the Barry Building as a local historic monument was studied in multiple reports authored by multiple experts. Specifically, those reports included, among others, a report prepared by Gruen Associates regarding necessary Barry Building ADA Update Requirements (June 2021); an analysis prepared by Hill International regarding cost of completing the identified Barry Building Renovations (November 2022); and pro formas prepared by CBRE, Inc. entitled Barry Building Land Residual Analysis (March 2023). These expert findings were attached to a detailed letter sent to the Los Angeles City Planning office on April 20, 2023.<sup>2</sup> Those reports confirm that the projected costs associated with implementing the necessary upgrades to the Barry Building in 2022 (including seismic retrofitting and ADA and Building Code upgrades) would cost approximately \$12,818,000.

As the costs of construction and renovation work continued to rise since the initial analysis, additional analysis was conducted in 2024 to evaluate the updated cost of the renovation and seismic work. This updated expert analysis included a revised report prepared by Hill International regarding a Revised Cost Estimate (June 2024) and an analysis prepared by CBRE Valuation considering a Revised Revenue Analysis (July 2024) which were attached to a letter sent to the Office of Historic Resources along with additional materials on July 15, 2024. Further updated cost opinions were prepared by Hill International (November 2024) and CBRE prepared an additional Appraisal Report (November 2024). These were provided to the Planning Department on November 14, 2024. Experts opined that the cost to complete this rehabilitation work as of late 2024 was \$17.1 million. (From June 1, 2021, to June 26, 2024, the cost per square foot for this renovation work rose from \$777 to \$1,108; in November 2024 the cost per square foot was estimated at \$970 to \$1,270.) This escalation is primarily driven by higher labor costs, increased material prices, and rising transportation and disposal fees.

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<sup>2</sup> All reports referenced herein have been previously submitted to the City. Concurrently with this letter, these documents are being reshared with the City via email.

In addition to estimating the total cost associated with renovating the Barry Building for occupancy, expert analysis was conducted by CBRE to determine the maximum revenue that would be generated from a rehabilitated Barry Building and compared that potential revenue against the costs of renovating and leasing the Barry Building. That expert analysis evaluated both Alternative 2 of the DEIR (the “Preservation Alternative”) and Alternative 3 of the DEIR (the “Partial Preservation with New Construction Alternative.”

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. Compared with the original cost estimate (plus additional expenses detailed in the proforma) resulted in a residual land value of **negative \$5,663,653**. Considering the updated cost figure, the value of preserving the Barry Building per Alternative 2 is now estimated at **negative \$9.9 million**.

Alternative 3<sup>3</sup> also presented a negative land valuation despite the additional revenue opportunity with the expanded leasable space in this alternative. The expert’s initial analysis estimated a **negative valuation of \$3,733,908**, and their revised cost estimate results in a land valuation of **negative \$12 million**.

Importantly for the Appeal, which is governed by substantial evidence, neither the Appellant nor any other person ever submitted any economic report or analysis contradicting any of these experts’ findings, not during the EIR process and not during any aspect of the permitting process.

Based on the uncontroverted evidence establishing economic infeasibility, DBS properly adopted CEQA Findings that concluded that the preservation alternatives were infeasible. (Refer to the Letter of Determination, pages 18 - 33.)

#### IV. THE SOC IS SUPPORTED BY SUBSTANTIAL EVIDENCE, WITH NO EVIDENCE OFFERED TO THE CONTRARY

With the economical infeasibility of the preservation alternatives established, there is no mitigation or measure that could fully avoid the significant impact associated with demolishing the Barry Building.<sup>4</sup> And before proceeding to discuss the SOC, it is

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<sup>3</sup> Alternative 3 would preserve the south, east, and west wings of the Barry Building, the courtyard and the south façade of the north wing, and would include the same seismic and code compliant renovations on these wings. In addition, Alternative 3 would include the construction of a new building behind (north of) the existing building (referred to as the annex). This alternative was selected to evaluate because it provides for the maximum income potential for the Property.

<sup>4</sup> The only appellate case cited in the Hawley Letter concerning impacts to historic buildings under CEQA (*Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095)

important to note that the City's own Code gives the owner of a building that has been cited under the Soft Story Ordinance the option to renovate the building or to demolish it. The Soft Story Ordinance specially provides that in order to achieve compliance the building may be demolished "at the owner's option." (LAMC 91.9305.1). Respecting that unilateral option in this case is critical because forcing the Property Owner to spend millions of dollars on a property that would not have a value commensurate with those costs and result in a multi-million-dollar negative value could raise a host of other troubling legal issues.

