



## 11973 San Vicente Boulevard Project

Environmental Case: ENV-2019-6645-EIR  
State Clearinghouse No.: 2020110210

**Project Location:** 11973-11975 San Vicente Boulevard, Los Angeles, California, 90049

**Community Plan Area:** Brentwood – Pacific Palisades

**Council District:** 11—Park

**Project Description:** The approximately 26,586 square foot (0.61-acre) Project Site (Assessor Parcel No. 4404-025-008) is currently improved with an existing two-story (approximately 23.5 feet in height), approximately 13,956 square foot commercial building (with 12,800 square feet of leasable space) commonly referred to as the Barry Building and a portion of a surface parking lot. The existing building is a City of Los Angeles Historic-Cultural Monument (HCM) that has been vacant and fenced since 2017. The Project consists of the demolition of the Barry Building. Once demolition activities are complete, the portion of the Project Site that currently contains the Barry Building would be a vacant dirt 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). Three on-site palms would be removed; however, the fourth on-site palm and two street trees located along San Vicente Boulevard would remain. No future development of the Site is proposed and/or considered as part of the Project. Demolition of the building would result in the removal of approximately 4,174 cubic yards of debris from the Project Site.

**PREPARED FOR:**

The City of Los Angeles  
Department of City Planning

**PREPARED BY:**

CAJA Environmental Services, LLC

**APPLICANT:**

11973 San Vicente, LLC

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# 1. Introduction

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## 1. Purpose

The City of Los Angeles (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared the Final Environmental Impact Report (Final EIR) for the proposed 11973 San Vicente Boulevard Project (Project). This document, in conjunction with the Draft Environmental Impact Report (Draft EIR), comprises the Final EIR.

As described in Sections 15088, 15089, 15090 and 15132 of the State CEQA Guidelines, the Lead Agency must evaluate comments received on the Draft EIR and prepare written responses and consider the information contained in a Final EIR before approving a project. Pursuant to State CEQA Guidelines 15132, a Final EIR consists of: (a) the Draft EIR or a revision of the Draft; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency.

*The Final EIR shall consist of:*

- (a) The Draft EIR or a revision of the Draft.*
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.*
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) Any other information added by the Lead Agency.*

## 2. Organization of the Final EIR

Pursuant to Section 15132 of the CEQA Guidelines, this document includes the following sections, which combined with the Draft EIR, constitutes the Final EIR for the Project:

**Section 1. Introduction:** This section provides an introduction to the Final EIR and the list of persons and agencies that submitted comments on the Draft EIR.

**Section 2. Responses to Comments:** This section includes responses to each of the significant environmental points raised in the comments submitted.

**Section 3. Revisions, Clarifications, and Corrections to the Draft EIR:** This section provides corrections and additions to the Draft EIR, based on and in response to comments received.

**Section 4. Mitigation and Monitoring Program:** This section includes all of the Mitigation Measures that have been identified to reduce or avoid the Project's environmental impacts. This section also notes the monitoring phase, the enforcement phase, and the applicable department or agency responsible for ensuring that each mitigation measure is implemented.

**Appendices:** The appendices to this document include copies of all the comments received on the Draft EIR and additional information cited to support the responses to comments. In addition, Appendix Q includes a more in-depth discussion of the December 2022 Scoping Plan (Plan), adopted by the California Air Resources Board to address the reduction of greenhouse gas (GHG) emissions, which was evaluated in the Draft EIR at pages IV.C-19 and IV.C-38 through IV.C-39. The City's detailed summary of that Plan, that is included as Appendix Q, was developed for use by projects within the City but was released after the Draft EIR was published. The Project only entails demolition and no development or operation of a new land use at the Project Site. As such, the Project would not cause any GHG emissions that are addressed by the 2022 Scoping Plan. A copy of the City's summary of the 2022 Scoping Plan is included in Appendix Q for purposes of full disclosure and transparency.

### **3. Overview of the CEQA Public Review Process for the Draft EIR**

In compliance with the State CEQA Guidelines, the City, as Lead Agency for the Project, has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform, contact, and solicit input from the public and various Federal, State, regional, and local government agencies and other interested parties on the Project.

#### **(a) Initial Study/Notice of Preparation**

At the onset of the environmental review process and pursuant to the provisions of 15082 of the State CEQA Guidelines, the City circulated a Notice of Preparation (NOP) on November 18, 2020, for a 30-day review period, ending on December 21, 2020. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. The Initial Study and NOP are included as Appendix A-1 and Appendix A-2, respectively, to the Draft EIR.

Public comments received during the NOP circulation period are provided in Appendix A-3, NOP Comments, to the Draft EIR.

## (b) Draft Environmental Impact Report

In accordance with the provisions of Sections 15085(a) and 15087(a)(1) of the State CEQA Guidelines, the City, serving as Lead Agency: (1) published a Notice of Completion and Availability (NOA) of the Draft EIR in the Los Angeles Times and posted the notice with the Los Angeles City Clerk, indicating that the Draft EIR was available for review at the City's Department of City Planning (221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90012); (2) provided copies of the NOA and Draft EIR to the Central Library, the West Los Angeles Regional Library, and the Donald Bruce Kaufman Branch Library; (3) posted the NOA and Draft EIR on the Department of City Planning's website (<http://planning.lacity.org>); (4) prepared and transmitted a Notice of Completion (NOC) as well as an electronic copy of the Draft EIR to the State Clearinghouse, Governor's Office of Planning and Research for distribution to State Agencies; (5) sent a NOA to all property owners and occupants within 500 feet of the Project Site; and (6) sent a NOA to the last known names and addresses of all organizations and individuals who previously requested such notice in writing or attended public meetings about the Project. The public review period for the Draft EIR commenced on February 16, 2023, and ended on April 18, 2023.

Comments received during and after the public review period are presented and responded to in Section 2, Responses to Comments, of the Final EIR. The Draft EIR and this Final EIR will be submitted to the City decision-makers for certification in connection with action on the Project.

## 4. Review and Certification of the Final EIR

Consistent with State law (Public Resources Code 21092.5), responses to agency comments are being provided to each commenting agency more than 10 days prior to certification of the EIR.

The Final EIR is available for public review at the following locations:

- James Harris

City of Los Angeles, Department of City Planning  
221 N. Figueroa Street, Suite 1350  
Los Angeles, California 90012  
Email: [james.harris@lacity.org](mailto:james.harris@lacity.org)

- Los Angeles Central Library  
630 West Fifth Street, Los Angeles, CA 90071
- West Los Angeles Regional Library  
11360 Santa Monica Boulevard, Los Angeles, CA 90025
- Donald Bruce Kaufman Branch Library  
11820 San Vicente Boulevard, Los Angeles, CA 90049

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The Final EIR is also available online at <http://planning.lacity.org>

## **5. List of Commentors on the Draft EIR**

The City of Los Angeles received a total of 105 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and distinct comments within each comment letter are also numbered. Comment letters from public agencies and organizations are denoted with the prefix “A”, while comment letters from private individuals are denoted with the prefix “B”. In addition, a number of signed supporter cards were received, some with additional comments added, which are denoted with the prefix “SC”.

Each comment letter has been divided into individual comments, which are numbered “1-1”, “2-1”, “3-1”, etc., with the first number indicating the comment letter number and the second number indicating the individual comment number within that letter.

The agencies, organizations and persons listed below provided written comments on the Draft EIR to the City of Los Angeles during the formal public review period, which was from February 16, 2023 to April 18, 2023. Copies of the comments are included in Appendix A to this Final EIR.

### **a) Public Agencies and Organizations**

- A1. Office of Councilwoman Traci Park, 11<sup>th</sup> District
- A2. Brentwood San Vicente Chamber of Commerce
- A3. Los Angeles Conservancy
- A4. South Brentwood Residents Association
- A5. Brentwood Residents Coalition
- A6. Abundant Housing LA

### **b) Private Individuals**

- B1. Robert Blue & Sieglinde Kruse Blue
- B2. Corin Kahn
- B3. Bob Blue
- B4. Nathan Younan
- B5. Anne Russell

- B6. Manuel Maradiaga
- B7. Jack & Sandy Fine
- B8. Seva Burmaka
- B9. Hamed Sandoghdar
- B10. Michael Lewis
- B11. Nicole Fazio
- B12. Michele Aronson
- B13. Evelyn Stern
- B14. Jim Olds
- B15. Richard Alfieri
- B16. Sabrina Korman
- B17. Stephanie Bernabe
- B18. Susan Winick
- B19. Casey Welch
- B20. Claudia Arrendondo
- B21. Manpreet Rai
- B22. Rory Cunningham
- B23. Brian Butler
- B24. Ziggy Kruse
- B25. Christine Meleo Bernstein
- B26. Daryl & Paul Doucette
- B27. Diane Kraus
- B28. Emily Gustafson
- B29. Jeff Wilson

- B30. Jennifer Sharpe
- B31. Mary Melton
- B32. Michael Hayes
- B33. Nancy Newberg
- B34. Ziggy Kruse Blue
- B35. Cathy Cohen
- B36. Davida Rochlin
- B37. Eran Fields
- B38. Richard Stein
- B39. Irina Berchik
- B40. Irina Berchik
- B41. Anthony Yannatta
- B42. Mara Fisher
- B43. Waide Riddle
- B44. Thomas Safran
- B45. Kevin Johnson
- B46. Fredrik Nilsen
- B47. John Sherwood
- B48. Anna Hashmi
- B49. John Crues
- B50. Bryan Gordon
- B51. Josh Stephens
- B52. Barbara Roll
- B53. Byrdie Lifson Pompan

B54. Carolyn Jordan

B55. Corin Kahn

B56. DM Stenlake

B57. Nancy & Gary Freedman

B58. Roz Gamble

B59. Ziggy & Bob Blue

B60. Aviva Havempour

SC1. Frederick Lewis

SC2. Catherine Neiman

SC3. Barbara Marcus

SC4. Loretta Lasseigne

SC5. Angeliki Kentros

SC6. Commentor Illegible

SC7. Claudia Arrendondo

SC8. Brian Jenson

SC9. Anne Russell

SC10. Ashley Jordan

SC11. Mark Wright

SC12. Lee Silver

SC13. Mark Moriarty

SC14. Bill Tong

SC15. Susan Winick

SC16. J Weitzen

SC17. Deidre Kruckenberg

SC18. Hamed Sandoghdar

SC19. Irina Berchik

SC20. Irwin Zim

SC21. Jaren Mitchell

SC22. Karen Chapman

SC23. Kurush Papadopoulos

SC24. Logan Wood

SC25. Manpreet Rai

SC26. Manuel Maradiaga

SC27. Marc Mendoza

SC28. Michael Lewis

SC29. M. O'Donnell

SC30. Michel Lechasseur

SC31. Nathan Younan

SC32. Noul Betziy

SC33. Patrina Couling

SC34. Perry German

SC35. Scott Alexander

SC36. Stefanie Csoke

SC37. Starling Johnson

SC38. Sue Ella Douglas

SC39. Vserolod Burmaka

## 2. Responses to Comments

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### 1. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft Environmental Impact Report (EIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments that were received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this Section of this Final EIR provides responses to each of the written comments on the Draft EIR received during the public comment period.

Section 2, Responses to Comments, presents comments submitted during the public comment period for the Draft EIR from State, Regional, County, and City agencies, as well as from individuals and organizations. The City of Los Angeles received a total of 105 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and distinct comments within each comment letter are also numbered. Comment letters from public agencies and organizations are denoted with the prefix "A", while comment letters from private individuals are denoted with the prefix "B". In addition, a number of signed supporter cards were received, some with additional comments added, which are denoted with the prefix "SC". Each comment letter has been divided into individual comments, which are numbered "1-1", "2-1", "3-1", etc., with the first number indicating the comment letter number and the second number indicating the individual comment number within that letter.

As required by the CEQA Guidelines, Section 15088(c), the focus of the responses to comments is on the "disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues.

Note that there may be spelling and/or grammar errors in the Comment Letters. These are replicated here exactly as they were delivered to the City.

**LETTER NO. A1**

Jeff Khau, AICP, Planning Deputy  
Office of Councilwoman Traci Park, 11<sup>th</sup> District  
LA City Hall  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Jeff.khau@lacity.org

**Comment No. A1-1**

Some members of the public have requested that the comment period for the DEIR be extended to allow for additional input. This email is to confirm that our office is amenable to a 15-day extension of the comment period. Please let me know if you have any questions.

**Response to Comment No. A1-1**

The comment provides the Council Office's agreement to a 15-day extension of the Draft EIR comment period. In response to this request, the comment period was extended an additional 15 days, with the comment period ending on April 18, 2023, instead of April 3, 2023.

**LETTER NO. A2**

Michele Aonson, Director  
Brentwood San Vicente Chamber of Commerce  
maronson@douglasemmett.com

**Comment No. A2-1**

On behalf of the Brentwood San Vicente Chamber of Commerce, I am writing to express the Chamber's strong support of the demolition of the Barry Building.

The Brentwood San Vicente Chamber of Commerce represents for-profit businesses, professionals and cultural institutions within Brentwood. Our vision is a thriving Brentwood business community with a mission to support policies that enable prosperous, safe, clean and beautiful commercial districts within Brentwood.

The Barry Building, a vacant and seismically unstable building, is not good for Brentwood and Brentwood's business community. The fenced building is a magnet for vandalism and homelessness and is a nuisance to the commercial businesses on San Vicente Blvd. The risk of collapse due to an earthquake is also dangerous for its neighboring businesses. The Barry Building is unprosperous, unsafe, and unclean.

This demolition of the Barry Building creates a blank canvass for a new opportunity and a future development which has the potential to invigorate San Vicente Blvd.'s commercial district. The Chamber stands in firm support of the demolition of the Barry Building.

**Response to Comment No. A2-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. A3**

Adrian Scott Fine  
Senior Director of Advocacy  
523 West Sixth Street, Suite 826  
Los Angeles, CA 90014  
afine@laconservancy.org

**Comment No. A3-1**

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) which impacts the Barry Building, a designated Historic-Cultural Monument (HCM). Thank you and please let me know should you have any questions or need anything else from me and the Los Angeles Conservancy.

I would appreciate receiving receipt from the City on this submission as part of the Draft EIR record.

**Response to Comment No. A3-1**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. A3-2**

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).

### **Response to Comment No. A3-2**

A copy of the letter dated December 21, 2020, sent by Lisa Avebury on behalf of the Los Angeles Conservancy (Conservancy) that provided comment on the Notice of Preparation (NOP) issued by the City on November 18, 2020, for the Project is included in Appendix A-3 to the Draft EIR, which includes the NOP comment letters received by the City. In addition, the City received a letter from the commentor, Adrian Scott Fine of the LA Conservancy, also dated December 21, 2020. The comment letter from Adrian Scott Fine was inadvertently not included in Draft EIR Appendix A-3, and therefore, is attached as Appendix J of the Final EIR. However, the substance of that letter is exactly the same as the letter received from Lisa Avebury.

The commentor refers to the “piecemealing” doctrine under CEQA. Under that doctrine, “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396.)<sup>1</sup> Improper piecemealing occurs when: (i) the purpose of the reviewed project is to be the “first step” toward future development; and (ii) the reviewed project “legally compels or practically presumes completion of another action.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223.) Under the piecemealing doctrine, “the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396.) “[W]here future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences.” (*Laurel Heights*, 47 Cal. 3d at 395.) A lead agency is not required under CEQA to evaluate future uses of a property that is being sold if a *specific* use is not “reasonably foreseeable.” (See *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal App. 4th 603, 615.) There must be a factual basis for concluding that two projects must be considered together. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437.) The factual basis must be supported by substantial evidence, which does not include speculation or unsubstantiated opinion. (CEQA Guideline 15384.)

With respect to the Barry Building, there is no evidence that the Project Applicant intends to develop the Subject Property with any new, specific uses. The Project Applicant has not filed for any entitlements for the development of new buildings at the Project Site; and in its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition

<sup>1</sup> In Comment No. B2-30, the commentor refers to the decision in *Laurel Heights*. In that case, the court found that the EIR did improperly piecemeal the project because the EIR did not examine the future use of a building owned by the project applicant after the lease of that building by a third party would expire. The project applicant and owner of the building said in the EIR and in correspondence that it would occupy the entire facility and develop it as a research facility with various programs.

In Comment B2-30, the commentor also references to the court decision in *Paulek v. Department of Water Resources* (21014) 231 Cal App. 4th 35, in support of its piecemealing claim. In that case, however, the court found that **no** piecemealing of the proposed project had occurred. (231 Cal App 4th at 45-46.)

of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR for the Project.) Accordingly, there is no future project and it would constitute impermissible speculation as to the type of a future project that may eventually be developed at the Project Site.

Further, a prior application to develop a project at the site (known as the Green Hollow Square Project) was formally withdrawn, as confirmed in a letter from City Planning dated December 17, 2013. (Refer to Appendix R to this Final EIR.) In addition, refer to Appendix E of this Final EIR for a letter from the Applicant's attorney, dated February 8, 2021, responding to an NOP comment letter submitted by the Silverstein Law Firm asserting that the requested demolition permit was part of a larger project to revive the Green Hollow Square Project. As also stated in the letter provided at Appendix E to the Final EIR, the Green Hollow Square Project also involved the property located at 11961-69 W. San Vicente Boulevard (APN 4404-025-32, legal lot 50), owned by Barry Family, LLC, which owns and operates a two-story office and retail building at that property, and whose members are separate from the legal entity that owns the Project Site and Barry Building. Further, the Barry Family, LLC has not applied for any permit to demolish or redevelop the commercial building that it is currently operating at its property.

Refer to Response to Comment No. A3-4 for a discussion of the claim of intentional demolition by neglect.

Refer to Response to Comment No. A3-5 for a discussion of the number of historic cultural monuments (HCMs) designated under the City's Cultural Heritage Ordinance that are subject to the City's Soft Story Ordinance. As discussed in that response, there are 1,181 buildings that have been designated as HCMs; of those, only four HCMs are subject to the Soft Story Ordinance, including the Barry Building. Therefore, it is unlikely that the Project would incentive owners of other HCMs to pursue similar outcomes.

### **Comment No. A3-3**

#### **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.

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**Response to Comment No. A3-3**

The Draft EIR prepared for the requested permit (Demolition Permit) to demolish the building (the Barry Building) located at 11973 San Vicente Boulevard (Subject Property) acknowledges that the Barry Building is a HCM designated under the City's Cultural Heritage Ordinance (Section 22.171 of the Los Angeles Administrative Code). As stated in the Draft EIR, demolition of the Barry Building would cause a significant impact to historical resources. In light of that impact, the City would have to approve a Statement of Overriding Considerations in order to issue the Demolition Permit.

**Comment No. A3-4****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 neglect deterrents, and reject unfounded arguments by the property owner that claim preservation alternatives are not viable.

### **Response to Comment No. A3-4**

The portion of this comment relating to the previously proposed Green Hollow Square Project (which was formally withdrawn in 2013) is acknowledged. The Applicant for the Demolition Permit has not filed for any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR for the Project.)

The seismic instability of the Barry Building is detailed in the technical reports provided at Appendices G (Seismic Assessment), H-2 (Retrofit Schemes), and H-3 (Soft-Story Memorandum) to the Draft EIR. An additional report, Los Angeles Conservancy Comments Review, prepared by Englekirk Structural Engineers and dated May 25, 2023, attached as Appendix I to the Final EIR confirms the fact that the seismic instability of the building is due to the seismic requirements under current law (including the California Historic Building Code and the City's Soft Story Ordinance) and the absence of structural items in the building due to its design and construction in the early 1950s. As discussed in the report contained in Appendix I, buildings designed and constructed at that time had low seismic demands and requirements. Today, the demands are much higher. Therefore, in addition to strengthening the existing shear walls in the building, new (not replacement) shear walls and steel moment frames would need to be added, specifically 20 new (and additional) two-story shear walls and three new (and additional) steel moment frames would need to be added to the building to meet today's seismic standards. The absence of such shear walls and moment frames is not due to lack of maintenance and repair.

Although the seismic instability of the Barry Building is attributable to its design and construction in the early 1950s (such as the absence of shear walls and moment frames) and not neglect or lack of maintenance, the Applicant has submitted a letter generally discussing its maintenance of the property since the tenants vacated in 2017. (Refer to Appendix O to this Final EIR.) In that letter, the Applicant states that its property manager inspects the property at least once per week. In addition, the Applicant conducts regular maintenance consisting of weeding, trimming, clearing of leaves, and removal of debris from the driveway, the parking lot, and the courtyard. The Applicant states that it also carries out repairs at the property as necessary, such as replacement of lighting fixtures, installation of a secondary perimeter fence, repairs to primary fencing, repairs of water leaks, and adding to fencing as secondary security at the rear of the building.

Furthermore, the metal window shutters were removed due to deterioration and corrosion in the mounting hardware for the metal shutters, which was severe and which resulted in a meaningful risk of failure. Those shutters were located on the second floor of the building, which fronts, and is very close to, the adjacent sidewalk. Accordingly, pedestrians were in danger of being struck by falling debris if the shutters failed. Therefore, the shutters were removed and are now stored and saved in a secure location on-site. The Applicant informed the City of this action in the letter contained in Appendix L of the Final EIR.

### **Comment No. A3-5**

#### **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, 2018. 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, 2023, 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.

### **Response to Comment No. A3-5**

The Applicant has provided a letter dated May 22, 2023, which provides: (a) the soft-story building inventory list provided by the Los Angeles Department of Building and Safety on May 12, 2023; (b) the latest monthly report prepared by the City showing compliance by those buildings with the Soft Story Ordinance; and (c) the list of those buildings that have been designated as HCMs under the City's Cultural Heritage Ordinance. (A copy of this letter is included in Appendix M to the Final EIR.) There are 1,181 buildings that have been designated as HCMs. Based on the information in Appendix M, only four HCMs are subject to the Soft Story Ordinance, including the Barry Building, as well as the buildings at 638-642½ S. Kelton Avenue, 10919 W. Strathmore Drive, and 1780 N. Griffith Park Boulevard. Therefore, only 0.032-percent of all HCM buildings have been deemed subject to the Soft-Story Ordinance.

With respect to the application of the California Historical Building Code, a substantial portion of the seismic retrofit work would still be needed if the requirements in the California Historical Building Code were applied. Under that Code, a historical building can retrofit to meet 75-percent of the seismic forces required under the current building code. However, due to the very high level of overstress in the building, 230-percent to 650-percent in the structural members, a substantial portion of the work would still be required. Strengthening of existing shear walls and floor/roof plywood diaphragm, additional shear walls, and moment frames would still have to be added. (Refer to the report titled Los Angeles Conservancy Comments Review included as Appendix I to the Final EIR.)

The structural integrity of the Barry Building and the impact to it in an earthquake was evaluated in the three technical reports attached as Appendices G, H-2, and H-3 to the Draft EIR. Those reports concluded that the Barry Building's south wing is subject to the Soft Story Ordinance because there is no ascertainable lateral system (commonly referred to a "soft story") and the second and roof levels are not supported on the ground level isolated steel columns. (Appendix H-2, p. 1-8.) To remedy that structural deficiency, the required seismic retrofit would need to include the installation of steel moment frame structures within the Barry Building and supported on new concrete footings. These steel moment frame structures provide lateral bracing for the south wing. In addition, new wood shear walls would need to be installed. (Appendix H-2, p. 1-8.)

These reports also identified structural retrofit requirements that would be needed on the rest of the Barry Building to address other structural deficiencies and ensure the Barry Building is sufficiently sound to protect building occupants (and pedestrians) in the event of a moderate to

severe seismic event. The reports identified several structural deficiencies in the rest of the Barry Building, including (1) interior demising walls do not form a complete seismic-force-resisting system or a complete lateral bracing system; (2) vertical elements of the seismic-force-resisting system are discontinuous between floors; (3) the north, east, and west wings range from being 190-percent - 360-percent overstressed; (4) the steel posts in the south wing do not possess any lateral resistance, so a possible collapse of this wing could result during a seismic event; (5) there is no existing wall or lateral resisting element to resist seismic loads in the south wing, so significant lateral displacement may be expected during a seismic event; and (6) the demand over capacity ratios for the typical diaphragm at the roof and second floor is highly overstressed. (Draft EIR Appendix G, pp. 1-5.) As some portions of the building have no elements that can resist the seismic forces from the roof and second floor, the building can result in a possible collapse when subject to a moderate to strong earthquake. These structural deficiencies represent life safety hazards to occupants in the building and pedestrians and others walking adjacent to the building. (Draft EIR Appendix G, p. 7.)

