



December 1, 2025

VIA ELECTRONIC UPLOAD

Los Angeles City Council
200 N Spring Street
Los Angeles, CA 90012

**Re: CEQA Appeal of the Board of Building and Safety
Commissioners' Action on November 18, 2025, Certifying the
Environmental Impact Report (EIR) and Adopting a Statement
of Overriding Considerations (SOC) for the Demolition of
the Barry Building (Historic-Cultural Monument #887)
Located at 11973-11975 W. San Vicente Boulevard; Board File
No. 250851; Case Nos.: ENV-2019-6645-EIR; Related Case No.:
CHC-2007-1585-HCM**

Dear Members of the Los Angeles City Council:

I. Introduction and Appeal Basis

Angelenos for Historic Preservation ("AHP") hereby files this CEQA Appeal to the Los Angeles City Council pursuant to Los Angeles Municipal Code Section 13B.11.1.F challenging the November 18, 2025 action of the Board of Building and Safety Commissioners ("BBSC"). The BBSC denied AHP's appeal and upheld the Los Angeles Department of Building and Safety ("LADBS") determination to certify an Environmental Impact Report ("EIR"), adopt a Mitigation and Monitoring Program, and adopt a Statement of Overriding Considerations ("SOC") for the proposed demolition of the Barry Building, Historic-Cultural Monument ("HCM") No. 887. This letter sets forth the basis for AHP's appeal.

A. About Appellant

Angelenos for Historic Preservation is an unincorporated association composed of concerned citizens who care about the

preservation of the history of Los Angeles and the environment in general. AHP is opposed to the demolition of the Barry Building and seeks to preserve its International Style architecture and reflection of community history. Through this appeal AHP seeks to enforce the mandates of CEQA.

II. Background Information About the Barry Building

The Barry Building is located on the north side of San Vicente Boulevard between Montana Avenue and Saltair Avenue in Brentwood. Built in 1951, this two-story commercial building was designed by Los Angeles architect Milton H. Caughey (1911-1958) for David Barry, Jr. as ground floor retail with four wings of offices around a central courtyard lushly landscaped with tropical plants. A picture of the Barry Building from 1951 is shown below.

Picture of Barry Building from 1951



Picture from Courtyard of Barry Building



**A. The Barry Building's Location in Front of Another
Historic Cultural Monument, Coral Trees (HCM # 148)**

The Barry Building property is located in front of a median of Coral Trees on San Vicente Boulevard, a landscape feature designated as Historic-Cultural Monument #148.

Mr. Barry had a vested interest in the San Vicente Blvd corridor¹. Mr. Barry influenced the design and look of commercial buildings along San Vicente Blvd in Brentwood. He planned and constructed his building during the same time he was deeply involved in planting Coral Trees along San Vicente Blvd. Mr. Barry was the director of the "Los Angeles Beautiful" project for the planting of the Coral Trees. A picture of David Barry planting one of these Coral Trees is shown below.

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¹ Further discussion of the relationship between David Barry and the Coral trees can be found in **Exhibit 5**. See historical articles attached to **Exhibit 5**.

Picture of David Barry Planting Coral Tree in 1949



BEAUTIFYING SAN VICENTE, 1949. Once the tracks were removed, the median strip on San Vicente Boulevard was functional but not beautiful. A grant from the Los Angeles Beautiful program allowed visionary residents to plant 5 miles of coral trees starting at the Soldiers' Home. The trees' red flowers enliven the street every spring, and their twisted shape is the icon for Brentwood. This group is ceremoniously planting one of the coral trees. (Courtesy of the Brentwood Historical Society.)

B. Historic Tenants of the Barry Building

The Barry Building housed an office for its owner and builder, Realtor David Barry, Jr. and other tenants including Architect Ray Keller, a prominent Psychiatrist, Dr. Margorie Braude, dentist, and Barbershop.²

The Barry Building first housed Brentwood Books in 1960 and subsequently Dutton's Brentwood Books starting in 1984. The building's ground-floor storefront and courtyard served the Brentwood community as a bookstore and café for nearly

² This HCM Application is Attachment 8 to the Office of Historic Resources Staff Report to the Cultural Heritage Commission dated September 5, 2024, and can be found at <https://tinyurl.com/bdez3u5z>.

50 years, until 2008. The building has been vacant and fenced off since 2017.

C. Architectural Features of the Barry Building

The Barry Building is an excellent example of International Style modern architecture, reflected in its flat roof with wide overhanging eaves; smooth stucco cladding; floor-to-ceiling grid and louver windows on the interior courtyard; and horizontal band of windows originally screened with louvered wood grilles on the primary, south-facing facade (removed without approvals in 2016). The courtyard is landscaped with raised flagstone and concrete planters containing a variety of palm trees, as well as four steel-framed benches with wood slat seating and backing. Two curved staircases, one in the northeast corner and one in the southwest corner, provide access to the cantilevered second-story exterior walkway that encircles the courtyard. Each staircase consists of "floating" concrete treads in steel pans supported on triangular concrete mono stringers. Steel pipes support both the stairs and second floor walkway railings, with exposed detailing such as exposed metal plates and bolts serving as decorative elements. Louvered and gridded wood screens shelter portions of the east and west balconies. A passage at the northeast corner of the courtyard connects it to a rear parking lot. A picture of the staircase in the courtyard, one of the more prominent features of the building, is shown below.

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Picture of Staircase of Barry Building



D. The Barry Building's Designation as a Historic-Cultural Monument in 2007

The Los Angeles City Council designated the Barry Building as HCM #887 on October 2, 2007. The City Council found that the building was significant under two of the Cultural Heritage Ordinance criteria: 1) it reflects "the broad cultural, economic, or social history of the nation, State or community" as the longtime home of Dutton's Brentwood Bookstore, a symbol of the Los Angeles literary scene, that contributed to the growth and development of the San Vicente commercial corridor in Brentwood; and 2) it "embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction" as a distinguished example of International Style architecture.³

E. Previous Attempts by the Owner to Demolish the Barry Building To Make Way for Development

On April 6, 2009, the current property owner filed an application for the redevelopment of a site containing the

³ The entire Council File for the HCM designation can be accessed at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=07-2309>.

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subject property with a 73,300-square foot commercial center, at grade and subterranean parking facility, and a single-family dwelling under case numbers CPC-2009-1064-GPA-VZC-HD-SP-CUB-ZV-SPR and ENV-2009-1065-EIR (the "Green Hollow Square Project"). In 2011, a Draft Environmental Impact Report was circulated for review and comment by the public and other interested parties, agencies, and organizations⁴. After holding a public hearing on April 7, 2011, the Cultural Heritage Commission ("CHC Commission") submitted a formal communication on April 19, 2011, to the Department of City Planning expressing concerns over the proposed demolition of the Barry Building and supporting a preservation alternative that adequately incorporated the subject building into the proposed development⁵. A second hearing was held before the CHC Commission on June 7, 2012, and the CHC Commission reviewed and approved a draft letter⁶ addressed to the City Planning Commission reiterating its concerns:

Any concerted effort to purposefully demolish a Historic-Cultural Monument for a replacement project is unacceptable. Pursuing the demolition of the Barry Building imperils the over 1,000 Historic-Cultural Monuments in the City of Los

⁴ The EIR for the 2011 project may be accessed at <https://planning.lacity.gov/development-services/eir/green-hollow-square>, [https://planning.lacity.gov/eir/GreenHollowSq/feir/FEIR Green%20Hollow%20Square%20Project.html](https://planning.lacity.gov/eir/GreenHollowSq/feir/FEIR%20Green%20Hollow%20Square%20Project.html) and [https://planning.lacity.gov/eir/GreenHollowSq/feir/FEIR%20Sections/Final%20EIR Green%20Hollow%20Square%20Project.pdf](https://planning.lacity.gov/eir/GreenHollowSq/feir/FEIR%20Sections/Final%20EIR%20Green%20Hollow%20Square%20Project.pdf).

⁵ This 2011 letter from the Cultural Heritage Commission may be accessed at <https://smallpdf.com/file#s=adf326e8-8040-45e7-8aa4-970c11a49ec0>. The Staff Report for the April 7, 2011 CHC Commission hearing can be accessed at <https://smallpdf.com/file#s=5977e30d-b0c5-4600-81b9-0eba5362199f>.

⁶ This 2012 letter from the Cultural Heritage Commission may be accessed at <https://tinyurl.com/38ua9tvf>. The Staff Report for the June 7, 2012 CHC Commission hearing can be accessed at <https://smallpdf.com/file#s=alea7613-3356-4d3e-8fda-069eccb54d1b>. The Minutes from the CHC hearing can be accessed at <https://smallpdf.com/file#s=alea7613-3356-4d3e-8fda-069eccb54d1b>.

Angeles and sets a dangerous precedent. The Cultural Heritage Commission believes that the Barry Building can be integrated into a new development while also meeting and exceeding the project goals of the proposed project. Other projects throughout the City of Los Angeles have been successful in incorporating Historic-Cultural Monuments through the guidance and support of the Cultural Heritage Commission and its Office of Historic Resources. We strongly support sensitive reuse of historic resources for new projects.

The applicant withdrew the application for the proposed development project in October 2013.

F. The City's Soft Story Retrofit Ordinance and the Barry Building

On October 21, 2014, the Los Angeles Department of Building and Safety inspected the property and it was determined that it falls within the scope of the City's Soft-Story Retrofit Program (Division 93, Article I, Chapter IX of the Los Angeles Municipal Code ("LAMC") Section 91.9300 et seq., Mandatory Earthquake Hazard Reduction in Existing Wood-Frame Buildings with Soft, Weak or Open Front Walls). In March 2018, LADBS issued an order for the property to comply with the Ordinance; as per LAMC Section 91.9305.1, compliance can be achieved through structural retrofitting or demolition. This provision, however, applies generally to buildings that are subject to the Soft-Story Retrofit Program and does not expressly address the demolition of historic resources.

G. Mandatory Environmental Analysis Required Under Local Law and CEQA for Demolition of Historic Resources

In 2019, to comply with the Soft-Story Retrofit Program, the property owner of the Barry Building applied for permits to demolish the building, with no further plans for development of the project site. This proposed demolition

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project is subject to processes outlined in LAMC Section 91.106.4.5 and Los Angeles Administrative Code ("LAAC") Sections 22.171.14 and 22.171.15; Sections 91.106.4.5 and 22.171.14(b)(2) both require compliance with the California Environmental Quality Act for demolition of an HCM. As the Barry Building is designated as an HCM, it is considered an Historical Resource under CEQA Guidelines Section 15064.5(a)(2). Demolition of an Historical Resource would cause an unavoidable substantial adverse change in the environment and requires the preparation of an Environmental Impact Report to serve as an informational document for public agency decision-makers and the general public regarding the project's and environmental impacts. As such, in accordance with CEQA, the Department of City Planning prepared an EIR (ENV-2019-6645-EIR, the Draft EIR and Final EIR collectively referred to as the "11973 San Vicente Boulevard Project EIR"). The Draft EIR was released on February 16, 2023⁷ and was made available for public comment through April 18, 2023⁸. The Final EIR was published on September 11, 2023.⁹

On September 5, 2024, OHR gave a presentation to the Cultural Heritage Commission in which OHR recommended that the Department of Building and Safety **not adopt a Statement of Overriding Considerations**. The Cultural Heritage Commission unanimously agreed.¹⁰

⁷ The Draft EIR can be accessed at <https://ceqanet.lci.ca.gov/2020110210/3> or <https://planning.lacity.gov/development-services/eir/11973-san-vicente-boulevard-project-0>. The Initial Study can be accessed at <https://ceqanet.lci.ca.gov/2020110210/2>.

⁸ Comment letters received from state agencies can be accessed at <https://ceqanet.lci.ca.gov/2020110210/2>.

⁹ The Final EIR can be accessed at <https://planning.lacity.gov/EIR/11973-San-Vicent-%20Boulevard-Project/feir/feir%20Sections/11973%20SVB%20Final%20EIR%20Compiled.pdf> and <https://planning.lacity.gov/development-services/eir/11973-san-vicente-boulevard-project-1>. Alternatively, the Final EIR can be accessed at <https://ceqanet.lci.ca.gov/2020110210/6>.

¹⁰ A transcript of the September 5, 2024 hearing can be accessed at <https://smallpdf.com/file#s=ae14e9eb-af43-4739-a20f-a6c43aec2fee>

III. Summary of the California Environmental Quality Act

In 1970, the California Legislature enacted CEQA, as a means of requiring public agency decision makers, such as Respondent, to document and consider the environmental implications of its actions. CEQA's fundamental goal is to fully inform the public and the decision makers as to the environmental consequences of proposed projects and to assure members of the public that their elected and appointed officials are making informed decisions. CEQA requires governmental authorities, such as the City of Los Angeles, to fully evaluate potential environmental effects of projects, and to seek feasible means to reduce or avoid significant environmental damage that otherwise could result from their actions.

CEQA declares that it is the policy of the state that "public agencies should not approve projects as proposed if there are feasible alternatives ... that would substantially lessen their significant environmental effects." (Pub. Resources Code, § 21002.) Section 21002 explains that CEQA's environmental processes are practical: they are "intended to assist public agencies" in evaluating impacts and identifying alternatives. (*Id.* at § 21002.1(a).)

This has become known as CEQA's "substantive mandate." It is further implemented in section 21081, which prohibits an agency from approving a project with significant environmental impacts unless it first (1) adopts feasible mitigation measures and alternatives and then, (2) if significant impacts still remain, adopts a finding of overriding public benefit. (§ 21081.) The findings must be made in order and must be fact-based. As explained below, the proposed demolition should be voided as a result of this appeal because:

- The EIR is inadequate and should not be certified, and
- The statement of overriding considerations is not supported by substantial evidence.

The following actions should be set aside:

- a. The Mitigation Monitoring and Reporting Program;
- b. The EIR Findings;
- c. The Statement of Overriding Considerations;
- d. A finding that based upon the whole of the record, including the EIR Findings and the SOC, a demolition permit may be issued because specific economic,

social, or other considerations make infeasible the preservation of the Barry Building.

IV. Evidence in EIR Pertaining to Economic Infeasibility Is Unreliable

The single most critical flaw in the EIR is the unsubstantiated finding that preserving the Barry Building is economically infeasible. This finding, which is the legal basis for adopting the Statement of Overriding Considerations and issuing the demolition permit, is entirely unsupported by substantial evidence and was based on grossly overstated cost estimates provided by the applicant.

A. Misrepresentation of Mandatory Compliance Costs

The applicant purposefully inflated the cost of the minimum mandatory requirement: compliance with the Los Angeles Soft-Story Retrofit Ordinance (LAMC § 91.9305.1).

The applicant's cost estimates consistently conflated this minimum mandatory retrofit with voluntary, non-required, full-scale rehabilitation, including:

- **Full Seismic Retrofit (Beyond Soft-Story):** The applicant included costs to retrofit all four wings of the building to address non-mandated overstress concerns. The Soft-Story Ordinance only applies to the open ground floor section.
- **Full ADA Compliance:** The cost included full upgrades for ADA compliance, which is not required for a vacant building undergoing mandated seismic work and can be deferred or exempted. As an HCM, the building is entitled to use the **California Historical Building Code (CHBC)**, which allows for alternative standards and exemptions based on appropriate circumstances.

B. Expert Evidence Rebutting the Applicant's Claims

AHP presented substantial evidence to the BBSC directly challenging the feasibility claims. An expert report was provided Alpha Structural, a highly reputable firm in Los Angeles that has retrofitted hundreds if not thousands of buildings in the City of Los Angeles subject to the Soft-Story Retrofit Ordinance (as well as other jurisdictions with similar regulatory requirements). The Alpha Structural report estimates

the mandatory Soft-Story Retrofit cost at approximately \$379,000. This minimal cost directly exposes the applicant's multi-million-dollar claim (which the BBSC accepted over the AHP estimate) as a deliberate fabrication to manufacture "infeasibility." This expert Report is attached hereto as **Exhibit 1.**

The true cost of mandated safety compliance is less than 2.3% of the applicant's lowest preservation alternative estimate. Therefore, the EIR's conclusions - that preservation is "infeasible"-is **not** supported by any credible evidence and must be overturned.

V. Overwhelming Opposition by the Cultural Heritage Commission

The BBSC's decision to adopt the SOC directly contradicts the unanimous recommendation of the City's own historic resources expert body, the Cultural Heritage Commission, which, after reviewing the EIR, recommended that the Department of Building and Safety **not** adopt the Statement of Overriding Considerations.

- **OHR Staff Testimony:** Melissa Jones (OHR Staff) confirmed that the proposed benefits of demolition "are not supported with substantial evidence." Ms. Jones also stated that demolition is "**not necessary**" to remove any hazard posed by the Barry Building, given the availability of the California Historical Building Code (CHBC). Ms. Jones stated as follows:

"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."

- **CHC Testimony:** Commissioner Milofsky (President) testified that the project is an example of "demolition by neglect" and rewarding it sets a "very bad precedent for the city." The Los Angeles Conservancy echoed this concern, noting that the demolition of a designated HCM solely to clear the property rewards this intentional strategy of neglect. Andrew Salimian, Director of Advocacy for the LA Conservancy, stated as follows:

"The gaslighting, I will say, on the costs of retrofit is kind of crazy because you can see there's a full TI [Tenant Improvement] included in that estimate. So I do just want to ask you to send a strong signal to LADBS. Thank you."

- **CHC Testimony:** Commissioner Richard Barron¹¹, an architect with over 30 years of experience,, testified as follows:

"...during my practice I retrofitted at least three buildings similar to this. This is a two-story wood frame building. It's not complicated. It's relatively easy to put in some sheer walls, put in a steel frame, ... my experience has been that this is not a difficult building to retrofit... It's extremely easy to retrofit."

"We're talking about a wood stud and stucco box. It's extremely easy to retrofit."