Under CEQA, before an agency can approve the requested permit for a project that would cause a significant environmental impact that cannot be mitigated, the agency must adopt a Statement of Overriding Consideration. (SOCs are governed by CEQA Guideline 15091.) In a SOC, the agency determines whether the benefit of the project outweighs the significant environmental impact. Importantly, case law as well as the longstanding practice of the City holds that it only takes a single project benefit to outweigh the significant impact. (Refer to page 36-39 of the Letter of Determination.)

The SOC adopted by DBS for the Demo Permit properly followed CEQA's requirements for SOCs. The first project benefit listed in the SOC adopted by DBS is compliance with the City's Soft Story Ordinance and preventing harm to the public due to a seismic event at the Property. Specifically, the SOC states: "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 its objectives to protect public safety or possible occupants in the event of a moderate to severe earthquake."<sup>5</sup>

Contrary to the conclusory assertions in the Hawley Letter, there is more than substantial evidence in the record supporting that project benefit. First, DBS itself

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actually confirms that photographing and documenting a historic building does not mitigate the impact to a less-than-significant level. (See page 1120 of that decision.)

<sup>5</sup> The SOC identified four other benefits of the Project and concluded that each one would justify the significant impact associated with demolition. Those other project benefits are (1) "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 risks to the surrounding community and adjacent properties for unlawful behavior within a structurally unsound building; (2) 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; (3) 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 (4) the Project would create jobs during demolition for construction workers in the City." (Letter of Determination, page 37.)

determined, upon inspection of the site, that the Barry Building is subject to the Soft Story Ordinance as it has a “soft story” likely to suffer significant damage during or after an earthquake. As a result, the building must comply with the Soft Story Ordinance or face penalties, specifically the Barry Building must either undergo seismic retrofitting or demolition to meet the minimum seismic standards outlined in the Soft Story Ordinance.

After that determination by DBS, numerous technical reports were prepared evaluating the seismic stability of the Barry Building. Those reports included the following:

- Seismic Assessment, Englekirk Structural Engineers, June 6, 2022 (DEIR Appendix G)
- Letter from Englekirk Structural Engineers regarding Two Phases of Structural Work Required by Barry Building, June 1, 2021 (DEIR Appendix H-2)
- Letter from Englekirk Structural Engineers clarifying Application of Soft Story Ordinance to Barry Building Wings, June 3, 2022 (DEIR Appendix H-3)
- Barry Building ADA Upgrade Requirements, Gruen Associates, June 2021 (DEIR Appendix H-5)

Those reports concluded that the south wing of the building that faces San Vicente Boulevard utilizes a pass-through at the ground floor that accesses the interior courtyard. As a result, there are no bearing walls that extend to the foundation and instead the second floor is supported on a series of isolated steel columns. The seismic retrofit scheme to correct this “soft story” consists of steel moment frame structures that would be located within the Barry Building and supported on new concrete footings. These steel moment frame structures would provide lateral bracing for the south wing. In addition, new wood shear walls would be installed to minimize architectural impact on the Barry Building.

Further, in addition to the seismic work required to comply with the Soft Story Ordinance, additional structural retrofitting work is needed on the remaining wings to make the building safe for occupancy. These experts found that the Barry Building’s seismic force resisting system is highly overstressed. The report notes several structural deficiencies in the Barry Building. For example, (1) interior demising walls do not form a complete seismic-force-resisting system or a complete lateral bracing system; (2) vertical elements of the seismic-force-resisting system are discontinuous between floors; (3) the north, east, and west wings range from being 190% - 650% overstressed; (4) the steel posts in the south wing do not possess any lateral resistance, so a possible collapse of this wing could result during a seismic event; (5) there is no existing wall or lateral resisting element to resist seismic loads in the south wing, so significant lateral displacement may be expected during a seismic event; and (6) the demand over capacity ratios for the typical diaphragm at the roof and second floor is highly overstressed.