#### **Comment No. A3-6**

#### **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 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."<sup>3</sup> 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."<sup>4</sup> 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.<sup>5</sup> Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."<sup>6</sup> Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.<sup>7</sup>

### **Response to Comment No. A3-6**

The commentor's support for Alternative 2 is noted and will be forwarded to the decision-makers. Draft EIR Section V (Alternatives) evaluated the following four alternatives: Alternative 1, the No Project Alternative; Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. As stated in the Draft EIR, the EIR did not, and was not required to do so under CEQA, evaluate the economic feasibility of those alternatives. The City decision-makers will determine whether a preferred alternative would be appropriate based on evidence in the administrative record when they act on the requested Demolition Permit.

A copy of a letter dated April 20, 2023 from the Applicant to the City providing information on the costs to rehabilitate the Barry Building is available for viewing by contacting James Harris at (213) 978-1241 or james.harris@lacity.org.

### **Comment No. A3-7**

## **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 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.

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**Response to Comment No. A3-7**

The commentator's opposition to the requested Demolition Permit is noted and will be forwarded to the City decision-makers.

**Comment No. A3-8**

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.

**Response to Comment No. A3-8**

The commentator's claim that the requested Demolition Permit is in conflict with Council File No. 17-0226-S1, Penalties Imposed for Unpermitted Remodels, Additions, and Demolition of Buildings and Structures, is factually incorrect. In 2019 and 2020, a motion was made to have the Los Angeles Department of Building and Safety (LADBS) look into ways to penalize owners that demolish buildings without permits; and to submit a report identifying ways to "prevent unpermitted alterations and demolitions that could negatively impact identified eligible historic resources as well as structures under consideration for historic cultural monument status," respectively.

In January 2021, the Cultural Heritage Commission (CHC) submitted a letter to the Planning and Land Use Management (PLUM) Committee recommending the City Council "adopt enhanced non-monetary penalties effectuated by the cities of Glendale and Pleasanton, requiring that a replacement project not exceed the height, square footage, and footprint of the demolished structure, which would serve as an effective deterrent to unpermitted demolition. The Commission also recommends that the Council adopt increased fines, via civil penalties,

PLUM recommended approval of the LADBS and Cultural Heritage Commission reports and directed the City Attorney to prepare an ordinance. The City Council adopted the report, which expired on February 2, 2023.

While Council File No. 17-0226-S1 did not result in a permanent ordinance, the Project is not in conflict with it, as an application for a demolition permit was filed. Furthermore, the statement that the CHC made about a “replacement project” described limitations for replacement projects, not explicitly that replacement projects are required. Key documents from the Council File are also included in Appendix N to the Final EIR.

The commentor’s support for Alternative 2 is noted and will be forwarded to the decision-makers.

Refer also to Responses to Comment Nos. A3-4 and A3-5 for a discussion of the reasons for the seismic instability of the Barry Building.

### **Comment No. A3-9**

#### **About the Los Angeles Conservancy:**

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](mailto:afine@laconservancy.org) should you have any questions or concerns.

#### **Response to Comment No. A3-9**

The commentor’s description of the Conservancy is noted and will be included in the record.

**LETTER NO. A4**

Alisa M. Morgenthaler, President  
South Brentwood Residents Association  
149 South Barrington Ave. #194  
Los Angeles, California 90049  
[www.southbrentwood.org](http://www.southbrentwood.org)

**Comment No. A4-1**

I am writing on behalf of the Board and members of the South Brentwood Residents Association (“SBRA”), which represents approximately 18,000 homeowners and renters who reside in the area south of San Vicente Blvd., north of Wilshire Blvd., east of Centinela Ave. and west of Federal Ave., including all residents living in multi-family dwellings throughout the entire Brentwood community.

SBRA is the only residents’ group that represents the homeowners and renters who live adjacent to the location of the subject property, 11973-1195 San Vicente Boulevard, Los Angeles, California 90049 (the “Barry Building”).

The Barry Building has been vacant and fenced since 2017, and we have been apprised that is structurally unfit and likely to suffer severe damage in an earthquake. The Barry Building also poses a risk of vandalism, loitering and other public safety hazards because it is a vacant building. SBRA supports the demolition of the Barry Building to eliminate these risks and to keep the surrounding community safe.

**Response to Comment No. A4-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. A4-2**

SBRA also views the demolition of the Barry Building as a first step to constructing a thoughtful development on the property which enhances the community and is consistent with the San Vicente Scenic Corridor Design parameters and other requirements. SBRA looks forward to commenting on a design in the future that meets these requirements, and which ideally provides the community with some much needed public meeting and green space.

Please keep us apprised of all future applications to develop this property.

**Response to Comment No. A4-2**

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. A5**

Wendy-Sue Rosen  
President Brentwood Residents Coalition  
200 S. Barrington Ave., #49583  
Los Angeles, CA 90049  
www.BrentwoodResidentsCoalition.org

**Comment No. A5-1**

The Brentwood Residents Coalition (“BRC”) writes in opposition to the demolition of the Barry Building, a designated Historic-Cultural Monument (“HCM”) #887, lauded for its excellent example of Mid-Century Modern Architecture. The Applicant seeks to remove the HCM to clear the lot without an identified replacement project. This type of action is irreversible and creates a dangerous precedent that would serve as an example to future property owners to engage in similar activities that erode protections upheld by the City’s historic preservation program. Demolition of the Barry Building without a replacement project is a blatant violation of the California Environmental Quality Act (“CEQA”).

**Response to Comment No. A5-1**

The comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City’s Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. A5-2**

The Applicant has made clear his intent to tear down the historic building and replace it with an empty lot similar to several adjacent lots held by the same owner that have been sitting empty for close to a decade. All of these parcels were slated for redevelopment as part of the previously proposed Green Hollow Square project, however they have now been systematically leveled in a piecemeal fashion. The Barry Building would be the last of these parcels to be demolished.

The City should not reward the Applicant for piecemealing the project and attempting to circumvent preservation regulations meant to protect valuable and unique historic resources.

**Response to Comment No. A5-2**

Refer to the Response to Comment No. B1-4 regarding the adjacent parcels.

Refer to Response to Comment No. A3-2 for a response to the claim of piecemealing.

**Comment No. A5-3**

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. In this case, feasible alternatives to the proposed demolition of the Barry Building must be considered.

**Response to Comment No. A5-3**

The comment states that feasible alternatives should be considered but does not provide specific information about such alternatives. Draft EIR Section V (Alternatives) evaluated the following four alternatives: Alternative 1, the No Project Alternative; Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate and whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**Comment No. A5-4**

BRC urges the City of Los Angeles to reconsider its current environmental review process for this proposal, abandon the process until a replacement project is identified and can be analyzed, in addition to the full exploration of adaptive reuse alternatives. The proposed demolition of the Barry Building is premature and will create a harmful precedent that will put this and future historic resources at risk.

**Response to Comment No. A5-4**

The Applicant has submitted a complete application for a permit for demolition of the Barry Building. In that application, the Applicant stated that the requested Demolition Permit is not part of new development project. Therefore, the City is not acting prematurely in conducting the environmental review process for this Project.

**Comment No. A5-5**

Please add this letter to the record and add BRC to the notification list for this Project.

**Response to Comment No. A5-5**

This comment letter has been added to the record and the BRC has been added to the notification list for the Project.

**LETTER NO. A6**

Abundant Housing LA  
Leonora Camner, AHLA Executive Director

**Comment No. A6-1**

ENV-2019-6645-EIR. We support the demolition of the long vacant property and its redevelopment into rental properties. The greater Los Angeles region is facing a severe housing shortage, particularly affordable housing. Creating new housing in this neighborhood, in a high opportunity area, will help to reduce issues of gentrification and displacement. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

The property is in an excellent location to develop housing. Situated in a highly walkable neighborhood with many restaurants, shops, and schools, the property is also close to UCLA, a major employment center. New housing will benefit Brentwood and the surrounding area far more than an empty office building, and we urge your support for the demolition of the Barry Building.

**Response to Comment No. A6-1**

The comment expresses support for the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The remainder of the comment expresses a desire for housing to be developed at the Project Site. The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B1**

Robert Blue & Sieglinde Kruse Blue  
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ziggykruse2005@yahoo.com

**Comment No. B1-1**

Attached to this email please find our Comment Letter to the DEIR for ENV-2019-6645-EIR; SCH 2020110210; 11973 San Vicente Boulevard Project; The Barry Building (HCM #887).

Please confirm receipt of this email and attachment, and please add the letter to file for this case.

We are submitting the below listed comments in response to the Draft Environmental Impact Report (DEIR) for 11973 San Vicente Boulevard Project, ENV-2019-6645-ENV (The Barry Building).

**Response to Comment No. B1-1**

The comment letter has been included in the Project file and responses to the specific comments contained in this letter have been provided below.

**Comment No. B1-2**

In the above referenced case, the applicant is seeking the City's approval for a Permit to demolish the Barry Building, a significant Historic-Cultural Monument in Los Angeles (HCM #887).

In the June 7, 2012 letter from the Cultural Heritage Commission regarding protecting the Barry Building from demolition in the Green Hollow Square Project (ENV-2009-0165-EIR), Commissioner Richard Barron stated:

“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 Angeles and sets a dangerous precedent.”

In the case of this DEIR, there is **no replacement project**, which makes this proposed demolition far worse.

In the same letter, Mr. Barron also wrote:

“When designated as a Historic-Cultural Monument, the Barry Building met Cultural Heritage Ordinance criteria for “embodying the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction” as an example of International Style commercial architecture. Apart from the potential loss of the designated historic resource, the Barry Building is one of the few very rare examples of commercial mid-twentieth century modern design in the register of Historic-Cultural Monuments. In fact, a preliminary review suggests that the Barry Building is only one of three modernist commercial buildings out of over 1,000 designated Historic-Cultural Monuments: the only other two are the Neutra Office Building (HCM #676; constructed 1951) and the Jones and Emmons Building (HCM #696; constructed 1954).”

### **The destruction of an HCM is a City-Wide issue**

The applicant and City are presenting the demolition of the Barry Building as a sole “project.” However, City Planning staff told us, “there is no project.”

What makes the DEIR for demolition more egregious is that there is no replacement to give any justification for the approval of a demolition permit.

There is no upside for the City or its residents to allow the demolition and irreversible loss of a Historic resource. It would be a dereliction of duty for the City leadership to approve a demolition permit for the Barry Building and leave the neighborhood with another fenced-in dirt lot to go along with the applicant's other five (5) surrounding fenced-in dirt lots.

Another fenced-in dirt lot will negatively impact the City and the local neighborhood and is an inferior environmental alternative.

### **Response to Comment No. B1-2**

The Draft EIR prepared for the requested permit to demolish the Barry Building located at 11973 San Vicente Boulevard acknowledges that the Barry Building is an HCM designated under the City’s Cultural Heritage Ordinance (Section 22.171 of the Los Angeles Administrative Code). The Applicant for the Demolition Permit has not filed for any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR for the Project.)

As stated in the Draft EIR, demolition of the Barry Building would cause a significant impact to historical resources. For a project for which significant impacts have been identified that are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, such as the Project, a public agency may

nevertheless approve a project if the agency first adopts a Statement of Overriding Considerations, setting forth the specific reasons why the agency found that the project's benefits outweigh its unavoidable adverse environmental impacts. In light of the significant impact to historical resources, the City would have to approve a Statement of Overriding Considerations in order to issue the Demolition Permit.

In addition, as stated in the Draft EIR, the Barry Building has been cited under the City's Mandatory Soft Story Retrofit Ordinance (Soft Story Ordinance) and is seismically unsound for human occupancy. The City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

### **Comment No. B1-3**

Furthermore, 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.

Since the applicant is not offering a replacement project that will provide a benefit to the City and its residents, the City must deny a demolition permit for the Barry Building and wait until a replacement project is applied for either by the applicant or subsequent new owner. Then the City and the Public can review the environmental impacts and weigh the benefits of new construction jobs, permanent jobs, increased revenue, and amenities for local businesses to create walkable areas along the San Vicente Scenic Corridor.

A replacement project would allow the applicant to incorporate the Barry Building as centerpiece of a new development to highlight and celebrate the history of the building and its original owner, David (Dave) Barry.

### **Response to Comment No. B1-3**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. There is no requirement for an applicant seeking a permit to demolish a building designated as historic under a local code to propose a new development project in order to obtain the Demolition Permit. Further, as discussed in Response to Comment No. B1-2, in its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project.

### **Comment No. B1-4**

Please note, that **Attachment F** includes a variety of documents and photos that are related to the DEIR and our issues raised within this letter.

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**Response to Comment No. B1-4**

The documents in Attachment F relating to the designation of the Barry Building as a historic monument are acknowledged for the record. The Draft EIR recognizes that designation.

Attachment F also includes a map of surrounding parcels, with a notation of which parcels were part of the prior Green Hollow Square Project. With respect to this map, those adjacent parcels shown on the map are not the subject of the application for the Demolition Permit. Refer to Response to Comment No. A3-2 concerning the claim of improper piecemealing under CEQA. It is also noted that the entity that owns the Subject Property does not own the parcels identified as APNs 4404-025-010, 4404-025-027, 4404-025-028, and 4404-026-008.

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

**Comment No. B1-5****The Historical Connection between The Barry Building and The Coral Tree Median, two historic-cultural monuments**

Mr. Barry played a key part in the development of another historic resource along the San Vicente Median, HCM #148, Coral Trees. The Coral trees along the San Vicente were adopted as a Historic-Cultural Monument on March 3, 1976.

After the red car line running along the Brentwood median was removed in the 1940s, the community resolved to plant trees where the tracks once lay. Horticulturist Samuel Ayres, **David Barry**, and Hugh Evans persuaded the city to plant coral trees, native to South Africa, for their remarkable beauty. It's said that the trees originally began as rooted cuttings from Hugh Evans, owner of the well-known Evans and Reeves Nursery on Barrington Ave.

The median and Coral trees are fully visible from the Barry Building offices and courtyard and are an integral part of the Barry Building property.

This shows that David Barry was not only invested in the community, but also its beautification and its culture.

Mr. Barry also constructed another development that became home to a nursery in the west section of the Barry Building parcel. The nursery opened at the same time as the Barry Building and specialized in introducing new varieties of palms to Southern California. The nursery site consisted of a front gable greenhouse, with an open garden area located behind. California Jungle Gardens occupied the space from 1951 into the 1980s. (ENV-2019-6645-EIR, DEIR, Appendix C-1)

California Jungle Garden was replaced by “Trellis Florist”, another botanical shop. The Fishtail Palm Trees that were once raised there grew through the pots they were planted in and rooted themselves into place and created a unique, secluded paradise.

Just a little west of the flower shop and the Barry Building was the Bonner School, which was located at 11991 San Vicente Blvd.

The applicant completely demolished the Bonner School Building in 2014 along with 3 other structures that were part of the now “withdrawn” Green Hollow Square Project, which is elaborated in detail below.

### **Response to Comment No. B1-5**

As discussed in a memo prepared by Historic Resources Group (included as Appendix D to this Final EIR), there is no historic association between the Barry Building (HCM No. 887) and the Coral Trees (HCM No. 148). They are two separate historical resources. The Barry Building is significant for its Mid-Century Modern architecture; the Coral Trees are significant for their association with the vacated Westgate streetcar line. The historic significance of the Barry Building, and the basis for its designation as an HCM, is not dependent on its setting, including the Coral Trees. Similarly, the historic significance of the Coral Trees is not related to or dependent on the Barry Building. The demolition of the Barry Building is limited to activities on the parcel and therefore would not directly impact the Coral Trees. However, the demolition of the Barry Building would change the general setting of the Coral Trees, but would not materially alter the Coral Trees such that they could no longer convey their significance, as they would still retain, unaltered, all other aspects of integrity. In addition, the Coral Trees stretch from Ocean Avenue to the Veterans Affairs (VA) building (much longer than the Barry Building frontage) and would remain fully visible by a motorist or pedestrian from either side of San Vicente Boulevard.

Finally, the California Jungle Gardens and Bonner School properties are not historically significant and are not associated with the historic significance of the Barry Building.

### **Comment No. B1-6**

#### **The Applicant Used Piecemealing in its Prior Demolition Activities**

The true scope of the current application is more than what has been presented in the DEIR. The demolition permit for the Barry Building is only a piece of the “whole of the contemplated action” which the DEIR failed to attempt to address.

We raised the issue of piecemealing on page 2 of our NOP comment letter. Others have also raised this issue in their NOP comments.

The project description remains defective for failing to acknowledge that it is merely one more step within a sequence of steps that already have occurred to clear an assemblage of land shown to be owned and/or controlled by the same people.

Unless the applicant commits to the preservation of raw undeveloped land for a significant period, the public and the decision makers cannot reasonably accept any intended presumption that the sequential demolition of all of the buildings located on the assemblage that has already occurred of which the Barry Building is the most recent component, is anything less than one more component part of one whole “redevelopment of the assemblage.”

The demolition of the two single-family homes and two commercial buildings were part of the Green Hollow Square Project entitlement application and description. Demolition permits were applied for prior to approvals and prior to the Green Hollow Square project being withdrawn. Demolition continued after the project was withdrawn on October 31, 2013.

There was no reason to demolish 4 out of 5 of the structures on the applicant-owned parcels slated for removal for the Green Hollow Square project:

- The soft-story ordinance did not apply to these structures.
- There were no code enforcement citations for the 4 properties.

A portion of the applicant’s Green Hollow Square Project, Case No. ENV-2009-1065-EIR, states: ***“The proposed project involves demolition of all existing buildings on the project site, which include five commercial structures and two single-family dwellings. One of the commercial structures, known as the “Barry Building” was designated as a Historic-Cultural Monument in 2007 (Monument No. LA-887).”***

#### **Response to Comment No. B1-6**

Refer to the Response to Comment No. A3-2 regarding CEQA piecemealing.

#### **Comment No. B1-7**

Attached to this letter is a PDF document showing common ownership information for all the parcels owned by the applicant. (Attachment A)

#### **Response to Comment No. B1-7**

Attachment A to the comment letter contains information about the surrounding parcels. The Applicant, 11973 San Vicente LLC, owns the Subject Property. With respect to the other properties listed on Attachment A to this comment letter, refer to Response to Comment No. B1-4 and Appendix C of this Final EIR.

#### **Comment No. B1-8**

Chronology of Demolition that ties into the work described in the Green Hollow Square Project:

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**10/2/2007: LA City Council Adopts HCM for the Barry Building.** The recommendation by the Cultural Heritage Commission for the Barry Building to become a Historic-Cultural Monument (#887) was adopted by a unanimous vote of the Los Angeles City Council. (*Attachment B*)

Note: The owner/applicant did not appeal this decision. Ownership of Properties remained the same throughout the timeline.

**04/12/2010: NOP for DEIR Submitted to State Clearing House as Brentwood Town Green (Later renamed Green Hollow Square),** SCH No. 2009061062, Case No. ENV-2009-1065-EIR

**07/11/2013: 11977 San Vicente Blvd PRE-INSPECTION DEMO PERMIT** (Permit No. 13019-30000-01836) submitted for Two, 1-Story Commercial Buildings  
*The demolition of these Commercial Buildings was originally part of the Green Hollow Square project.*

**07/11/2013: 642 and 644 S. Saltair Ave PRE-INSPECTION DEMO PERMIT** (Permit No. 13019-30000-01833) submitted for **Two single family dwellings**  
*The demolition of these homes was originally part of the Green Hollow Square project.*

**08/23/2013: 642 and 644 S. Saltair Ave DEMO PERMIT SUBMITTED** (Permit No. 13019-30000-02208) for Two single family dwellings.  
*The demolition of these homes was originally part of the Green Hollow Square project.*

**8/23/2013: 11977 San Vicente Blvd DEMO PERMIT SUBMITTED** (Permit No. 13019-30000-02218) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**8/23/2013: 11991 San Vicente Blvd DEMO PERMIT SUBMITTED** (Permit No.13019-30000-02221) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**10/31/2013: GREEN HOLLOW SQUARE PROJECT WITHDRAWN**

**02/13/2014: 642 and 644 S. Saltair Ave DEMO PERMIT ISSUED** (Permit No. 13019-30000-02208) for Two single family dwellings  
*The demolition of these homes was originally part of the Green Hollow Square project.*

**02/13/2014: 11977 San Vicente Blvd DEMO PERMIT ISSUED** (Permit No. 13019-30000-02218) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

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**02/13/2014: 11991 San Vicente Blvd DEMO PERMIT ISSUED** (Permit No.3019-30000-02221) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**08/22/2014: 642 and 644 S. Saltair Ave DEMO PERMIT FINALED** (Completion) (Permit No. 13019-30000-02208) for Two single family dwellings  
*The demolition of these homes was originally part of the Green Hollow Square project.*

**3/9/2016: 11977 San Vicente Blvd DEMO PERMIT FINALED** (Completion) (Permit No. 13019-30000-02218) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**05/18/2017: 11991 San Vicente Blvd DEMO PERMIT FINALED** (Completion) (Permit No.3019-30000-02221) for 1-Story Commercial Building  
*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**09/18/2019: 11973 San Vicente Blvd (Barry Building) PRE-INSPECTION DEMO** (Permit No. 19019-10000-04750) submitted.

**11/06/2019: 11973 San Vicente Blvd (Barry Building) DEMO PERMIT** (Permit No. 19019-10000-05593)

**11/18/2020: 11973 San Vicente Blvd (Barry Building) Notice of Preparation (NOP) for 11973 San Vicente Blvd Project**

**02/16/2023: 11973 San Vicente Blvd (Barry Building) Notice of Completion and Availability of DEIR**

### **Self-Imposed Blight Through Demolition and Neglect**

After the applicant withdrew the Green Hollow Square project entitlements on October 31, 2013, the applicant demolished two single family homes on Saltair Avenue and two commercial buildings on San Vicente Blvd. The relative locations of these structures are shown on the accompanying attachments to this letter.

As mentioned previously, the demolition was not necessary unless it was an effort to continue the plan revealed in the Green Hollow Square Project.

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**Response to Comment No. B1-8**

The facts listed in this comment regarding the Green Hollow Square Project (which was formally withdrawn in 2013) are acknowledged for the record. The Green Hollow Square Project was a proposal for a prior development at the Project Site and is different than the current Project. No future development of the Project Site is proposed and/or considered as part of the Project.

**Comment No. B1-9**

The fenced-in empty lots now became visual blight and do not conform to the Specific Plans and guidelines of the City.

Furthermore, they create public safety and health issues by having empty lots become areas of easy access to other commercial and residential properties.

The community has been living with these conditions for almost a decade and it all could have been avoided if the applicant did not take a scorched earth approach in demolishing the 4 structures he owned.

Along San Vicente Blvd, the two demolished commercial buildings create unsafe areas for all pedestrians including those with accessibility issues, seniors, and parents with strollers. At night the area is now dark and the extremely uneven sidewalks become tripping hazards.

The responsibility for the neglect and lack of maintenance and upkeep of the Barry Building lies purely with the applicant who created this issue in the first place. You can see the difference of how the Barry Building appears today with what it looked like before the tenants were evicted and the building was boarded up. (Attachment C)

**Response to Comment No. B1-9**

The vacant properties referenced are adjacent to the Project Site to the west but are not part of the Project that is the subject of the Draft EIR or the application for the requested Demolition Permit.

In addition, the San Vicente Scenic Corridor Specific Plan (Specific Plan) does not have a requirement for fencing in a vacant lot and no code violations have been issued for those properties. Section 7.G of the Specific Plan requires that where a building or structure has been demolished and plans for new construction have not been submitted to the Department of Building and Safety within six months of the completion of demolition, a landscape buffer shall be installed such that approximately every 20 lineal feet within the landscape buffer, one specimen tree shall be planted. A landscape buffer was planted on the existing vacant lots in accordance with the Specific Plan (see photograph attached as Appendix F to this Final EIR). In addition, a landscape buffer would be installed at the Project Site in compliance with Section 7.G of the Specific Plan.

With respect to the demolition of the structures on those other properties, the City properly issued those demolition permits in accordance with all applicable laws. Further, there was no legal requirement for the owners of those properties to maintain those structures.

With respect to the maintenance of the Barry Building, the Owner has informed the City that the building was vacated because it is seismically unsound for human occupancy.