By relying on the initial determination of an LADBS official (Binh Phan) whose qualifications for complex CEQA and historic preservation determinations are disputed, and then rejecting the unanimous, expert opinion of the City's designated preservation panel (the CHC) and the City Planning Department's Office of Historic Resources (OHR), the BBSC and LADBS acted outside the scope of their institutional competence and failed to comply with the City's core historic preservation mandate.

VI. LADBS is Not Qualified to Perform the CEQA-Related Actions Required to Certify an EIR

The BBSC should have granted the appeal in full, rescind the Certification of the EIR, and rescind the adoption of the Statement of Overriding Considerations. This action is necessary to correct a fundamental procedural error: Mr. Binh Phan, the Permit and Engineering Bureau Chief, lacks the requisite qualifications, classification, and authority to execute these specific CEQA-related actions.

¹¹ The qualifications of all of the CHC Commissioners can be found at <https://tinyurl.com/mtt3t8m5>.

A. Misalignment of Classification and Duty

Mr. Phan is the signatory of the Letter of Determination. By signing this document, he made discretionary determinations, certified an EIR, and adopted a Statement of Overriding Considerations. However, a review of his Civil Service Class Specifications reveals a distinct lack of authority to perform these functions.

Mr. Phan has held the following positions in the City of Los Angeles for the past 14 years:

Year(s)	Civil Service Job Title / Working Title
2011	Structural Engineering Associate III
2012–2014	Structural Engineering Associate IV
2015	Building Civil Engineer I
2016–2020	Building Civil Engineer II
2020	Assistant Deputy Superintendent of Building II
2022– Present	Deputy Superintendent of Building I / Permit and Engineering Bureau Chief

(Source: openpayrolls.com and transparentcalifornia.com)

The Civil Service Class Specifications for these positions¹² describe duties strictly related to engineering, code enforcement, and technical management. None of these specifications include the duties required to process complex CEQA documentation, certify an Environmental Impact Report, or

¹² The City of Los Angeles Civil Service Class Specifications can be accessed at <https://tinyurl.com/4uthcfft>.

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weigh public policy values to adopt a Statement of Overriding Considerations.

Mr. Phan's expertise is Engineering, Managerial and Ministerial—ensuring strict compliance with building codes. The certification of an EIR and the adoption of an SOC are Discretionary actions—subjective policy decisions that weigh historic loss against economic benefit. By assigning a ministerial officer to make a discretionary policy finding, LADBS has acted outside the scope of its personnel's defined competence.

B. The City Possesses Qualified Personnel, Yet Bypassed Them

The City of Los Angeles employs staff specifically trained and classified to handle CEQA actions. These experts reside within the Department of City Planning and the Office of Historic Resources. Notably, the Planning staff who worked on this project hold classifications that *do* include environmental review duties:

Name	Civil Service Job Title	Department / Division
Ken Bernstein	Principal City Planner	Office of Historic Resources
Mindy Nguyen	Senior City Planner	Major Projects
Melissa Jones	City Planner	Office of Historic Resources

Furthermore, the Cultural Heritage Commission (CHC)—the body explicitly appointed to advise on such matters—unanimously agreed with the Office of Historic Resources against the demolition of the Barry Building and recommended against

adopting the Statement of Overriding Considerations.

The City, therefore, had both the qualified personnel (Planning) and the appointed experts (CHC) available to make this determination. Instead, the decision was routed to an unqualified [in CEQA matters] Permit and Engineering Bureau Chief at LADBS.

C. LADBS Admission of Inexperience and Procedural Confusion

LADBS has explicitly admitted its lack of experience and precedent regarding this matter.

- **Admission of No Precedent:** In an email dated September 11, 2024, Mr. Faruk Sezer, Building Civil Engineer (Government and Community Relations), stated: *"The format of this certification is still undecided, as **LADBS has not issued one in the past.**"*¹³
- **Admission of Procedural Confusion:** When the appellants requested the proper forms to file this appeal ("Exhibit B"), LADBS Board Secretary Ms. Veronica Lopez stated on June 30, 2025: *"Unfortunately, I do not have an example I can share as **your appeal is the first of its kind.**"*¹⁴
- **Contradictory Instructions:** Procedural guidance provided by Ms. Lopez conflicted with dates and instructions provided by Mr. Sezer on June 12, 2025 further demonstrating the Department's unfamiliarity with this process.

It is an established fact that LADBS, and indeed the City, has never processed an EIR for the demolition of a Historic-Cultural Monument without a replacement project. To allow a "first-ever" destruction of a Historic-Cultural Monument to be authorized by an official who has admittedly never performed such a certification, and whose job description excludes such duties, is a clear abuse of discretion.

¹³ This e-mail can be accessed at <https://tinyurl.com/5s2pdef7>.

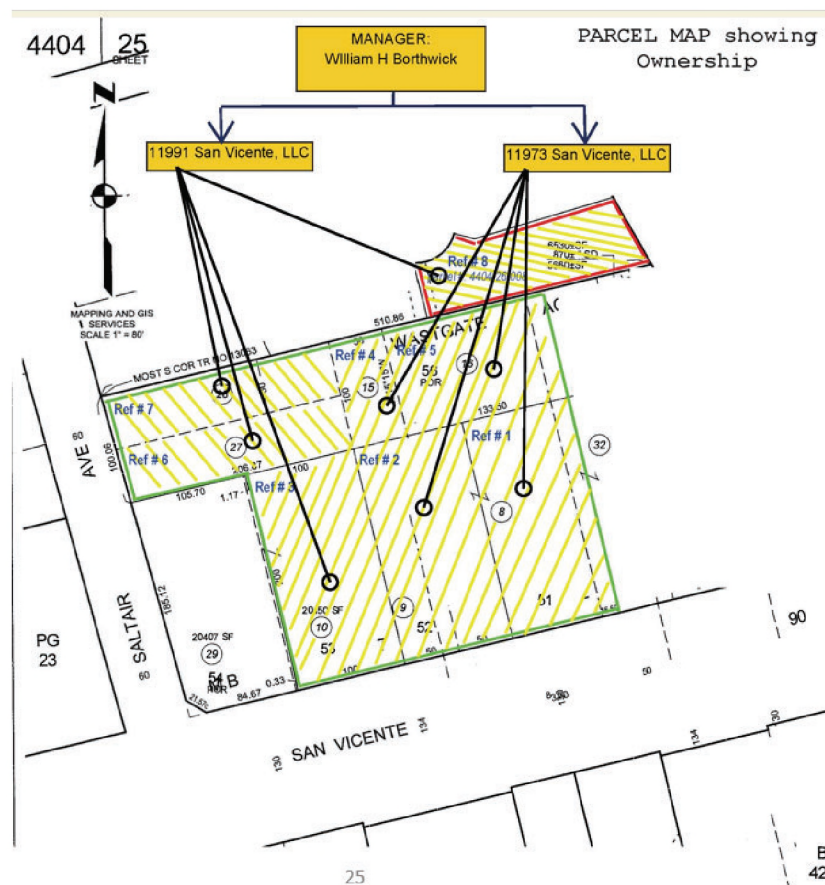
¹⁴ This e-mail can be accessed at <https://tinyurl.com/2hhcndt9>.

VII. Project Segmentation and Failure to Analyze Future Development

The EIR also failed to analyze future development and engaged in improper project segmentation. The applicant owns the Barry Building parcel and adjacent, cleared lots, which OHR staff confirmed is the "exact footprint of the previously proposed project." The Los Angeles Conservancy has emphasized that approving demolition when no replacement project has been identified is a clear circumvention and piecemeal approach to CEQA.

The argument that demolition creates an "empty lot" for future development directly contradicts the EIR's project description: *"No future development... is proposed or considered as part of the Project."*

Marked Up Parcel Map Showing Common Ownership
of All Parcels Owned by Applicant



VIII. The Statement of Overriding Considerations are Not Supported by Substantial Evidence

The justifications listed in the Statement of Overriding Considerations fail to override the significant, unavoidable loss of an HCM:

- **Safety Hazard:** This objective is fully achieved by the feasible, low-cost Soft Story Retrofit.
- **Attractive Nuisance:** The record shows only one LAPD report for the Barry Building in the last 13 years according to West Los Angeles Division Senior Lead Officer Matthew Kirk.¹⁵ AHP contends that the decay and deterioration cited by the Owner is an outcome of the owner's prolonged demolition by neglect. Allowing this demolition sets a dangerous precedent and threatens to leave the City with empty lots citywide where nothing occurs, creating a new type of nuisance.
- **Economically Feasible Improvement:** This is demonstrably false, as mandatory compliance costs only \$379,000, making the preservation alternative entirely feasible.

IX. Failure to Review and Consider the Information in the EIR and Exercise Independent Judgment

The BBSC also failed to comply with CEQA Guidelines Section 15090 when it denied AHP's appeal. This section of the Guidelines states as follows:

(a) Prior to approving a project the lead agency shall certify that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decisionmaking body of the lead agency and that the decisionmaking body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

¹⁵ These e-mails can be accessed at: <https://tinyurl.com/2aa3a3hb>.

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CEQA Guidelines Section 15090

Here, the record demonstrates that members of the BBSC did not "review[] and consider[] the information contained in the final EIR prior to approving the project." Moreover, AHP was denied a fair and impartial hearing by the Board of Building and Safety Commission due to the demonstrated hostility and procedural bias exhibited by at least one Commissioner, resulting in the summary dismissal of key, credible evidence.

First, the BBSC improperly disregarded the Alpha Structural, Inc. Observation Letter, which estimated the mandatory Soft-Story Retrofit at approximately \$379,000. This estimate directly contradicted the applicant's multi-million-dollar claims of infeasibility, yet was subject to hostile and biased dismissal by a Commissioner.

Second, during the hearing, a Commissioner verbally attacked the credibility of the Alpha Structural, Inc. report not on its technical merits, but on subjective, vulgar speculation, stating there was "no f'ing way" the estimate could be correct because the project was in Brentwood. This comment demonstrates an unacceptable bias against the Appellant's evidence rooted purely in personal, non-technical conjecture about real estate values.

Third, the Commissioner compounded this hostility by dismissing the submission as a 'day of' submission erroneously stating it was received the morning of the hearing, despite the report being submitted on Sunday, November 16, 2025, and formally acknowledged the following Monday morning. This misrepresentation of the submission timeline shows a predisposition to reject the evidence, effectively denying AHP the right to have its expert testimony fairly considered.

Fourth, the Commissioner's statement contained a fundamental jurisdictional error that undermines the relevance of his personal opinion on cost: *"we all know that in the City of Brentwood there is no f'ing way that you're going to get something with this cost of \$379,000 that's not going to happen."* The Barry Building is located in the Brentwood neighborhood within the City of Los Angeles, not the independent "City of Brentwood." This error demonstrates reliance on generalized, inaccurate, and irrelevant geographic speculation rather than the specific evidence for the Los Angeles site.

Fifth, the BBSC's subsequent decision to uphold the finding of infeasibility, despite this clear bias and the existence of compelling counter-evidence, constitutes a fundamental violation of due process and an abuse of discretion, thereby requiring the City Council to void the BBSC's action. The BBSC's role is to weigh competent evidence, not substitute professional estimates with personal, irrelevant, or biased speculation.

Finally, the demonstrated bias and failure to consider substantial evidence constitutes a fundamental violation of due process. California case law (*Petrovich v. City of Sacramento*) confirms that bias or prejudgment by a decision-maker taints the entire quasi-judicial proceeding, which is, by itself, grounds for the City Council to reverse the BBSC's decision.

All of these facts demonstrate that the BBSC did not actually "review[] and consider[] the information contained in the final EIR prior to approving the project," including the information that was provided as part of the appeal of the LADBS determination. Further, the BBSC did not exercise its independent judgment or analysis. Rather, it simply rubber stamped the decision of LADBS.

X. Additional Bases for Appeal

AHP incorporates by reference its appeal justification letters to the BBSC dated July 8, 2025, and November 17, 2025 (which are attached hereto as **Exhibits 2** and **3**) and incorporates all the arguments in those letters as bases for this appeal to the Los Angeles City Council. AHP also incorporates by reference the objections filed by Mr. Bob Blue and Ziggy Kruse in their letter dated November 29, 2023 (which is attached hereto as **Exhibit 4**). Further, AHP incorporates by reference the arguments raised in opposition to the project by the LA Conservancy as a basis for this CEQA Appeal. These letters are attached hereto as **Exhibit 5**.

XI. Conclusion and Request

The BBSC's denial of the appeal is unsupported by substantial evidence and represents a profound abuse of discretion. The BBSC erred by failing to accord proper weight to the unanimous recommendation of the CHC and by relying on the applicant's fabricated claims of economic infeasibility while

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actively dismissing credible, expert counter-evidence. **If this demolition is approved, it will set a dangerous and harmful precedent for the City's historic preservation program, threatening the future of more than 1,300 designated Historic-Cultural Monuments.**

AHP respectfully requests the Los Angeles City Council to:

1. Grant this CEQA Appeal.
2. Find that the LADBS and BBSC erred and abused their discretion in certifying the EIR and adopting the Statement of Overriding Considerations.
3. Void the BBSC's action of November 18, 2025, and direct LADBS not to issue a demolition permit for the Barry Building (HCM #887).

Sincerely,

Robert Blue

For Angelenos for Historic Preservation

Exhibit 1

OBSERVATION LETTER

Bob Blue
 Email: bob.blue@live.com

November 15, 2025

Re: 11973 San Vicente Blvd. Los Angeles CA, 90049

This letter has been prepared for Bob Blue, as a follow-up to our site visit on November 12th, 2025, and summarizes the findings of our visit.

This letter is limited to the confirmation of mandatory retrofitting upgrades and preliminary potential costs (soft story seismic retrofitting) and is not intended to analyze the overall ability of the structure(s) to withstand future loading conditions. It should also be noted that this site visit did not include a review of original or renovation structural plans, or the benefit of a current subsurface investigation (soils report), as they were not made available. The observation was conducted on a visual basis, and no instruments were used to measure plumb or level conditions of floors or walls.

Regardless of opinions stated, written, or implied by any representative of Alpha Structural Inc., no building elements or structure obscured or covered by anything may be commented relied upon in any email, report or Observation Letter issued. This includes but is not limited to floor structures or slabs covered by carpeting or any floor covering, retaining walls covered by foliage, pools filled with water, etc. If comment is requested of us, please have these areas exposed entirely for observation.

Rough estimates were requested for the various repair options. It should be noted that these estimates are given on a "plus or minus" basis and are not actual bids. In order to acquire an exact price, an option would need to be chosen, and an accurate bid undertaken in order to ascertain the price therein.

GENERAL:

- The subject property is an 13,301 sq. ft. (approximately) two-story commercial office building originally built in 1951 according to the Los Angeles County Assessor records.
- The building is located on a relatively flat pad.
- The building is constructed on a concrete slab on grade foundation system and is separated by a courtyard in the center of the building with four wings along the northerly, southerly, easterly and westerly sides of the building. The southerly wing of the building is almost entirely open on the first level, and the above framing is supported by a series of pipe columns that support the above beams and floor framing.
- A review of a letter prepared by Russell Tanouye of Englekirk Structural Engineers, Inc., dated June 1, 2021, was performed prior to preparing this letter. The purpose of this letter was to provide retrofit schemes to bring the building into compliance with the Soft-Story retrofit ordinance. The general retrofit scheme consists of steel moment frames along the southerly wing as phase one, and strengthening walls via shear walls along the northerly, easterly, and westerly wings as phase two.

- A search into City of Los Angeles LADBS online services specifies that this building does fall into the Soft-Story retrofit program with an order to comply (OTC) date of 3/1/2018. <https://www.ladbsservices2.lacity.org/OnlineServices/?service=plr>

OBSERVATIONS:

- At the time of observation, the building was enclosed with temporary fences and inaccessible and only visible from the location of the enclosure fences. As a result, visibility was limited, primarily at the courtyard and northerly rear of the building.
- It was observed that both sides of the southerly wing of the building are generally open below, with pipe columns that support the above beams and floor system. This area of the structure appears to have a soft story condition. A soft story is when office/ living space occurs over a soft or weak plane.
- The easterly plane of building appears to also have a soft or weak condition as most of the wall line below appears to consist of covered openings. Photos provided by client, dated June 2015 does verify that the currently boarded up exterior walls consist of storefront/ window openings.
- The northerly plane of the building within the courtyard appears to possibly have a soft or weak plane.
- The northerly rear appears to not have a soft story condition based on limited observation, although it will need to be confirmed during the engineering and exploration phase to visually confirm all openings occurring along the lower and upper levels. Photos provided by the client provide insight to the northeasterly section/ corner of the building, however the northwesterly corner will still need to be confirmed.

RECOMMENDATIONS:

- A Soft-Story seismic retrofit is recommended. The retrofit is considered a mandatory structural upgrade per the City of Los Angeles Mandatory Retrofitting Ordinance #183893 (Mandatory Standards for Earthquake Hazard Reduction in Existing Wood-Frame Buildings with Soft, Weak, or Open-Front Walls). This would consist of complete seismic analysis to entire building, targeting (4) identifiable soft and/ or weak plane on the subject site. The retrofit would consist of implementing lateral resistant systems consisting of multiple special cantilever column systems (SCCS) with drag and shear transfer systems with concrete grade beams. Columns can be designed for offset or replacement columns. Preliminary design accounts for a total of approximately (6) columns to contain both sides of the southerly wing and approximately (4) columns to contain the easterly plane and shear walls/ strong walls will likely be sufficient to contain the northerly plane at the courtyard.
 - Estimated cost approximately, +/- \$14,000. (Engineering and permit expediting.)
 - Estimated cost approximately, +/- \$365,000. (Estimated construction costs are contingent upon final engineered specifications, plans and city requirements. It should be noted that the estimated cost does not include finished cosmetics of any kind as this is to be done by others.)