These experts identified and prepared a seismic retrofit scheme that outlines the work required to address the issues identified above. This work includes new and strengthened wood shear walls, new foundations to support the seismic loads resisted by

the new shear walls, and adding and strengthening the first floor, second floor, and roof diaphragms among other work. Further, the experts concluded that significant retrofitting was still required even if the Historical Building Code were applied.<sup>6</sup>

Neither Appellant nor anyone else in opposition to the Demo Permit submitted any technical reports or analysis to the contrary.

Since those reports establish the seismic risks associated with the Barry Building, demolishing the building in compliance with the Soft Story Ordinance will accomplish the very goal of the Ordinance—“to promote public safety and welfare by reducing the risk of death or injury that a may result from the effects of earthquakes on tilt-up concrete wall buildings designed under the building codes in effect prior to January 1, 1976. Such buildings have been categorized, based on past earthquakes, as being potentially hazardous and prone to significant damage, including possible collapse, in a moderate to major earthquake.” (*Mandatory Earthquake Hazard Reduction in Existing Wood Frame Buildings with Scft, Weak or Open Front Walls*, Los Angeles Municipal Code § 91.9401.) This benefit alone justifies adoption of the SOC.

V. THERE IS NO EVIDENCE TO SUPPORT THE APPELLANT’S CLAIM OF PIECemeALING

Despite Appellant’s unsupported assertion, there is no evidence that the requested Demo Permit is part of a larger project, which would trigger CEQA’s so-called “piecemealing” doctrine. This unsupported claim was fully addressed in the Responses to Comments included in the City’s Final EIR. Specifically, Response to Comment A3.2 concluded that with respect to the Barry Building, there is no evidence that the Project Applicant intends to develop the Subject Property with any new, specific uses. The Project Applicant has not filed for any entitlements for the development of new buildings at the Project Site; and in its application for the 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. (A copy of that application is provided at Appendix B to the Final EIR for the Project.) Further, the this Response to Comment properly concluded that “there is no future project and it would constitute impermissible speculation as to the type of a future project that may eventually be developed at the Project Site. Further, a prior application to develop a project at the site (known as the Green Hollow Square Project) was formally withdrawn, as confirmed in a letter from City Planning dated December 17,

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<sup>6</sup> In addition to the extensive seismic work that would be required to retrofit the Barry Building, significant work is needed to update the building in compliance with the Americans with Disabilities Act (ADA). Based on another expert report, ADA compliance issues were identified such as the second story is currently not accessible; there is no accessible women’s restroom; all doors, thresholds and landings are not sufficiently sized for wheelchair or accessibility device access which requires significant renovation to tenant spaces; and the two-lane driveway to the east does not have a legal sidewalk width. A total of 37 different ADA upgrades are recommended to bring the Barry Building into full ADA compliance.

2013. (Refer to Appendix R to this Final EIR.)” The Hawley Letter does not address this aspect of the Final EIR whatsoever.

VI. CONCLUSION

The Appeal is governed by the substantial evidence test. The appeal fails that test. Substantial evidence supports the conclusion that the Final EIR was completed in compliance with CEQA. The appeal takes no issue with that conclusion. Therefore, the EIR adequately analyzed a reasonable range of preservation alternatives to the demolition of the Barry building. Further, the economic infeasibility of those preservation alternatives were confirmed by multiple expert reports. The Appeal addresses none of those multiple expert reports, and offers no expert reports of its own to the contrary. Therefore, the infeasibility of the preservation alternatives is beyond question.

Thus, the only issue in this appeal is whether there was substantial evidence to support the City's adoption of the SOC when it concluded that each of the project benefits listed therein outweigh the impact to historical resources attributable to the demolition of the building. One of those project benefits is compliance with the City's Soft Story Ordinance, which seeks to protect public health by requiring rehabilitation or demolition of seismically unsound buildings. Multiple technical reports confirmed the seismic instability of the Barry building, including the City's own Building & Safety Department reaching that determination many years ago. The Appeal does not address those expert analyses. Instead, the Appellant simply offers its own opinion, as well as the opinion of certain members of the Cultural Heritage Commission, that the impact of demolishing the building outweighs the project benefits. But CEQA is very clear that opinion alone is never sufficient to outweigh substantial evidence to the contrary. Accordingly, we respectfully request that the City deny the Appeal.