### **Comment No. B1-10**

#### **Other Issue with the DEIR**

#### **The DEIR is incomplete as City omitted important correspondence from members of the public**

The DEIR's Executive Summary includes a list of agencies and individuals who had submitted comments on the NOP for this project. (**Executive Summary, PAGE I-4**)

We read the comments submitted by individuals and noticed that an email from "Lisa Avebury" on behalf of the **Los Angeles Conservancy** was not only undated, but also truncated on the right side leaving out a majority of the email text.

Also, the small font made it illegible to read. This particular document is located on PDF pages 162-163 of the DEIR's Appendix A-3 - NOP Comments).

After reaching out to City Planning staff we were provided via email with a clean and clear **original** letter from the LA Conservancy, dated December 21, 2020 and signed by Adrian Scott Fine, Director of Advocacy. (Attachment D)

The omission of the letter referenced above from the LA Conservancy also negates participation in the CEQA process by not including an NOP Comment letter, one that City Planning clearly had possession of.

Also, the omission of this important letter from the LA Conservancy also raises the question: Are there other NOP comment letters that the city has omitted from the DEIR?

The decision makers for this case do not have the full and complete DEIR in front of them and therefore cannot make a fully informed decision when reviewing this case.

Based on the comments listed above, the City has an obligation to address the following concerns:

- I. The City needs to explain its odd process of leaving out the full letter

**Response to Comment No. B1-10**

As mentioned in the comment, Appendix A-3 of the Draft EIR included a comment letter from Lisa Avebury of the LA Conservancy that was sent via email on December 21, 2020. In addition, the City received a letter from Adrian Scott Fine of the LA Conservancy, also dated December 21, 2020. The comment letter from Adrian Scott Fine was inadvertently not included in Draft EIR Appendix A-3, and therefore, is attached as Appendix J of the Final EIR. However, the substance of that letter is exactly the same as the letter received from Lisa Avebury. There are no other known comment letters that were inadvertently omitted from the Draft EIR.

**Comment No. B1-11**

- II. The city needs to explain its odd process of not fully responding to our inquiries, and

**Response to Comment No. B1-11**

Email exchanges between the commentor and City Planning staff are included as Comment Letter Nos. B3, B24, B34, and B59. Email responses from City Planning staff are provided in those comment letters and additional responses have also been provided in Responses to Comment Letter Nos. B3, B24, B34, and B59 in this Final EIR.

**Comment No. B1-12**

- III. City's need to fulfill its mandatory obligation to fully respond to the contents of the NOP comment letter from Mr. Adrian Fine, for the LA Conservancy, dated December 21, 2020.

**Response to Comment No. B1-12**

Refer to the Response to Comment No. B1-10 regarding the NOP comment letter from the LA Conservancy.

**Comment No. B1-13****Insufficient And Therefore Defective "NOTICE OF DEMOLITION" Posted At Project Site 11973 San Vicente Boulevard**

Per **Los Angeles Ordinance # 185270**, which became effective on January 10, 2018, the applicant had an obligation to post a placard that met the city's prescribed guidelines. **Ordinance # 185270, 91.106.4.5.1. (2)** Notification of Demolition states, in part:

2. The applicant shall post a placard on the property where the demolition will occur, in a conspicuous, visible place, within 5 feet of the front property line, **describing the date of the application for demolition pre-inspection** and meeting the following standards ... **(bold and italic added for emphasis)**

After careful inspection of the posted placard, it shows that the applicant did not comply with the prescribed portions of the ordinance that requires the applicant to describe **“the date of the application for demolition pre-inspection”**. (Attachment E)

Therefore, based on the placard posted at the project site, the public did not have a way of knowing when the original application for demolition was submitted to the City of Los Angeles by the Applicant.

Furthermore, **based on Ordinance # 185270, 91.106.4.5.1. (3) Notification of Demolition**, the **City’s Planning Department failed to verify** the placement and accuracy of the placard. Even if it did verify the location, the Department failed to notice that the placard was insufficient as it lacked the date of the application for demolition pre-inspection.

### **Response to Comment No. B1-13**

On September 22, 2019, three days after the application for the Demolition Permit was filed and deemed complete, the Notice of Demolition was attached to the front of the chain link fence that surrounds the Project Site (see Appendix G, Photographs and Affirmation of Posting for Demolition of Existing Building or Structure). The Department of Building and Safety provided the Notice of Demolition. The Demolition Notice provides the following information to the public:

#### **NOTICE OF DEMOLITION**

Project Address 11975 W San Vicente Blvd  
Application Number 19019-10000-04750  
Scope of Work Demolish Existing 2-Story Office Building

The Notice of Demolition also provided information for how any person can obtain additional information about the requested Demolition Permit. The Notice of Demolition provided the following information:

**“For Information regarding the status of this application:** Within L.A. County call 311 or (866) 4LACITY (452-5489). Outside of L.A County call (213) 473-3231 or visit our website at [www.ladbs.org](http://www.ladbs.org) click on “Permit and Inspection Report.” **NOTE: PROVIDED THAT THE SUBMITTED PLANS COMPY WITH ALL LOS ANGELES MUNICIPAL CODE AND OTHER APPLICABLE LAWS, PUBLIC COMMENTS WILL HAVE NO IMPACT ON THIS PROJECT. SHOULD YOU NEED MORE INFORMATION REGARDING THE PROJECT, PLEASE CALL THE OWNER/AGENT SHOWN ON THE APPLICATION AT: (213) 576-1056**  
KATHLEEN HILL.”

The website listed on the Notice of Demolition is the LADBS website and its Permit Status page. By inputting the Application Number listed on the Notice of Demolition, that website provides information as to the filing date and status of the requested Demolition Permit.

With respect to the commentor’s reference to the City Planning Department having to verify the contents of the Notice of Demolition, the Department of City Planning is not responsible for verifying the placement and accuracy of the Notice of Demolition. Ordinance No. 185270 is

codified in LAMC Chapter IX Building Regulations, Article 1, Section 91.106.4.5.1.3 and states “[t]he Department shall verify the placement of the placard prior to commencement of the demolition work.” The referenced “Department” is the Department of Building and Safety.

Further, on October 22, 2019, the Applicant’s representative received an email from the Department of Building and Safety with the Demolition Pre-Inspection Report attached. The report shows that on October 3, 2019, Inspector Derrick Spencer inspected the Project Site and posting. (A copy of that report is attached as Appendix H to the Final EIR.)

Finally, it is unclear how the date of the demolition permit application was not on the Notice of Demolition as of the date of the commentor’s letter. However, the filing date has now been added to the Notice of Demolition posted at the Project Site. (Refer to the photo provided in Appendix P to the Final EIR.) LAMC Section 91.106.4.5.1 provides that the sign with all of the required information must be posted thirty days prior to the issuance of the permit. Since the permit will not be issued until at least after a public hearing is held by the Building & Safety Commission and that public hearing will not take place for at least another thirty days, the Notice of Demolition complies with the applicable Code requirements.

### **Comment No. B1-14**

#### **Conclusion**

The public has a vested interest in all Historic-Cultural Monuments and the City and its leadership have a responsibility to protect Historic Resources such as the Barry Building, especially when there is no replacement project to consider.

The Decision makers of the City have an obligation to follow the law and deny the demolition permit instead of putting the financial interests of the applicant over the health and safety of all the residents of Los Angeles.

Doing the right thing will allow the applicant to come back and work with the City, preservation groups, and others to preserve and protect the Barry Building for inclusion into a future inevitable project either by the original applicant or by subsequent owners.

Thank you for your time and consideration of our comments when making your decision.

### **Response to Comment No. B1-14**

This comment is acknowledged for the record, and the opinions stated therein will be forwarded to the City decision-makers for their review and consideration.

**LETTER NO. B2**

Corin L. Kahn, Esq.  
401 Wilshire Blvd., 12<sup>th</sup> Floor  
Santa Monica, CA 90401  
[ckesq@outlook.com](mailto:ckesq@outlook.com)

**Comment No. B2-1**

Please add this letter to those submitted in connection with the City’s solicitation for public comment on the DEIR. We look forward to reviewing and responding to those made in the Response to Comments.

By this email. Please add me to the list of persons who receive all notifications regarding this application and any others related to the Barry Building and any regarding the development of the surrounding vacant properties that are owned in common with the Barry Building.

**Response to Comment No. B2-1**

The comment includes general introductory information which is acknowledged for the record.

The commentor has been added to the notification list for this Project.

**Comment No. B2-2**

This firm represents the Blue Family, who are homeowners and reside at the single-family home north of San Vicente Boulevard on Saltair Avenue. Their home is located in the residential neighborhood that surrounds the Proposed demolition of the historically and culturally significant Barry Building and an unannounced future development of uncertain scale and scope (referred to herein as the “Current Project”) proposed for 11973 San Vicente Boulevard. The applicant owns all of the following surrounding properties consisting of: 11977 and 11991 San Vicente Blvd, 642 and 644 Saltair Ave, and 11901 Saltair Terrace, Los Angeles, CA 90049, which include the following Los Angeles County Parcel Nos: 4404-025-008, 4404-025-009, 4404-025-010, 4404-025-015, in the Los Angeles community of Brentwood (hereinafter referred to as the “Project Site” or “Subject Property.”)

**Response to Comment No. B2-2**

The commentor provides information about the commentor’s client, which is acknowledged for the record.

Regarding the ownership of the surrounding properties, refer to the Response to Comment No. B1-4.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.)

### **Comment No. B2-3**

The purpose of this letter is to identify legal deficiencies in the Draft Environmental Impact Report (“DEIR”) that has been published and circulated for public comment until April 18, 2023, under the applicable statutes, guidelines and case law comprising the California Environmental Quality Act (hereinafter referred to as “CEQA”), the Municipal Code and applicable planning documents of the City of Los Angeles (hereinafter referred to as the “City,”) and the facts presented in the record and those known to the community that are relevant to City’s consideration of whether to approve or disapprove the Project and other grounds submitted in opposition to the now pending proposal.

### **Response to Comment No. B2-3**

The comment provides general introductory information which is acknowledged for the record.

### **Comment No. B2-4**

## **INTRODUCTION AND GENERAL OBJECTIONS**

The California Environmental Quality Act (*Public Resources Code* Sections 21000 *et. seq.*, and Cal. Code of Regulations, Title 14, Sections 15000 *et. seq.*, hereinafter referred to as “CEQA”) is a State statutory scheme that requires close examination of all aspects of a development project that result in any physical changes to the environment, which is broadly defined, both direct and indirect, including matters that are reasonably foreseeable. Based on this factually based analytical examination, supported by adequate expertise, the reviewing agency is required to avoid or at least reduce all adverse changes to the environment to the extent it is feasible to do so; or else to choose an alternative to the proposed project that avoids or reduces all adverse changes to the environment yet achieves the primary objectives of the proposed development.

The currently proposed demolition of the Barry Building is demonstrably the last step in the deliberate and calculated pattern of removal of several buildings (described herein) from several adjacent parcels intended to constitute an assemblage of parcels (“Assemblage”) for the purpose of creating one very large empty piece of property (the “Undisclosed Project.”) None of these steps have undergone any environmental review, despite the obvious relationship to one another measured by ownership and a future (undisclosed) plan. Given the facts showing these relationships, CEQA required early disclosure of this foreseeable plan. This did not occur.

The limited subject matter for this Draft Environmental Impact Report (“DEIR”) is the proposed demolition of the Barry Building, **only**. Accepting the fiction, i.e., that the developer seeks only to demolish plus replace it with a vacant lot surrounded by fencing and a minimal landscaping buffer from the sidewalk at San Vicente for an indeterminant amount of time, City and the public alike must respond to this limited scope of the DEIR because that is all that is presented and pending. Although it is clearly a fiction, it is the only actual “project” for CEQA purposes presented by the developer (“Current Project.”)

It is reasonably foreseeable that the ultimate project, will be the re-development of the Assemblage (the “Ultimate Project.”) Again, **only** for argument’s sake but without conceding as fact, the developer’s fiction that this is not currently foreseeable, which if it were true would be entirely legal and reasonable, then it must be concluded that the time for consideration of anything at all, including the Current Project is not ripe.

These statements are based on facts that are well documented in the record. They raise important legal consequences for the developer that have a direct impact on the choices available to the City based on the record. These legal consequences support the objections to the proposed demolition permit and for the proposed certification of the DEIR.

#### **Response to Comment No. B2-4**

Refer to Response to Comment No. A3-2 for a discussion of the piecemealing doctrine under CEQA and its inapplicability to the requested Demolition Project.

#### **Comment No. B2-5**

The Blue Family specifically reserves the right to submit additional comments and materials including without limitation: to the Response to Comments as part of comments on the Final Environmental Impact Report; the staff report(s) issued in connection with hearings on this matter; and in connection with a separate challenge to the applicability of the supposed grounds for seeking the demolition of the Barry Building and replacing it with a vacant lot for an indeterminant amount of time – the Order to Comply with the Soft Story Ordinance - on the grounds that on its face the ordinance excludes from its scope the Barry Building as designated building with historically significance which renders the Order *void ab initio*.

#### **Response to Comment No. B2-5**

The Soft Story Ordinance does not exclude buildings that are HCMs designated under the City’s Cultural Heritage Ordinance. Section 91.9308 of the Soft Story Ordinance provides only that “Qualified historical buildings shall comply with requirements of the California Historical Building Code established under Part 8, Title 24 of The California Code of Regulations.” Refer to Responses to Comment Nos. A3-5 and B2-17 for a discussion of why that provision is not a statutory exclusion of historical buildings from the Soft Story Ordinance.

**Comment No. B2-6**

The following constitutes a partial list of specific objections to the insufficiency of the DEIR meant to supplement and elaborate on the summary Introduction set forth above.

**Response to Comment No. B2-6**

Responses to each of the specific comments are provided below.

**Comment No. B2-7****FACTUAL BACKGROUND**

The Blue family knew Irma and Raymond Ziff, the original owners of the single family homes on 642 and 644 South Saltair Avenue. The Ziff's owned the Westward Ho grocery store chain including the store located at 11737 San Vicente Blvd, Los Angeles, CA 90049, which is now the Whole Foods Market.

My client remembers the Barry Building and the surrounding properties, as well as the businesses being very active and lively. He and some of the neighborhood children who attended the public Brentwood School (now known as Brentwood Science Magnet School) would stop by Vicente Foods, pick up candy or ice cream and go over to the Barry Building and sit on a bench in the courtyard of the building.

He would go to "Brentwood Books", which later became Dutton's Brentwood Books, to look at magazines and books on Sports and Cars. For a young boy growing up next to the walkable San Vicente Boulevard and having several small shops nearby was something that was fun back then, and can be fun again for the next generations growing up in the Saltair Avenue neighborhood.

My client also knew an elementary school classmate who lived on Saltair Terrace. Many times, he and his classmate would walk down Saltair Terrace and through an easement gain access to the parking lot of the Barry Building property.

Another shop that was home next door to the Barry Building was California Jungle Garden, which later became Trellis, a flower shop, which the Blue Family as well as other neighbors patronized regularly.

Just a little west of the flower shop and the Barry Building was the Bonner School, which was located 11991 San Vicente Blvd. A teacher at this school tutored my client in cursive handwriting.

The Bonner School also hosted an annual fundraising Fair, which my client and his sister attended.

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### **Response to Comment No. B2-7**

The commentor provides information about the commentor's client, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. B2-8**

The applicant completely demolished the Bonner School Building in 2014 along with 3 other structures that were part of the now "withdrawn" Green Hollow Square Project, which is elaborated in detail below.

### **History of Project Site:**

The applicant owns 8 parcels which include the Barry Building and adjacent properties.

**Attachment B** to this letter included the following:

- A table showing all the properties owned by the applicant
- A highlighted parcel map showing the parcels referenced in the table
- Secretary of State information for the two Limited Liability Companies (LLC) owning all 8 parcels
- Property profiles linking the addresses and parcels numbers to the owner.

All of these parcels, except 11901 Saltair Terrace, were part of the Green Hollow Square Project.

Except for the Barry Building, all structures were demolished as described in the Green Hollow Square Project after the zoning entitlement application was withdrawn by the applicant on October 31, 2013.

These 8 parcels, which comprise the Assemblage, are as follows:

1. 11973 San Vicente Blvd, AIN 4404-025-008 (***The Barry Building***)

This parcel was transferred to **11973 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

2. 11977 San Vicente Blvd, AIN 4404-025-009

This parcel was transferred to **11973 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

***The building was demolished in 2014 and has been a fenced in dirt lot since then (for 9 years).***

3. 11991 San Vicente Blvd, AIN 4404-025-010 (The former Bonner School Building (Opened in 1939),

This parcel was transferred to the **11991 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

***The building was demolished in 2014 and has been a fenced in dirt lot since then (for 9 years).***

4. AIN 4404-025-015 (there is no address associated with this parcel)

This parcel was transferred to **11973 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

This parcel is part of a paved parking lot associated with the Barry Building.

5. AIN 4404-025-016 (there is no address associated with this parcel)

This parcel was transferred to **11973 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

This parcel is part of a paved parking lot associated with the Barry Building.

6. 644 S. Saltair Ave, AIN 4404-025-027

This parcel was transferred to **11991 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

***The single-family house with pool was demolished in 2014 and has been a fenced in dirt lot since then (for 9 years).***

7. 642 S. Saltair Ave, AIN 4404-025-028

This parcel was transferred to **11991 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

***The single-family house with pool was demolished in 2014 and has been a fenced in dirt lot since then (for 9 years).***

8. 11901 Saltair Terrace, AIN 4404-026-008

This parcel was transferred to **11991 San Vicente, LLC** with Charles T Munger and William Harold Borthwick listed as Managers/Members on April 20, 2017.

***The single-family house was demolished in 2007 and has been a fenced in dirt lot since then (for 16 years).***

### **Response to Comment No. B2-8**

Refer to Response to Comment No. B1-4 for a discussion of the ownership of adjacent and nearby properties referenced in this comment. The entity that owns the Project Site does not own the parcels identified as APNs 4404-025-010, 4404-025-027, 4404-025-028, and 4404-026-008. Those parcels are owned by 11991 San Vicente LLC. The Project Site (APN 4404-025-008) as well as APNs 4404-025-009, 4404-025-015, and 4404-025-016 are owned by

11973 San Vicente LLC. As stated in the letter provided at Appendix C to the Final EIR, the ownership interests in these companies are different.

Further, as stated in the letter provided at Appendix E to the Final EIR, the Green Hollow Square Project also involved the property located at 11961-69 W. San Vicente Boulevard (APN 4404-025-32; legal lot 50). That property is owned by Barry Family, LLC, which owns and operates a two-story office and retail building at that property. The members of the Barry Family, LLC are not involved in any way in the decision by members of the Munger family to clear the Subject Property in order to sell it. Further, the Barry Family, LLC has not applied for any permit to demolish or redevelop the commercial building that it is currently operating at its property. According to the Applicant, the demolition of the Barry Family's commercial building was a key component of the Green Hollow Square Project because, as explained in that entitlement application, the Barry Family's property would have added 20,000 square feet of building area to the Green Hollow Square Project. (Refer to Appendix B to the Final EIR for the Demolition Permit.)

### **Comment No. B2-9**

#### **Self-Imposed Blight Created by Applicant:**

The evictions of tenants from the Barry Building at the end of 2016 and the demolition of the two single family homes on Saltair Ave, as well as one single family home on Saltair Terrace, plus the demolition of two commercial buildings on San Vicente Blvd have unnecessarily created a **dead zone** that looks ugly, feels unsafe, and has become a self-imposed blight created by the applicant.

My client is asking why this applicant is making the neighbors and visitors live with these empty lots for almost a decade, and in the case of 11901 Saltair Terrace, over one-and-a-half decades when what constitutes the admitted foreseeable future for the Subject Property is to leave a "vacant dirt lot"? (*Project Description, ENV-2019-6645-EIR*)

None of the 5 demolished structures, were under any order to comply with the soft story retrofit ordinance or any other code enforcement issue.

### **Response to Comment No. B2-9**

The demolition of buildings discussed in this comment was undertaken pursuant to demolition permits lawfully issued by the City. None of those buildings were under an order issued pursuant to the Soft Story Ordinance.

The commentator's concern about the vacant nature of those other properties is acknowledged and will be forwarded to the decision-makers for their consideration. See also Response to Comment No. B1-9 regarding the adjacent parcels. As discussed in that response, the Specific Plan does not have a requirement for fencing in a vacant lot and no code violations have been issued for those properties. In addition, Section 7.G of the Specific Plan requires that where a

building or structure has been demolished and plans for new construction have not been submitted to the Department of Building and Safety within six months of the completion of demolition, a landscape buffer shall be installed such that approximately every 20 lineal feet within the landscape buffer, one specimen tree shall be planted. In compliance with the Specific Plan, a landscape buffer was installed for those properties and would also be installed at the Project Site, which would help keep the Project Site from looking ugly or blighted.

### **Comment No. B2-10**

#### **REGULATORY BACKGROUND**

From the Cultural Heritage Commission letter dated April 19, 2011, to Hadar Plafkin commenting on the DEIR for the Green Hollow Square Project:

**“The Barry Building is a rare example of a commercial mid-20th century modern Historic-Cultural Monument.**

When designated as a Historic-Cultural Monument, the Barry Building met Cultural Heritage Ordinance criteria for “embodying the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction” as an example of International Style commercial architecture. Apart from the potential loss of the designated historic resource, the Barry Building is one of the few very rare examples of commercial mid-twentieth century modern design in the register of Historic-Cultural Monuments.

In fact, a preliminary review suggests that the Barry Building is only one of three modernist commercial buildings out of nearly 1000 designated Historic-Cultural Monuments: the only other two are the Neutra Office Building (HCM #676; constructed 1951) and the Jones and Emmons Building (HCM #696; constructed 1954).” (*DEIR comment letter, ENV-2009-1065-EIR (Green Hollow Square)*)

The letter also states:

“The Cultural Heritage Commission’s primary responsibility in its capacity as a Mayor-appointed decision-making body is to oversee the preservation and safeguarding of the City of Los Angeles’ nearly 1000 Historic-Cultural Monuments. Since its establishment in 1962, demolition of an HCM is contrary to the goals and principles of the Cultural Heritage Commission and the Cultural Heritage Ordinance. **This Commission exists for the promotion and protection of Historic-Cultural Monuments and takes very serious the prospect of an HCM being eliminated forever.**” (*DEIR comment letter, ENV-2009-1065-EIR (Green Hollow Square)*) (**Bold added for emphasis**)

In the 2011 Cultural Heritage Commission Letter, the CHC President commented:

“With the departure of Dutton’s Brentwood Bookstore and the introduction a new tenants to the storefront spaces, greater transparency and views have been restored to the Barry Building that bring it closer to t its c. 1951 appearance. **Along with the continued maintenance by the property owner, current photographs of the Barry Building reveal it to be in excellent condition.**” (DEIR comment letter, ENV-2009-1065-EIR (Green Hollow Square) (Bold added for emphasis)

### **Response to Comment No. B2-10**

Refer to Response to Comment No. A3-4 regarding the maintenance of the Barry Building. The Applicant has submitted a letter generally discussing its maintenance of the property since the tenants vacated in 2017. (Refer to Appendix O to this Final EIR.)

Although the exterior of the Barry Building may have appeared to be in good condition when the Cultural Heritage Commission wrote the letter in 2011 that is referenced by the commentor, the design of the building that is the cause of the seismic instability had been in effect since the 1950s. The information about the seismic instability of the building that is detailed in the technical reports provided in Appendices G, H-2, and H-3 of the Draft EIR and Appendix I of the Final EIR were not before the Cultural Heritage Commission in 2011.

The Draft EIR prepared for the requested Demolition Permit to demolish the Barry Building acknowledges that the Barry Building is an HCM designated under the City’s Cultural Heritage Ordinance (Section 22.171 of the Los Angeles Administrative Code). In light of that impact, the City would have to approve a Statement of Overriding Considerations in order to issue the Demolition Permit. As stated in the Draft EIR, the Barry Building has been cited under the City’s Soft Story Ordinance and is seismically unsound for human occupancy. The City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

### **Comment No. B2-11**

Below are photographs showing the Barry Building in 2009 and 2016, when the building was still in operation, had several tenants and was maintained (Attachment C):



Source: Google Streetview (Jul-2009)



East side of Courtyard looking toward San Vicente Blvd  
Source: Patch (2012)



The view from the back balcony towards the street side, showing the cantilevered 2nd floor  
Source: Laura Clayton Baker (2016)



The view from the 2nd floor balcony across the courtyard  
Source: Laura Clayton Baker (2016)



Courtyard Café  
Source: Laura Clayton Baker



Courtyard  
Source: Ty Miller (2016)

But since the eviction of the tenants at the end of 2016, the applicant has allowed the building to decay by neglect.