Thank you for the opportunity to be of service. Should you or any of your authorized agents have any questions, please feel free to call or email anytime.

Sincerely,



Albert Biskalis

Alpha Structural, Inc.

General Engineering Contractors – Structural Engineers

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BACKGROUND & EXPERIENCE INFORMATION
Alpha Structural, Inc

BACKGROUND & EXPERIENCE of Albert Biskalis, provided by:

Albert Biskalis, VP DEVELOPMENT and Structural Assessor

Mr. **Biskalis** has approximately 18 years of structural design/ drafting and has an Associates of Science degree in CAD Drafting/ Design. Five of those years operating in Alpha Structural's engineering department and 3 years as a Structural Assessor. He has helped develop many soft story plans with Alpha Structural's engineering department. HIS Registration number is 144101 SP. This license is held under Alpha Structural's contractor license #66340

BACKGROUND & EXPERIENCE OF COMPANY

The information below is available on Alpha Structural's Website:

<https://www.alphastructural.com>

Servicing Los Angeles County, Orange County, Ventura County and Santa Barbara County

For over 30 years, Alpha Structural, Inc. has developed a powerful reputation as the **#1 Design/Build firm in Los Angeles and surrounding counties**. With over 850 years of combined professional experience in our engineering department alone, we can design any and all of your structural repairs and upgrades, in addition to building them. Whether it's a single-family home, a multi-family apartment building or a commercial building, we engineer and build ANY needed repairs to keep your building safe.



Source: <https://www.alphastructural.com/>

BACKGROUND & EXPERIENCE INFORMATION

Alpha Structural, Inc

For "Observation Letter" dated November 15, 2025

The Only One to Engineer & Build

We're the ONLY **Los Angeles foundation repair company** licensed to ENGINEER and BUILD any type of repair project. Whether it's a **residential, multi-family, commercial or industrial property**, we can do any structural or geotechnical repair required. You'll work with us through the whole project, not unknown sub-contractors that you didn't hire and cannot control or predict. We can custom design the exact right solutions for you and your budget, whatever that is. We'll help you to find the right balance of achieving your goal and cost.

Soft Story Retrofitting Los Angeles

At Alpha Structural, we specialize in comprehensive **soft story retrofitting**, offering tailored solutions that meet compliance requirements while ensuring long-term structural stability. With decades of experience in *seismic retrofitting and foundation repair*, we provide property owners with expert guidance, cost-effective engineering, and seamless execution from start to finish. If your building falls under the city's retrofitting ordinance, now is the time to take action. Strengthen your property before the next earthquake strikes.

Exhibit 2

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July 8, 2025

Osama Younan, General Manager
Superintendent of Building
Los Angeles Department of Building and Safety

Jacob Stevens, President
and Members of the Board of Building and Safety
Attn: Veronica Lopez, Board Secretary
201 North Figueroa Street, Suite 1030
Los Angeles, CA 90012.

Subject: **Justification for Appeal of Letter of Determination**
Project: Demolition of the Barry Building
Historic-Cultural Monument # 887

CASE NO.: CHC-2007-1585-HCM
RELATED CASE NO: ENV-2019-6645-EIR
CEQA: SCH#2020110210 (EIR)
Location: 11973-11975 W. San Vicente Boulevard
Council District: 11 – Park Community Plan Area:
Brentwood – Pacific Palisades

Dear Manager Younan, President Stevens, and Boardmembers:

I represent Angelenos for Historic Preservation, a non-profit unincorporated association whose members enjoy and appreciate historic resources in Los Angeles, in its appeal of the proposed demolition of the historic Barry Building.

The Los Angeles Department of Building and Safety abused its discretion and failed to proceed in the manner required by law in approving the demolition of the Barry Building at 11973 – 11975 W. San Vicente Boulevard in Los Angeles. On June 6, 2025, Permit and Engineering Chief Binh Phan issued a Letter of Determination approving unsupported findings that the EIR Statement of Overriding Considerations justifies the demolition of the historic Barry Building and that a demolition permit may issue based on specific economic, social, or other considerations that make preservation infeasible.

Angelenos for Historic Preservation appeal the Department's approval based on violations of CEQA and Los Angeles Code section 106.4.5 by which the City implements CEQA. This appeal is timely filed within 35 days of June 6 and should be granted by the Department or by the Board of Building and Safety Commissioners.

Because I have not appeared before this Board, by way of brief introduction my statewide law practice has focused on the California Environmental Quality Act (CEQA) for over 40 years, particularly involving matters involving historic resources, in academic, legislative, administrative, and judicial forums. Some of my published CEQA cases include *Sierra Club v. County of Fresno*, *Friends of the San Mateo College Gardens v. San Mateo Community College District*, *Sierra Club v. San Joaquin LAFCO*, *Berkeley Hillside Preservation v. City of Berkeley*, and *Friends of Sierra Madre v. City of Sierra Madre*, all in the California Supreme Court, and *League for Protection v. City of Oakland*, *Stanislaus Natural Heritage Project v. County of Stanislaus*, *The Pocket Protectors v. City of Sacramento*, *Protect Niles v. City of Fremont*, *Sierra Club v. County of Sonoma*, *Save the Capitol*, *Save the Trees v. California Department of General Services*, *Citizens for the Restoration of L Street v. City of Fresno*, *Lincoln Place Tenants Association v. City of LA*, *Preservation Action Council San Jose v. City of San Jose*, and *Flanders Foundation v. City of Carmel*, in the Court of Appeal.

The City's Appeal Procedures are Unclear. Appellant is following the City's appeal procedures as directed in writing by Ms. Veronica Lopez, Secretary to the LA Board of Building and Safety. Correct procedures remain unclear as the appeal encompasses both the LABC and CEQA. However, upon inquiry, Ms. Lopez has directed that

as the LABC section being appealed is 106.4.5, the “Request for Modification of Building Ordinance” is the correct form for appeal. She stated via email that an appellant “must first complete page 1 of this form and provide supporting documents. The Department will then make the determination to grant, grant with conditions or deny the appeal.” She further stated that one “may appeal the Department determination to the Board of Building and Safety Commission. If you choose to, LADBS staff will charge Board fees on page 2 of this form and ask that you complete the ‘Supplemental Application for Appeals’ form and provide an appeal brief.” (Lopez email, June 30, 2025.) This direction is followed for this appeal under LABC 106.4.5 and CEQA.¹

The Project: As explained to the Cultural Heritage Commission by Lambert Giessinger, Senior Architect, LA City Planning, Office of Historic Resources (OHR), applicant “11973 San Vicente LLC” proposes to demolish the 1951 Barry Building designed by LA architect Milton Caughey for David Barry, Jr., with ground-floor retail and four wings of offices around a central courtyard and lush tropical landscaping.

The applicant’s goal is to create an empty lot, conceding that as no replacement project is pending, demolition has significant impact.

Mr. Giessinger explained: “Yes, good morning, Commissioners.

¹ Further, in *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340, 347, as here, the City of Fresno allowed a non-elected commission to approve a CEQA document, and filed an NOD. In its City Council appeal, the group pointed out that the municipal code did not authorize the commission to conduct CEQA review. The court agreed and the Court of Appeal affirmed; it was not a bar that an NOD had been filed:

... CEQA allows a local lead agency, such as the City, to delegate the authority to approve a [CEQA document] and a project to a nonelected decisionmaking body ... In this case, however, the Fresno Municipal Code did not actually authorize the [commission] to (1) complete the environmental review required by CEQA and (2) approve the [CEQA document]. As a result, the [commission’s] approval ... did not comply with CEQA.

Appellant similarly claims that the Department lacks CEQA authority.

Lambert Giessinger, for the record. The item before you is related to the proposed demolition of the Barry Building, historic cultural monument number 887, located at 11973 to 11975 San Vicente Boulevard in Brentwood. The Planning Department has prepared an Environmental Impact Report as required for the proposed demolition. And the Department of Building and Safety is charged with its certification since **there is no replacement project**. The Department ... sent a letter to the Commission ... requesting the Commission's recommendation on the certification of the EIR, and whether or not there are potentially overriding considerations to justify the demolition of a historic cultural monument.

(Cultural Heritage Commission, 5 September 2024, Agenda Item 4, (https://planning.lacity.gov/plndoc/Audio/CHC/2024/09-05-2024/4_CHC_2007_1585.mp3) attached, p. 2.)



First housing Brentwood Books in 1960 and subsequently Dutton's Brentwood Books starting in 1984, the building's ground floor

storefront and courtyard served the Brentwood community as a bookstore and café for nearly 50 years until 2008. The building has been vacant and fenced off since 2017.

The building's international style modern architectural design is reflected in its flat roof, with wide overhanging eaves, smooth stucco cladding, floor to ceiling grid and louver windows on the interior courtyard, and horizontal band of windows originally screened with louvered wood grills on the primary south facing façade. The grills were removed without approvals in 2016.

The second story floats above the first floor storefronts and opening to the courtyard. The courtyard is landscaped with raised flagstone and concrete planters containing a variety of palm trees, as well as four steel framed benches with wood slat seating and backing.



Two curved staircases, one in the northeast corner and one in the southwest corner, provide access to the cantilevered second story

exterior walkway that encircles the courtyard. Each staircase consists of a floating concrete treads in steel pans, supported on triangular concrete mono stringers. Steel pipes support both the stairs and second floor walkway railings, with exposed detailing such as exposed metal plates and bolts serving as decorative elements. Louvered and gridded wood screen shelter portions of the east and west balconies. A passage at the northeast corner of the courtyard connects to a rear parking lot.

The City Council designated the Barry Building as historic cultural monument number 887 in 2007, finding that it was significant under two of the cultural heritage ordinance criteria. Firstly, that it reflects the broad cultural, economic, or social history of the nation, state, or community, as the long time home of Dutton's Brentwood Bookstore, a symbol of the Los Angeles literary scene, that contributed to the growth and development of the San Vicente Commercial Corridor in Brentwood.

And secondly, that it embodies the distinguishing characteristics of an architectural type specimen inherently valuable for a study of a period style of method of construction, as a distinguished example of international style architecture.

There was a previous attempt to demolish the Barry Building in 2009. The current property owner filed an application for the redevelopment of the site containing the subject property into a new commercial center.

At this time the Commission reviewed the Environmental Impact Report for that project. It expressed concerns over the proposed demolition of the Barry Building. *In a formal letter addressed to the*

City Planning Commission, the Commission opposed the demolition of the Barry Building and supported a preservation alternative that retained and integrated the building into a proposed project.

The Commission stated, quote, that *any concerted effort to purposely demolish an historic cultural monument for a replacement project is unacceptable. Pursuing the demolition of the Barry Building imperils the over 1,000 historic cultural monuments in the city of Los Angeles and sets a dangerous precedent.* The Cultural Heritage Commission believes *the Barry Building can be integrated into new development, while also meeting and exceeding the goals of the proposed project. Other projects throughout the city of Los Angeles have been successful in incorporating historic cultural monuments through the guidance and support of the Cultural Heritage Commission and its Office of Historic Resources.* The Commission reiterated that, quote, we strongly support sensitive reuse of historic resources.

The applicant withdrew the application for the proposed Green Hollow Square development project in October 2013.”
(Transcript, attached, pp.3-7, italics added.)

The City’s Letter of Determination explains further:

“Once demolition activities are complete, the portion of the Project Site that currently contains the Barry Building would be a vacant lot, and the existing surface parking lot would remain. A landscape buffer would be installed along the southern boundary of the Project Site (fronting San Vicente Boulevard). No future development of the Project Site is proposed or considered as part of the Project.”

(Letter of Determination, attached, EIR Findings, p. 1.)



Administrative Process. Consideration of EIR adequacy and whether the findings of overriding considerations proposed by the EIR and Department staff are supported by substantial evidence were considered by the Cultural Heritage Commission — *which determined that they were not*. The Commissioners were assisted in review by the City’s historic resources experts: Mr. Giessinger, Melissa Jones of OHR staff, and Mindy Nguyen of Planning’s major projects section.

Following substantial discussion, including concern about demolition by neglect as well as public policy concerns about the detrimental aesthetics of a vacant lot, the Commission unanimously recommended the Department **not** adopt the unsupported statement of overriding considerations. (Transcript, pp. 59-66.)

The Commission recommendations are supported by substantial evidence; the Department findings and project approvals challenged in this appeal are not.

CEQA’s Substantive Mandate. CEQA declares that it is the policy of the state that “public agencies should not approve projects as proposed if there are feasible alternatives ... that would substantially

lessen their significant environmental effects.” (Pub. Resources Code, § 21002.) Section 21002 explains that CEQA’s environmental processes are practical: they are “intended to assist public agencies” in evaluating impacts and identifying alternatives. (*Id.* at § 21002.1(a).)

This has become known as CEQA’s “substantive mandate.” It is further implemented in section 21081, which prohibits an agency from approving a project with significant environmental impacts unless it first (1) adopts feasible mitigation measures and alternatives and then, (2) if significant impacts still remain, adopts a finding of overriding public benefit. (§ 21081.) The findings must be made in order and must be fact-based. As explained below, the demolition should be voided as a result of this appeal because:

- The EIR is inadequate and should not be certified, and
- The statement of overriding considerations is not supported by substantial evidence.

The following actions should be set aside:

- a. The Mitigation Monitoring and Reporting Program (MMRP)
- b. The EIR Findings dated 04/18/2025, attached;
- c. The Statement of Overriding Considerations (Letter of Determination; pp 36-39 of the EIR Findings.)
- d. A finding that based upon the whole of the record, including the EIR Findings and the Statement of Overriding Consideration in Exhibit ‘A,’ a demolition permit may be issued because specific economic, social, or other considerations make infeasible the preservation of the building at 11973 W. San Vicente Boulevard.

LAMC Code section 106.4.5. Implementing CEQA, the Code requires that demolition of a specific historic resource would result in a significant adverse impact, the Department cannot issue a demolition permit without first finding that “specific economic, social, or other considerations” make preservation of the resource “infeasible.”

Project Segmentation. Despite denial by the project applicant, as explained above City staff has confirmed that the Barry Building is currently surrounded by cleared lots that are owned by the same legal entity applicant, which previously — unsuccessfully — applied to develop a multi-lot project. (Transcript, pp. 5-7.)

All phases of a project must be considered in an EIR as the “whole of the action,” so that “environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263, 283–284; *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577.)

Citizens Association for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151, 167 held that “division of the shopping center project into two parts constituted an abuse of discretion, ” per Guidelines section 15126: “[a]ll phases of a project must be considered when evaluating its impact on the environment”

An EIR project description must include future activities that are reasonably foreseeable. (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 399.)

Here, it is reasonably foreseeable that the applicant who now owns the Barry Building property *and* adjacent lots that have been cleared in recent years, intends either to develop them or sell them to an entity who will. The EIR is inadequate for its failure to analyze the potential for development as part of the project description or to identify potentially feasible mitigation and alternatives that adaptively reuse the Barry Building to reduce significant impacts.

Lack of Evidence to Support Overriding Considerations. Absent emergency, demolition of a historic resource is not a stand-alone project. Demolition generally makes way for something else, especially in a valuable real estate market like Los Angeles. So it is here.

Demolition of a historic structure segmented from any prospective, undefined new project provides no foundation or context to consider the feasibility of mitigation measures and alternatives. Archival documentation does not reduce impacts to insignificance: "drawing a chalk mark around a dead body is not mitigation." (*Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1019, overruled on another ground in *Friends of the Willow Glen Trestle v. City of San Jose* (2016) 2 Cal.App.5th 457, 460.)

The City's lack of evidence to support overriding considerations was addressed point by cogent point by City OHR Planner Melissa Jones before the Cultural Heritage Commission. As recited in the transcript upon which appellant relies:

"The Department of Building and Safety requested the [Cultural Heritage] Commission to advise on whether Building and Safety should adopt a Statement of Overriding Considerations. *Staff recommends that the benefits of the project as drafted by the property owner are not supported with substantial evidence, and none of the considerations individually outweigh the significant environmental impacts of the demolition of the Barry Building.* Therefore, staff's recommendation is that the Department of Building and Safety not adopt the Statement of Overriding Considerations." (Transcript, pp. 12-20.)

Appellant requests that the recommendations of OHR staff and the Cultural Heritage Commission be followed.

There is no substantial evidence supporting contrary findings.

Thank you for your consideration of this appeal.

Sincerely,



Susan Brandt-Hawley

Exhibit 3

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November 17, 2025

Jacob Stevens, President
and Members of the Los Angeles Board of Building and Safety
via email

Subject: *Appeal of Demolition Permit for the Barry Building*
Historic-Cultural Monument # 887

Board File No. 250851
November 18, 2025, Public Hearing for Agenda Item C, 11973
San Vicente Blvd, Barry Building (HCM #887)
CASE NO.: CHC-2007-1585-HCM
RELATED CASE NO: ENV-2019-6645-EIR
CEQA: SCH#2020110210 (EIR)
Location: 11973-11975 W. San Vicente Boulevard
Council District: 11 – Park Community Plan Area:
Brentwood – Pacific Palisades

Dear President Stevens and Commissioners:

On behalf of Angelenos for Historic Preservation, I submit the following rebuttal to staff's presentation of issues before this Board for the hearing on November 18, 2025, in addition to all other submissions in support of appeal by Angelenos, incorporated by reference.

Issue 1. The City's appeal procedures are unclear and LADBS lacks authority to approve CEQA documents.

Analysis of the adequacy of CEQA documents and recommendations for approval by the Department and this Board are not within codified responsibilities. Code section 91.106.4.5, relied upon by staff, states:

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 [CEQA] Initial Study and Check List, specified in Section 19.05 of the Los Angeles Municipal Code. If the Initial Study and Check List identify the historical or cultural asset as significant, the permit shall not be issued without the dept first finding that specific economic, social or other considerations make infeasible the preservation of the building or structure.