Sincerely,

  
Edward J. Casey  
Attorneys for 11973 San Vicente LLC

cc: Craig Bullock, Planning Director (Office of Councilmember Traci Park)  
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**Enclosures (provided via email)**

The enclosures to this letter are identified in the manner in which they were originally provided to the City, including the transmitting letter or email were applicable. The enclosures are organized by transmittal package, containing all attachments for completeness, including those not referenced herein. The list below includes all of the technical reports addressing the economic infeasibility of the preservation alternatives referenced at pages 3 to 4 of our July 22, 2025 letter as well as all of the technical reports addressing the seismic instability of the Barry Building discussed at pages 6 to 7 of our July 22nd letter. Finally, Enclosure 5 does not include a transmittal, rather it contains the seismic reports included in the EIR. The enclosures and their attachments are as follows:

1. **Enclosure 1:** 4/20/2023 Letter to Los Angeles City Planning regarding Cost Analyses for 11973 San Vicente Boulevard Project
  - a. Attachment A: *11971 San Vicente Boulevard – Retrofit Schemes* by Englekirk Structural Engineers (June 2021) (Soft Story Retrofit Letter Report)
  - b. Attachment B: *11971 San Vicente Boulevard – Retrofit Schemes* by Englekirk Structural Engineers (June 2022)
  - c. Attachment C: *11973 San Vicente Boulevard, ASCE 41-13 Seismic Assessment* by Englekirk Structural Engineers (June 2022)
  - d. Attachment D: *Project Impacts Assessment, 11973 San Vicente Boulevard* by Historic Resources Group (October 2022)
  - e. Attachment E: *Barry Building ADA Upgrade Requirements* by Gruen Associates (June 2021)
  - f. Attachment F: *Barry Building Renovations* by Hill International (November 2022)
  - g. Attachment G1 and G2: *Barry Building Land Residual Analysis* by CBRE, Inc. (March 2023) (Pro formas)
2. **Enclosure 2:** 7/15/2024 Letter to Office of Historic Resources, regarding Updated Cost Analyses for 11973 San Vicente Boulevard Project
  - a. Attachment A: Draft Statement of Overriding Considerations
  - b. Attachment B: Planning Department Statement of Overriding Considerations Template

- c. Attachment C: March 21, 2024, Letter from M. Zasadzien (City Planner) to Department of Building and Safety recommending EIR certification Letter from Planning to DBS
- d. Attachment D: Photographs of May 2024 break-in at site
- e. Attachment E: April 20, 2023, Letter to J. Harris (Planning Dept.) regarding Cost Analysis a. Note: Attachments A-E to this letter are not included here for brevity as they are also Appendices included in the DEIR. We are happy to provide these reports separately if desired.
- f. Attachment F: *Barry Building Renovations* by Hill International, November 2022 (Attachment F to the Cost Analysis letter above)
- g. Attachment G: *Barry Building Land Residual Analysis* by CBRE Brokerage, March 2023 (Pro forma) (Attachment G to the Cost Analysis letter above).
- h. Attachment H: Revised Cost Estimate, Hill International, June 27, 2024
- i. Attachment I: Revised Revenue Analysis, CBRE Valuation, July 2024

3. **Enclosure 3:** 10/30/2024 Email to City
  - a. Attached BARRY BUILDING RETROFIT spreadsheet, dated 10/3/2024
4. **Enclosure 4:** 11/14/2024 Email to City including additional evidence and technical analysis
  - a. A letter report dated November 2024 from Hill International that addresses the cost to rehabilitate the subject building accounting for the California Historic Building Code (CHBC).
  - b. An email from the Historic Resources Group confirming that the analysis in the attached letter from Hill International is consistent with the CHBC.
  - c. An updated valuation analysis from CBRE that accounts for the Hill International analysis provided in the attached letter report.
  - d. Photographs of a recent break-in.
5. **Enclosure 5:** Seismic Reports contained in the Draft EIR
  - a. Seismic Assessment, Englekirk Structural Engineers, June 6, 2022 (DEIR Appendix G)

- b. Letter from Englekirk Structural Engineers regarding Two Phases of Structural Work Required by Barry Building June 1 2021 (DEIR Appendix H-2)
- c. Letter from Englekirk Structural Engineers clarifying Application of Soft Story Ordinance to Barry Building Wings June 3 2022 (DEIR Appendix H-3)
- d. Barry Building ADA Upgrade Requirements Gruen Associates June 2021 (DEIR Appendix H-5)