### **Response to Comment No. B2-11**

The photographs of the Barry Building are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy. Refer to the Response to Comment No. A3-4 regarding the continued maintenance of the Barry Building.

### **Comment No. B2-12**

Furthermore, in their July 12, 2007 Recommendation Report, Case No. CHC-2007-1585-HCM, the Cultural Heritage Commission recommended that the Barry Building be declared a Historic-Cultural Monument. They found that:

“1. The building "embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction" as an example of International Style commercial architecture.

2. The property reflects "the broad cultural, economic, or social history of the nation, State or community" for its association with the development of the San Vicente commercial corridor in Brentwood."

"Built in 1951, this two-story commercial building exhibits character-defining features of mid-twentieth century International Style architecture. The flat-roofed rectangular building is organized around a central courtyard and opens to the street under a front façade raised one floor above the sidewalk on small steel pipe columns, in the style of pilotis. The exterior is clad in stucco with wood trim. Windows are floor to ceiling grid and louver windows on the interior courtyard with smaller steel frame windows on the façade. The raised front façade consists of an unadorned stucco plane with a simple horizontal band of windows treated with operable vertical sunshades.

Beneath the southeast corner a small freestanding structure serving as a storefront sits slightly askew to the orthogonal grid of the building. A garden courtyard extends beneath the building, creating an entrance off the street while maintaining the enclosure of the courtyard. Surrounding the open courtyard on two levels are small office suites, accessed by two curving stairs, located on diagonal corners. The staircases have concrete-filled steel pan treads that cantilever from a central concrete pedestal punctuated with triangular decorative openings. Steel pipes support both the stair and second floor walkway railings, with exposed detailing such as exposed metal plates and bolts serving as decorative elements. A surface parking lot at the rear of the property lot connects to the subject building's courtyard via a small breezeway. Significant landscape features include the mature tropical plants in the courtyard.

The subject building is a well-preserved example of a mid-twentieth century California variant of International Style modern architecture. The subject building was designed by architect Milton Caughey (1911-1958), winner of four Merit Awards by the Southern California Chapter of the AIA. Two of Caughey's residential designs, the Garred House (1949) and Goss House (1950), were cited in the first edition of David Gebhard and Robert Winter's seminal *Guide to Architecture in Southern California* (1965)." (*Recommendation Report, Case No. CHC-2007-1585-HCM, July 12, 2007*)

On October 2, 2007 the Los Angeles City Council adopted the Findings in the July 12, 2007 Los Angeles Department of City Planning Recommendation Report and declared the Property a Historic-Cultural Monument per Los Angeles Administrative Code Section 22.125. (CF # 07-2309) (Attachment D).

Neither the applicant or any of the applicant's representatives objected to the recommendations by the Cultural Heritage Commission (CHC), or the recommendations by the City Planning Department to designate the Barry Building as a Historic-Cultural Monument. Nor did the applicant or any of the applicant's representatives appeal the final decision by the Los Angeles City Council in order to prevent the Barry Building from becoming a Historic-Cultural Monument.

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### **Response to Comment No. B2-12**

The Draft EIR prepared for the requested Demolition Permit acknowledges that the Barry Building is an HCM designated under the City's Cultural Heritage Ordinance. Further, the facts discussed in this comment relating to the process for the designation of the Barry Building as an HCM are acknowledged.

### **Comment No. B2-13**

Also, the subject property is located in front of a median with Coral Trees on San Vicente Boulevard, a landscape feature designated as **Historic-Cultural Monument #148**.

The February 7, 2012 article in the South Brentwood Residents Association's (SBRA) newsletter shows that "Horticulturist Samuel Ayres, **Dave Barry** and Hugh Evans persuaded the city to plant coral trees, native of South Africa, for their remarkable beauty." (Attachment E)

This shows that the original owner of the Barry Building, David (Dave) Barry was not only invested in the community, but also its beautification and its culture.

Mr. Barry also constructed another development that became home to a nursery in the west section of the parcel. The nursery opened at the same time as the Barry Building and specialized in introducing new varieties of palms to Southern California. The nursery site consisted of a front gable greenhouse, with an open garden area located behind. California Jungle Gardens occupied the space from 1951 into the 1980s. (*ENV-2019-6645-EIR, DEIR, Appendix C-1*)

Later on, "Trellis Florist" became another botanical shop. The Fishtail Palm Trees that were once raised there grew through the pots they were planted in and rooted themselves into place and created a unique, secluded paradise.

All of that community flair and flow of life, vibrancy and walkability has been demolished along with the structures that once stood along San Vicente Boulevard. The overall excitement that once was visible from several blocks away along the boulevard has vanished.

Walking the stretch of sidewalk along the project address as well as the adjacent properties has become unsafe due to lack of lighting as well as broken sidewalks caused by uprooted tree roots.

### **Response to Comment No. B2-13**

Refer to the Response to Comment B1-5. As discussed in this response, there is no historic association between the Barry Building and the Coral Trees. As also discussed in this response, the botanical shop ("California Jungle Gardens") is not historically significant and is not associated with the historic significance of the Barry Building.

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**Comment No. B2-14**

The July 12, 2007 Recommendation Report from the Cultural Heritage Commission also , Case also recognizes two specified Historic-Cultural Monument criteria when it writes:

The Barry Building property successfully meets two of the specified Historic-Cultural Monument criteria: 1) "embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction" and 2) reflects "the broad cultural, economic, or social history of the nation, State or community." As a commercial building designed in the International Style that helped shape the development of the San Vicente commercial corridor in Brentwood, the property qualifies for designation as a Historic-Cultural Monument based on these criteria.

The architectural design and layout of the subject building is a distinguished example of mid-20th century modern architecture in Southern California and the influence of Corbusier and the International Style. Its highly original use of a courtyard space with modern design elements presents a unique example of International Style architecture in Los Angeles. Although appearing seemingly sparse and modest in design at first glance, closer inspection of the subject building reveals subtle design features and detailing such as curving cantilevered stairs, pilotis-style posts, grid and louver windows, metal railings, slightly angled storefronts, and solid smooth unornamented surfaces. The successful combination of design, scale, landscaping and pedestrian accessibility, often rare with mid-20th century commercial buildings, also contributes to the originality of the Barry Building's architecture." (*July 12, 2007 CHC Recommendation Report, Case No. CHC-2007-1585-HCM*)

**Response to Comment No. B2-14**

The Draft EIR prepared for the requested Demolition Permit acknowledges that the Barry Building is an HCM designated under the City's Cultural Heritage Ordinance. Further, the facts discussed in this comment relating to the significance of the Barry Building as an HCM are acknowledged for the record.

**Comment No. B2-15****PROCEDURAL BACKGROUND**

The Applicant had previously introduced the "Green Hollow Square Project" in 2010 (ENV-2009-1065-EIR), which was withdrawn on October 31, 2013.

However, the Assemblage of properties and the later demolition of the structures on those properties are clearly connected with the current project.

The Green Hollow Square Project was described as follows in the City Planning's Project description:

**Project Description:** The applicant proposes to develop a neighborhood-oriented commercial center that would include approximately 51,500 square feet of retail uses, 6,800 square feet of restaurant uses, 7,000 square feet of storage uses, and 8,000 square feet of office uses, amounting to approximately 73,300 square feet of floor area of neighborhood oriented commercial uses in a single building. In addition, 3,700 square feet of outdoor dining space within the courtyards and terraces of the commercial center is proposed. The building would contain two stories and would be approximately 39.5 feet in height. The project would include a clock tower or similar architectural element of up to 50 feet in height. The project site is bounded by San Vicente Boulevard to the south, Saltair Avenue and an existing commercial building to the west, single-family residences to the north, and a single-story on-grade commercial structure and parking lot to the east. Figure 1 provides the regional location of the project and Figure 2 shows an aerial view of the project site.

The proposed project involves demolition of all existing buildings on the project site, which include five commercial structures and two single-family dwellings. One of the commercial structures, known as the "Barry Building" was designated as a Historic-Cultural Monument in 2007 (Monument No. LA-887).

The project design features groupings of multiple tenant spaces, ranging from approximately 500 to 5,000 square feet, which would be oriented around open courtyards. The proposed project would be built above a one-level subterranean parking garage that, together with at-grade parking, would provide a total of 427 on-site commercial parking spaces. Parking will be accessible from two driveways on San Vicente Boulevard, the northern/western driveway operating as an entry-only access and the southern/eastern driveway providing exit-only operations. (*Los Angeles Department of City Planning*)

The events below show the chronology of how the Green Hollow Square Project proceeded from the start and beyond the project withdrawal.

Please note that even though demolition of the two single-family homes and two commercial buildings were part of the Green Hollow Square Project entitlement application and description, demolition permits were applied for prior to approvals and prior to the project being withdrawn. Demolition continued after the project was withdrawn on October 31, 2013.

### **Chronology Of Green Hollow Square (the Undisclosed Project):**

#### **10/2/2007: LA City Council Adopts HCM for the Barry Building.**

The recommendation by the Cultural Heritage Commission for the Barry Building to become a Historic-Cultural Monument (#887) was adopted by a unanimous vote of the Los Angeles City

Council. The owner/applicant did not appeal this decision. Ownership of Property remained the same through the present.

**04/12/2010: NOP for DEIR Submitted to State Clearing House as Brentwood Town Green (Later renamed Green Hollow Square)**, SCH No. 2009061062, Case No. ENV-2009-1065-EIR

**07/11/2013: 11977 San Vicente Blvd**

**PRE-INSPECTION DEMO PERMIT** (Permit No. 13019-30000-01836) submitted for Two, 1-Story Commercial Buildings

*The demolition of these Commercial Buildings was originally part of the Green Hollow Square project.*

**07/11/2013: 642 and 644 S. Saltair Ave**

**PRE-INSPECTION DEMO PERMIT** (Permit No. 13019-30000-01833) submitted for **Two single family dwellings**

*The demolition of these homes was originally part of the Green Hollow Square project.*

**08/23/2013: 642 and 644 S. Saltair Ave**

**DEMO PERMIT SUBMITTED** (Permit No. 13019-30000-02208) for Two single family dwellings.

*The demolition of these homes was originally part of the Green Hollow Square project.*

**8/23/2013: 11977 San Vicente Blvd**

**DEMO PERMIT SUBMITTED** (Permit No. 13019-30000-02218) for 1-Story Commercial Building

*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**8/23/2013: 11991 San Vicente Blvd**

**DEMO PERMIT SUBMITTED** (Permit No.13019-30000-02221) for 1-Story Commercial Building

*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**10/31/2013: GREEN HOLLOW SQUARE PROJECT WITHDRAWN** [PSOMAS/Joel B. Miller letter to Greg Shoop dated 10/31/2013]

**02/13/2014: 642 and 644 S. Saltair Ave**

**DEMO PERMIT ISSUED** (Permit No. 13019-30000-02208) for Two single family dwellings

*The demolition of these homes was originally part of the Green Hollow Square project.*

**02/13/2014: 11977 San Vicente Blvd**

**DEMO PERMIT ISSUED** (Permit No. 13019-30000-02218) for 1-Story Commercial Building

*The demolition of this Commercial Building was originally part of the Green Hollow Square project.*

**02/13/2014: 11991 San Vicente Blvd****DEMO PERMIT ISSUED** (Permit No.3019-30000-02221) for 1-Story Commercial Building*The demolition of this Commercial Building was originally part of the Green Hollow Square project.***08/22/2014: 642 and 644 S. Saltair Ave****DEMO PERMIT FINALED** (Completion) (Permit No. 13019-30000-02208) for Two single family dwellings*The demolition of these homes was originally part of the Green Hollow Square project.***3/9/2016: 11977 San Vicente Blvd****DEMO PERMIT FINALED** (Completion) (Permit No. 13019-30000-02218) for 1-Story Commercial Building*The demolition of this Commercial Building was originally part of the Green Hollow Square project.***05/18/2017: 11991 San Vicente Blvd****DEMO PERMIT FINALED** (Completion) (Permit No.3019-30000-02221) for 1-Story Commercial Building*The demolition of this Commercial Building was originally part of the Green Hollow Square project.***Response to Comment No. B2-15**

The facts discussed in this comment relating to the entitlement process for the Green Hollow Square Project are acknowledged for the record. The Green Hollow Square Project was a proposal for a prior development at the Project Site, which was withdrawn in 2013, and is different than the current Project.

**Comment No. B2-16****Chronology of the Application to Demolish the Barry Building (the Current Project):**

The Barry Building has been vacant for many years. For this reason, there can be no threat to the health and safety of any occupants – there simply are none.

Second, the building has been boarded up to prevent entry and the entire Subject Property has been secured by a solid fencing system. Therefore, there is limited, if any, risk of threat to the health and safety of persons on the property.

Furthermore, there is a considerable distance between the building and the sidewalk. There is fencing along the entire sidewalk at San Vicente. These two facts together further limit the remote but possible risk of harm to passersby in the event of an earthquake which would only arise with the remote possibility of a total collapse of the building.

It must be noted that the Barry Building withstood the last two major earthquakes, including the 6.7 magnitude Northridge Earthquake in 1994 and 1971 San Fernando Earthquake. Clearly this anecdotal information does not fully inform the question of risk associated with the next earthquake, but it is substantial evidence of limited risk.

It should be noted that the Applicant did not perform any stress tests to ascertain more precisely the degree of significant risk, in any.<sup>2</sup> It cannot be disputed that there is a risk of collapse of many buildings that are not subject to the Ordinance that the citizens of Los Angeles live and work in every day.

On or about March 1, 2018, City issued the Applicant an Order to Comply with LAMC Ordinance 183893, City's so-called "Soft Story Ordinance."

09/18/2019: 11973 San Vicente Blvd (Barry Building)

**PRE-INSPECTION DEMO PERMIT** (Permit No. 19019-10000-04750) submitted.

11/06/2019: 11973 San Vicente Blvd (Barry Building)

**DEMO PERMIT** (Permit No. 19019-10000-05593)

11/18/2020: 11973 San Vicente Blvd (Barry Building)

**Notice of Preparation (NOP) for 11973 San Vicente Blvd Project** (Demolition of Barry Building).

02/16/2023: 11973 San Vicente Blvd (Barry Building)

**Notice of Completion and Availability of DEIR**

### **Response to Comment No. B2-16**

With respect to the structural integrity of the Barry Building and the nature of the seismic retrofit work required to make the Barry Building suitable for human occupancy, refer to Response to Comment No. A3-5, Appendices G, H-2, and H-3 to the Draft EIR, and Appendix I to the Final EIR.

The facts discussed in this comment relating to the chronology of the application to demolish the Barry Building are acknowledged for the record.

### **Comment No. B2-17**

The stated reason for demolishing the Barry Building is that the City has issued its owners an Order to Comply with the City's Soft Story Ordinance, LAMC 183893, (the "Ordinance.") The Ordinance was adopted to cause owners to harden certain buildings vulnerable to earthquake damage due to construction and/or engineering deficiencies. The Ordinance provides time limits and choices for compliance including demolishing the building. The Applicant states it has

chosen to comply with the Order to Comply by demolishing the Barry Building. In essence, the basis for seeking the demolition permit is that the City is forcing the Applicant to take this step.

But this simple notion is incorrect and misleading for many reasons. First, however straight forward this may seem at first glance, it is untrue. The Ordinance contains an exception for buildings that would include the Barry Building, that are historic.

The Ordinance, at Section 91.9308 states:

*SEC. 91.9308. HISTORICAL BULDINGS.*

*Qualified historical buildings **shall** comply with requirements of the California Historical Building Code established under Part 8, Title 24 of the California Code of Regulations.*

(Emphasis added.)

When reading and interpreting the meaning of an ordinance, use of the word “shall” means must. Here, the Ordinance can only be read to mean that compliance with the Ordinance is not required for the designated historically and culturally significant Barry Building. The entire premise for demolishing the Barry Building is not supported by the law.

### **Response to Comment No. B2-17**

Section 91.9305.1 of the Soft Story Ordinance requires an owner of a building subject to the Ordinance to “cause the building to be structurally altered to conform to such standard or, at the owner’s option, cause it to be demolished...” The “minimum earthquake standard” specified by the Ordinance is set forth in Section 91.9309. A building is not subject to those minimum standards if it is a “qualified historical building.” Per Section 91.9308 of the Ordinance, a qualified historical building need only meet the seismic safety standards in the California Historical Building Code. However, the historical building still must meet those standards in the California Historical Building Code in order to comply with the Soft Story Ordinance.

### **Comment No. B2-18**

The Appendices of the DEIR provide good information from which it can be inferred that demolition is not the least inexpensive solution to addressing any legitimate health and safety risk the Barry Building may present to the public given its currently secured and isolated state. Rather, the least expensive means to do that would be to construct a simple series of temporary wooden frame bracings to complement the poles and address the currently unaddressed issue of shear (lateral) forces that could cause damage to the building in the event of an earthquake during the interim period to allow the opportunity for the future of the Barry Building, if any, is committed to.

There are economic incentives available to owners of historic buildings that the Applicant could consider to avoid what then would be an unnecessary demolition. (See the California Office of Historic Preservation Technical Assistance Series attached hereto as ATTACHMENT F.) At a minimum, the existence of these opportunities undermines the pretense of the inevitability that

the Applicant has promoted building must be demolished because the City has left the Applicant without alternatives.

### **1. FEDERAL INCENTIVES**

Advisory Council on Historic Preservation (ACHP)

Community Development Block Grants (U.S. Department of Housing and Urban Development)

Preservation Tax Incentives for Historic Buildings (National Park Service)

- 20% Rehabilitation Tax Credit
- 10% Rehabilitation Tax Credit
- Charitable Contributions (Easements)
- Investment Tax Credit for Low Income Housing (Affordable Housing)

TEA-21: Intermodal Surface Transportation Efficiency Act (ISTEA)

United States Small Business Administration (SBA)

### **2. STATE INCENTIVES**

California Heritage Fund (Proposition 40)

Certified Local Government Grants (CLG)

Earthquake Retrofit Programs (state and local)

Marks Historical Rehabilitation Act

Mills Act Property Tax Abatement Program

Seismic Bond Act

Williamson Act Program

### **3. LOCAL INCENTIVES**

Introduction: Local Incentives

Adaptive Reuse Ordinances

Business Improvement Districts

Planning and Zoning

Additional Local Incentives

### **4. ALTERNATIVE INCENTIVES: Grants, Loans, Credits, and Deductions**

The 1772 Foundation

Americans with Disability Act (ADA) and Tax Incentives

- Disabled Access Tax Credit (26 USC 44)
- Expenditures to Remove Architectural and Transportation Barriers to the Handicapped and Elderly, as amended

26 USC 190) Getty Center Grants

- Architectural Conservation Planning Grants
- Architectural Conservation Implementation Grants
- Campus Heritage Grants-National Endowment for the Arts (NEA)
- Grants for Arts Projects-National Endowment for the Humanities Grants (NEH) National Trust for Historic Preservation
- National Main Street Center

- National Trust Loan Funds
  - Preservation Development Initiative
  - Tax Credit Equity Investments
  - National Trust Community Investment Corporation
  - National Trust Small Deal Fund
  - Additional NTHP Programs
- National Trust for Historic Preservation Forum Funds
- Cynthia Woods Mitchell Fund
  - Johanna Favrot Fund
  - Preservation Services Fund
- Partners for Sacred Places
- Save America's Treasures (SAT)

There is nothing in the DEIR that discusses the only applicable rules regarding the issue of alteration/demolition of the Barry Building under California Title 8, Section 24. Apart from the need for disclosure of the actual rules applicable to the historic Barry Building there are opportunities contained within these rules for avoidance of the demolition.

Because the DEIR is premised falsely on the Order to Comply with the Soft Story, there are fundamental defects because of false, incomplete or misleading assumptions underlying the DEIR sections including the Project Description, the Alternatives Analysis, including the selection of alternatives to be considered. The analyses throughout the DEIR are based on the artificial, self-serving premise that the Barry Building must be demolished pursuant to the Order.

### **Response to Comment No. B2-18**

The list of economic incentives available to owners of historic buildings is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. As stated in the Draft EIR, the economic feasibility of rehabilitating and preserving the Barry Building is not an environmental issue. The City decision makers will determine whether a preferred alternative would be appropriate based on evidence in the administrative record.

The comment suggests “a simple series of temporary wooden frame bracings” as a solution to addressing any legitimate health and safety risk from the Barry Building. However, this is not a valid retrofit option because it would not meet current requirements under either the Uniform Building Code or the Historical Building Code. (Refer to the report included as Appendix I to the Final EIR, entitled “Los Angeles Conservancy Comment Review” prepared by Englekirk Structural Engineers.)

With respect to the application of California Historical Building Code established under Part 8, Title 24 of the California Code of Regulations, refer to the Response to Comment No. A3-5 and also the report included in Appendix I to the Final EIR. As discussed therein, a substantial portion of the seismic retrofit work would still be needed if the seismic requirements in the

California Historical Building Code were applied as a historical building shall be retrofitted to meet 75 percent of the seismic forces required under the current building code.

The comment also incorrectly states that the Draft EIR is premised falsely on the Order to Comply with the Soft Story Ordinance. As discussed on page II-2 of the Draft EIR, in March 2018, the City issued the Project Applicant an Order to Comply with the City's Soft Story Retrofit Program. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing. Refer to Response to Comment No. B2-17 regarding the applicability of the Soft Story Ordinance, including for historic buildings. Finally, refer to Response to Comment No. A3-6 regarding the alternatives that were studied in the Draft EIR.

### **Comment No. B2-19**

#### **IMPROPER PROJECT DESCRIPTION**

- As discussed herein, with respect to the artificial project description limiting it to the pretense that the Barry Building must be demolished, it is false and therefore an inadequate basis on which to structure this DEIR. The assumption that demolition is unavoidable and is being caused by the Order to Comply has prejudicially distorted the Project Description. This topic is discussed more fully herein.
- The comments to the NOP make a compelling argument that the true scope of the current application is more than what has been presented in the DEIR. The demolition permit is only a piece of the "whole of the contemplated action" including both the Undisclosed Project and the Ultimate Project, which the DEIR failed to address. (A copy of the NOP comment letter by the law firm of Robert Silverstein is attached without the attachments to that letter but is a part of this DEIR at Appendix A-3) (Attachment G)
- First, this point is demonstrated by the fact the DEIR project description remains unchanged from its limited scope stated in the NOP, despite objections. The project description remains defective for failing to acknowledge that it is merely one more step within a sequence of steps that already have occurred to clear the Assemblage of land shown to be owned and/or controlled by the same people, referred to herein as the Undisclosed Project. (Documentation demonstrating all of the surrounding lots, currently vacant, and the Barry Building is attached hereto.) (Attachment B);
- Unless the developer commits to the preservation of raw undeveloped land for a significant period, the public and the decision makers cannot reasonably accept any intended presumption that the sequential demolition of all of the buildings located on the Assemblage that has already occurred, of which the Barry Building is the most recent component, is anything less than one more component part of one whole redevelopment of the assemblage, i.e., the Ultimate Project.

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**Response to Comment No. B2-19**

The comment claims that the Draft EIR does not describe the whole of the Project as the commentor believes the Project involves an assemblage of parcels. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing.

**Comment No. B2-20**

- The community has lived for years without the pedestrian-oriented neighborhood serving commercial uses, which are required to fulfill the San Vicente Scenic Corridor Specific Plan policies, standards and guidelines for the now vacant lots where conforming buildings once stood. This project fails to state whether this demolition permit will add to these “inconsistent” land uses and for how long.

**Response to Comment No. B2-20**

The issuance of a Demolition Permit will not change the land use or zoning designations of the Project Site. A vacant lot is not on the list of uses prohibited within the Specific Plan. (Refer to Section 5 of the Specific Plan.) The demolition of existing buildings resulting in vacant lots in the area was anticipated in Section 7.H of the Specific Plan. Section 7 only requires that “[w]here a building or structure has been demolished and plans for new construction have not been submitted to the Department of Building and Safety within six months of completion of the demolition, a landscaper buffer shall be installed pursuant the Section 7G.” Section 7.G of the Specific Plan requires that where a building or structure has been demolished and plans for new construction have not been submitted to the Department of Building and Safety within six months of the completion of demolition, a landscape buffer shall be installed such that approximately every 20 lineal feet within the landscape buffer, one specimen tree shall be planted. A landscape buffer was planted on the existing vacant lots in accordance with the Specific Plan.