This section by its plain language does not give the Board authority to undertake CEQA analysis nor approve CEQA documents but solely to make a determination of whether a project may result in loss of or serious damage to significant historical or cultural assets, including a Los Angeles cultural monument. If so, the Board must require the project applicant to submit the project for CEQA review and to pay the appropriate filing fee per section 19.05. The Department and Board have no authority to make CEQA recommendations or decisions.

The Barry Building is a cultural monument. It is thus undisputed that its demolition *would* necessarily result in the loss of a City cultural monument. The Board must refer the project for CEQA review and decisionmaking *by an authorized City body with authority to conduct the EIR process and make decisions regarding compliance with CEQA.*

While this Board thus *has no authority* to consider the adequacy of the EIR nor any CEQA findings including a Statement of Overriding Considerations, Angelenos will briefly address the other issues listed by its staff.

Issue 2: The Appellant asserts that the CHC's recommendation that the Department not adopt the SOC's is supported by substantial evidence, while the Department's findings, SOC's, and projects approvals were *not* based on substantial evidence.

The staff has not provided substantial evidence to support the Statement of Overriding Considerations (referred to as SOC's by staff) purporting to justify the demolition of a cultural monument to create a vacant lot. Saying that adequate support has been provided does not change the facts before this Board. As explained in the file documents

and the Angelenos' appeal and submitted presentation, the City cannot consider an SOC before first studying "the whole of the action," here including feasible redevelopment of this lot with adjacent lots and adopting all feasible mitigation and alternatives to demolition.

Issue 3: The Appellant alleges that project does not meet CEQA substantial evidence requirements, nor does it comply with LAMC Section 91.106.4.5. Therefore, the demolition permit should be voided because the EIR is inadequate and should not be certified, the SOC's are not supported by substantial evidence, and LADBS' actions should be set aside.

Simply stated, the evidence does not support any finding of infeasibility as to the avoidance of demolition of a cultural monument to create a vacant lot under the facts in the record, via mitigation measures or alternatives. The EIR failed to adequately address such measures or alternatives and the SOC is both premature and unsupported.

Issue 4: The Appellant alleges that it is reasonably foreseeable that because the Applicant owns the Barry Building property, and adjacent lots that have been cleared in recent years, there is an intent to either to develop them or sell them to an entity who will; and that the EIR is inadequate for its failure to analyze the potential for development as part of the project description.

Staff's responsive statement that "*impacts to an individually eligible resource cannot be piecemealed if the resource is demolished*" borders on bizarre. The point of CEQA review is to accomplish its substantive goals of protecting the environment, and thus the project EIR must analyze potentially feasible mitigation measures and alternatives to avoid demolition of—here—a property that Los Angeles has designated a cultural monument. That analysis cannot be adequately conducted if demolition is assumed at the outset, and the common ownership of adjacent properties is an appropriate fact to consider as part of the environmental setting.

Issue 5: The Appellant alleges that there is lack of evidence to support the SOC's.

Issue 6: The Appellant requests that the recommendations of OHR Staff and CHC to not adopt the SOC's be followed, and that there is no substantial evidence to support contrary actions.

In sum, the Board has no authority to recommend approval of the SOC's. Otherwise, arguments already stated, as well as the recommendations of OHR staff and CHC, support the lack of evidence.

Please grant this appeal.

Thank you.



Susan Brandt-Hawley

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Exhibit 4



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November 12, 2025

Board of Building and Safety Commissioners
201 North Figueroa Street
9th Floor, Room 900
Los Angeles, CA 90012

Re: 11973-11975 W. San Vicente Blvd., Barry Building Historic-Cultural Monument

To the Board of Building and Safety Commissioners,

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) and current project appeal for the 11973 San Vicente Boulevard Project (Project). The Conservancy is extremely concerned by the proposed demolition of the Barry Building, Historic-Cultural Monument (HCM) #887. If approved, the proposed Project would set a dangerous and harmful precedent for the City's historic preservation program and threaten the future of more than 1,300 designated HCM's.

Throughout the environmental review process, the Conservancy emphasized in our comments the issues with demolishing a designated HCM solely to clear the property, particularly when no replacement project has been identified. Such action incentivizes property owners of other HCMs to pursue similar outcomes, as well as encouraging and rewarding intentional demolition by neglect of a designated historic place. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's long-held historic preservation program, and result in a clear circumvention and piecemeal approach of the California Environmental Quality Act (CEQA).

The Conservancy respectfully requests that you grant the appeal for the reasons outlined by the appellant and the Office of Historic Resources, which found that the project's purported benefits are not supported by



substantial evidence and that none of the stated considerations outweigh the significant environmental impacts of demolishing the Barry Building.

I. 11973 San Vicente Boulevard, known as the Barry Building, is a designated Historic-Cultural Monument (HCM)

Completed in 1951 and designed by local architect Milton Caughey for owner David Barry, the Barry Building is an excellent example of Mid-Century Modern commercial architecture. The building incorporates elements of the International Style, which include an elevated second story, clean lines, a horizontal orientation, and an interior courtyard with cantilevered stairways.

In 2007, the City of Los Angeles designated the Barry Building as Historic-Cultural Monument #887 because it is an excellent and intact example of Mid-Century Modern Architecture, and met the established criteria established by the City.

II. Demolition by neglect is being used as a tactic to circumvent and piecemeal historic preservation regulations and CEQA.

For over fifteen years the property owner has sought to demolish the historic Barry Building. Redevelopment plans have varied from condominiums to retail complexes, and each of these iterations have included the complete demolition of HCM #887. The current “project” is yet another attempt to demolish this historic landmark, without the benefit of analyzing a replacement project and consideration of viable and feasible alternatives.

Numerous community advocates opposed the 2012 project, prompting then-Councilmember Bill Rosendahl to do the same. At the time, the owner/applicant’s Green Hollow Square Project called for the demolition of the Barry Building as well as altering the Coral Tree Median (HCM #148). Throughout the EIR process a clear preservation alternative emerged that would have allowed for the retention and reuse of the Barry Building alongside proposed new development. The owner rejected this despite its meeting a majority of identified project objectives. Unwilling to compromise or explore alternatives, the owners withdrew their zoning entitlements request in 2013, effectively ending the proposed Green Hollow Square Project.

The property owners engaged in a deliberate pattern of tenant evictions and intentional neglect. In 2016, citing seismic concerns, they evicted the remaining commercial tenants and fenced off the site. Since then, the property has stayed boarded up and neglected, with character-defining features—such as metal window shutters—removed without approval or the required design



review from the City's Office of Historic Resources. This unauthorized removal appears intended to make the building look like an "eyesore" in the community.

This culmination of actions reflect an orchestrated demolition by neglect approach, which occurs when property owners intentionally allow a historic property to suffer severe deterioration.. Property owners who take this approach often use it as a means to circumvent historic preservation regulations and to later justify total demolition of historic resources, following deferred or intentional actions that compromise a historic building. Should the City reward this behavior by granting the demolition of the Barry Building, other owners of designated Historic-Cultural Monuments will follow the same playbook to achieve demolition.

III. Consideration of future economic potential amounts to impermissible CEQA Piecemealing

The California Environmental Quality Act (CEQA) defines a "project" broadly to encompass "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment"¹ and makes impermissible the practice of breaking a large project into smaller, separate parts. This practice of segmenting or piecemealing has in the past been used to demolish historic resources prior to the consideration of a larger project.

The California Office of Historic Preservation (OHP) released guidance on this specific issue, noting "several missteps have become common," and recommending to Lead Agencies:

Demolition of a building or structure needs to also evaluate the future use of the site. The goal of CEQA is to provide decision-makers with enough information about the environmental impacts of a proposed project to make an informed decision. OHP encourages Lead Agencies to insist project applicants describe the future use of the site when proposing to demolish a historic resource.²

Despite knowledge of the owner's previous project at this site, LADBS states in the staff report that "there is no evidence in the record of piecemealing or that there is a proposed development project for the site." Yet multiple public speakers at the Cultural Heritage Commission allude to

¹ California Code of Regulations, Title 14, § 15378.

² "Consider the Whole Action: How to Avoid Segmenting," *CEQA Case Studies* Volume II, March 2015, <https://ohp.parks.ca.gov/pages/1071/files/ceqa-how-to-avoid-segmenting-ii.pdf>.



a proposed project at the site. Pamela Brown of the Brentwood Community Council contended that “future development is necessary and important. And the city needs to support the demolition, so that mixed use and housing can be created.” Caller Michael Freeman remarked, “We are tired of having developments like this be derailed due to these very thin reasons like cultural heritage... I urge you to allow development.” Jake Pierce of Abundant Housing LA, “I also think that this is an opportunity to imagine something that would be much better for the community, that would make it more walkable and more affordable.” All three speakers allude to a future project at the site, with Mr. Freeman’s comments most directly implicating an already defined project in “developments like this.”

Elsewhere in the staff report, LADBS reverses their justification that no piecemealing is taking place and suggests:

The removal would result in 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.

Both of these assertions are in conflict. Either the building is being demolished for an unimproved vacant lot or it is part of new housing project. The Conservancy would welcome a project that adds much-needed housing to the site, but we urge LADBS to follow OHP’s guidance and insist the future project be disclosed and adhere to CEQA. We note that significant incentives are available if a larger project is proposed, including the recently approved Citywide Adaptive Reuse Ordinance (which allows generous infill incentives for “Unified Developments,” the Federal Historic Tax Credit, the Mills Act, and the State Historic Building Code.

IV. Refusal to comply with City’s mandatory soft-story seismic retrofit ordinance(s) is no excuse for approval to demolish

On May 1, 2016, the owners of the Barry Building decided to vacate the Barry Building. The excuse stated then was the City’s notice to comply with the mandatory soft-story seismic retrofit. The Draft EIR states this order was first issued in March, 2018³. Now, seven years later and near the end of the time to comply, it appears the owner is intentionally “running the clock” on this

³ DEIR, Alternatives, Page V-1.



order as a deliberate means to attempt to receive approval to demolish a designated Historic-Cultural Monument (HCM).

Throughout Los Angeles are buildings built before current building code standards that are classified as soft-story construction. Without strengthening, these types of structures are vulnerable during earthquakes and possible structural failure. This includes the Barry Building, however these deficiencies do not call for or warrant demolition, only retrofit. Per the City's analysis and records, and provided through April 1, 2023⁴, 12,433 total soft-story buildings exist across Los Angeles. To date, seventy percent (8,722) of these buildings have now complied with the mandatory requirements and city's ordinances for structural retrofits. Another fifteen percent of soft-story buildings have permits issued already and are awaiting for the retrofit work to be completed. Overall, ninety-five percent (11,820) of soft-story buildings and their owners have either initiated plans, have permits issued, or completed the work. Slightly less than five percent (633) of owners of soft-story buildings have done nothing to comply, which presumably includes the owners of the Barry Building. This is substantial evidence that demonstrates how similar buildings are able to be retrofitted. How is it that ninety-five percent of soft-story buildings have complied with this mandatory requirement, yet the Barry Building and its owners have not?

City ordinance 183893 (approved November 15, 2015) and 184081 (approved February 1, 2016) that outline the City's mandatory soft-story seismic retrofit requirements allow for flexibility and specifically call out "qualified historic buildings" and state they "shall comply with requirements of the California Historical Building Code established under Part 8, Title 24 of the California Code of Regulations." This provides additional flexibility should owners pursue this option.

Within the Draft EIR and Alternatives section, statements are made that the soft-story seismic retrofit requirements only applies to the south wing on the building, and does not affect the east, north or west wings of the building. While additional structural deficiencies may be needed to be addressed, there is no limitation to completing this scope. This demonstrates the required work is isolated and therefore can be effectively addressed to meet the City's order to comply without calling for the demolition of the Barry Building.

⁴ City of Los Angeles, Department of Building and Safety, https://www.ladbs.org/docs/default-source/publications/misc-publications/soft-story-compliance-report.pdf?sfvrsn=bbe9f553_144



V. Retrofit Strategies Presented Appear Inflated and No Economic Analysis of the Phase I Minimum Required Retrofit is Presented

A critical aspect in the Statement of Overriding Consideration pertains to the economic feasibility of the project. The determination relies on a CBRE pro forma analysis of Alternative 2, which assigned a market value of \$11,361,308 but an anticipated construction cost of \$17,024,961, resulting in a negative value of \$5,663,653⁵. The detailed cost estimate contains work items that go above and beyond most typical retrofit and tenant improvement projects, and inflate the overall costs beyond reasonable expectations or similarly-scoped projects and comparable buildings.

Due to the Barry Building's status as a Historic-Cultural Monument, the building is eligible to use the State Historic Building Code, which allows considerable flexibility for many of these items through alternative compliance. The majority of the costs in the estimate are *elective* costs that go above and beyond what would be required. These costs include \$646,827 for an accessible path, \$216,390 for stain and balcony railings, \$1,086,133 for elevators, and \$209,302 to widen all tenant doorways.⁶ These added items appear to be used to "pad" the overall costs to attempt to demonstrate infeasibility.

These estimates were duly scrutinized by members of the Cultural Heritage Commission at the September 5, 2024 review of the project. Two of the Commissioners who are licensed architects spoke about the inflated costs, with Commissioner Richard Barron initiating the discussion:

Hi, Richard Barron. I'm an architect. And during my practice I retrofitted at least three buildings similar to this. This is a two story wood frame building. It's not complicated. It's relatively easy to put in some sheer walls, put in a steel frame, and there you go.

So I don't know where you're getting all your information. I think your sort of overkill in terms of the dramatics of it. But my experience has been that this is not a difficult building to retrofit. It's rather easy. We're not talking about an unreinforced masonry building. We're talking about a wood stud and stucco box. It's extremely easy to retrofit.⁷

⁵ Barry Building Land Residual Analysis, CBRE Brokerage, March 2023.

⁶ Revised Cost Estimate, Hill International, June 27, 2024.

⁷ Cultural Heritage Commission, Agenda Item 4, September 5, 2024.



Commission Chair Barry Milofsky echoed this concerns shortly after, remarking, “But I think my first response when you discuss the extent of seismic work required was to turn to Richard and go, it's just some sheer walls.”

The Cultural Heritage Commission comments are accurate, whereby focusing on the necessary retrofits significantly reduces the cost of the project. As noted previously, only the southern wing of the building must be retrofitted to meet the Los Angeles City Soft Story Ordinance (Ordinance No. 183893). This limited scope requires only the addition of two two-story shear walls (\$391,911), steel moment frames (\$575,592), and roof replacement above the southern wing (\$464,134). This cost of \$1,431,631, or slightly over \$1.6 million with a 15% contingency, and is the only required work to obtain compliance.⁸

CBRE’s pro forma did not evaluate this Phase I Soft Story Retrofit, also included as Alternative 1 in the EIR. Failing to do so does not give LADBS enough information to deem this approach and the Project infeasible. There is not substantial evidence in the EIR record for LADBS to make this finding.

VI. Identified alternatives to the proposed demolition of the Barry Building must be selected, including Alternative 2, the environmentally superior alternative

Demolition of the Barry Building without a replacement project is a blatant violation of CEQA. The proposed project is unnecessary and used as an effort to circumvent historic preservation regulation for its future development. It is the City’s duty, as the lead agency, to deny the proposed project as stated by CEQA law, when an environmentally superior alternative is viable and available. As with the previous project proposed through the Green Hollow Square Project, a preservation alternative remains feasible for the applicant. Such an alternative works in tandem with new development. Historic Preservation and new development are not mutually exclusive. Successful preservation for the Barry Building is a “win-win” solution whereby the historic building can be rehabilitated and sensitive new development may occur on the vacant portion of the parcel.

The Draft EIR identifies Preservation Alternative 2 as the environmentally superior alternative. It would meet both of the project objectives and comply with the City’s soft-story seismic retrofit ordinance(s), which includes complying with the requirements under LAMC Section 91.9305.2

⁸ *Revised Cost Estimate*, Hill International, June 27, 2024.



and abate fire, loitering, vandalism, and other public safety hazards associated with structural defects and current vacancy of the Barry Building. The Draft EIR specifically states:

Alternative 2 would not conflict with policies related to historic preservation, as Alternative 2 involves the preservation of the existing building and would not affect the historic significance of this building with the recommendations provided by Historic Resources Group (in the memo contained in Appendix H-7 of this Draft EIR). Therefore, Alternative 2's impacts with respect to land use and planning would be less than significant, and less than the Project's significant and unavoidable land use impact.

The Draft EIR also explicitly states it is not analyzing the economic feasibility of Alternative 2, therefore any claims by the owners and their representatives of infeasibility are not a part of this environmental review process. Any findings of infeasibility, and reliance of by the LADBS in its decision-making process must be verified by substantial evidence and made available to the public.

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."⁹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."¹⁰ The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.¹¹ Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."¹² Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.¹³

⁹ Public Resource Code, Sec. 21001 (b), (c).

¹⁰ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

¹¹ Guideline § 15126.6(a).

¹² *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

¹³ Public Resources Code § 21081.5.



VII. Conclusion

As we have consistently stated throughout the environmental review process, the Conservancy strongly opposes the demolition of the historic Barry Building HCM #887. The proposed demolition with no replacement project is an attempt to circumvent CEQA law and therefore must be denied by the lead agency. The owners and representatives have stated in public meetings that they intend to market the property for redevelopment once the Barry Building is demolished, again demonstrating a piecemeal approach that requires environmental review and necessary efforts to lesson impacts. For nearly fifteen years the Conservancy has advocated for “win-win” solutions for the Barry Building and we remain committed to this outcome.

Preservation Alternative 2 is the environmentally superior alternative and the City, as the lead agency, must select this as it meets project objectives and overall impacts would be less than significant, and less than the project’s significant and unavoidable land use impact. Preservation Alternative 1 also appears viable as the most cost effective approach, and would address the noncompliance with the soft story ordinance. The proposed demolition of the Barry Building is unnecessary and unwarranted, as demonstrated in the Draft EIR, and will create a harmful precedent for historic buildings in Los Angeles. Further, there is substantive evidence in the record that calls into question the accuracy of cost estimates and their reliance by the applicant/owner seeking approval to demolish a designated historic building.

Otherwise such a precedent undermines all efforts of the Office of Historic Resources and the City’s historic preservation program, and actually reward owners that intentionally neglect their properties (demolition by neglect) and make them a nuisance to adjacent neighbors and the entire community. This action also appears to be also in conflict with Council File No: 17-0226-S1 regarding "Unpermitted Remodels, Additions and Demolitions of Buildings / Monetary Penalties" which is pressing for stronger demolition deterrents and greatly needed. The City should also not be approving demolitions until an approved and proposed project is ready to proceed; otherwise we will likely be left with empty lots citywide where nothing occurs, creating a new type of nuisance.

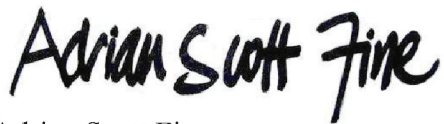
The Conservancy respectfully asks that the Board of Building and Safety Commissioners to uphold Angelenos for Historic Preservation’s appeal, sets aside the Statement of Overriding Considerations, and follow the recommendations of the Office of Historic Resources staff and the Cultural Heritage Commission.



About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 member households throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Sincerely,



Adrian Scott Fine
President & CEO

cc: Councilmember Traci Park
Jeff Khau, AICP, Council District 11
Sean Silva, Council District 11
Ken Bernstein, Office of Historic Resources





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October 4, 2024

Faruk Sezer, P.E.
Assistant Director, Government and Community Relations
Los Angeles Department of Building and Safety
201 N. Figueroa St.
Los Angeles, CA 90012
Faruk.Sezer@lacity.org

**Re: Demolition Permit Application for The Barry Building,
located at 11973 West San Vicente Boulevard, Los Angeles
Historic Cultural Monument No. 887**

Dear Faruk Sezer,

On behalf of the Los Angeles Conservancy, I urge that the Department of Building and Safety (DBS) to follow the Cultural Heritage Commission's recommendation to not issue a Statement of Overriding Considerations (SOC) for the proposed demolition of the historic Barry Building at 11973-11975 San Vicente Blvd.

The Barry Building has been a listed Los Angeles Historic-Cultural Monument (HCM) since 2007. It is significant under Criterion 1 as the longtime home of Dutton's Brentwood Bookstore, a symbol of the Los Angeles literary scene and legacy business, that contributed to the growth and development of the San Vicente commercial corridor in Brentwood, and Criterion 3 as an excellent example of International Style architecture.

We concur with the Office of Historic Resource's staff report that the EIR was completed in compliance with CEQA and appropriate to certify. The EIR found that demolition permit of the Barry Building would constitute significant unavoidable adverse impacts, both from the loss of a historic resource and the proposed project's conflicts with the goals, objectives, and policies of both the General Plan Conservation Element and the Brentwood-Pacific Palisades Community Plan. The EIR identifies preservation alternatives and an environmentally superior alternative that would avoid



adverse impacts and mitigate the harm to this historic resource. Unless there is a compelling reason, the environmentally superior alternative must be selected.

Therefore, the issuance of a SOC is unwarranted. Simply put, the demolition of a structurally sound HCM for a vacant lot would constitute more adverse impacts than any perceived public benefits, for this HCM and others whereby issuance of a SOC will otherwise set a dangerous precedent for Los Angeles.

The applicant offered four claims to justify demolition:

- 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) 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.

We strongly dispute the applicant's claims that the benefits of the project outweigh the adverse impacts of demolition. The building is not a hazard or nuisance; it was in excellent condition until the tenants were forced to vacate in 2016 and the building owner/applicant intentionally left the Barry Building to deteriorate without providing even routine maintenance.

Soft-Story retrofitting is an economically feasible option, as evidenced by other similar buildings that have achieved this status and the staff report's findings about the limited scope of retrofit and precedent of other similar HCMs. The owner is rather *choosing* not to retrofit which is an available and viable option to address compliance with the City's Soft-Story Ordinance.

Lastly, we echo the staff report in reiterating and naming the owner as the responsible party for the vacancy and neglect of a known and designated historic building that was previously a thriving community asset. Rewarding the owner to demolish the site because of self-imposed, vacancy-related nuisances would incentivize this property owner's negligence of an historic building, as well as any other owner that chooses demolition by neglect of an HCM in the future. Further, the owner has not filed for a replacement project on the site whereby preservation alternatives can be fully evaluated and considered.

The Cultural Heritage Commission firmly opposed the demolition of this HCM for a vacant lot. Questions were raised by Commissioners Barry Milofsky and Richard Barron, two of the architects who have considerable experience with historic buildings and seismic retrofits. They specifically addressed the feasibility of retrofit, which they believe to be fairly simple and



routine, with heavily inflated numbers in question and no meaningful response provided by the applicant's team.

Adopting a SOC is not warranted in this case and sets a dangerous precedent for how the City values and protects HCMs, and could open up future neglect by owners who are noncompliant with DBS' mandatory retrofit programs. We strongly urge the DBS to reject the applicant's claims for a SOC.

If you have any questions for about the Conservancy's position, please do not hesitate to call me at (213) 430-4203 or email me at asalimian@laconservancy.org.

About the Los Angeles Conservancy:

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Sincerely,



Andrew Salimian
Director of Advocacy

cc: Councilmember Traci Park
Jeff Khau, AICP, Council District 11
Sean Silva, Council District 11
Osama Younan, LADBS
Ken Bernstein, Office of Historic Resources



September 3, 2024

Submitted Electronically

Los Angeles Cultural Heritage Commission
Commissioner Barry Milofksy
Commissioner Gail Kennard
Commissioner Richard Baron
Commissioner Pilar Buelna
Commissioner Diane Kanner
Email: chc@lacity.org

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RE: CHC-2007-1585-HCM, Barry Building

Dear Commission President Milofksy and Members of the Cultural Heritage Commission,

On behalf of the Los Angeles Conservancy, I urge you to adopt the staff findings to certify the Environmental Impact Report (EIR) and deny the applicant's requested Statement of Overriding Considerations (SOC).

The Barry Building has been a listed Los Angeles Historic-Cultural Monument (HCM) since 2007. It is significant under Criterion 1 as the longtime home of Dutton's Brentwood Bookstore, a symbol of the Los Angeles literary scene and legacy business, that contributed to the growth and development of the San Vicente commercial corridor in Brentwood, and Criterion 3 as an excellent example of International Style architecture.

We concur with the staff report that the EIR was completed in compliance with CEQA and appropriate to certify. The EIR found that demolition permit of the Barry Building would constitute significant unavoidable adverse impacts, both from the loss of a historic resource and the proposed project's conflicts with the goals, objectives, and policies of both the General Plan Conservation Element and the Brentwood-Pacific Palisades Community Plan. The EIR identifies preservation alternatives that would mitigate the harm to this historic resource.

The issuance of a SOC is unwarranted. Simply put, the demolition of a structurally sound HCM for a vacant lot would constitute more adverse impacts than any perceived public benefits, for this HCM and others whereby issuance of a SOC will otherwise set a dangerous precedent for Los Angeles. The applicant offered four claims to justify demolition:

- 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) 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.

We strongly dispute the applicant's claims that the benefits of the project outweigh the adverse impacts of demolition. The building is not a hazard or nuisance; it was in excellent condition until the tenants were forced to vacate in 2016 and the building owner/applicant intentionally left the Barry Building to deteriorate without providing even routine maintenance.

Soft-Story retrofitting is an economically feasible option, as evidenced by the staff report's findings about the limited scope of retrofit and precedent of other similar HCMs. The owner is choosing not to retrofit which is an available and viable option to address compliance with the City's Soft-Story Ordinance.

Lastly, we echo the staff report in reiterating and naming the owner's responsibility in the vacancy and neglect of a known and designated historic building that was previously a thriving community asset. Allowing the owner to demolish the site because of vacancy-related nuisances would incentivize and reward this property owner's negligence of an historic building, as well as any other owner that chooses demolition by neglect of an HCM. Further, the owner has not filed for a replacement project on the site whereby preservation alternatives can be fully evaluated and considered.

The Cultural Heritage Commission should firmly oppose the demolition of this HCM for a vacant lot, and specifically state its objection for a SOC. Adopting a SOC sets a dangerous precedent for how the City values and protects HCMs. We strongly urge the Cultural Heritage Commission to adopt the staff findings and recommend that the L.A. Department of Building and Safety reject the applicant's claims for a SOC.

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Please do not hesitate to call me at (213) 430-4203 or email me at asalimian@laconservancy.org.

Sincerely,



Andrew Salimian

Director of Advocacy

cc:

Councilmember Traci Park

Osama Younan, LADBS





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April 18, 2023

Submitted Electronically

James Harris
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
Email: james.harris@lacity.org

RE: Draft Environmental Impact Report for the 11973 San Vicente Boulevard Project, ENV-2019-6645-EIR

Dear James Harris:

On Behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) for the 11973 San Vicente Boulevard Project (Project). The Conservancy is extremely concerned by the proposed demolition of the Barry Building, Historic-Cultural Monument (HCM) #887. If approved, the proposed Project would set a dangerous precedent for the City's historic preservation program and threaten the future of more than 1,200 designated HCM's.

In December 2020, the Conservancy outlined in our Notice of Preparation (NOP) comments the problems associated with demolishing a designated HCM for no other purpose than to clear the property without an identified replacement project. Such action creates a dangerous precedent and incentivizes future property owners of other HCMs to pursue similar outcomes, as well as encouraging intentional demolition by neglect. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's long-held historic preservation program, and result in a clear circumvention and piecemeal approach of the California Environmental Quality Act (CEQA).

I. 11973 San Vicente Boulevard, known as the Barry Building, is a designated Historic-Cultural Monument (HCM)

Completed in 1951 and designed by local architect Milton Caughey for owner David Barry, the Barry Building is an excellent example of Mid-Century Modern commercial architecture. The building incorporates elements of the International Style, which include an elevated second story, clean lines, a horizontal orientation, and an interior courtyard with cantilevered stairways.



In 2007, the City of Los Angeles designated the Barry Building as Historic-Cultural Monument #887 because it is an excellent and intact example of Mid-Century Modern Architecture, and met the established criteria established by the City.

II. Demolition by neglect is being used as a tactic to circumvent and piecemeal historic preservation regulations and CEQA.

For nearly fifteen years the property owner, that includes Charles T. Munger, has sought to demolish the historic Barry Building. Redevelopment plans have varied from condominiums to retail complexes, and each of these iterations have included the complete demolition of HCM #887. The current “project” is yet another attempt to demolish this historic landmark, yet without the benefit of analyzing a replacement project.

Countless neighborhood advocates voiced their opposition to the 2012 project which prompted then Councilmember Bill Rosendahl to voice his opposition. At the time, the City released its Final EIR for the Green Hollow Square Project, which called for the demolition of the Barry Building as well as altering the Coral Tree Median (HCM #148). Throughout the EIR process a clear preservation alternative emerged that would have allowed for the retention and reuse of the Barry Building alongside proposed new development. The owner rejected this despite its meeting a majority of identified project objectives. Unwilling to compromise or consider alternatives, in 2013 the owners requested to withdraw their zoning entitlements request, thus ending the proposed Green Hollow Square Project.

Through a pattern and practice of evicting tenants and intentional neglect of the property, in 2016, the property owners used seismic concerns as a means to clear out the remaining commercial tenants from the property and fence it off. Since this eviction action, the property has remained boarded up and neglected, and character-defining features removed from the façade without approval and required design review by the City’s Office of Historic Resources. This includes character-defining features such as metal window shutters have been removed or disappeared from the property. Again, this action was not approved or reviewed by the City’s Office of Historic Resources staff, and appears to have been done to further make the building appear to be an “eyesore” for the community.

This culmination of actions reflect an intentional and orchestrated demolition by neglect approach, which occurs when property owners intentionally allow a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners who take this approach often use it as a means to circumvent historic preservation regulations and to later justify total demolition of historic resources, following deferred or intentional actions that compromise a historic building. Should the City reward this behavior by granting demolition of the Barry Building, it is setting a dangerous precedent for future proposed demolitions of Los Angeles’s historic resources. Such actions are occurring with greater frequency so we urge the City to stand firm in this case and pursue actionable demolition by neglect deterrents, and reject unfounded arguments by the property owner that claim preservation alternatives are not viable.



III. Refusal to comply with City's mandatory soft-story seismic retrofit ordinance(s) is no excuse for approval to demolish

On May 1, 2016, the owners of the Barry Building decided to vacate the Barry Building, evict all remaining tenants at that time, and fence off the structure which marked the beginning of the process to ensure this property would be a nuisance and “eyesore” to the community (see attachment). The excuse stated then was the City’s notice to comply with the mandatory soft-story seismic retrofit. The Draft EIR states this order was first issued in March, 2018¹. Now, seven years later and near the end of the time to comply, it appears the owner is intentionally “running the clock” on this order as a deliberate means to attempt to receive approval to demolish a designated Historic-Cultural Monument (HCM).

Throughout Los Angeles are buildings built before current building code standards that are classified as soft-story construction. Without strengthening, these types of structures are vulnerable during earthquakes and possible structural failure. This includes the Barry Building, however these deficiencies do not call for or warrant demolition, only retrofit. Per the City’s analysis and records, and provided through April 1, 2023², 12,433 total soft-story buildings exist across Los Angeles. To date, seventy percent (8,722) of these buildings have now complied with the mandatory requirements and city’s ordinances for structural retrofits. Another fifteen percent of soft-story buildings have permits issued already and are awaiting for the retrofit work to be completed. Overall, ninety-five percent (11,820) of soft-story buildings and their owners have either initiated plans, have permits issued, or completed the work. Slightly less than five percent (633) of owners of soft-story buildings have done nothing to comply, which presumably includes the owners of the Barry Building. How is it that ninety-five percent of soft-story buildings have been able to meet this mandatory requirement but not the Barry Building and its ownership?

City ordinance 183893 (approved November 15, 2015) and 184081 (approved February 1, 2016) that outline the City’s mandatory soft-story seismic retrofit requirements allow for flexibility and specifically call out “qualified historic buildings” and state they “shall comply with requirements of the California Historical Building Code established under Part 8, Title 24 of the California Code of Regulations.” This provides additional flexibility should owners pursue this option.

Within the Draft EIR and Alternatives section, statements are made that the soft-story seismic retrofit requirements only applies to the south wing on the building, and does not affect the east, north or west wings of the building. While additional structural deficiencies may be needing to be addressed there, there is no limitation to completing this scope. This demonstrates the required work is isolated and therefore can be effectively addressed to meet the City’s order to comply without calling for the demolition of the Barry Building.

IV. Identified alternatives to the proposed demolition of the Barry Building must be selected, including Alternative 2, the environmentally superior alternative

Demolition of the Barry Building without a replacement project is a blatant violation of CEQA. The proposed project is completely unnecessary and an effort to circumvent historic preservation regulation for its future development. It is the City’s duty as the lead agency to deny the proposed project as stated by CEQA law. As with the previous, proposed Green Hollow Square Project, a

¹ DEIR, Alternatives, Page V-1.

² City of Los Angeles, Department of Building and Safety, https://www.ladbs.org/docs/default-source/publications/misc-publications/soft-story-compliance-report.pdf?sfvrsn=bbe9f553_144



preservation alternative remains feasible for the applicant. Such an alternative works in tandem with new development. Historic Preservation and new development are not mutually exclusive. Successful preservation for the Barry Building is a “win-win” solution whereby the historic building can be rehabilitated and sensitive new development may occur on the vacant portion of the parcel.

The Draft EIR identifies Preservation Alternative 2 as the environmentally superior alternative. It would meet both of the project objectives and comply with the City’s soft-story seismic retrofit ordinance(s), which includes complying with the requirements under LAMC Section 91.9305.2 and abate fire, loitering, vandalism, and other public safety hazards associated with structural defects and current vacancy of the Barry Building. The Draft EIR specifically states:

Alternative 2 would not conflict with policies related to historic preservation, as Alternative 2 involves the preservation of the existing building and would not affect the historic significance of this building with the recommendations provided by Historic Resources Group (in the memo contained in Appendix H-7 of this Draft EIR). Therefore, Alternative 2’s impacts with respect to land use and planning would be less than significant, and less than the Project’s significant and unavoidable land use impact.

The Draft EIR also explicitly states it is not analyzing the economic feasibility of Alternative 2, therefore any claims by the owners and their representatives of infeasibility are not a part of this environmental review process. The Conservancy welcomes an opportunity to meet and review any documentation and studies, however any findings of infeasibility must be verified by substantial evidence and made available to the public.

A key policy under the California Environmental Quality Act (CEQA) is the lead agency’s duty to “take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history.”³ To this end, CEQA “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”⁴ The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.⁵ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”⁶ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁷

V. Conclusion

As we have consistently stated, in our NOP comments and within this Draft EIR, the Conservancy strongly opposes the demolition of the historic Barry Building HCM #887. The proposed demolition with no replacement project is an attempt to circumvent CEQA law and therefore must be denied by

³Public Resource Code, Sec. 21001 (b), (c).

⁴ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

⁵ Guideline § 15126.6(a).

⁶ *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁷ Public Resources Code § 21081.5.



the lead agency. The owners and representatives have stated in public meetings that they intend to market the property once the Barry Building is demolished, again demonstrating a piecemeal approach to required environmental review and necessary efforts to lesson impacts. For nearly fifteen years the Conservancy has advocated for “win-win” solutions for the Barry Building and we remain committed to this outcome.

Preservation Alternative 2 is the environmentally superior alternative and the City, as the lead agency, must select this as it meets project objectives and impacts with respect to land use and planning would be less than significant, and less than the project’s significant and unavoidable land use impact. The proposed demolition of the Barry Building is unnecessary and unwarranted, as demonstrated in the Draft EIR, and will create a harmful precedent for historic buildings in Los Angeles.