With respect to the commentor’s statement that pedestrian-oriented neighborhood serving uses are necessary to fulfill the policies of the Specific Plan, demolition of the Barry Building would not preclude future development of pedestrian-oriented neighborhood serving uses by a future owner of the property.

**Comment No. B2-21**

- Before proceeding with this project and this DEIR, the developer has a choice to make. This project cannot proceed under the pretense that it is only a demolition permit. As stated above, either the project is the conversion of this historic and culturally significant building to a vacant lot screened from San Vicente Boulevard by a chain link fence with a thin planting; strip or it is one of a series of steps to re-develop all of the commonly owned/controlled assemblage of properties. There must be a clear commitment to one of

these in order for there to be a complete, accurate and objective disclosure and analysis of the impacts.

- An accurate (complete), stable and finite project description is required under Cal. Code Regs., tit. 14, § 15124. It is the *sine qua non* of CEQA analysis. Without such a project description, there can be no meaningful consideration including without limitations: alternatives analysis, consideration of “inconsistencies” under CEQA Guidelines Section 15125(d) or “conflicts” under Appendix G, land use; or long-term and indirect impacts, and aesthetics.
- The absence of clarity on the truth about the project description defeats the purposes of CEQA – disclosure, transparency, and timely consideration of the foreseeable environmental changes before they have reached ecological points of no return.

### **Response to Comment No. B2-21**

The comment makes the claim that the Project may be part of a series of steps to redevelop all commonly owned parcels. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing.

### **Comment No. B2-22**

- The vacant properties are not open space, they are dead space. For the duration of the development of a project description and review, which could be years and experience allows a conclusion it could be decades, the use will be dead space. That land use does not promote any part of the applicable land use plans, policies, or regulations adopted to avoid or reduce an environmental impact. This indisputable and reasonably foreseeable physical change to the environment is also a necessary part of the project description.

### **Response to Comment No. B2-22**

Refer to Response to Comment No. B2-20 for a response to the issue of vacant lots in the Specific Plan area, which states that vacant lots are not prohibited in the Specific Plan. In addition, a landscape buffer shall be installed in compliance with the Specific Plan.

### **Comment No. B2-23**

- A considerable amount of the assembled property is zoned for parking. Again, unless the landowners intend to commit to dedicating this lot to parking, a zone change is a reasonably foreseeable discretionary permit. This constitutes one foreseeable component of the “redevelopment of the assemblage” and must be described as a necessary component of the project description.

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**Response to Comment No. B2-23**

The Project Site is not zoned for parking. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing. The Project does not involve the adjacent and nearby parcels that are currently zoned for parking. It would constitute impermissible speculation as to the type of a future project that may eventually be developed at the Project Site or whether a future project may or may not request a zone change for one or more of those nearby parcels that are currently zoned for automobile parking.

**Comment No. B2-24**

- What the record demonstrates and is the inherent assumption behind this limited definition of the scope of the “project” is that for the foreseeable future, the site will be occupied by a temporary barricade, likely comprised of a chain-link fence as has been used at the adjoining properties, with a thin landscaping strip. The landscaping for the adjoining properties constitutes a visual barrier into these properties that materially conflicts with the purposes, land uses, and guidelines of the San Vicente Scenic Corridor Specific Plan. This physical and visual condition has been suffered by the community for many years and there is nothing in the record to defeat the clear inference that the Subject Property will be different.

**Response to Comment No. B2-24**

Refer to Responses to Comment Nos. B1-9 and B2-20 regarding the Specific Plan requirement for a landscaped buffer to be installed within six months of the completion of demolition.

**Comment No. B2-25**

- Since this is the admitted replacement of the historically and culturally significant Barry Building, and since there is no indication of the length of time it will remain the sole occupying structure on the property, it must be evaluated as a change in the land use in its own right. Thus, the proposed occupying structure itself is an element of the “redevelopment of the assemblage” that must be identified as a component of the project description

**Response to Comment No. B2-25**

Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing. As discussed in this response, the Applicant for the Demolition Permit has not filed for any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project.

**Comment No. B2-26**

- CEQA requires good faith. It does not require disclosure of matters that truly have not yet been decided. But CEQA has regulatory means to require public disclosure of the early stages of project development and therefore the consideration of them before too much investment has been made that the decision making is limited. EIRs can be supplemented or tiered in later stages of the development of the project definition. The availability of these regulatory vehicles reveal the less than good faith of the failure to disclosed more about the future intentions regarding the development of the assemblage of properties.
- The evidence submitted in the comments to the NOP shows that a very reasonable presumption can be drawn that the Green Hollow project, or some variation of it, has never been withdraw despite the pretense that it was.
  - The record demonstrates that only the specific application for it was symbolically withdrawn.
  - This is confirmed because advancing that project has proceeded step by step since 2013 with serial demolition permits issued and demolitions achieved.
  - All of these steps relate only to the assemblage of properties owned in common and that were and remain contemplated to be developed in common at an unspecified time in the future.
  - Therefore, the evidence suggests less than good faith on the part of the applicant with respect to disclosing the known or likely foreseeable future intentions about the development of the assemblage.
- CEQA disclosure requirements include the duty of informing the public about the decisions of its decision makers. If CEQA cannot require a developer to disclose long-term intentions, conceded here only for discussion's sake, then City has the authority to deny the permit until the full scope of the developers intentions are ripe for disclosure.
- A denial of the ill-defined Project, currently defined only as demolition of the Barry Building, is particularly appropriate at the present time for good reasons:
  - Whereas the full scope of the project is not yet ripe, there can be no injury arising out the denial of the demolition permit;
- Whereas the Ultimate Project is not yet ripe, there remains the possibility that the Barry Building or perhaps elements of it, could be incorporated into the new development which would be foreclosed if the demolition is allowed to proceed (a copy of a rendering

of the Barry Building incorporated into the larger Green Hollow project is attached.) (Attachment H);

- The historic and cultural designation of the Barry Building invests the public with an interest in the future of the building. The community has a stake in the preservation of the building. And as the project is not yet ripe, the public's interest in the preservation of the historic and cultural resource does not need to be foreclosed now or until the project is ripe for a full consideration.
  - When a specific project is finally presented, the public and the decision makers will have a choice to consider,
  - That choice will have been predetermined by granting the demolition permit such that the choice will be the proposal or a vacant lot. Obviously
- Here, the public has a keen interest in the preservation of the historically and culturally significant Barry Building, where the alternative being offered presently is a vacant lot for an indeterminate amount of time. The proposed alternative is highly undesirable and should be rejected. (See additional comments on the inadequate "Alternatives" discussion in the DEIR.)

### **Response to Comment No. B2-26**

The comment states that there is a likelihood that the Applicant intends to develop an assemblage of parcels and also references the previous Green Hollow Square Project, which was formally withdrawn in 2013. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing. Also, the Applicant has submitted a complete application for a permit for demolition of the Barry Building. Submittal of a complete application makes this matter "ripe" for action by the City. In that application, the Applicant stated that the requested Demolition Permit is not part of a new development project.

### **Comment No. B2-27**

- There are many distortions that result from the serial, i.e., "piecemealing" approach being taken by the property owners of the assemblage.
  - Baseline assumptions are environmental conditions existing at the time the notice of preparation is published. Guidelines § 15125(a)(1). CEQA allows a different baseline only for situations that fluctuate without the control of the developer.
  - When the true scope of the Ultimate Project is revealed and presented for environmental review, the baseline will be the empty Assemblage of lots which

generate zero impacts. *POET, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 83

### **Response to Comment No. B2-27**

CEQA Guideline 15125(a) provides that the baseline for the impact analyses in an EIR is the physical conditions existing as of the date the NOP is issued by the lead agency. When the NOP for the Draft EIR was issued on November 18, 2020, the existing physical condition of the Subject Property was the vacated and closed Barry Building. The Draft EIR also discussed (at pp. III-2) the surrounding environmental setting of the adjacent and nearby properties. With respect to the future baseline for a future project, there is no future project and it would constitute impermissible speculation as to the type of a future project that may eventually be developed at the Project Site, including the future baseline for any such future project.

Refer to Response to Comment No. A3-2 for a response to the claim of an undisclosed project and piecemealing.

### **Comment No. B2-28**

- The choice of Alternatives between a vacant lot and full development of the “redevelopment of the assemblage” is different from the choice between the Barry Building and the “redevelopment of the assemblage.” Obviously as the public has an interest and a stake in preserving the Barry Building, that alternative must be included now because to leave it out, skews and likely predetermines the future Alternative analysis.

### **Response to Comment No. B2-28**

Considering alternatives for a future undetermined project is speculative. Nevertheless, the comment is acknowledged for the record and will be forwarded to the City decision-makers for their review and consideration. With respect to the commentator’s preference to preserve the Barry Building, the Draft EIR evaluated a “No Project” alternative and two on-site preservation alternatives.

### **Comment No. B2-29**

- The vacant properties do not conform to the architectural and landscape guidelines of the Specific Plan. Furthermore, a barricaded vacant lot directly conflicts with the pedestrian amenities and so it fails to provide the contemplated ambiance intended to be preserved at that location and the neighborhood needed personal services and retail sales services, intended. Therefore, the proposal to replace a historic building that did and could resume providing these things with vacant land conflicts with the very and stated intentions of the San Vicente Scenic Corridor Specific Plan.

- The vacant properties do not implement the policies mandated by the Scenic Highways Plan element of the City’s General Plan or in the Brentwood- Palisades Community Plan, to maintain the existing ambiance of San Vicente Boulevard. The Specific Plan, Section 8, subsection A requires considerable set back of open space which is an element of the intended pedestrian-scaled environment with special qualities, including access to small plazas. Therefore the proposal to replace a historic building with vacant land that is protected by a temporary wooden barrier conflicts with the applicable zoning.
- Therefore the proposal to replace a historic building with vacant land conflicts with the Community Plan.
- These actual and identified components of the “project” raise issues of zoning compliance and conflicts/consistency with the applicable land use plans, policies, and regulations under CEQA Guidelines Section 15125(d) and Appendix G regarding thresholds of significance for land use regarding plans, policies and regulations adopted to mitigate adverse impacts on the environment.

### **Response to Comment No. B2-29**

The comment claims that the adjacent vacant properties do not conform to the architectural and landscape guidelines of the Specific Plan, that the vacant properties do not implement the policies of the General Plan and Community Plan, and also raises questions about zoning compliance and conflicts/consistency with applicable land use plans under CEQA. The adjacent vacant properties are not part of the Project Site. Refer to Response to Comment No. A3-2 for a discussion of the piecemealing doctrine under CEQA and its inapplicability to the requested Demolition Permit.

With respect to the commentator’s claim that vacant properties do not conform to the architectural and landscape guidelines of the Specific Plan, a stated purpose of the Specific Plan is to establish specific criteria to guide future *new* development in the area. The Project at issue does not call for the development of new buildings. Another stated purpose of the Specific Plan is to preserve and enhance the “inherent beauty and value” of the landscape median strip along San Vicente Boulevard and to assure that commercial signage along San Vicente Boulevard “is appropriately scaled and properly placed so as not to dominate the existing streetscape.” (Refer to section 1 of the Specific Plan.) The Project at issue does not propose any signage or physical work in the median on San Vicente Boulevard. Finally, the purpose for the design review process outlined in Section 15 of the Specific Plan is to provide guidelines and a process for “review and approval of exterior and/or site design of any new building or structure, exterior remodel and the location of commercial signs.” Those building design guidelines listed in the Specific Plan apply to new buildings and not vacant lots.

Regarding the claim that the vacant properties do not implement the policies mandated by the Scenic Highways Plan, the City’s Mobility Plan lists San Vicente Boulevard as a scenic highway

due to its “wide street with landscaped median.”<sup>2</sup> The Project at issue would not affect the landscaped median in San Vicente Boulevard.

Regarding the portion of the comment that replacing a historic building with a vacant lot conflicts with the Community Plan, as discussed in Section IV.D, Land Use and Planning, of the Draft EIR (see pages IV.D-13 through IV.D-16), the Project would conflict with the goals, objectives, and policies of the General Plan (Conservation Element) and the Brentwood-Pacific Palisades Community Plan related to historic preservation, which are the only applicable goals, objectives, and policies applicable to the Project since development of the Project Site is not proposed. Therefore, the Draft EIR recognizes a significant and unavoidable land use impact. For a project for which significant impacts have been identified that are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, such as the Project, a public agency may nevertheless approve a project if the agency first adopts a Statement of Overriding Considerations, setting forth the specific reasons why the agency found that the project’s benefits outweigh its unavoidable adverse environmental impacts.

Refer also to Response to Comment No. B2-20 for a response to the issue of vacant lots in the Specific Plan area, which states that vacant lots are not prohibited in the Specific Plan, and also provides a discussion of the Project’s consistency with the Specific Plan and the policies in that plan concerning pedestrian-oriented neighborhood serving uses.

Finally, refer to Response to Comment No. B2-33 for a discussion of zoning compliance and conflicts/consistency with applicable land use plans under CEQA.

### **Comment No. B2-30**

“It is well established that “CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project.” Rather, CEQA mandates ‘that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.’ Thus, the term ‘project’ as used for CEQA purposes is defined broadly as ‘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...’” (*Paulek v. Department of Water Resources* (2014) 231 Cal.App.4th 35, 45.)

In *Laurel Heights, supra*, 47 Cal.3d 376, the Supreme Court articulated the following test for unlawful piecemealing: “[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

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<sup>2</sup> City of Los Angeles, Mobility Plan 2035, Appendix B: Inventory of Designated Scenic Highways and Guidelines, [https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility\\_Plan\\_2035.pdf](https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility_Plan_2035.pdf).

But CEQA has the means to examine the known and reasonably foreseeable impacts without knowing all of them and deferring those to a later time. (“Of course, if the future action is not considered at that time, it will have to be discussed in a subsequent EIR before the future action can be approved under CEQA.” (Id. at p. 396.)

The Guidelines describe several types of EIRs, which may be tailored to different situations. The most common is the project EIR, which this DEIR purports to be, which examines the environmental impacts of a specific development project. (Guidelines, § 15161.) A quite different type is the program EIR which ‘may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) As logical parts in the chain of contemplated actions, (3) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.’ (Guidelines, § 15168, subd. (a).) This is what we have here.

That is of course only if the applicant has no information, such as the scope of a project as was revealed in the Green Hollow development, of some aspects about the future development of the assemblage of properties. Given that history and the steady removal of buildings within the area that was defined for Green Hollow, it is hard to imagine that the developer has no idea of any aspect of the future, perhaps at least enough of a vision to do a program EIR instead of limiting the scope to one piece of property independent of all of the surrounding properties as though there was absolutely no relationship between them. If, on the other hand, it truly is to be regarded as separate, then this itself is a good reason to preserve the Barry Building until its separate and independent replacement is identified.

### **Response to Comment No. B2-30**

The comment provides a discussion of CEQA case law related to the issue of piecemealing and also references the prior Green Hollow Square Project, which was formally withdrawn in 2013. Refer to Response to Comment No. A3-2 for a discussion of the Project evaluated in the Draft EIR and the claim of piecemealing.

### **Comment No. B2-31**

## **IMPROPER ALTERNATIVES ANALYSIS**

### **INADEQUATE JUSTIFICATION FOR REJECTING AN ALTERNATIVE**

- The stated reasons for rejecting the mothball option in accordance with Preservation Brief 31: Mothballing Historic Buildings, prepared by the National Park Service do not meet the requirements of CEQA Guidelines Section 15126.6(c) that an EIR must explain the reasons for their rejections (DEIR pV-3) Why is it sufficient to reject an alternative based on it not being a long term solution when the record shows the Project itself, demolition and the planting of some mitigating shrubs, is not long term? In other words,

the replacement, a fenced vacant lot, is no more a longer-term solution than the uncertain future of the Barry Building.

- The DEIR has created an artificial “project description.” It can easily be inferred that it was developed only to support a specific yet artificial intent – demolition of the Barry Building.
- However the record demonstrates that the true project objective, i.e., the long-term objective, is the re-development of the Assemblage of properties, the Ultimate Project.
- There is nothing in the record to suggest the maintenance of a vacant and severely cracked concrete parking lot is the long-term solution for the use of the lot. Such an inference defies common sense. CEQA requires decision making to employ common sense.
- Indeed, substantial evidence strongly suggests the opposite including, without limitation the following:
  - The demolition is not inevitable because the Soft Story Ordinance specifically allows special treatment of historic buildings and does not require strict adherence to the demolition requirement.
  - The demolition is not inevitable because the Soft Story Ordinance specifically allows for the owner to apply for a consideration of exceptions, which right has not expired
  - The single reason for rejecting the mothballed alternative– that it is not a long-term solution is a conclusory statement and it is disingenuous. If the only part of the project subject to the Order to Comply subject to the Soft Story Ordinance is mothballed until a fully formed long-term project can be presented to the City, then the Soft Story Ordinance no longer requires demolition.
  - It is not accurate, truthful, or a statement made in good faith that mothballing fails to accomplish the true and long-term objective. The compliance with the Soft Story Ordinance is only a pretext for getting rid of the building which once it is gone, precludes its integration into the full redevelopment of the assemblage of related properties over the long-term
  - A project that is only an interim solution, by definition cannot be used to fulfil the requirement of a project description without substantial explanation for why it truly is the accurate and stable project description as required by CEQA

- The prior forms of the project known as Green Hollow demonstrate potential and/or likely future forms of the redevelopment of the whole assemblage of the related properties and therefore the true project description
- The elimination of a building that fully complies with the San Vicente Specific Plan and therefore that could feasibly be integrated as a portal into the new project would unnecessarily make a decision about the configuration of the future development that is not ripe. The elimination of that option by demolition would unnecessarily limit the options for development of the successor project and therefore, by definition cannot be the superior alternative – demolition will have an unnecessary, significant and fully avoidable impact
- The DEIR references a **temporary** construction fence
- The single piece of property has more value as an integrated whole within the assemblage of properties under the same or related ownership
- Promises to replace the home recently purchased and demolished single-family home north of the eastern most lot remain unfulfilled
- Mothballing the south building is the superior alternative. No good faith reason was given to reject the only identified alternative that does not cause any of the identified adverse impacts. Therefore, under CEQA it is the superior alternative.
- The record does not contain sufficient reasons to reject the Superior Alternative (the rejected Mothball Alternative)
- None of the factors that may be used to reject the Mothball Alternative are present or demonstrated in the record: 1) only the rejected Mothball Alternative fully meets all of the actual long-term project objectives; 2) the rejected Mothball Alternative is the most feasible of the alternatives; and 3) only the rejected Mothball Alternative fully reduces or avoids the significant impacts identified for the Project
- The preservation of the south building (the only building at issue strictly within the scope of the Project description), for later integration into a larger project that will occupy additional lots, is the means to best satisfy the goals and vision and provisions of the San Vicente Specific Plan

### **Response to Comment No. B2-31**

The comment provides opinions about the following: 1) the Project description contained in the Draft EIR, including the opinion that the long-term Project involves an assemblage of parcels; 2) the applicability of the Soft Story Ordinance to the Barry Building; and 3) the Project's compliance with the San Vicente Scenic Corridor Specific Plan. Refer to Response to Comment No. A3-2 concerning the claim of piecemealing based on the opinion that the long-term Project involves an assemblage of parcels. Refer to Response to Comment No. A3-5 for a discussion of the applicability of the Soft Story Ordinance to qualified historical buildings. Refer to Responses to Comment Nos. B1-9 and B2-20 for a discussion of the Project's compliance with the Specific Plan, including the requirement that within six months of demolition, a landscape buffer shall be installed pursuant to Section 7G of the Specific Plan.

The comment also questions the rejection of the mothballing alternative on the basis that it is not a long-term solution. With respect to the Alternative considered but rejected in the Draft EIR that would involve "mothballing" the Barry Building, the Draft EIR correctly states that mothballing under the National Park Service *Preservation Brief 31: Mothballing Historic Buildings* is a strategy to maintain a historic building for a number of years. The Soft Story Ordinance requires the Owner of subject buildings to either seismically retrofit or demolish the building by a specified date. Mothballing the building for years is inconsistent with that statutory compliance date. Accordingly, the Draft EIR properly rejected the mothballing alternative, as discussed on page V-4 of the Draft EIR as well as in the memo included as Draft EIR Appendix H-1.

### **Comment No. B2-32**

#### **INADEQUATE RANGE OF REASONABLE ALTERNATIVES**

The California Supreme Court has stated the specific requirements for the alternatives analysis in an EIR: "The CEQA Guidelines state that an EIR must 'describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project . . . .' ([Guidelines], § 15126.6, subd. (a).) Moreover, as stated in the Guidelines, "[t]here is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." (Guidelines, § 15126.6, subd. (a).) "The rule of reason 'requires the EIR to set forth only those alternatives necessary to permit a reasoned choice' and to 'examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.' ([Guidelines], § 15126.6, subd. (f).)" (Bay-Delta, supra, 43 Cal.4th at p. 1163.)

In measuring whether the DEIR properly selected a meaningful range of alternatives to consider to avoid or lessen the significant environmental impacts identified in the DEIR, added to herein, the law requires a good faith reading of the Ordinance coupled with the many means to avoid the effects of that Ordinance, including without limitation the incentives to preserve if not remediate, the lack of any actual risk to health and safety that exceeds that which all citizens of

the region live with everyday, and the interim nature of the future Project Site that opens up possibilities that might not otherwise apply.<sup>4</sup>

Clearly, for the same reasons the Project Description is artificially truncated by the omission of the many ways in which present demolition under the Order could be avoided, the selection of the range of alternatives too was artificially truncated.

One of the range of reasonable alternatives that without explanation was not included in the DEIR but which was discussed in connection with the Green Hollow proposal, was the incorporation of the Barry Building as a part of the redevelopment of the remainder of the Assemblage. Appearing before the Commission to present a detailed presentation on the Barry Building, Diane Caughey, daughter of the architect, said that even if building owner Munger changes his development plans for the project, “What is clear, however, is that this site provides an excellent opportunity to integrate a historic building with a new development.”

It is an established fact, based on the history of the prior consideration of the development of the Assemblage by this Applicant, that the preservation of the Barry Building and its integration into a much larger project is a reasonable alternative for the future development of the Assemblage. Since it is a reasonable alternative to the redevelopment of the Assemblage, than it is a reasonable alternative to the proposed demolition of the Barry Building that must be included unless the DEIR can explain why it no longer is reasonable. It meets all of the CEQA criteria as it meets all of the true objectives of the Ultimate Project and is not distorted by the pretense of the Current Project which falsely depends on the self-serving reliance on the Order to Comply to truncate the selection of the range of reasonable alternatives.

### **Response to Comment No. B2-32**

CEQA requires an EIR to evaluate alternatives to the “proposed project.” (CEQA Guideline (5126.6.)). The Project is only the demolition of the Barry Building on the Subject Property. There is no legal obligation for the owners of adjacent properties to propose a new development project of any type, whether the project would or would not include the Subject Property.

The Draft EIR evaluated four alternatives, involving the No Project Alternative. Those alternatives constituted a “reasonable range” of alternatives to the Project at issue, namely the demolition of the Barry Building. (Refer to CEQA Guideline 15126.6 for a discussion of what constitutes a reasonable range of alternatives.)

Refer to Response to Comment No. A3-2 for a response to the claim of piecemealing.