Otherwise such a precedent undermines all efforts of the Office of Historic Resources and the City’s historic preservation program, and actually reward owners that intentionally neglect their properties (demolition by neglect) and make them a nuisance to adjacent neighbors and the entire community. This action also appears to be also in conflict with Council File No: 17-0226-S1 regarding "Unpermitted Remodels, Additions and Demolitions of Buildings / Monetary Penalties" which is pressing for stronger demolition deterrents and greatly needed. The City should also not be approving demolitions until an approved and proposed project is ready to proceed; otherwise we will likely be left with empty lots citywide where nothing occurs, creating a new type of nuisance.

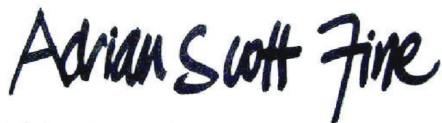
The Conservancy continues to welcome an opportunity to work with the City and the applicant to determine how potential Preservation Alternative 2 and other “win-win” outcomes can be achieved for the Barry Building.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,



Adrian Scott Fine
Senior Director of Advocacy

cc: Councilmember Traci Park
Office of Historic Resources
Brentwood Community Council



BARRY BUILDING
11973 San Vicente Blvd.
Los Angeles, CA 900049

To: Tenants of the Barry Bldg.
From: Building Ownership
Date: May 1, 2016

After careful consideration, we have decided to close the Barry Bldg. as soon as reasonably possible and no later than December 31, 2016. Why now? Many of you are perhaps aware that the City of Los Angeles has a major earthquake preparedness effort underway to identify so called "soft buildings" and to force their structural shortcomings to be addressed. Such buildings, due to open construction on the ground floor and obsolete building techniques and engineering assumptions, are deemed to lack adequate support and in an earthquake might fold up. Some may recall photographs of apartment buildings where the "soft" ground floor garages folded in the last major earthquake. We have recently received a letter from the City identifying the Barry Bldg. as a "soft" structure. This notice starts the clock running on a legal process that will ultimately require the Barry Bldg. to be reinforced to code or demolished. Either of these events will require the building to be vacated. More importantly, and the cause of our decision to close the building immediately, the clear import of the City's letter is that the building has been determined to be substandard for earthquakes, meaning that all users of the Barry Bldg. could be at potential risk. We are unwilling to operate under this cloud.

At days' end, we all know the Barry Bldg. has been beyond its useful life for years. All good things do come to an end, and that time is now. While we have no obligation to you beyond following legal procedures, we wish to accomplish this sad task without fuss and rancor, and to assist you financially to make the process go more easily for you. To this end, we have decided to offer an incentive to tenants in good standing who: (1) vacate by June 30, in which case we will refund all 2016 rent paid; or (2) vacate after June 30 and prior to November 30, in which case we will refund one month's 2016 rent paid for each full calendar month by which the tenant has vacated prior to December 31. For example, a tenant who vacates by August 31 would receive a refund of four months 2016 paid rent. No rent refunds will be made to tenants in possession after November 30, nor to tenants in default. Rent refunds, in addition to any security deposit, will be paid upon our being handed the keys, with the surrendered space left broom clean and free of all tenant fixtures, furnishings, equipment, debris, etc. To qualify for this program, a lease termination agreement must be agreed and signed between us by June 30. Please call Ms. Phyllis Bell at 323-930-9498 if you wish to participate, and an agreement will be prepared and sent to you for consideration and execution.

Our decisions are final. We will not negotiate for more money or more time. We can and will resort to legal process if we are forced to, and plan to start eviction proceedings after June 30 with tenants who have not signed lease termination agreements, and immediately as to any tenants now in default. We hope that a mutual spirit of acceptance and good will can guide us all to a successful and early closure of the Barry Bldg., and we wish you all the best in the future.

Sincerely,

Building Ownership



523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2489 OFFICE
213 623 3909 FAX
laconservancy.org

December 21, 2020

Sent Electronically

Mr. Bradley Furuya
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Room 1350
Los Angeles, CA 90012
Email: Bradley.furuya@lacity.org

**RE: Notice of Preparation for the 11973 San Vicente Boulevard
Project Draft Environmental Impact Report**

Dear Mr. Furuya:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Notice of Preparation (NOP) for the 11973 San Vicente Boulevard Project. The subject property, also known as the Barry Building, is Historic-Cultural Monument (HCM) #887.

The Los Angeles Conservancy is extremely concerned by the proposed demolition of a designated HCM for no other reason than to clear the lot without an identified replacement project. Such action creates a dangerous precedent and incentivizes future property owners from pursuing similar outcomes, as well as encouraging demolition by neglect. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's historic preservation program and result in a potential circumvention of the California Environmental Quality Act (CEQA).

**I. 11973 San Vicente Boulevard, known as the Barry
Building, is a designated Historic-Cultural Monument.**

Completed in 1951 and designed by local architect Milton Caughey for owner David Barry. The Barry Building is an excellent example of Mid-Century Modern commercial architecture. The building incorporates elements of the International Style, that include an elevated second story, clean lines, a horizontal orientation, and an interior courtyard with cantilevered stairways.



In 2007, the City of Los Angeles designated the Barry Building as Historic-Cultural Monument #887 because it is an excellent and intact example of Mid-Century Modern Architecture.

II. Demolition by neglect is being used as a tactic to circumvent historic preservation regulations and CEQA.

For over ten years the property owners, that includes Charles T. Munger, has sought to demolish the historic Barry Building. Redevelopment plans have varied from condominiums to retail complexes, and each of these iterations have included the complete demolition of HCM #887.

In 2012, the City released its Final EIR for the Green Hollow Square Project, which called for the demolition of the Barry Building as well as altering the Coral Tree Median (HCM #148). Countless neighborhood advocates voiced their opposition to the project which prompted then Councilmember Bill Rosendahl to voice his opposition. Throughout the EIR process a clear preservation alternative emerged that would have allowed for the retention and reuse of the Barry Building alongside proposed new development. The owner rejected this despite its meeting a majority of identified project objectives. Unwilling to compromise or consider alternatives, in 2013 the owners requested to withdraw their zoning entitlements request, thus ending the proposed Green Hollow Square Project.

In 2016, the property owners used seismic concerns as a means to evict its commercial tenants. Since their eviction the property has remained boarded up and neglected. Overtime, character defining features that included metal window shutters have been removed or disappeared from the property. This action was not approved or reviewed by the City's Office of Historic Resources staff.

Such actions are undoubtedly demolition by neglect which occurs when property owners intentionally allow a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners who take this approach often use it as a means to circumvent historic preservation regulations and to later justify total demolition of historic resources. Should the City reward this behavior by granting demolition, it is setting a dangerous precedent for future proposed demolitions of Los Angeles's historic resources. Such actions are occurring with greater frequency so we urge the City to stand firm in this case and pursue actionable demolition by neglect deterrents.

III. Alternatives to the proposed demolition of the Barry Building must be considered.

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."¹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse

¹Public Resource Code, Sec. 21001 (b), (c).



effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”² The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.³ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”⁴ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁵

Demolition of the Barry Building without a replacement project is a blatant violation of CEQA. The proposed project is completely unnecessary and an effort to circumvent historic preservation regulation for its future development. It is the City’s duty as the lead agency to deny the proposed project as stated by CEQA law.

As with the proposed Green Hollow Square Project, a preservation alternative remains feasible for the applicant. Such an alternative works in tandem with new development. Historic Preservation and new development are not mutually exclusive. Successful preservation for the Barry Building is a “win-win” solution whereby the historic building can be rehabilitated and sensitive new development may occur on the vacant portion of the parcel.

IV. Conclusion

The Conservancy strongly opposes the demolition of the historic Barry Building HCM #887. The proposed demolition with no replacement project is in strict violation of CEQA law and therefore must be denied by the lead agency. For nearly a decade the Conservancy has advocated for “win-win” solutions for the Barry Building and we remain committed to this outcome.

The Conservancy urges the City of Los Angeles to reconsider its current environmental review process for this proposal as a replacement project as necessary, in addition to the full exploration of adaptive reuse alternatives. The proposed demolition of the Barry Building is unnecessary and will create a harmful precedent. Such a precedent undermines all efforts of the Office of Historic Resources and the City’s historic preservation program

The Conservancy welcomes an opportunity to work with the City and the applicant to determine how potential preservation alternatives and a “win-win” outcome can be achieved.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

³ Guideline § 15126.6(a).

⁴ *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁵ Public Resources Code § 21081.5.



Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,

Adrian Scott Fine

Adrian Scott Fine
Director of Advocacy





April 20, 2011

Submitted electronically

Mr. Hadar Plafkin, Project Coordinator
Department of City Planning
Los Angeles City Hall
200 North Spring Street, Room 750
Los Angeles, CA 90012
Email: hadar.plafkin@lacity.org

Re: Green Hollow Square/Barry Building– ENV-2009-1065-EIR– Draft EIR

Dear Mr. Plafkin:

On behalf of the Los Angeles Conservancy, we submit these comments on the draft environmental impact report (DEIR) for the Green Hollow Square project which impacts the historic Barry Building. The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee has worked to raise awareness about Los Angeles' unique collection of mid-twentieth century modernist structures.

The Conservancy has long been an advocate for the protection of the Barry Building and for its ability to continue to function successfully as originally intended, and potential to be adaptively reused. With a feasible and environmentally superior alternative identified in the DEIR that would retain and incorporate the Barry Building as part of the new development, we strongly urge the City and the applicant to adopt a modified version of Alternative 4: Preservation Alternative as the preferred project.

I. The Barry Building is Los Angeles Historic-Cultural Monument #887

The Barry Building was designed by Los Angeles-based architect Milton Caughey (1911-1958) and completed in 1951 when postwar development was beginning to redefine Brentwood's San Vicente Boulevard commercial corridor. The distinctive and highly intact International Style building is arranged around a central courtyard which features integrated planting beds. A notable feature of the building's sustainable design is the integration of louvers which shield south- and west-facing office windows from the sun's heat and glare.

In addition to its architectural significance, the Barry Building is a beloved community and cultural landmark as evidenced by the hundreds of residents who voiced their support for the nomination in 2007. The Conservancy worked closely with the Brentwood community to support designation of the Barry Building as a City of Los Angeles Historic-Cultural Monument (HCM),

having repeatedly met with the Friends of the Barry Building, Councilmember Rosendahl's office, and representatives of the owners.

a. Every effort should be made to avoid demolishing a designated historic resource

As a designed Historic-Cultural Monument, the City and the Cultural Heritage Commission, its appointed panel of experts, has recognized the Barry Building as important to Los Angeles' heritage. We believe as a designation historic resource, every effort should be made to retain and reuse the Barry Building. If the Green Hollow Square project is approved and the Barry Building were demolished, its loss would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

Although Los Angeles' current Cultural Heritage Ordinance cannot prevent the demolition of a Historic-Cultural Monument, it does allow the City to delay demolition. This delay period allows for further consideration of preservation alternatives, which has been successful in the past. As a result, there have been very few instances when a Historic-Cultural Monument has been demolished to make way for new development (excluding loss because of fire, earthquake damage, etc.).

The 1985 demolition of the Philharmonic Auditorium Building (HCM #61) remains an ever-present reminder that our city's landmarks can be vulnerable. Despite receiving HCM designation in 1969 for its rich cultural heritage and architectural significance, this prominent landmark opposite Pershing Square was demolished for a mixed-use development project that never materialized. Twenty-six years after its demolition, the site remains a parking lot.

b. The Barry Building is also a historic resource under CEQA

As a locally designated landmark, the Barry Building is presumed to be historically significant under the California Environmental Quality Act (CEQA) and its demolition as proposed under the current project would constitute a significant adverse impact. In 2009 and again in 2010, the Conservancy submitted comments on the Notice of Preparation for two versions of the proposed project (previously named Brentwood Town Green), both of which called for the demolition of the Barry Building despite its status as a designated landmark. In addition to the Conservancy's comments, which stressed the need to consider an alternative in the DEIR that would adaptively reuse the Barry Building, letters were submitted by dozens of local residents strongly urging the applicant to retain the landmark Barry Building.

II. Under CEQA, the Lead Agency Must Deny Approval When Feasible Alternatives or Mitigation Measures Would "Substantially Lessen" Adverse Impacts

A key policy under CEQA is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."¹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or

¹ Public Resource Code, Sec. 21001 (b), (c).

feasible mitigation measures can substantially lessen such effects.”² Courts often refer to the EIR as “the heart” of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce or avoid those impacts.³ Based on objective analyses found in the EIR, agencies “shall mitigate or avoid the significant effects on the environment...whenever it is feasible to do so.”⁴

The DEIR acknowledges that “the project would have a significant impact on historic resources with respect to the demolition of the Barry Building.”⁵ Proposed mitigation measures – including HABS and photo documentation – would not reduce the impact to a less-than-significant level.⁶ Additionally, proposed mitigation measure E-2 to make “a good faith effort” to sell the Barry Building to a third party for relocation to a different site, cannot be considered meaningful mitigation unless the applicant provide the financial resources to ensure compliance with the terms of the mitigation measure and identifies and secures an appropriate site as detailed in Galvin Preservation Associates letter in Appendix N of the DEIR. Furthermore, insufficient analysis in the DEIR fails to provide the necessary level of information to assess the feasibility of relocation and the identification of appropriate receiving locations.

a. A feasible preservation alternative exists that would eliminate negative impacts to the Barry Building

Alternative 4: Preservation Alternative has been identified in the DEIR as the environmentally superior alternative that can avoid negative impacts to a historic resource, and slightly reduce the time frame, and impacts from, construction. Under Alternative 4, the Barry Building would be retained and new tenant spaces developed around it. While Alternative 4 would result in slightly reduced square footage when compared to the proposed project (approximately 3,000 square feet or under 5% less space), it would retain the originally planned 427 parking spaces and meet the primary objective for a development that provides a mix of retail, office and restaurant uses catering to the Brentwood community. As the DEIR states, “the main difference between this alternative and the proposed project is the retention of the historic-cultural monument, the Barry Building.”⁷

Unlike other alternatives, the DEIR lacks an explicit, definitive statement regarding the feasibility of Alternative 4. Faced with insufficient and incomplete analysis, we can only conclude that Alternative 4 meets most of the project objectives and is feasible. The arguments set forth in the Draft EIR that the preservation alternative might be less effective in architectural design, sustainability, or pedestrian connectivity than the proposed project, or that retaining the Barry Building might impede the owner’s competitive or economic goals are imprecise,

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resource Code §§ 21001, 21001.1.

³ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

⁴ PRC §21002.1.

⁵ Green Hollow Square. Draft EIR. February 2011. IV.E-17.

⁶ Under CEQA, it is widely recognized that “[a] large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.” *League for Protection of Oakland’s Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 909.

⁷ Green Hollow Square. Draft EIR. February 2011. VI-65.

speculative and largely unsubstantiated. Furthermore, the fact that an environmentally superior alternative, in this case, the preservation alternative, may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.⁸ The objections against Alternative 4 are not compelling and ultimately fail to establish the infeasibility of the preservation alternative.⁹ Ultimately, the lead agency cannot merely adopt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible preservation alternatives and mitigation measures.¹⁰

III. Additional Refinements Can Be Made to Improve Alternative 4

The Barry Building, a two-story commercial structure comprised of several retail spaces oriented around a central courtyard, provides the same use as the proposed project. Its elegant design provides great flexibility for being adapted to fit the needs of the Green Hollow Square project while maintaining the building's historic status and meeting most of the project objectives. While Alternative 4 readily offers a feasible preservation alternative, further refinements should be considered to more fully integrate the Barry Building with the proposed new development in terms of scale and massing, architectural design, materials, and shade/shadow. Further design enhancements can also more fully meet the project objectives regarding sustainability and energy efficiency, and pedestrian connectivity.

a. The site can be designed with more integration and compatibility between Barry Building and new construction

The Gruen Associates report in Appendix M is only one method of incorporating new construction around the Barry Building. It is one that attempts to retain the Barry Building while building the Green Hollow Square design around it. If selected as the preferred project, we urge reconsideration of the project design from the standpoint of retaining the Barry Building in place. By developing the site plan and new construction with the Barry Building as the centerpiece, an improved Alternative 4 can become a project that meets the project objective where "the buildings are integrated with one another and clearly relate to each other in terms of proportion, height, mass, and façade."

As an HCM, the City's Cultural Heritage Commission can offer guidance and feedback on the development of new infill construction that is appropriate and complimentary with the character-defining features of the Barry Building and landscape.

b. Barry Building, which incorporates sustainable design, can be enhanced with additional sustainability elements

One of the project objectives calls for a project "that meets LEED standards and includes energy efficient features that minimize the project's ongoing effects on the environment."¹¹ Although an

⁸ Guideline § 15126.6(a).

⁹ Under CEQA, findings of alternative feasibility or infeasibility must be supported by substantial evidence. Public Resources Code § 21081.5.

¹⁰ PRC § 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.

¹¹ Green Hollow Square. Draft EIR. February 2011. II-34.

analysis of Alternative 4 in the DEIR states that “retention of the Barry Building may also affect the energy efficiency and other environmental sustainability goals of the project under objective 1,”¹² the final EIR should scrutinize any claimed environmental benefits of the proposed project through an analytical comparison of analogous benefits achieved through a rehabilitated Barry Building. The Barry Building is equally capable of incorporating most of the sustainable design features planned for the project like high-efficiency toilets, fixtures, and irrigation system, and air conditioning controlled by computerized systems if its rehabilitation coordinated with the overall project to meet LEED certification. In addition, retaining the Barry Building maintains the embodied energy in the structure’s initial construction and reduces the amount of construction waste from wholesale demolition that would otherwise go into a landfill through demolition.

The project can also take advantage of the original design intent of the Barry Building which was built with sustainability principles in mind, including its “green” features in the form of window louvers framing the second floor windows facing San Vicente Boulevard (south) and the louvered screens in the courtyard (west), both of which provide solar shading that allows the building occupants to benefit from passive cooling. The building’s energy efficiency can be enhanced with several types of sustainable design features including solar panels, more efficient heating and cooling systems, and improved glazing performance to reduce operational greenhouse gas emissions.

The selection of drought tolerant landscaping for the Green Hollow Square project will enhance the project’s sustainable design and is commendable. Opportunities exists to achieve this same goal through Alternative 4 by retaining some of the mature plantings and specimens in the courtyard of the Barry Building which also carry historical significance, as called out in the Historic-Cultural Monument designation. The project can meet the intent for sustainable design by incorporating and introducing drought tolerant plants to the existing courtyard in appropriate spaces.¹³

c. Barry Building lends itself to project’s envisioned pedestrian network and gathering spaces.

Another stated set of project objective calls for a commercial project that both, “creates a sense of place for customers and community,” and “provide[s] a design that emphasizes a cohesive, well-defined pedestrian network, within which there are generous public spaces for walking and sitting.”¹⁴ One of the key features of the Barry Building is its orientation around a central courtyard that opens onto San Vicente Boulevard. This courtyard, with its numerous integrated planting beds, is a quintessential example of the type of public gathering spaces that architects of the mid-twentieth century often incorporated into the design of commercial buildings. The unique sense of place provided by the Barry Building’s courtyard is one of the site’s features that

¹² Green Hollow Square. Draft EIR. February 2011. VI-65.

¹³ The courtyard of the Barry Building includes several raised planting beds that form part of the building’s original design. Within these planting beds are several mature plant specimens including a deciduous magnolia, a dracaena, cycads, and three mature palms of various species. These plants, which form the dominant plantings within the courtyard and are associated with its historical significance, should be retained, while drought tolerant plantings can be sensitively introduced in numerous locations among the courtyard’s planting beds.

¹⁴ Green Hollow Square. Draft EIR. February 2011. II-34.

the Brentwood community most identifies with; numerous comment letters received on the NOP for this project emphasized the unique layout of this sheltered courtyard and the opportunities it providing as a gathering space.

While the DEIR states that Alternative 4 “would also not provide the same type of well-defined pedestrian network that would be provided by the proposed project given the retention of the Barry Building,”¹⁵ opportunities do exist to adapt the Barry Building to create a more unified pedestrian network throughout the project site. An example of the this type of flexibility could include the creation of breezeways, achieved through re-allocation of ground floor retail space, to provide direct access to the courtyard from the western and eastern sides of the building. Opportunities may also exist to convert a portion of the roof into usable space to address the height difference between the Barry Building and the taller new buildings.

IV. Impacts to the Coral Trees along Median of San Vicente Blvd. (HCM #148)

The Conservancy is also concerned with the project’s optional design feature for a mid-block turn lane across the San Vicente median. We concur with the finding that allowing removal of some coral trees for new mid-block crossings could have a cumulative impact on the continuous, uninterrupted nature of this linear monument (HCM#148). To avoid setting a precedent, we ask that the optional mid-block turn lane not be adopted as part of any project.

The Conservancy remains committed to working with the applicants, members of the community, and the City Council office to develop a plan that meets the project objectives, respects community priorities, and retains the historic Barry Building and landscape. Thank you for the opportunity to comment on the DEIR for the Green Hollow Square project. Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: Councilmember Bill Rosendahl, Council District 11
Ken Bernstein, Department of City Planning, Office of Historic Resources
Brentwood Homeowners Association

¹⁵Green Hollow Square. Draft EIR. February 2011. VI-65.



May 17, 2010

Submitted electronically

Mr. David J. Somers, Environmental Review Coordinator
Department of City Planning
Los Angeles City Hall
200 North Spring Street, Room 750
Los Angeles, CA 90012
Email: david.somers@lacity.org

Re: Brentwood Town Green – ENV-2009-1065-EIR – Notice of Preparation

Dear Mr. Somers:

On behalf of the Los Angeles Conservancy, we submit these comments on the latest version of the proposed Brentwood Town Green project and the need to consider preservation alternatives for the Barry Building, City of Los Angeles Historic-Cultural Monument #887, as part of the ongoing environmental review process.

The Los Angeles Conservancy is the largest local preservation organization in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee was worked to raise awareness about Los Angeles' unique collection of mid-twentieth century modernist structures that shaped the tastes and architectural trends of the entire nation.

In 2007, the Conservancy worked closely with the Brentwood community to support designation of the Barry Building as a Historic-Cultural Monument (HCM), having repeatedly met with Friends of the Barry Building, the City Council's office, and representatives of the owners. In addition to its architectural significance, the Barry Building is a beloved community and cultural landmark as evidenced by the hundreds of residents who voiced their support for the nomination. By formally recognizing the significance of the Barry Building, HCM designation defined clear parameters under which project planning can proceed.

In 2009, the Conservancy submitted comments on the Notice of Preparation for the first version of the Brentwood Town Green project, which called for the demolition of the Barry Building. Although the project sought to destroy a designated historic landmark – *as it still does* – the applicants boldly claimed at the time that it would result in “hugely expanded preservation” and further stated they were “unable to recall any greater victory

for historic preservation in the entire history of the City.”¹ In addition to the Conservancy’s comments, which stressed the need to consider an alternative which would adaptively reuse the Barry Building, letters were submitted by more than twenty local residents strongly urging the applicant to retain the landmark Barry Building.

I. The Barry Building could easily be adapted to meet project objectives

With such overwhelming public sentiment in favor of preservation, we are extremely disappointed that the latest iteration of the project once again calls for demolition of the Barry Building. Although no project objectives are explicitly stated in the Notice of Preparation or accompanying Initial Study, the project description contemplates demolition of the Barry Building for construction of “three new two-story commercial buildings consisting of several tenant spaces for retail, restaurant, office, storage, and other local services, in an open-air setting containing several courtyards connected by pedestrian pathways.”² The proposed project also includes 427 parking spaces – about 100 more than are required by code – occupying one level of underground parking under the entire site with the remaining spaces located on a surface parking lot spanning the rear of the project site.

The Barry Building is a two-story commercial building with retail spaces on both levels arranged around a central courtyard. It has always been used for retail and office space – most recently anchored by Duttons Bookstore – and could easily be reconfigured to provide some of the “approximately 25 tenant spaces, ranging from 500 to 5,000 square feet [that] would be oriented around open courtyards” in the proposed project.³

II. The EIR should evaluate a range of reasonable alternatives that retain the Barry Building

A key policy under the California Environmental Quality Act (CEQA) is the lead agency’s duty to “take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history.”⁴ CEQA “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”⁵ Courts often refer to the EIR as “the heart” of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.⁶

¹ Project Description and Owners’ Statement of Intent, Brentwood Town Green, pp.24-25.

² Initial Study for Brentwood Town Green Project (February 2010), Sec. I-1.

³ *Id.*

⁴ Public Resource Code, Sec. 21001 (b), (c).

⁵ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added; also see PRC Secs. 21002, 21002.1.

⁶ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

It is undisputed that the proposed project, including demolition of a qualified historical resource, would cause significant and irreversible adverse impacts to cultural resources. Accordingly, the EIR must evaluate at least one potentially feasible alternative that incorporates the Barry Building into the project and retains its eligibility as a historical resource. The EIR should consider a range of options that reuse the Barry Building for retail space or other uses consistent with the project objectives, combined with in-fill construction elsewhere on the site to provide the desired aggregate square footage. Under this alternative, the proposed underground parking level could be built around the perimeter or placed beneath the Barry Building. Because the proposed project seeks to exceed city parking requirements, preservation options should not be considered infeasible simply by failing to provide the total desired number of spaces.

The Conservancy remains committed to working with the applicants, members of the community, and the City Council office to develop a plan that both meets the project objectives and respects community priorities. Thank you for the opportunity to comment on the Notice of Preparation for the Brentwood Town Green project. Please feel free to contact me at (213) 430-4203 or mbuhler@laconservancy.org should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Buhler", written in a cursive style.

Mike Buhler
Director of Advocacy

cc: Councilmember Bill Rosendahl, Council District 11



July 20, 2009

Submitted electronically

Ms. Diana Kitching, Environmental Review Coordinator
Department of City Planning
Los Angeles City Hall
200 North Spring Street, Room 750
Los Angeles, CA 90012
Email: Diana.Kitching@lacity.org

Re: Brentwood Town Green—ENV-2009-1065-EIR—Notice of Preparation

Dear Ms. Kitching:

On behalf of the Los Angeles Conservancy, we submit these comments on the proposed Brentwood Town Green project and the need to consider preservation alternatives for the Barry Building, City of Los Angeles Historic-Cultural Monument #887, as part of the ongoing environmental review process.

The Los Angeles Conservancy is the largest local preservation organization in the United States, with over 7,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee has worked to raise awareness about Los Angeles' unique collection of mid-twentieth century modernist structures that shaped the tastes and architectural trends of the entire nation.

In 2007, the Conservancy worked closely with the Brentwood community to support designation of the Barry Building as a Historic-Cultural Monument, having repeatedly met with Friends of the Barry Building, the City Council's office, and representatives of the owners. In addition to its architectural significance, the Barry Building is a beloved community and cultural landmark as evidenced by the hundreds of residents who voiced their support for the nomination. By formally recognizing the significance of the Barry Building, HCM designation defined clear parameters under which project planning can proceed. We are tremendously disappointed that, despite overwhelming public sentiment in favor of preservation, the Applicants are now proposing to demolish this irreplaceable historic resource with no the need to do so. Quixotically, although the project would destroy the historic Barry Building, the Applicants boldly claim that it would result in "hugely expanded preservation."¹

¹ Project Description and Owners' Statement of Intent, Brentwood Town Green, p.24.

A. Preservation objectives cannot be accomplished in the "demolish-and-replace mode" proposed by Applicants

Throughout the project description, the Applicants tout the supposed benefits of demolishing and replacing the Barry Building with a new building in the mid-century style, boldly declaring that "Applicants are unable to recall any greater victory for historic preservation in the entire history of the City."² The first project objective listed for the Brentwood Town Green project is: "Respect for cultural heritage issues and the city's vision for the San Vicente Scenic Corridor." The proposed demolition of the Barry Building, designated as Los Angeles Historic-Cultural Monument #887, is totally incompatible with this objective.

The proposed project would demolish a surviving historic building and simulate its appearance using different materials and an entirely new floor plan. A legitimate reconstruction project cannot be predicated on the demolition of an existing historic resource. It is well-established under the California Environmental Quality Act (CEQA) that the loss of a historical structure cannot be compensated with the construction of a new building, even if it incorporates unspecified design elements of the original architecture.³

B. Provision of extra parking does not justify demolition of the Barry Building

The Applicants further state that they are "proposing to make a multi-million dollar gift to the city" by providing extra parking, but only on the strict condition that "they are allowed to build what they are proud of."⁴ In other words, they will provide 113 extra parking spaces only if they are allowed to demolish the Barry Building. However, because more parking is proposed than the 238 parking spaces required by the city, the Applicants cannot legitimately justify demolition of the Barry Building based on the need to construct underground parking on this portion of the site. The proposed trade off to sacrifice architectural heritage for parking is not a good deal for the city or the community and, more importantly, is proscribed under the CEQA.

C. The EIR must evaluate at least one alternative that retains the Barry Building

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."⁵ CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can

² Project Description and Owners' Statement of Intent, Brentwood Town Green, p.25.

³ *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896.

⁴ Project Description and Owners' Statement of Intent, Brentwood Town Green, p.2.

⁵ Public Resource Code, Sec. 21001 (b),(c).

substantially lessen such effects.”⁶ Courts often refer to the EIR as “the heart” of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.⁷

As applied to the proposed project, the EIR must evaluate at least one bona fide preservation alternative given the status of the Barry Building as a qualified historical resource. The EIR should consider a range of options that retain the Barry Building for continued use as retail space or other uses consistent with the project objectives, combined with new in-fill construction to provide the desired total square footage for the project. Under this alternative, the proposed underground parking level would be built around the perimeter of the historic building. Alternatively, the EIR should evaluate the feasibility of placing some underground parking beneath the existing Barry Building.

The Conservancy remains committed to working with the Applicants, members of the community, and the City Council’s office in developing a plan both meets the project objectives and respects community priorities. Thank you for the opportunity to comment on the Notice of Preparation for the Brentwood Town Green project. Please feel free to contact me at (213) 430-4203 or mbuhler@laconservancy.org should you have any questions.

Sincerely,



Mike Buhler
Director of Advocacy

⁶ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added; also see PRC Secs. 21002, 21002.1.

⁷ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

Exhibit 5

Robert Blue & Sieglinde Kruse Blue
640 South Saltair Ave
Los Angeles, CA 90049

bob.blue@live.com

ziggykruse2005@yahoo.com

November 29, 2023

Via Email ONLY:

James.Harris@lacity.org
Veronica.Lopez@lacity.org
Chc@lacity.org

cc to:

Jeff.Khau@lacity.org

Subject: Case No. **ENV-2019-6645-EIR**

Objections and Rebuttal to the Final Environmental
Impact Report (FEIR) Appendix D Historic Resources Group
Response Memo, dated May 11, 2023 (Response to Comment
No. B1-5)

Dear Mr. Harris, et al:

Please add these objections and rebuttal to case file # ENV-2019-6645-EIR, 11973 San Vicente Boulevard project, proposed demolition of HCM #887, The Barry Building.

This letter addresses the memo contained in Appendix D of the FEIR. The memo by Historic Resources Group (HRG) was in response to our DEIR comment letter (Comment No. B1-5 in Letter No. B1) by Historic Resources Group.

HRG's memo stated in part that "there is no historic association between the Barry Building (HCM #887) and the Coral Trees (HCM # 148). They are two separate historical resources."

HRG's response memo fails to recognize that these two Historic-Cultural Monuments are associated through the direct work and efforts of David Barry who was instrumental in the construction of the Barry Building and the installation of the Coral Trees along the San Vicente Median.

1. David Barry was the director of one of the "Los Angeles Beautiful" projects on San Vicente Blvd in Brentwood. Mr. Barry's

James Harris, City Planning Dept.
Veronica Lopez, Board Secretary, LADBS
Cultural Heritage Commission
Council District 11
November 29, 2023

project was to plant coral trees and lawn in a 37-foot-wide abandoned streetcar right-of-way.

A Los Angeles Times article, dated July 27, 1967 discussed this project:

"Spokesmen used as an example a property owners project on San Vicente Blvd. in Brentwood, in 1950 a 37-foot-wide abandoned streetcar right-of-way was planted with coral trees and lawn.

*Before the project, property values were about \$50 per front foot but afterward jumped to about \$1,200 over several years, according to realtor **David Barry Jr.**¹, **director of the project.**" (Bold added for emphasis) (Attachment A)²*

Another Los Angeles Times article, dated August 21, 2009 also referred to Mr. Barry and the planting of the Coral Trees on the San Vicente Blvd median. The 2009 article refers to Charles T Munger's proposed Brentwood Town Green project which included the parcel containing the Barry Building:

*"A 1949 photograph in Munger's project description shows his wife's father, **David Barry Jr.**, holding a shovel as he and others plant one of many coral trees in the grassy median on San Vicente where the Pacific Electric Red Car track once ran. The lush trees were designated a city historic-cultural monument in 1976." (Bold added for emphasis) (Attachment B)³*

¹ In the context of this letter and its references, David Barry and David Barry, Jr are referring to the same person.

² *Trees Placed on Streets: City Ugly but Improving*, Mrs. Knudsen Believes. Los Angeles Times, July 27, 1967, page 40, URL: <https://latimes.newspapers.com/image/382430202> (Attachment A)

³ Groves, Martha. *An unusual idea of 'preservation'*. Los Angeles Times, August 21, 2009, URL: <https://www.latimes.com/archives/la-xpm-2009-aug-21-me-barry-building21-story.html> (Attachment B)

James Harris, City Planning Dept.
Veronica Lopez, Board Secretary, LADBS
Cultural Heritage Commission
Council District 11
November 29, 2023

Furthermore, we believe that the same 1949 photograph mentioned in Ms. Groves' 2009 article is also shown in the 2008 published book "Images of America - Brentwood", by Jan Loomis.⁴ (*Attachment C*)

The Coral trees along San Vicente Blvd were adopted as a Historic Cultural Monument #148 on March 3, 1976.

2. Based on the images and articles referencing 1949 and 1950 discussed above, it is clear that Mr. Barry had a vested interest in the San Vicente Blvd corridor. Mr. Barry influenced the design and look of commercial buildings along San Vicente Blvd in Brentwood. He planned and constructed his building during the same time he was deeply involved in planting Coral trees along San Vicente Blvd., which were later designated as a Historic-Cultural Monument.

City records show that David Barry, Jr. not only obtained a building permit on October 4, 1950 to construct the Barry Building, but was also the Licensed Contractor for it. (*Attachment D*)

The building was completed in 1951, 2 years after he planted one of the original Coral Trees on San Vicente.

The 1950 US Census lists Mr. Barry as a Proprietor in Real Estate and Construction. (*Attachment E*)

Without David Barry, neither the Coral Trees (HCM #148) nor the Barry Building (HCM #887) would exist. These two Historic-Cultural Monuments are associated through the direct work and efforts of David Barry.

Sincerely,

Robert Blue

Sieglinde Kruse Blue

⁴ Loomis, Jan. (2008) *Images of America: Brentwood*. Acardia Publishing. Page 37 (*Attachment C*)

ATTACHMENT
A



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TREES PLACED ON STREETS

City Ugly but Improving, Mrs. Knudsen Believes

Scanning a map of Los Angeles like a doctor examining a patient, Mrs. Valley M. Knudsen pronounced her city still gravely ill, but improving.