### **Comment No. B2-33**

#### **IMPROPER ANALYSIS OF LAND USE IMPACTS**

At DEIR page IV-D.11-12, the DEIR states that the governing threshold of whether a project has the potential to cause a significant land use impact is as follows:

## (a) Land Use Consistency

- *Whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans*

## (b) Land Use Compatibility

- *The extent of the area that would be impacted, the nature and degree of impacts, and the type of land uses within that area;*

Then the DEIR addresses the methodology for making these determinations, stating as follows:

*The legal standard that governs consistency determinations is that a project must only be in “harmony” with the applicable land use plan to be consistent with that plan. (See Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, As the Court explained in Sequoyah, “state law does not require an exact match between a proposed subdivision and the applicable general plan.” To be “consistent” with the general plan, a project must be “compatible with the objectives, policies, general land uses, and programs specified in the applicable plan,” meaning, the project must be “in agreement or harmony with the applicable plan.” (see also Greenebaum v. City of Los Angeles (1984) 153 Cal.App.3d 391, 406; San Franciscans Upholding the Downtown Plan, supra, 102 Cal.App.4th at p. 678.) Further, “[a]n action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (Friends of Lagoon Valley v. City of Vacaville (2007) 154 Cal.App.4th 807, 817.)*

Strict conformity with all aspects of a plan is not required under the Government Code. This is in part because land use plans reflect a range of competing interests. Therefore, it is impossible for any project to be consistent with all of these different and often divergent interests. When making the findings required under the Government Code of consistency with the general plan, a proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. It is unquestioned that agencies should be given deference to determine consistency with their own plans

This may properly state applicable law regarding a determination of “consistency” under the State Planning and Zoning law (Government Code Section 65000 et seq.) But CEQA is not found under the Government Code. It is an entirely different and unrelated statutory scheme found at Public Resources Code Section 21000 et seq. and it serves an entirely different purpose.

CEQA findings require compliance, a concept wholly different from “consistency.” CEQA contains both substantive and procedural requirements that must be met in order to ensure complete, objective, accurate, and supported disclosure and consideration purposes of the

statutory scheme. Whereas the doctrine of consistency allows weighing and balancing of competing interests, CEQA elevates one single goal – maximizing the protection of the environment wherever it is feasible. Also, the local interest is not entitled to deference because it is the State’s interest in protecting the environment that is required under CEQA.

CEQA requires an objective examination and disclosure based on facts, data, science, and studies. (*Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.*, (2001) 91 Cal.App.4th 1344, 1377) CEQA compliance requires discrete analysis of each aspect of a “project.” CEQA applies the much less deferential “fair argument” standard of review where there is evidence of any conflict with a plan, policy or regulation enacted to reduce or avoid an environmental impact, without deference to the local interest. (*Pocket Protectors v. City of Sacramento*, (2004) 124 Cal. App. 4th 903, 928) This standard applies to whether an EIR sufficiently considers the potentially significant impacts arising from an inconsistency, a divergence, or non-compliance with applicable land use plans, policies, or regulations adopted to avoid or environmental impact

The DEIR admits a significant “**conflict with several of the applicable goals, objectives, and policies, all of which are related to the preservation of historical resources, as the Project would result in the demolition of a designated historical resource.**” What has been left out of the analysis is the very significant conflict caused by the continuation and expansion of the elimination of the pedestrian-oriented neighborhood serving commercial uses, which are required to fulfil the San Vicente Scenic Corridor Specific Plan policies, standards and guidelines for the now vacant lots where conforming buildings once stood. The community has lived for years without these required land uses.

Specific plans are a statutory program to implement a stated vision and goals within a defined plan-area. (*Government Code* 65451.) Specific plans differ from a general plan, the latter comprising a local agency’s broad range of aspirational goals regarding a variety of subjects. (*Visalia Retail, LP v. City of Visalia*, (2018) 20 Cal. App. 5th 1, 19.) Here, the Specific Plan states that where there is conflict with the applicable zoning the Specific Plan governs. Both of these circumstances change the knee-jerk assumption that this issue is simply governed by the doctrine of consistency upheld in the many cases in which a consistency finding under the Government Code eclipses complete and accurate environmental analysis and compliance with the related matters under CEQA.

Zoning is measured objectively and in terms of compliance. (*People v. Djekich* (1991) 229 Cal. App. 3d 1213, 1225, footnote 7.) The rules of deference that may be used in considering “consistency” between a project and the general plan do not apply here when considering the inconsistency between the vacant lot with a chain link fence barrier to the Specific Plan. In measuring consistency, the court in *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261 (*Defend the Bay*), stated “*We are not dealing with assaying of minerals here. Balance does not require equivalence, but rather a weighing of pros and cons to achieve an acceptable mix.*” (Id. at pages 1268-1269. But unlike Government Code consistency analysis with the general plan the mode of analysis that must be employed in determining zoning compliance and in particular CEQA compliance regarding the divergences between these forms of the land use

more closely resembles “*assaying minerals*” than it does “*weighing the pros and cons to reach an acceptable mix.*”

The community has lived for years without the pedestrian-oriented neighborhood serving commercial uses, which are required to fulfil the San Vicente Scenic Corridor Specific Plan policies, standards and guidelines for the now vacant lots where conforming buildings once stood.

This project fails to state whether this demolition permit will add to and further these “inconsistent” land uses and for how long. In the place of the required land uses is a chain link fence with a narrow planting strip that supports an absolute visual barrier into the properties. The pretense stated in the DEIR, which must be taken into account in assessing its compliance with CEQA is that developers have no idea what next will occur at the Project Site or the assemblage of properties. This constitutes an admission that the physical change that must be considered regarding land use conflicts is the indefinite continuation of what currently fails to comply with the Specific Plan, i.e., a direct conflict. The proposed new land use is inarguably antithetical to the Specific Plan.

The threshold of significance in subsection (b), regarding “compatibility” raises the same exact same issue as subsection (a) – “inconsistency.” A long stretch of San Vicente Boulevard on which is a chain link fence supporting a visual barrier immediately adjacent to the sidewalk in the place of pedestrian-oriented neighborhood serving commercial uses is not “compatible” with the adjacent land uses. Under the “compatibility” mode of analysis, with the facts presented here only serve to drive home further the point already made above.

These land use inconsistencies and incompatibilities must be disclosed and mitigated and considered in the alternatives analysis under CEQA before the DEIR may be certified as in compliance with CEQA.

### **Response to Comment No. B2-33**

The commentor inaccurately lists two thresholds of significance for land use impacts in the Draft EIR. The Draft EIR properly stated the thresholds of significance for land use impacts as stated in Appendix G to the CEQA Guidelines. As stated in Appendix G, the EIR evaluated the Project’s land use impacts based on these two thresholds of significance--whether the proposed project would (a) physically divide an established community and (b) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (See Draft EIR, pages IV.D-11 through IV.D-16.)

Instead of quoting those two thresholds of significance, the commentor lists two factors listed in the 2006 L.A. CEQA Thresholds Guide. However, that Guide does not supplant the thresholds in Appendix G, but instead provides factors and criteria that provide assistance to the lead agency where appropriate in making a determination as to whether the project will cause a

significant impact under the thresholds in Appendix G. With respect to land use impacts, the L.A. CEQA Thresholds Guide provides the following criteria: (a) Land Use Consistency and (b) Land Use Compatibility. Land Use Compatibility considers the following:

- *The extent of the area that would be impacted, the nature and degree of impacts, and the type of land uses within that area;*
- *The extent to which existing neighborhoods, communities, or land uses would be disrupted, divided or isolated, and the duration of the disruptions; and*
- *The number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the proposed project.*

(See Section IV.D of the Draft EIR at page IV.D-11.) As discussed in the Draft EIR, the Project does not contain features such as highways or new infrastructure that would cause a permanent disruption in the physical arrangement of the surrounding uses. Therefore, no impact would occur, and no further analysis is required pursuant to Appendix G Threshold (a).

The commentator also claims that CEQA requires an analysis of the project's "compliance" with the City's General Plan and other land use plans. Specifically, the commentator contends that the standard for determining a project's consistency under the Government Code is not the standard for determining a project's consistency with the General Plan under CEQA for determining the project's land use impacts. However, that position is not supported by the applicable case law. As stated in the Draft EIR for requested permit to demolish the Barry Building, to be "consistent" with the general plan, a project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning, the project must be "in agreement or harmony with the applicable plan." (Draft EIR, p. IV-D, 12-13.) In support of that standard for determining consistency with a general plan, the Draft EIR cites to the court decision in *Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704*. While the commentator suggests this standard of consistency applies only to the Government Code and not CEQA, the *Sequoyah* case involved the validity of an EIR pursuant to CEQA, including the EIR's analysis of the project's consistency with the general plan for purposes of determining the project's land use impacts. Specifically, the court held that "In this case, there is no question that the City thoroughly evaluated the Oak Knoll project in light of relevant Oakland Comprehensive Plan (OCP) planning policies, and made a finding (and incorporated, by reference, the findings of the planning commission) that the project is consistent with those policies. The only real issue is whether substantial evidence supports that conclusion. The EIR contains a detailed discussion of evidence of consistency with pertinent OCP policies on housing, land use, residential uses." (23 Cal.App.4th 719-20; emphasis added.)

In addition, the commentator's legal position was recently rejected by the court of appeal in *Stop Syar Expansion v. County of Napa (2021) 63 Cal.App.5th 444*. In that case, the plaintiff "contends 'consistency' and 'inconsistency' for purposes of CEQA mean something different than in the context of general planning and land use law. (63 Cal.App.5th 462.) Rejecting that position, the court held that "SSE cites no authority supporting its assertion that "inconsistency"

for CEQA purposes is different than for purposes of general planning and land use law.” (63 Cal.App.5th 462.) The Court held that the CEQA Guideline 15125(d) “in no way suggests that as used in CEQA, the term “inconsistency” has an altogether different meaning than under basic planning and land use law.” (63 Cal.App.5th 462.)

The commentor also claims that the Draft EIR did not analyze the Project’s consistency with the San Vicente Scenic Corridor Specific Plan. However, a discussion of the Project’s consistency with the applicable provisions of the San Vicente Scenic Corridor Specific Plan is provided in Table 4.I-3 of the Initial Study (which is included as Appendix A-1 of the Draft EIR) and a discussion of the Project’s consistency with the applicable design guidelines contained in the San Vicente Scenic Corridor Specific Plan is provided in Table 4.I-4 of the Initial Study. As discussed in these tables, the Project would not conflict with any applicable policies and guidelines in the Specific Plan.

Refer to Responses to Comment Nos. B1-9 and B2-20 regarding the Specific Plan requirement for a landscaped buffer to be installed within six months of the completion of demolition.

The commentor also suggests that objective compliance with zoning must be considered by the Draft EIR. The Project Site is zoned C4-1VL (Commercial Zone, Height District 1VL). The Commercial Zone permits a range of commercial uses including retail and office uses. The Project would not conflict with that zoning because demolishing a building is not prohibited by the zoning and the Project does not involve any new uses. Refer also to Responses to Comment Nos. B2-20 and B2-29 for a discussion of the Project’s consistency with the Specific Plan and the policies in that plan concerning pedestrian-oriented neighborhood serving uses

### **Comment No. B2-34**

#### **IMPROPER ANALYSIS OF ADVERSE AESTHETICS IMPACTS**

Appendix G, Aesthetics, subsection (b) states:

“Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?”

The DEIR determined that this threshold of significance was “less than a significant impact.”

Appendix G is intended to prompt a discussion on the specific topic, in this case aesthetics. It is not intended to be an exclusive list such that anything that does not strictly meet the three questions must not be considered. CEQA requires good faith and careful judgement in connection with all decisions. This is especially true when preparing an EIR.

Subsections (a) and (b) are oriented to the natural setting. A vista is defined as a long view. Subsection b describes physical features of significance. After stating the words: “including but not limited to . . . “ which is an expansion not a limitation on the scope of this subsection, it also

lists “historic buildings” as potentially significant scenic features. Clearly the facts here establish a building that received designation as historically significant because of its architectural beauty.

Aesthetics impacts has been defined to “include impacts on public and private views and on the historic character of the project site and surrounding area.” (See *Save Our Capitol! V. Department of General Services* (2023) 87 Cal. App.5th 655, 675-676.) All aspects of CEQA must be broadly and liberally construed. An artificially limited consideration of the possibility of impacts defeats the purposes of CEQA to minimize the adverse impacts of physical changes to the environment.

Here, there are two additional key factors regarding aesthetics. First, the facts are undisputable that the building is located on a City designated Scenic Corridor. There is nothing in CEQA that would distinguish a significant adverse impact which is the certain effect of the removal of a building that was formally established as aesthetically important from an established scenic corridor and one on a state highway. Any effort to make this distinction is irrational, indefensible and inconsistent with the purposes and stated requirements of CEQA. Second, the historical relationship between the historically and culturally significant Barry Building and the historically and culturally significant creation of the corral trees on San Vicente create a much larger aesthetic consideration.

Appendix G, Aesthetics, subsection c. states: “If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?”

If the conclusion regarding the conflict with the threshold of significance stated in subsection b was not obvious to the preparer of the DEIR, then Subsection c, drives this point home conclusively. Subsection c deliberately creates a classification of aesthetic impacts that do not arise in nature but occur in the urbanized setting. This inclusion demonstrates that CEQA is not concerned only with aesthetic impacts that occur only in a rural or natural setting.

The DEIR disregards the substantial evidence that the removal of an architecturally significant building located on a Scenic Corridor that is spelled out in a specific plan created under the Government Code is a significant impact that must be acknowledged and mitigated to the extent feasible.

As spelled out in another section regarding significant land use impacts based on “conflicts” that word has independent meaning and under CEQA, the analysis must be objective, made in good faith and cannot be satisfied by the Tables 4.I-1 through 4.I-5 and a statement that these table “. . . demonstrate the Project’s consistency with applicable policies governing scenic quality.” The same arguments regarding “consistency” and “conflicts” applies equally here.

The finding in the DEIR that the impact is: Less Than Significant Impact is incorrect, it does not comply with CEQA and it is not supported by substantial evidence.

CEQA case law has established that a project's visual impact on a officially designated historical properties is an appropriate aesthetic impact that requires review under CEQA. It also is

established in case law that this separate requirement undermines the separate scheme for CEQA review of environmental impacts on historical resources. (See Pub. Resources Code, § 21084.1; CEQA Guidelines, § 15064.5, subds. (a), (b).) Those rules focus on direct physical changes to historical resources themselves that materially impair those resources' historical significance, not a project's aesthetic impact on its historical setting. (See *Eureka, supra*, 147 Cal.App.4th at pp. 374–375.) Support for this conclusion is found because the Legislature expressly provided that CEQA addresses projects' aesthetic and historic environmental impacts (Pub. Resources Code, § 21001, subd. (b)), specified that any objects of historical or aesthetic significance are part of the environment (id., § 21060.5), and intended that CEQA be liberally construed to afford the fullest possible protection to the environment (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390).

### **Response to Comment No. B2-34**

Appendix G, Aesthetics, subsection (b) stated in full considers whether the Project would: (b) “Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and **historic buildings within a state scenic highway?**” As noted, the Barry Building is located on San Vicente Boulevard, which is not listed as a State Scenic Highway.<sup>3</sup>

The City’s Mobility Plan lists San Vicente Boulevard as a scenic highway due to its “wide street with landscaped median.”<sup>4</sup> The proposed Project at issue would not affect the landscaped median in San Vicente Boulevard.

When considering aesthetic impacts, “a lead agency has the discretion to determine whether to classify an impact described in an EIR as ‘significant,’ depending on the nature of the area affected.” (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 375.)<sup>5</sup>

Project impacts with respect to aesthetics were addressed in the Initial Study, which is attached as Appendix A-1 of the Draft EIR, and this impact analysis was also summarized in Draft EIR Section VI, Other CEQA Considerations. As discussed in this analysis, while the Project Site is located within the boundaries of the San Vicente Scenic Corridor Specific Plan, the plan area is not considered a scenic vista and the Specific Plan establishes streetscape and urban design criteria only to protect the pedestrian-scale and community-oriented commercial nature along

<sup>3</sup> California Department of Transportation, List of Eligible and Officially Designated State Scenic Highways, [https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019\\_a11y.xlsx](https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019_a11y.xlsx), accessed May 13, 2023.

<sup>4</sup> City of Los Angeles, Mobility Plan 2035, Appendix B: Inventory of Designated Scenic Highways and Guidelines, [https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility\\_Plan\\_2035.pdf](https://planning.lacity.org/odocument/523f2a95-9d72-41d7-aba5-1972f84c1d36/Mobility_Plan_2035.pdf).

<sup>5</sup> In this case, cited by the commentator, the court held that the City correctly found that the addition of a new playground despite its size and color scheme would not have a significant aesthetic impact, and the EIR contained sufficient statements as to that effect. “In exercising its discretion, a lead agency must necessarily make a policy decision in distinguishing between substantial and insubstantial adverse environmental impacts based, in part, on the setting. (CEQA Guidelines, § 15064, subd. (b).) Where the agency determines that a project impact is insignificant, an EIR need only contain a brief statement addressing the reasons for that conclusion.” (147 Cal.App.4th 376.)

San Vicente Boulevard. Since no future development of the Project Site is proposed or considered as part of the Project, the Project would not increase building height on the Project Site, alter panoramic views that include the Project Site, or interfere with current views of the Pacific Ocean and the distant horizon line that are available from the public right-of-way within the Santa Monica Mountains. Therefore, the analysis concluded that the Project would have a less than significant impact with respect to scenic vistas.

The commentor claims that the Barry Building was “formally established” as “aesthetically important.” The commentor does not define what he means by “aesthetically important.” As properly stated in the Draft EIR, the Barry Building is *historically* significant since it was designated as an HCM under the City’s code. That designation was based on the architecture and design of the building and not on its setting. (Draft EIR pages IV.B-18 through IV.B-21, in Section IV.B, Cultural Resources, and also the memo from Historic Resources Group contained in Appendix D of this Final EIR.)

The commentor also states that CEQA case law supports the position that the Project’s aesthetic impact will be significant due to a physical change that would “materially impair” the “historical significance” of the Barry Building, citing to the decision in *Eureka Citizens v. City of Eureka* (2007) 147 Cal.App.4th 357. However, in that case, the court held that the project—construction of a new playground—would not physically affect the existing buildings in the area that had been deemed historically significant. Further, the court found that the project would not cause a significant impact to historic resources because the setting was not historic. (147 Cal.App.4th 374-75.) Accordingly, the court did not find that the project would have a significant aesthetic impact of any type. Similarly, with respect to the Barry Building, the setting surrounding the Barry Building has not been designated as historically significant or aesthetically significant under any law. Therefore, the Draft EIR properly concluded that the Project would not cause a significant aesthetic impact.

Finally, with respect to zoning or other regulations governing scenic quality, the analysis contained in the Initial Study and summarized in the Draft EIR (see Draft EIR page VI-9) assessed the Project’s potential to conflict with applicable policies from the General Plan Framework Element Urban Form and Neighborhood Design Chapter, Brentwood-Pacific Palisades Community Plan, San Vicente Scenic Corridor Specific Plan, San Vicente Scenic Corridor Specific Plan Design Guidelines, Los Angeles Citywide Design Guidelines, and determined that the Project would not conflict with applicable regulations governing scenic quality and the impact was therefore determined to be less than significant.

### **Comment No. B2-35**

### **IMPROPER ANALYSIS AND CONCLUSIONS REGARDING POTENTIAL ADVERSE IMPACTS ON BIOLOGICAL RESOURCES**

The Initial Study made the unsupported conclusion regarding subsection (a) of the potential thresholds of significance for Biological Resources as follows:

*No Impact. The Project Site is located in an urbanized area and is currently developed with a commercial building and an associated surface parking lot. Landscaping is limited with four onsite palms and several raised bed planters. Due to the developed nature of the Site, and lack of any natural open spaces, species likely to occur on-site are limited to small terrestrial animals. Therefore the Project would not have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species identified in local plans, policies, regulations, by the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), or the U.S. Fish and Wildlife Service (USFWS). Therefore, no impact would occur and no further analysis of this topic in the EIR is required.*

There is no demonstrated expertise or indeed any evidence to support this conclusion. However, there is substantial evidence to support a fair argument that this conclusion is incorrect.

The undersigned has been collecting cycads for approximately 25 years. The undersigned owns and is currently cultivating more than 40 different species of cycas. The undersigned possess sufficient expertise to state that the photographs of the courtyard depict at least two different and unidentified species of cycas. Because little emphasis was placed on the plants growing in the courtyard in the decision regarding the subject matter of the photographs, it is impossible to identify the exact species or determine whether there exist more than the 2 different species at the site. The removal of these plants has the potential to cause a substantial impact on *species identified as a candidate, sensitive, or special status species* as contemplated by CEQA.

The periodical, the *Annals of Botany*, (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4242375/>) states:

*Cycads represent a very primitive group of vascular plants that have been in existence for more than 200 million years (Hendricks, 1987). Their origins can be dated to the low Permian (Zhifeng and Thomas, 1989), they were most diverse and widely dispersed in the Mesozoic era, and they were important components in the vegetation of the Triassic and Jurassic. Since then, they have been in decline and today they have only a relict distribution in tropical and subtropical regions. Field studies have shown that the majority of wild cycad populations are either threatened, critically endangered, or on the brink of extinction (Osborne, 1995). All species of cycads have been listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora.*

Plants rarely make it to the list. Consequently, many plant species are rapidly disappearing, largely under the radar of public attention. Some scientists have dedicated their lives to studying plants, including ancient, rare ones that are quickly heading towards extinction. Nathalie Nagalingum, currently an Associate Curator and McAllister Chair of Botany at the California Academy of Sciences in San Francisco, is one of them.

Most of Nagalingum's recent research focuses on cycads, palm-like plants with stout trunks and a crown of lush, stiff leaves. Cycads are believed to be the world's oldest seed bearing plants, some dating back almost 300 million years. This makes them as old (or even older) than dinosaurs, according to Nagalingum.

This ancient group of plants is also heavily sought after by collectors, frequently falling prey to poachers. In 2014, for instance, thieves reportedly stole 24 cycads — 22 of which are listed as critically endangered on the IUCN Red list — from the Kirstenbosch National Botanical Garden in Cape Town, South Africa.

Cycads are also threatened by deforestation and clearing of land for agriculture or urban sprawl. In fact, of the 300-odd recognized species of cycads today, about two-thirds are seriously threatened by extinction, she said. Many cycad species have now been reduced to a handful of specimens in botanic gardens.

**Nathalie Nagalingum:**

*I started my career as a paleobotanist (a botanist who studies fossil plants), and several years later became fascinated with cycads because they are ancient plants that co-existed with dinosaurs. In fact they are the oldest seed-plant group that exist today; on the other hand, many of their seed-bearing cousins became extinct. Cycads have been on earth for hundreds of millions of years. . . most cycads are very rare, and two-thirds are officially listed on the IUCN Red List of Threatened Species. A few species are so rare that they are now designated as "extinct in the wild"; this means that they are only known from plants growing in botanic gardens and collections. Cycads are more endangered than any other group of plants or animals on Earth. One of the threats is from deforestation and land clearing. While in the field collecting cycads for my research, I've witnessed first-hand the destruction of cycads for urban development, and I have also searched fruitlessly for cycads in areas that have been transformed into agricultural land. The other major threat is from poaching—cycads grow really slowly, so rather than waiting for a seed to grow, older mature plants are stolen for gardens. These two threats, combined with their biology, have made cycads highly endangered.*

The history of the use of the subject property supports the need for further inquiry o this topic. As described above, decades ago a tenant was a purveyor of rare plants including palms and other similar plants. It is possible that the plants that are observable in the photos provided in the DEIR, and perhaps others that are not shown, include rare and or endangered and protected species of cycads.

At a minimum, this issue requires further evaluation from an expert with knowledge of cycas to inform the public and the decisions makers or any impact on these plants all of which have been listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

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**Response to Comment No. B2-35**

The Project arborist (Cy Carlberg, Registered Consulting Arborist #405) visited the Project Site and prepared a letter that provides descriptions, conservation status, and photographs of the four cycads (the letter from Cy Carlberg is included in Appendix K-1 of the Final EIR). Biologist Jacqueline Worden of SWCA Environmental Consultants reviewed the letter prepared by Cy Carlberg and confirmed that cycads are not native to California and are not protected by California native plant protections laws, the California Endangered Species Act (CESA), or addressed by the Appendix G questions in CEQA, which specifically refer to native plants (the correspondence from Jacqueline Worden is included in Appendix K-2 of the Final EIR).

**Comment No. B2-36****CITY CANNOT LAWFULLY ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CURRENT PROJECT**

CEQA provides a means for the local agency to choose to disregard the identified adverse impacts on the environment, provided there is ample evidence to demonstrate why the social, economic, legal, technical, or other beneficial aspects of the proposed project outweigh the unavoidable adverse environmental impacts and why the Lead Agency is willing to accept such impacts. However, that procedure is not lawfully available in this case for at least the following reasons:

The currently proposed demolition of the Barry Building is demonstrably the last step in the deliberate and calculated pattern of removal of several buildings (described herein) from several adjacent parcels intended to constitute an assemblage of parcels (“Assemblage”) for the purpose of creating one very large empty piece of property. None of these steps have undergone any environmental review, despite the obvious relationship to one another measured by ownership and a future (undisclosed) plan. Given the facts showing these relationships, CEQA required early disclosure of this foreseeable plan which did not occur.

For the same reason it’s too late to challenge this pattern under CEQA, it’s also too late to overlay a statement of overriding considerations on this sequence of events, the last step of which is removal of the Barry Building. The proverbial horse is already out of the barn. The opportunity to ask for that or grant that was legally waived by the choice to proceed in this manner. If not legally waived, then as a matter of policy, City should not reward or forgive the developers by accepting the conclusion of this pattern as somehow beneficial to the citizens of this City.

The limited subject matter for this Draft Environmental Impact Report (DEIR”) is the proposed demolition of the Barry Building, **only**. Accepting the fiction the application to demolish plus fencing and a minimal landscaping buffer from the sidewalk by City and the public alike, must be done in responding to the DEIR because that is all that is presented and pending. Although it is clearly a fiction, it is the only actual project for CEQA purposes currently presented by the

developer (“Current Project.”) An important part of the Current Project is the legally inherent, or reasonably inferable statement, that the developer cannot foresee anything about the nature of future development, that is the replacement of the Barry Building.

Except that the history of the Assemblage demonstrates the replacement consists of a very significant period of time the site will remain as a vacant lot. The City cannot lawfully adopt a statement of overriding considerations for the elimination of any matter that has been infused with public importance by the City’s adoption of the building as historically and culturally significant without one word of replacement. Such an exchange cannot legally support a statement of overriding considerations.

If the ultimate project, that is the re-development of the Assemblage (the “Ultimate Project”), is not currently foreseeable, which would be entirely legal and reasonable if it were true, and therefore the time is not ripe for the disclosure of those future intentions for the Assemblage, then by presenting the Current Project without one word about the future, the developer has waived a choice that was available: use tiering as the method to disclose all known aspects of the future project or wait until the project was ripe for presentation and comment by the public. These facts support a denial of the demolition application and rejection of the DEIR as inadequate on the basis it is premature.

The record of the prior presentation of the Green Hollow Project refutes the inference that the developer has no information relevant to the environmental impacts of the Ultimate Project. Supporting that history is the developer’s eschewing the means provided by CEQA to meet its objectives to provide the public and the decision makers with relevant information as soon as reasonably possible.

The record in this case supports a reasonable finding that as part of a strategy to maximize its advantages at the expense of the public’s rights, the developer is deliberately withholding known and material information regarding the future plans to develop the Ultimate Project. The primary legislative purpose of CEQA is full disclosure. Secrecy is antithetical to its function in the decision-making process. The ten-year long history of incremental clearing of the Assemblage and advancing the Undisclosed Project without presenting any piece of it, not to mention the whole of the scope of the demolition, shows a long, very deliberate, and intentional strategy. The law does sanction such an approach to real estate development.

The owners of this property are very sophisticated in the matters of real estate development. Furthermore, the DEIR contains materials prepared by and at the request of a very sophisticated law firm. These facts support the finding that the developer has not been acting in good faith to meet the requirements of environmental disclosure. consideration. and mitigation.

It is patently unfair to the public and the decision makers to unalterably change the physical circumstances involving City’s past commitment to the Barry Building, plus other directly related similar historically and culturally significant commitments (described herein) without providing adequate information of what the City and public will receive in its place.

This too constitutes legal grounds which prohibit the City from accepting the developer's Current Project, ratifying the Undisclosed Project, and prejudicing the public and the decision makers regarding the Ultimate Project. It also provides a sound policy reason to simply deny the application and reject the DEIR as inadequate for all of the reasons stated herein.

**Response to Comment No. B2-36**

The comment provides the opinion that the demolition of the Barry Building is the last piece of an assemblage of parcels. Refer to Response to Comment No. A3-2 for a response to the claim of piecemealing.

The comment also states that the City cannot adopt a Statement of Overriding Considerations for demolition of a historic building without a discussion of the replacement of the building. With respect to the issue of a Statement of Overriding Considerations, refer to Response to Comment No. B1-2.

A Statement of Overriding Considerations requires that specific findings are made with respect to any significant effects of the project, and that the benefits of the project outweigh those significant effects. (Pub. Resources Code, § 21081.) CEQA does not require construction of new development to support a Statement of Overriding Considerations. As noted, the Project consists only of the demolition of the Barry Building, no further development is planned. The Project - demolition of an existing structure – has standalone benefits. The Project would remove a structure that is seismically unsound and unfit for human occupancy, and would eliminate a potential hazard to pedestrians and the public particularly in the event of a moderate to severe seismic event. Furthermore, the Project would remove a potential attractive nuisance for vandals and other unlawful behavior. No new development is required to establish the benefits of the Project or to support a Statement of Overriding Considerations.

**LETTER NO. B3**

Bob Blue  
bob.blue@live.com

**Comment No. B3-1**

We are reaching out to you in regard to the DEIR for the proposed demolition of the Barry Building, located at 11973 San Vicente Boulevard, LA 90049.

We are asking to have the public comment period be extended by 30 days (from April 3, 2023 to May 3, 2023), so that the community is given an opportunity to submit their comments on the DEIR, which was released on February 16, 2023.

Below are our reasons for requesting the extension of the comment period deadline on the Barry Building DEIR (Project name: 11973 San Vicente Boulevard Project, ENV-2019-6645-EIR):

1. The record rain and flooding in Los Angeles, including our neighborhood, compromised the community's ability to respond in a timely manner to the DEIR. Many of us were preoccupied on dealing with how this weather affected our homes and daily commutes.

**Response to Comment No. B3-1**

The comment period was extended for an additional 15 days, to April 18, 2023.

The comment about rain and flooding is acknowledged for the record.

**Comment No. B3-2**

2. There is a lot of interest in the history of the Barry Building and preventing its demolition. In fact, the 2011 Green Hollow Square Project was withdrawn because of the community's interest in preserving the Barry Building by nominating it as a Historic Cultural Monument (HCM).

**Response to Comment No. B3-2**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The Barry Building was designated as an HCM in 2007.

**Comment No. B3-3**

Also, after looking through the comment letters submitted by members of the community on the NOP, it shows that 19 out of 20 comments for the NOP were against demolition of the Barry Building.

There are a number of aspects in the DEIR that address the history of the Barry Building, which makes it imperative that the community fully understands those aspects in order to submit any additional substantive comments regarding the DEIR.

**Response to Comment No. B3-3**

Copies of the comment letters received in response to the NOP are included as Appendix A-3 to the Draft EIR. The comments are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B3-4**

3. There are a little over 2,000 pages of studies, reports, comments, etc. in the DEIR. This amount of material in the DEIR for review is very significant for a project limited to the demolition of a commercial building. The public has a right to fully understand each and every one of those documents in order to submit any comments.

**Response to Comment No. B3-4**

As mentioned in the Response to Comment No. B3-1, the comment period was extended for an additional 15 days, to April 18, 2023.

**Comment No. B3-5**

4. In terms of public safety, there is no urgency since the Barry Building is secured from harm to neighbors and anyone else. However, the only danger the public faces now is the destruction of this HCM.

5. As mentioned above, this building has been a community resource with a long history, a designation of architectural significance, and is a City of Los Angeles Historical Cultural Monument (HCM #887).

**Response to Comment No. B3-5**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. B3-6**

There is no proposal to replace it. Therefore an extension of DEIR comment time allows more careful consideration of what the building means to the community.

**Response to Comment No. B3-6**

The comment is correct that there is no new development proposal associated with the Project. As mentioned in the Response to Comment No. B3-1, the comment period was extended for an additional 15 days, to April 18, 2023.

**Comment No. B3-7**

The destruction of a City of Los Angeles Historical Cultural Monument is irreversible and sets a dangerous precedent for other historical structures in the City.

The Los Angeles Conservancy pointed out that there is no need for demolition of the Barry Building or any designated landmark when clear reuse alternatives are present.

**Response to Comment No. B3-7**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The comment states that there are clear reuse alternatives, but does not provide specific information about any preservation alternatives. Draft EIR Section V (Alternatives) evaluated the following three preservation alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. The City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**Comment No. B3-8**

Having a fair and reasonable comment period is a benefit to all parties including the Project applicant, the City, and the Constituents.

Please let us know if the request for extension of time for the public comment period is granted.

**Response to Comment No. B3-8**

As mentioned in the Response to Comment No. B3-1, the comment period was extended for an additional 15 days, to April 18, 2023.

**LETTER NO. B4**

Nathan Younan  
Owner of The Vape Lounge  
11958 San Vicente Blvd  
Los Angeles, CA 90049  
thevapelounge760.com

**Comment No. B4-1**

I am the owner and operator of The Vape Lounge and a small business on San Vicente Blvd close to the fenced off and vacant Barry Building. As a small business owner, I would like to express my support for the demolition of the Barry Building. The vacant and unused property is not good for business. After the building is demolished, I would like to see something new go in its place that would be good for commerce and local small business.

**Response to Comment No. B4-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B5**

Anne Russell  
Rodeo Realty – 11940 San Vicente Blvd  
Los Angeles, CA 90049  
anne@rodeore.com

**Comment No. B5-1**

My name is Anne Russell and I am a small business owner, Rodeo Realty, located on San Vicente Blvd. My business is across from the Barry Building. I am writing to express my support for the demolition of the Barry Building.

The vacant and seismically unstable Barry Building is not good for business or the Brentwood community. As a Brentwood realtor, I would like to see something go there that is good for the Brentwood and its residents.

**Response to Comment No. B5-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B6**

Manuel Maradiaga

**Comment No. B6-1**

I have been a long time Brentwood resident and am writing to support the demolition of the Barry Building.

The Barry Building is structurally unfit and is likely to fall in an earthquake. As a person who works in construction, I have a strong understanding of the risks a seismically unstable building presents. What it would take to bring this building up to code and retrofitted would make this project economically unfeasible.

Please keep our Brentwood community safe and demolition the Barry Building.

**Response to Comment No. B6-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B7**

Jack and Sandy Fine  
11923 Saltair Avenue  
Los Angeles, CA 90049  
sanjacfine@aol.com

**Comment No. B7-1**

I write as a longtime resident and homeowner in the block of homes immediately adjacent to the proposed demolition. My wife, Sandy Fine, and I live at 11923 Saltair Terrace just behind the Barry Building. We have lived in our home and enjoyed the many benefits of the Barry building for over 40 years. We strongly oppose the senseless destruction and demolition of this building. The proponent, Mr Munger, has not disclosed the true purpose of his application, which is to prepare the lot on which the current historic, popular, highly useful and beautiful building sits for future undisclosed commercial development in combination with the adjacent properties he currently owns. He has not established that he has attempted to find an acceptable reuse for the existing building which is required as a precondition to the proposed demolition of this designated historical-cultural landmark. His previous intentions for the consolidated parcels have ranged from a multistory regional shopping center to a senior citizens residential facility, all of which would radically change the low-key residential character of the neighborhood in which it sits and none of which have been acceptable to the adjacent homeowners. We walk by the Barry Building multiple times each day. We enjoy its beauty and observe that from the outside it appears to be in relatively excellent and clearly reusable condition. But Mr Munger simply wants it to deteriorate and ultimately disappear. He bought into an existing, long established and well maintained area and simply wants to destroy the building so that he can change and destroy the highly popular and comfortable surroundings on which it sits. He must not be permitted to do so. For all of the foregoing reasons my wife and I together with the vast majority of the homeowners adjacent to the subject property strongly oppose the pending demolition application.

**Response to Comment No. B7-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance. Draft EIR Section V (Alternatives) included an analysis of three alternatives that evaluated ways to rehabilitate the Barry Building. Alternative 2, the Preservation Alternative, involves the voluntary seismic retrofit and Americans with Disabilities Act (ADA), building code, and energy efficiency upgrades of the existing building. Alternative 3, the Partial Preservation with New Construction Alternative, involves the preservation of the south, east, and west wings of the building, the courtyard, and the south façade of the north wing, and would include the voluntary seismic retrofit, and ADA, building code, and energy efficiency upgrades to the preserved portion of the existing building. In addition, Alternative 3

would include the construction of a new building behind (north of) the existing building. Alternative 4, Relocation Alternative, involves the dismantling of the Barry Building into multiple small building portions to facilitate its relocation to a new site, which has yet to be identified. At the new location, the Barry Building would be reconstructed, which would incorporate additional preservation measures relating to seismic retrofitting, ADA updates, building code updates, and energy efficiency upgrades. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate and whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

Refer to Response to Comment No. B1-4 regarding the ownership of adjacent parcels.

As discussed on pages II-2 and II-3 of the Draft EIR, the Applicant was issued an Order to Comply with the City's Soft-Story Retrofit Program, and therefore the Applicant has proposed to demolish the building.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The remainder of the comment provides the commentor's opinions about the Barry Building and expresses opposition to the Project, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B8**

Seva Burmaka

**Comment No. B8-1**

I am writing to express my support for the demolition of the seismically unstable Barry Building. I believe that the safety and well-being of the people in the Brentwood community should be the top priority.

The risks posed by the building's instability are too great to ignore. Even a minor earthquake could cause significant damage and put members of the Brentwood community in danger.

While it is always difficult to say goodbye to an old building, sometimes it is necessary to make tough decisions for the greater good. I believe that demolishing the Barry Building is the best course of action.

**Response to Comment No. B8-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B9**

Hamed Sandoghdar  
Hamed269@yahoo.com

**Comment No. B9-1**

I live on Montana Ave in Brentwood and am writing to support the demolition of the Barry Building. It is my understanding that the building is not seismically safe and can be a safety hazard during an earthquake.

As an engineer who previously worked for the City of Los Angeles, I am deeply concerned that a seismically unstable building on San Vicente, a main pedestrian thoroughfare, could be severely damaged and cause human injury.

Even though the building a historic cultural monument, the fact that it can collapse is dangerous for the community. I support the safe demolition of the Barry Building at 11973-11975 San Vicente Boulevard, Los Angeles, CA 90049.

**Response to Comment No. B9-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B10**

Michael Lewis  
837 S. Westgate Avenue, #2  
Los Angeles, CA 90049

**Comment No. B10-1**

I am writing to express my support for the proposed demolition of the Barry Building. As a longtime Brentwood resident, I am deeply concerned about the safety of our buildings and infrastructure in the event of an earthquake. The Barry Building is at high risk of collapse and poses a serious threat to the safety of our community.

The building's structural deficiencies and lack of earthquake-resistant features make it highly vulnerable to seismic activity. It is not up to the minimum seismic standards required by the City and is a safety hazard to those who live and work in the area. As a responsible member of the community, we must prioritize the safety and well-being of all citizens.

I believe that the safest solution is to demolish the Barry Building. I urge you to support the demolition of the Barry Building to protect our community's safety and well-being.

**Response to Comment No. B10-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B11**

Nicole Fazio  
Fazio Cleaners  
22025 Ventura Blvd., #202  
Woodland Hills, CA 91364

**Comment No. B11-1**

On behalf of Fazio Cleaners, I am writing to express our strong support of the demolition of the Barry Building.

The Barry Building being vacant and seismically unstable building is not good for Brentwood and Brentwood's business community. The fenced building is a magnet to vandalism and homelessness and is a nuisance to the commercial businesses on San Vicente Blvd. The risk of collapse due to an earthquake is also dangerous for its neighboring businesses. The Barry Building is unprosperous, unsafe, and unclean.

This demolition of the Barry Building creates a blank canvass for a new opportunity and a future development which has the potential to invigorate San Vicente Blvd.'s commercial district. Fazio Cleaners stands in firm support of the demolition of the Barry Building.

**Response to Comment No. B11-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B12**

Michele Aronson  
Executive Vice President  
Douglas Emmett Management, LLC  
1299 Ocean Avenue, Suite 1000  
Santa Monica, CA 90401

**Comment No. B12-1**

On behalf of Douglas Emmett, I am writing to express our strong support of the demolition of the Barry Building.

Douglas Emmett affiliates own and operate approximately 18.1 million square feet of Class A office space and over 5,000 apartment units in Los Angeles and Honolulu. We focus on markets in central business districts with strong economic characteristics and a broad range of amenities. We strive to be active in our communities in order to promote prosperous, safe, clean and beautiful commercial districts, such as Brentwood's San Vicente corridor, for our tenants and their customers.

The lot on which the vacant Barry Building is located is an eyesore for the community. The fenced building is a magnet to vandalism and homelessness and is a nuisance to the commercial businesses on San Vicente Blvd. The building is seismically unstable and cannot be brought up to either seismic or ADA code and unless it can be demolished, it will continue to be a blight on the Brentwood residential and business communities.

This demolition of the Barry Building creates a blank canvass for a new opportunity and a future development which has the potential to invigorate Brentwood's commercial district. Douglas Emmett stands in firm support of the demolition of the Barry Building.

**Response to Comment No. B12-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B13**

Evelyn Stern  
stern123@earthlink.net

**Comment No. B13-1**

I urge you to work to preserve the Barry Building, which can be well rehabbed to provide a comfortable, neighborly seating place. I have lived in the neighborhood since 1962.

**Response to Comment No. B13-1**

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See also the Response to Comment No. B7-1 regarding the preservation alternatives studied in the Draft EIR.

**LETTER NO. B14**

Jim Olds  
jolds2@icloud.com

**Comment No. B14-1**

Hello- I am writing you to urge your Department to enforce the City's landmark cultural-historic designation program re: the Barry building in Brentwood. As a former City employee and lover of history, I urge you to put your foot down and not approve the owner's "demolition by neglect" proposal. L.A. needs diversity in architecture, not just glass condo towers everywhere. The LA Conservancy can assist you in finding new and shared uses for this famous building. I have always been proud of L.A.'s historic building preservation codes. Please don't further gut them by allowing this demolition. Don't repeat the Taix disaster. Thank you for your consideration.

**Response to Comment No. B14-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B15**

Richard Alfieri  
richard369@gmail.com

**Comment No. B15-1**

Please do what you can to save the Barry Building in Brentwood. Too many of our precious architectural treasures have been destroyed. This Mid-century Modern gem has been neglected, possibly with the intention of making its demolition inevitable; but it should be preserved. We need your help.

**Response to Comment No. B15-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B16**

Sabrina Korman  
sabrina.korman@gmail.com

**Comment No. B16-1**

I am writing to you today to express my deep concern about the proposed demolition of the Barry Building. As you know, this building is a Historic-Cultural Monument (HCM) and needs to be protected. There are viable preservation alternatives to demolition that must be fully considered and explored.

**Response to Comment No. B16-1**

The comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

Refer to the Response to Comment No. B7-1 for a discussion of the alternatives studied in the Draft EIR. Refer also to the response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate based on the evidence in the whole of the administrative record at the time it acts on the requested Demolition Permit.

**Comment No. B16-2**

The proposed demolition of the Barry Building sets a dangerous precedent for future proposed demolitions of HCMs. If approved, the City will have awarded the owners for their bad behavior. The owners have used demolition by neglect since evicting tenants to circumvent historic preservation protections. Countless beloved businesses were forced out of this building over the years. It was a community space for the young and old of which I have many fond memories. That community space could have and should have persisted. **If approved, the City will have sent a message that it is okay to neglect and demolish historical buildings.**

**Response to Comment No. B16-2**

Refer to Response to Comment No. B16-1 regarding the historic monument status of the Barry Building.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

**Comment No. B16-3**

Under the California Environmental Quality Act (CEQA), the City is required to deny projects that have feasible alternatives. In this case, there are clear preservation alternatives that had been presented in previous project proposals. The City should not approve the demolition of the Barry Building until all viable preservation alternatives have been fully considered and explored.

**Response to Comment No. B16-3**

The comment states that there are feasible alternatives, but does not provide specific information about viable preservation alternatives. Draft EIR Section V (Alternatives) evaluated the following three preservation alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate and whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**Comment No. B16-4**

I urge you to reconsider your decision to demolish the Barry Building. This building is an important part of our city's history and heritage. It should be preserved for future generations to enjoy.

**Response to Comment No. B16-4**

The comment expresses opposition to the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B17**

Stephanie Bernabe  
stephanie.bernabe@gmail.com

**Comment No. B17-1**

I strongly oppose the project dealing with the Barry Building, which is a Historic-Cultural Monument (HCM). This is needless demolition of a designated landmark when clear reuse alternatives are present. Other important points that need to be reinforced in order to stop this demolition are as follows:

- 1) The Barry Building is a Historic-Cultural Monument (HCM) and needs to be protected.

**Response to Comment No. B17-1**

The comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. B17-2**

- 2) There are viable preservation alternatives to demolition that must be fully considered and explored.

**Response to Comment No. B17-2**

The comment states that there are feasible alternatives, but does not provide specific information about viable preservation alternatives. Draft EIR Section V (Alternatives) evaluated the following three preservation alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision makers will determine whether a preferred alternative would be appropriate based on the evidence in the whole of the administrative record.

**Comment No. B17-3**

3) The proposed demolition of the Barry Building sets a dangerous precedent for future proposed demolitions of HCMs.

**Response to Comment No. B17-3**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. B17-4**

4) The owners have used demolition by neglect since evicting tenants to circumvent historic preservation protections.

**Response to Comment No. B17-4**

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

**Comment No. B17-5**

If approved, the City will have awarded the owners for their bad behavior. Under the California Environmental Quality Act (CEQA), the City is required to deny projects that have feasible alternatives. In this case, there are clear preservation alternatives that had been presented in previous project proposals.

**Response to Comment No. B17-5**

Refer to Response to Comment No. B17-2. The City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit. See also the Response to Comment No. B7-1 regarding the preservation alternatives studied in the Draft EIR.

**LETTER NO. B18**

Susan Winick  
susanwin@icloud.com

**Comment No. B18-1**

I am writing to express my support for the safe demolition of the seismically unstable Barry Building located at 11973-11975 San Vicente Boulevard. As a concerned citizen, I believe that it is important to prioritize the safety and well-being of our community, and the demolition of this unstable building is a necessary step in ensuring that safety.

As you may know, seismically unstable buildings can pose a significant risk to the safety of those who live, work, or visit the area. In the event of an earthquake or other natural disaster, these buildings can collapse or cause significant damage, putting lives at risk. It is our responsibility to take action to prevent such a disaster from occurring.

While it is understandable that some may have sentimental attachments to the building or wish to preserve its historical significance, we must prioritize safety above all else. The potential consequences of not taking action could be catastrophic, and we cannot afford to take that risk.

Therefore, I urge you to support the safe demolition of the seismically unstable building. I trust that the proper precautions will be taken to ensure that the demolition is carried out in a way that minimizes any potential risks to the surrounding area and the community at large.

Thank you for your consideration and for your commitment to the safety and well-being of our community.

**Response to Comment No. B18-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B19**

Casey Welch  
caseyjacks@yahoo.com

**Comment No. B19-1**

I strongly oppose demolition of the Barry Building, a designated Historic-Cultural Monument (HCM), and the needless demolition of any designated landmark when clear reuse alternatives are present.

The Barry Building is a Historic-Cultural Monument (HCM) and needs to be protected.

**Response to Comment No. B19-1**

The comment is very similar to Comment No. B17-1. Therefore, refer to the Response to Comment No. B17-1.

**Comment No. B19-2**

There are viable preservation alternatives to demolition that must be fully considered and explored.

**Response to Comment No. B19-2**

The comment is the same as Comment No. B17-2. Therefore, refer to the Response to Comment No. B17-2.

**Comment No. B19-3**

The proposed demolition of the Barry Building sets a dangerous precedent for future proposed demolitions of HCMs.

**Response to Comment No. B19-3**

The comment is the same as Comment No. B17-3. Therefore, refer to the Response to Comment No. B17-3.

**Comment No. B19-4**

The owners have used demolition by neglect since evicting tenants to circumvent historic preservation protections. If approved, the City will have awarded the owners for their bad behavior.

Under the California Environmental Quality Act (CEQA), the City is required to deny projects that have feasible alternatives. In this case, there are clear preservation alternative that had been presented in previous project proposals.

**Response to Comment No. B19-4**

The comment is the same as Comment Nos. B17-4 and B17-5. Therefore, refer to the Responses to Comment Nos. B17-4 and B17-5.