The disease, she said, is ugliness, which Mrs. Knudsen and the organization she founded, Los Angeles Beautiful, have been fighting since 1948.

There have been tangible accomplishments toward beautifying Los Angeles: During the 18 years of L.A. Beautiful's existence, trees have risen from downtown sidewalks, lawns and shrubs have sprouted in Civic Center, anti-litter advertising has circulated and awards have been made to entice firms to tidy up their grounds.

But such efforts are makeup powder applied to cover the ugliness that in many cases was built into Los Angeles, Mrs. Knudsen said.

The significant accomplishment is a change in attitude among civic and business leaders. "Beauty" has been injected into the vocabularies of those who have the power to effect it.

Approach Is Educational

"We don't beautify anything ourselves. We've been trying an educational approach," said Mrs. Knudsen. "At first they thought it was a lot of frills, but you never hear that anymore. We couldn't use the word 'aesthetics' for years, but now we do, and 'they' use it—both government and business."

Fred Swan, beautification coordinator of the City of Los Angeles, said an increasing consciousness of aesthetics among city personnel is "very definitely the result of L.A. Beautiful, and especially Valley Knudsen."

Roy Hoover, chief of special services and beautification coordinator for Los Angeles County, said L.A. Beautiful provides officials with a justification for spending money solely for beauty's sake. "It's awfully nice having an organization like L.A. Beautiful supporting you," he said.

One highly placed county official said he doubts that the newer Civic Center buildings would have been surrounded by landscaping had not L.A. Beautiful argued for it.

L.A. Beautiful's campaigning, described by Hoover as pushing, but

not pressuring, has helped government officials put beautification into more than their own activities.

Due partly to L.A. Beautiful's persuasion, the city now prohibits freeway billboards, requires street trees in subdivisions, urged landscaping in commercial developments and recommends underground utility lines wherever possible. The county, too, recommends landscaping and underground utilities when possible.

State Division of Highways engineers, at first opposed to anything but ground cover for freeway landscaping, are now more beauty conscious. The division landscapes freeways when cities and counties assure that billboards along freeways will be controlled.

L.A. Beautiful has also aimed its campaign at businessmen, using the slogan "Beauty is good business."

Spokesmen used as an example a property owners project on San Vicente Blvd. in Brentwood, in 1950 a 37-foot-wide abandoned streetcar right-of-way was planted with coral trees and lawn.

Before the project, property values were about \$50 per front foot but afterward jumped to about \$1,200 over several years, according to realtor David Barry Jr., director of the project.

Beautification Helped

Barry said his figures are based on actual sales, and he credited the beautification with a large part of the gain.

In 1955, Richfield Oil Co. agreed to line its downtown sidewalks with trees at a cost of about \$1,300 per tree. Since then almost 400 trees have been planted in the downtown area, according to L.A. Beautiful's records. Costs are down to about \$500 per tree, said a spokesman.

Architects and businessmen with few exceptions assume that new buildings should have street trees, said Mrs. Knudsen. Designers are more conscious of on-site landscaping, too, she said.

These are important achievements, she added, but their benefits are in the future. Though the city's appearance can be cleaned up, it must outgrow its ugliness as the new replaces the old. But, said Mrs. Knudsen, at least the patient is off the critical list.

OF ATOMS AND MEN

End of Rainbow in Briny Deep

**ATTACHMENT
B**

An unusual idea of ‘preservation’

BY MARTHA GROVES

AUG. 21, 2009 12 AM PT

It's safe to say that billionaire investor Charles T. Munger's idea of historic preservation does not jibe with the Los Angeles Conservancy's.

At the site of the Barry Building, the mid-century modern landmark on San Vicente Boulevard that for years housed Dutton's bookstore, he envisions a bustling new Brentwood Town Green filled with restaurants and shops.

To get there, Munger proposes to raze the building, put parking below, then construct a two-story complex in the same style but three times the size of the original.

“Applicants are unable to recall any greater victory for historic preservation in the entire history of the city,” he adds.

To many Brentwood residents and the preservation community, this is logic taken to a paradoxical extreme. The idea is “totally incompatible” with the project's stated goal of respecting cultural heritage issues, according to the L.A. Conservancy.

By Munger's reasoning, one would improve on history by “demolishing Rome's Colosseum and building a new renovated Colosseum with similar architectural design and technique,” suggests one neighbor, Bob Blue.

The Barry Building is a historic-cultural monument, a status the city bestowed in 2007 after Munger floated a proposal to replace it with 60 luxury condos and retail shops. Demolition and replacement of the building, opponents say, would run counter to a key

tenet of preservation: If damaged or destroyed, historic places cannot be replaced.

“It’s a slap in the face to the people and the city of Los Angeles,” said Diane Caughey, an architect and the daughter of Milton Caughey, who designed the Barry Building, completed in 1951.

As Munger begins his quest for city approvals, critics have raised a battery of objections -- from the noise and traffic they fear would be generated to the potential loss of a beloved, low-key gathering place with its central courtyard and curving stairways. Although some observers deemed the building unremarkable, Mary Klaus-Martin, who was president of the city Cultural Heritage Commission when the building was designated, described it as “a jewel” designed by an acclaimed young architect.

ADVERTISEMENT

Blue and other opponents of Munger’s plan recognize that they’re up against a formidable force with cavernous pockets. Munger, 85, is a founder of the Los Angeles law firm Munger, Tolles & Olson. In 1978, he partnered with Warren E. Buffett to run Berkshire Hathaway Inc., the legendary holding company.

A 1949 photograph in Munger’s project description shows his wife’s father, David Barry Jr., holding a shovel as he and others plant one of many coral trees in the grassy median on San Vicente where the Pacific Electric Red Car track once ran. The lush trees were designated a city historic-cultural monument in 1976.

By then, the boulevard had become the main drag through the well-heeled community, with upscale shopping malls, restaurants and office buildings. Many residents fear that traffic generated by a nearly 50,000-square-foot shopping complex -- with 350 parking spaces, more than required -- would further clog an artery that already comes to a standstill at times.

“The proposal would apparently transform the bedroom community of Brentwood into something that it has never before been: a center for night life,” Wendy-Sue Rosen, chairwoman of the Brentwood Community Council, told the Los Angeles Planning Department.

Councilman Bill Rosendahl, who represents the area, sits on the warm seat in the middle, between residents and a patient developer.

“The Brentwood community is wide awake and focused on that piece of land,” Rosendahl said. “He must respect the community and its interests.”

Munger contends that he plans to fill the Brentwood Town Green with neighborhood-serving shops and eateries -- in other words, the type of project many planners favor because such businesses can, in theory, reduce auto trips.

“I would want in Brentwood exactly what I would want in my neighborhood of Hancock Park,” he said.

For inspiration, he is turning to the Brentwood Country Mart, a mostly one-story collection of retail shops and eateries on 26th Street near San Vicente, about a mile west of the Barry Building.

Like the mart, Brentwood Town Green would feature picnic-style outdoor dining. Diners would be protected in foul weather by what Munger calls “retractable skylights” -- basically, a slide-away, rainproof cover over the open courtyard (a feature Munger plans to keep). The cover would bring the project height to 50 feet.

Munger says the Barry Building suffers from outmoded electrical and mechanical systems, a lack of insulation and poor layouts, defects that would be difficult to fix. Since Dutton's closed in April 2008, a furniture store, a coffee shop, a Pilates studio and a consignment shop have moved in, with short-term leases at favorable rents.

Landmark status does not necessarily prevent an owner from developing or even demolishing a property, but it does create an environmental review process when the owner seeks a permit for demolition or substantial alteration.

That process requires Munger to explore alternatives for preserving the Barry Building. Lambert Giessinger, historic preservation architect with the city Planning Department's Office of Historic Resources, said any new development could be constructed on the parking lot behind the building.

--

martha.groves@latimes.com



Martha Groves

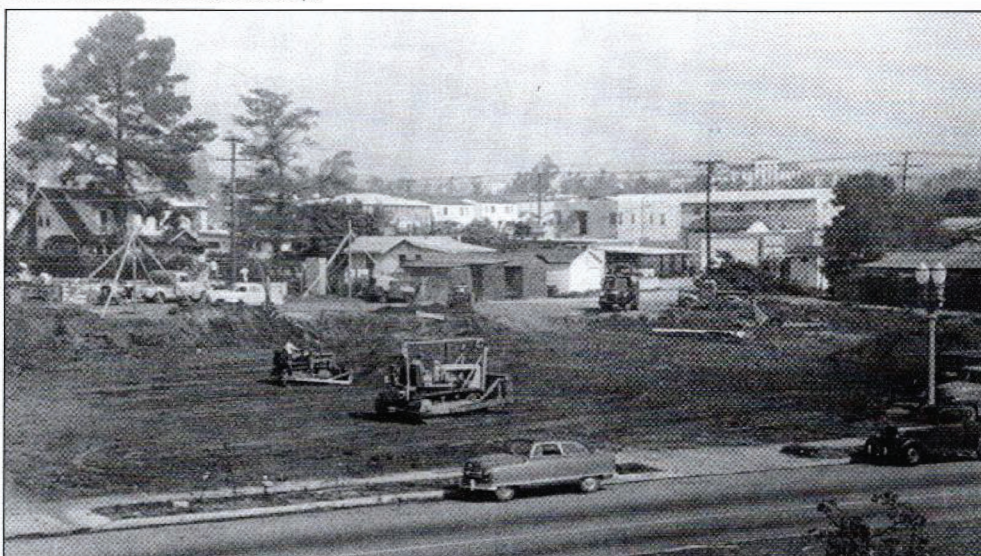
Martha Groves, who covered the Westside for the Los Angeles Times, left the newsroom in 2015. A native Hoosier, she became a Metro reporter after many years as a Business writer and editor. She previously worked for the Philadelphia Inquirer and the late, lamented Chicago Daily News.

ATTACHMENT
C

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BEAUTIFYING SAN VICENTE, 1949. Once the tracks were removed, the median strip on San Vicente Boulevard was functional but not beautiful. A grant from the Los Angeles Beautiful program allowed visionary residents to plant 5 miles of coral trees starting at the Soldiers' Home. The trees' red flowers enliven the street every spring, and their twisted shape is the icon for Brentwood. This group is ceremoniously planting one of the coral trees. (Courtesy of the Brentwood Historical Society.)



BUILDING ON SAN VICENTE. Construction begins north of San Vicente Boulevard, west of Gorham Avenue. The site, first used by Westward Ho market, is now the site of the Whole Foods store. The coral tree in the foreground is still small so this was taken in the late 1950s or early 1960s. Apartments are beginning to replace the single-family homes to the north. (Courtesy of the Brentwood Historical Society.)

**ATTACHMENT
D**

1

APPLICATION TO ERECT A NEW BUILDING AND FOR A CERTIFICATE OF OCCUPANCY

Form B-1-505-4-8
CITY OF LOS ANGELES
DEPARTMENT
OF
BUILDING AND SAFETY
BUILDING DIVISION

Lot No. E'ly 35' of Lot 52

W'ly 23.51' of Lot 51

Tract Westgate Acres

Location of Building 11973-75-77 San Vicente Blvd.
(House Number and Street)

Approved by
City Engineer

Between what cross streets Saltair and Westgate

Deputy

USE INK OR INDELIBLE PENCIL

- Purpose of building Stores and offices (Not a single family) Rooms 35
(Store, Dwelling, Apartment House, Hotel or other purpose)
- Owner DAVID BARRY, JR. Phone AR-7243
(Print Name)
- Owner's address 11979 San Vicente Blvd. P. O. Los Angeles 49, Calif.
- Certificated Architect MILTON H. CAUGHEY State License No. C 629 Phone CR-11416
- Licensed Engineer EDWARD GATTUM State License No. CE 6790 Phone CR-51315
- Contractor DAVID BARRY, JR. State License No. 57440 Phone AR-7243
- Contractor's address 11979 San Vicente Blvd.

8. VALUATION OF PROPOSED WORK (including all labor and material and all permanent lighting, heating, ventilating, water supply, plumbing, fire sprinkler, electrical wiring and elevator equipment therein or thereon) \$ 60,000

9. State how many buildings NOW on lot and give use of each. none
(Store, Dwelling, Apartment House, Hotel or other purpose)

10. Size of new building 100 x 107 (Look courtyard) No. Stories 2 Height to highest point 26' Size lot 133 x 200

11. Material Exterior Walls Promo Stucco Type of Roofing Compd

For Accessory Buildings and similar structures

(a) Footing: Width _____ Depth in Ground _____ Width of Wall _____

(b) Size of Studs _____ Material of Floor _____

(c) Size of Floor Joists _____ Size of Rafters _____

I hereby certify that to the best of my knowledge and belief the above application is correct and that this building or construction work will comply with all laws, and that in the doing of the work authorized thereby I will not employ any person in violation of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

Sign here David Barry, Jr.
(Owner or Authorized Agent)

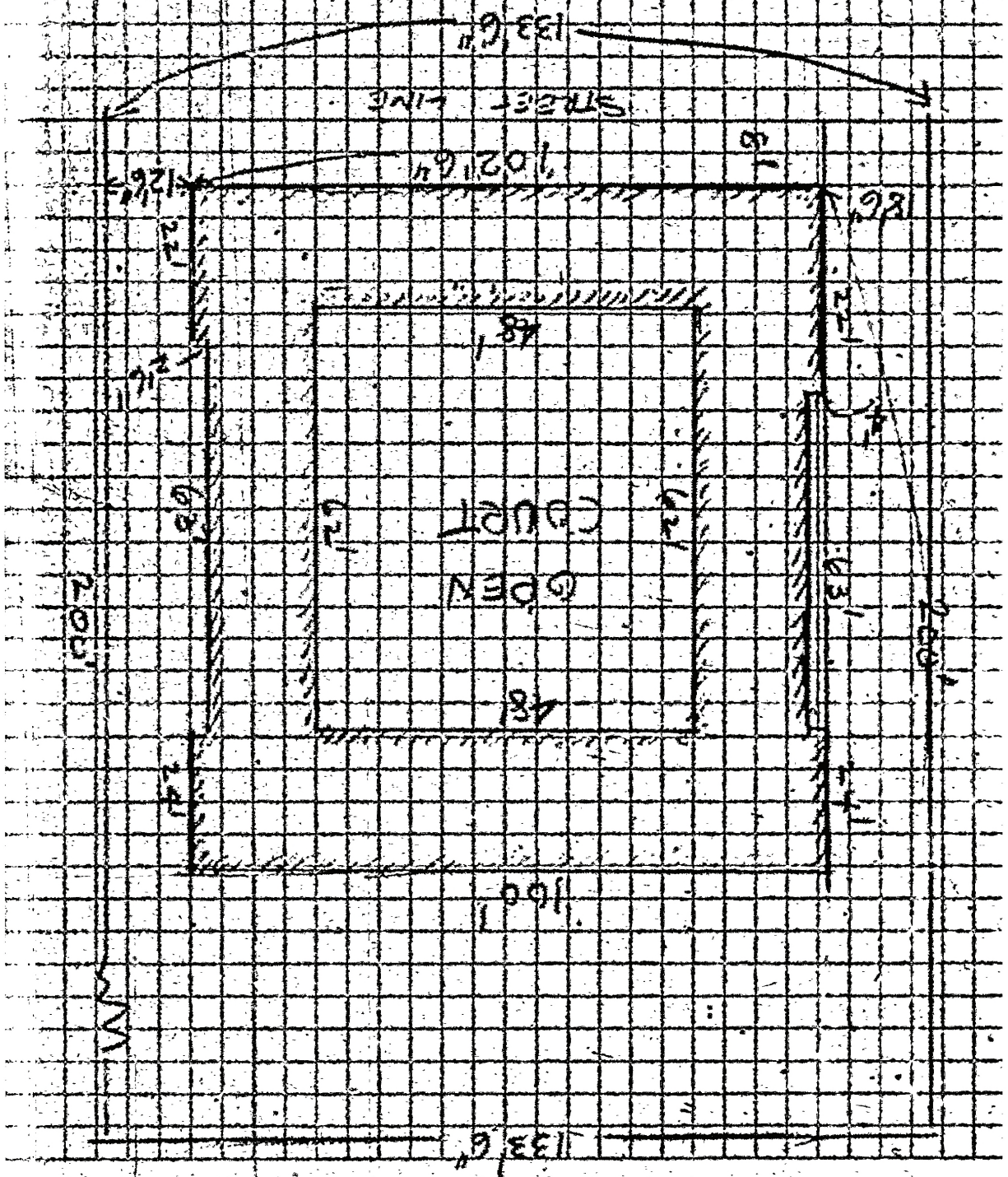
DISTRICT OFFICE WEST LOS ANGELES

By

FOR DEPARTMENT USE ONLY					
Date <u>AUG 10 1970</u>		REINFORCED CONCRETE		Bldg. Per <u>138.00</u>	
Receipt No. _____		Bldg. Content _____		F E E S	
Valuation \$ <u>60,000.00</u>		Tons of Reinforcing Steel _____		Cert. of Occupancy _____	
Fee Paid \$ <u>25.00</u>		Total _____		Total _____	
TYPE <u>V</u>	GROUP <u>G-1</u>	Maximum No. Occupants _____	Lot Size <u>133' x 200'</u>	X Per. rear alley	
PERMIT No. <u>LA24638</u>		Plans and Specifications checked <u>W. H. Barry</u>	Zone <u>C-2</u>	Fire District <u>2</u>	District Map No. <u>4217</u>
PLANS		Fire, Sign, Location and Application checked <u>W. H. Barry</u>	Application checked and approved <u>W. H. Barry</u>	Stamp here when Permit is issued	
Base _____		Inspection _____	APPROPRIATE	Inspector _____	

ABURS R-1 R 6777

APPROVED FOR CONSTRUCTION
DATE 10/1/64
BY [Signature]
PROJECT NO. 1000
SHEET NO. 10



**ATTACHMENT
E**