**LETTER NO. B20**

Claudia Arrendondo

**Comment No. B20-1**

I support the demolition of the Barry Building. The Barry Building is structurally unfit and is likely to suffer severe damage in an earthquake. The building does not meet the minimum seismic standards required by the City and is a safety hazard to the community. The safest solution is to demolish the building.

**Response to Comment No. B20-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B21**

Manpreet Rai

**Comment No. B21-1**

My name is Manpreet Rai and I am a resident of Brentwood. I am writing to express my support for the demolition of the Barry Building.

The Barry Building is structurally unstable and will suffer severe damage in an earthquake. This is not safe for the Brentwood community. I support the safe demolition of the Barry Building at 11973-11975 San Vicente Boulevard, Los Angeles, CA 90049.

**Response to Comment No. B21-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B22**

Rory Cunningham  
HCM #792 B. H. Hiss House  
215 S. Manhattan Place  
Los Angeles, CA 90004  
mrroryofhollywood@ca.rr.com

**Comment No. B22-1**

The Barry Building, located at 11973 San Vicente Boulevard, is a Los Angeles Cultural Historic Monument and as such need to be preserved - intact - for future generations. The current owner has left the building to deteriorate purposely and should not be allowed to continue with their demolition by neglect. While Los Angeles needs more housing, what it truly needs the most is affordable housing and that includes rent controlled apartments. The Barry Building offers such housing in an impressively designed setting for families to thrive.

If the Barry Building is allowed to be demolished you will be setting an unforgivable precedent that will lead to a domino effect of historically and culturally important places being destroyed and thrown into landfills so that developers can profit at the demise of our collective history.

**Response to Comment No. B22-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment expresses a desire for housing to be developed at the Project Site. The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B22-2**

There are obvious preservation alternative to the demolition of this building and under the California Environmental Quality Act the City is required to deny projects that have preservation alternatives.

**Response to Comment No. B22-2**

The comment states that there are obvious alternatives, but does not provide specific information about viable preservation alternatives. Draft EIR Section V (Alternatives) evaluated the following three preservation alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. The City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**Comment No. B22-3**

Do the right thing and deny the demolition of the Barry Building so that the architectural history of this property can be preserved for future generations to benefit from its bounties.

**Response to Comment No. B22-3**

The comment expresses opposition to the Project, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B23**

Brian Butler  
12342 Montana Ave #2  
Los Angeles, CA 90049  
brian@1301pe.com

**Comment No. B23-1**

I'm writing in support of saving the historic Barry Building at 11971 San Vicente Blvd in Brentwood.

Designed by architect Milton Caughey in 1951, it is one of the few mid-century modern commercial buildings in all of Los Angeles. Having lived in the area over the past 40 years, this building was a linch pin to the community with Dutton's Bookstore and then continued to be a gathering place with Luxxe Cafe until the owner Charles Munger gave final eviction notice to all tenants.

For years, it has been proven that Mr. Munger and now 1973 San Vicente LLC do not care about the importance of the building. This is a key part of San Vicente Blvd that does not need their type of development. This has been made clear to them over the years. By simply looking to the other side of the street at Alfred Coffee it becomes perfectly clear that the people of Brentwood and beyond would flock to the Barry Building once more if it were properly restored and opened to local businesses.

I strongly urge you to stop the demolition of this historic building and encourage the current owners to divest the building to an owner who would honor our history past and present!!

**Response to Comment No. B23-1**

The comment provides the commentor's opinions and expresses opposition to the Project, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B24**

Ziggy Kruse  
ziggykruse2005@yahoo.com

**Comment No. B24-1**

This is in regard to the “11973-11975 San Vicente Boulevard Project” DEIR (ENV-2019-6645-EIR), which was released on February 16, 2023.

Within Appendix A-3 - NOP Comments is an email from Lisa Avebury of the LA Conservancy. However, that email is truncated at the right side of the text, which means it cut off important portions of the text.

I have attached that document to this email for you.

Please provide a true and complete copy of that email as soon as possible so that I can review the LA Conservancy’s submission to the NOP for this project without having to guess what the statements would be.

Thank you for your prompt attention to this matter.

**Response to Comment No. B24-1**

This comment is an email from the commentor to City Planning staff, requesting a copy of the NOP comment letter submitted by the LA Conservancy, which was also included in Draft EIR Appendix A-3. The comment is acknowledged for the record.

**Comment No. B24-2**

Good afternoon

I have attached the Los Angeles Conservancy’s December 21, 2020, letter on the Notice of Preparation for the 11973 San Vicente Boulevard Draft EIR.

Thank you

**Response to Comment No. B24-2**

The comment is an email from City Planning staff responding to the commentor, and is acknowledged for the record.

**Comment No. B24-3**

Hello Mr. Harris:

Thank you for sending the letter.

Please let me know where this particular letter, dated December 21, 2020 and signed by Adrian Scott Fine can be found in the DEIR.

Thank you.

**Response to Comment No. B24-3**

The comment is an email from the commentor to City Planning staff, and is acknowledged for the record. Refer to the Response to Comment No. B1-10 regarding the NOP comment letter from the LA Conservancy.

**Comment No. B24-4**

Good afternoon

The letters on the Notice of Preparation / Initial Study are included as an appendix to the Draft Environmental Impact Report.

Here is the link to the landing page for the report:

<https://planning.lacity.org/development-services/eir/11973-san-vicente-boulevard-project-0>

At the bottom of the page there is a drop-down menu for all appendices. The comment letters are listed as Appendix A-3 NOP Comments.

Click on this appendix and then click on GO.

This will bring up all of the comment letters to the NOP/IS.

The Conservancy's letter you highlighted is on page 163 of that document.

**Response to Comment No. B24-4**

The comment is an email from City Planning staff responding to the commentor, explaining how to find the NOP comments on the City's website.

**LETTER NO. B25**

Christine Meleo Bernstein

**Comment No. B25-1**

I am writing to you to lend my support in protection of the Barry Building in Brentwood, California. The Barry Building is at 11973 San Vicente Boulevard and the project/Case No. is ENV-2019-6645-EIR

**Response to Comment No. B25-1**

The comment expresses opposition to the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B25-2**

The Barry Building is a Historic-Cultural Monument (HCM) and it needs to be protected. I am writing you to encourage you to protect and support one of the few historical buildings we have on the westside of Los Angeles. The dubious owners have used demolition by neglect ever since evicting the tenants to circumvent historic preservation protections. There are viable preservation alternatives to demolition that must be fully considered and explored before capitulation to their current request. If approved, the city will have awarded the owners for their bad behavior and set a precedent for future developers in the cite. This kind of business practice is already happening around the city, and it needs to be stopped. You hold the cards here, let's not let ill-intentioned behavior win out. We need to send a message that the history of the city matters and that it is possible to have development and historical buildings at the same time. If they didn't want to save this building, they should have not purchased it. Saving this building will make Brentwood and other communities with historic buildings more interesting places to live in and visit. We have plenty of brand-new shopping developments, what we need is more education around why these buildings matter and how they will add a sense of place. Please don't let this building be destroyed!

Under the California Environmental Quality Act (CEQA), the city is required to deny projects that have a feasible alternative. In this case, there are clear preservation alternatives that had been presented in the previous project proposals. It seems clear to the community that the owners are playing a waiting game and neglecting this important beautiful building. Shame on them! Please don't reward tis kind of business practice.

**Response to Comment No. B25-2**

These comments are very similar to Comment Nos. 17-1 through 17-5. Therefore, refer to the Responses to Comment Nos. 17-1 through 17-5.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about “brand new shopping developments” is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B26**

Daryl and Paul F. Doucette  
dldoucette@msn.com

**Comment No. B26-1**

PLEASE OPPOSE THE DEMOLITION OF THIS HISTORIC TREASURE!! I ATTENDED YEARS OF UCLA'S ENVIRONMENTAL ARCHITECTURAL PROGRAM. THE DIRECTOR JODY GREENWALD, STRESSED THE IMPORTANCE OF PRESERVATION OF THESE FINE ARCHITECTURAL CLASSICS. WE HAVE TO FIGHT TO SAVE THESE FOR THE WORLD TO SEE EXAMPLES OF FINE AND CLASSIC DESIGN. WITHOUT THEM, WE HAVE ONLY DEVELOPMENT AND NO HISTORICAL REFERENCES.

**Response to Comment No. B26-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance. The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B26-2**

IN ADDITION, I GREW UP IN THE AREA AND BRENTWOOD BOOKSTORE WAS ONE OF THE FEW FINEST PLACES IN WHICH TO ENJOY TRUE LITERATURE AND ART. THIS BUILDING NOT ONLY PROVIDES HISTORY, BUT MEMORIES OF A TIME WE NEED TO PRESERVE FOR FUTURE GENERATIONS TO BENEFIT FROM.

**Response to Comment No. B26-2**

The comment provides the commentor's opinions about the Barry Building, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B27**

Dianne Kraus  
diannekrausdesign@gmail.com

**Comment No. B27-1**

I am a previous retail tenant of the Barry Building. My ecofriendly store was in the Barry Building in 2009 until I was forced to vacate. I did very well with my store.

I purposely chose the Barry Building to have my store because it was in my neighborhood where I lived, and the building with its mid-Century architecture, the fabulous courtyard as well as its wonderful neighborhood community and other amazing tenants allowed my concept store to thrive.

I was deeply saddened when my lease was canceled and the owner Mr. Munger chose to let the property become derelict to the degree it is today where he wants to demolish this landmark.

During the time I had my retail store he let the plumbing go to hell, where we would have toilets that did not flush, no heat and no electricity at times. He was destroying the building deliberately.

He removed all of the historic features so that there would be no trace of this wonderful indoor outdoor courtyard.

**Response to Comment No. B27-1**

The comment provides information about the commentor's experience at the Barry Building, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy. See also the Response to Comment No. A3-4.

**Comment No. B27-2**

The design that was once proposed in 2016 was awful and ugly and made no sense and did not integrate the Barry Building well at all.

**Response to Comment No. B27-2**

The comment expresses an opinion about a prior project proposed for the Project Site, which is acknowledged for the record.

**Comment No. B27-3**

How is it possible that he is allowed to demolish a Historic Cultural Monument?

There are so many wonderful things that can be done to preserve this building and make it thrive again.

**Response to Comment No. B27-3**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. B27-4**

The energy of my shop brought in so many wonderful customers and kept the neighborhood alive and a real sense of community existed because of the courtyard design. All of us were able to use this space and hold wonderful events and key thought leaders attended my outdoor events and ongoing sustainable design lectures. And we were all there for each other, keeping an eye on our shops and real friendships were built. You could not ask for a better retail situation.

**Response to Comment No. B27-4**

The comment provides information about the commentor's experience at the Barry Building, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B27-5**

It is criminal what Mr. Munger is doing !!!!

You must understand what it means to take everything away from Los Angeles and Angeleno's.

**Response to Comment No. B27-5**

The comment provides the commentor's opinions, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B27-6**

De voiding the city of the opportunity to have landmarks of this period in time is key to our future and our next generation who must understand the significance of this style of architecture, to understand sustainability, preservation and most importantly the environmental issues that are affected by this ridiculous idea that Mr. Munger wants to do and for no new proposed plan. He wants to leave it an empty lot then sell the whole block in a few years and make more money that he already has. He and his family have no regard for the community and the impact it will have to the future of Brentwood.

**Response to Comment No. B27-6**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Refer also to the Response to Comment No. B1-4 regarding the adjacent parcels.

**Comment No. B27-7**

Why must this be even an issue?

It is deemed A Cultural Significant Building. YOU MUST Work with the LA Conservancy and understand that there is a positive solution where we all can win.

As you know this is a blatant violation of the CEQA.

It is not worth destroying and demolishing a historic landmark to prove no point.

As a resident of this community it is my duty to let you know that I deny any proposed request to demolish the Barry Building.

Shame on Mr. Munger and the city for even considering this!

Do the right thing and don't allow the Barry Building to be demolished!!

**Response to Comment No. B27-7**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The remainder of the comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B28**

Emily Gustafson  
erosewilliams@gmail.com

**Comment No. B28-1**

I spent several years working at the Barry Building when the Los Angeles Parks Foundation was a tenant. This Foundation is the nonprofit arm of the LA Building & Safety Dept, helping the City to raise funds for the city's parks. As a preservation enthusiast, I pinched myself daily for being able to wake up and go to work in such a unique and inspiring structure. I was shocked and sad when I heard the building, an HCM, was slated for demolition, and honestly enraged when they fenced it up and left it sitting for years, with no plans to restore it or reuse it for another purpose. I worked as an LA City intern and then as a private consultant on the SurveyLA project, which still remains my favorite project I've ever been a part of. I was born in LA and getting to survey my town and write reports on how and why these properties came to be inspired me to go to grad school to study planning. I had to be close to these properties, to save them, to promote them, to honor them. I am sure you feel the same way.

**Response to Comment No. B28-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment provides the commentor's experiences at the Barry Building and opposition to the Project, which are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B28-2**

There are always feasible alternatives; can't this be used for temporary housing? Or a clinic? LA is in such dire need for infrastructure and programming for the homeless, and we have so many incredible historic structures needing a new purpose, yet we continue to throw away beautiful buildings like this one for reasons still unknown. When we say "yes" to demolishing these properties, we set a dangerous precedent. LA will one day become unrecognizable, and I know some people want that, and those people are winning with every demo. I want my future children to be able to fall in love with this city the way I did, but who knows if they will get to see it. It is our jobs as planners to protect and revitalize what can be saved and reused, and to demonstrate to others (especially naysayers) how to do it successfully.

We can't let the naysayers win. LA cares about its history. Don't let the greedy assholes erase it.

**Response to Comment No. B28-2**

As discussed in Response to Comment No. B28-1, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy. Therefore, the Barry Building could not currently be used for any of the other uses suggested in the comment.

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Draft EIR Section V (Alternatives) evaluated the following three alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate and whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**LETTER NO. B29**

Jeff Wilson  
jwilson2100@gmail.com

**Comment No. B29-1**

We can't lose another Historical-Cultural Monument, especially one on the west side of Los Angeles. The cultural fabric of our great city depends on such historical buildings.

Please don't let developers destroy our past. That building is such a great example of mid-century. The fifties were the cornerstone to the growth of our great city; please don't let developers rob us of our past.

**Response to Comment No. B29-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance.

The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B30**

Jennifer Sharpe  
sharpeworld@gmail.com

**Comment No. B30-1**

I wanted to write to you about my strong opposition to the possible demolition of 11973 San Vicente Boulevard Project (Case No.ENV-2019-6645-EIR), also known as the Barry Building.

I've lived in the neighborhood most of my life, since the early 1970s, and find it heartbreaking to see the city considering condoning the willful negligence of a property owner deliberately aiming to circumvent historical landmark status. It seems like a dangerous precedent to set. So short sighted, when the preservation of a building like this can make the entire neighborhood more valuable by preserving at least some of its character and dignity, something people flock to in a world becoming overrun by anywhere USA development. I understand that progress is necessary, but there should be balance, too, and this building should stand as emblematic of that balance.

I hope you're able to make the right decision, and honor this building for its true value in the community.

**Response to Comment No. B30-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance.

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B31**

Mary Melton  
marymeltonla@gmail.com

**Comment No. B31-1**

I'm the fifth generation of my family to call Los Angeles home. This city, this place, means a tremendous amount to me, as I'm sure it does to both of you.

I live nowhere near the Barry Building, but know of it well—mostly as the home of the beloved Dutton's Books (I spent my high school years as a clerk at Dutton's), but also as an exemplary example of the midcentury modernism aesthetic that Los Angeles played a pivotal role in creating (and that I have written about often).

When I learned of the proposed demolition of the Barry Building, it felt all too familiar: another example of the city tearing down our history, tearing down a space that so beautifully signifies that play between indoor and outdoor space that this city is so known for. And tearing it down for....what? why?

I'd ask you: What is the point of city designated landmarks if in fact we can offer those landmarks no protection? How will you feel in your district when you walk or drive by the empty lot that will be left behind? As for what could replace it—do you think, in your heart, that the city needs another cookie-cutter development, an oversized box, a generic building that would replace a wholly unique, inviting, and landmarked structure?

I of course understand that all cities evolve and change, and that not all development should be opposed. What flummoxes me—as a lifelong Angeleno, and as the former editor-in-chief of Los Angeles magazine—is the easy disregard that city officials too often display for protecting our architectural history, and for preserving public/private spaces that—once they are gone—are impossible to replace.

Please reconsider this. I am sure the fine folks at the LA Conservancy can help facilitate an adaptive reuse of this space that could create a vital hub for your district—and be a great example that you could be proud of, of doing the right thing.

**Response to Comment No. B31-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the

Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The remainder of the comment provides the commentor's opinions, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B32**

Michael Hayes  
michael@michaelhayes.la

**Comment No. B32-1**

I remember the first time I walked past the Barry building and immediately stopped to research it. Sadly, in LA, there are relatively few buildings with the power to make someone stop and appreciate it.

Admittedly, as someone who works in construction/ architecture, I'm generally in favor of new buildings, but that is not the case for this situation in which an architecturally significant building, whose style is so prominently linked to LA's architectural history, is in jeopardy because of "new development"

We're lucky to have several capable adaptive reuse designers and builders in this city that could allow the Barry building to carry-on its mid century legacy. It has so many unique features that could be highlighted as an asset for a new use or as incorporated into a larger project erected on the parking lot behind it.

Please express the public's interest in preserving this gem and the possibility of incorporating into something new.

**Response to Comment No. B32-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about new development is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. In addition, only a portion of the parking lot is located on the same parcel as the Project Site and the remainder of the parking lot is not part of the Project Site. Refer also to the Response to Comment No. B1-4 regarding the ownership of adjacent parcels.

The remainder of the comment expresses the commentor's desire for the Barry Building to be preserved, which is acknowledged for the record and which will be forwarded to the decision-making bodies for the review and consideration.

**LETTER NO. B33**

Nancy Newberg  
nancy@newbergfamily.net

**Comment No. B33-1**

I am writing to you to lend my support in protection of the Barry Building in Brentwood, California. The Barry Building is at 11973 San Vicente Boulevard and the project/Case No. is ENV-2019-6645-EIR.

**Response to Comment No. B33-1**

The comment expresses opposition to the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B33-2**

The Barry Building is a Historic-Cultural Monument (HCM) and it needs to be protected. I am writing you to encourage you to protect and support one of the few historical buildings we have on the westside of Los Angeles. The dubious owners have used demolition by neglect ever since evicting the tenants to circumvent historic preservation protections. There are viable preservation alternatives to demolition that must be fully considered and explored before capitulating to their current request. If approved, the city will have awarded the owners for their bad behavior and set a precedent for future developers in the city. This kind of business practice is already happening around the city, and it needs to be stopped. You hold the cards here, let's not let ill-intentioned behavior win out. We need to send a message that the history of the city matters and that it is possible to have development and historical buildings at the same time. If they didn't want to save this building, they should have not purchased it. Saving this building will make Brentwood and other communities with historic buildings more interesting places to live in and visit. We have plenty of brand-new shopping developments, what we need is more education around why these buildings matter and how they will add to a sense of place. Please don't let this building be destroyed!

Under the California Environmental Quality Act (CEQA), the city is required to deny projects that have a feasible alternative. In this case, there are clear preservation alternatives that had been presented in the previous project proposals. It seems clear to the community that the owners are playing a waiting game and neglecting this important beautiful building. Shame on them! Please don't reward this kind of business practice.

**Response to Comment No. B33-2**

The comment is the same as B25-2. Therefore, refer to the Response to Comment No. B25-2.

**LETTER NO. B34**

Ziggy Kruse Blue  
ziggykruse2005@yahoo.com

**Comment No. B34-1**

The letter you emailed me is not the same as PDF page 163 of Appendix A-3, which you mentioned in your email.

In fact, the complete formatted letter that you emailed us today is dated December 21, 2020 and is authored by Adrian Scott Fine, Director of Advocacy of the Los Angeles Conservancy.

It appears that this letter was omitted from the DEIR, Appendix A-3 - NOP Comments.

The PDF page 163 document you are referencing is an email from Lisa Avebury and is truncated on the right side of the document.

Also, I downloaded the entire DEIR from the Los Angeles City Planning Department's website once it was posted, which was on 02-16-2023, the date of the Notice of Completion.

Today, based on the letter provided by you, I conducted a thorough search through the entirety of the DEIR documents, including all appendices, in order to locate the letter from Adrian Scott Fine.

However, my search did not yield that letter in any of the documents.

I also checked the online documents, too, following the instructions you provided in your email.

Again, the only document on pdf page 163 is the truncated email I included as my attachment to you earlier today.

Based on the above, the City omitted the 12-21-2020 letter from Adrian Scott Fine, Director of Advocacy of the Los Angeles Conservancy in the DEIR and needs to include it.

**Response to Comment No. B34-1**

Draft EIR Appendix A-3 includes a letter from the Los Angeles Conservancy, written by Lisa Avebury. Refer also to the Response to Comment No. B1-10 regarding the NOP comment letter from the LA Conservancy. As discussed in that response, the letter from Adrian Scott Fine is the same as the letter from Lisa Avebury.

**Comment No. B34-2**

Therefore, I am asking that:

1. the City Planning Department amend the DEIR and include any omitted letters, including the 21-2020 letter from the Los Angeles Conservancy, and
2. that the City Planning Department extends the public comment period on the DEIR for 30 days because of its omission of important comments submitted by members of the public.

**Response to Comment No. B34-2**

The Draft EIR public comment period was extended for 15 days to April 18, 2023. Prior to the extension, the comment period was to close on April 3, 2023.

**LETTER NO. B35**

Cathy Cohen  
[cathycohen@earthlink.net](mailto:cathycohen@earthlink.net)

**Comment No. B35-1**

I'm writing to protest the proposed demolition of the Barry Building, a designated local landmark located on San Vicente Blvd. in Brentwood. This amazing building has been officially designated as Historic-Cultural Monument #887 by the City of Los Angeles. It should not be torn down!

**Response to Comment No. B35-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance. The commentor's opposition to the proposed demolition of the Barry Building is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B35-2**

I worked in the Barry Building for over 15 years as an assistant manager at Dutton's Brentwood Bookstore, and I can attest to its unique nature. The layout and design of the building, with the two curving, symmetrical staircases on either side of its beautifully landscaped central courtyard, leading to the exterior walkway with its iron railings all the way around the second level, provided a workplace like no other. The stores below and the upstairs offices all have large windows with views of the central courtyard. This led to a real sense of community between all the various tenants of the Barry Building. The bookstore and café were spread all around the ground floor, while above were architects, designers, dentists, psychotherapists, lawyers, and even one office housing our rare book room — the walls lined with rare and antiquarian volumes, a heavy wooden library table in the center.

The tenants couldn't have been more diverse in their interests, but the design of the building put us all in contact with one another on a daily basis as we made our way through the lovely environment it created. No stuffy high-rises or stifling interior hallways. The building forced us to be with nature and each other.

I recall many amazing events held there in the courtyard. Children's storytelling days with craft tables and one of us dressed up as the Cat in the Hat or Curious George roaming around taking pictures with the kids. A classical violinist on a Sunday afternoon. And in particular, a magical night with Carlos Fuentes reading by lamplight in the center of the courtyard and crowds of booklovers gathered around in the semi-darkness, including many of us sitting on the second floor walkway, our legs dangling through, or leaning over the railings in rapt attention.

The Barry Building allowed and encouraged and enhanced a real and significant sense of community. Architecture such as this must be preserved to serve as an example of how our built environment can create better ways to live and work together.

**Response to Comment No. B35-2**

The comment provides information about the commentor's experiences at the Barry Building, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B35-3**

The owners of this building seem to be looking for some way to maximize their financial return from the property by letting it deteriorate over the last few years, even after the building's cultural and historical value has been certified by our city government. I find this deplorable. If they don't wish to invest in the upkeep of this monument, they have the option to sell it to someone who will seek to restore and preserve it. Demolition should be completely off the table.

Please! Save the Barry Building! (once more)

**Response to Comment No. B35-3**

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

The remainder of the comment expresses the commentor's opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B36**

Davida Rochlin  
AIA, LEED AP Homes, Living Future Accredited  
Davida Rochlin Architecture  
davidarochlin@gmail.com

**Comment No. B36-1**

As a second generation Los Angeles architect whose firm, Davida Rochlin Architecture, was located at the Barry Building for 30 years, I have first hand experience of how a building can feed the soul and heart of its users. Open and friendly, its central courtyard with tropical landscape is a shining example of how building design can encourage a strong community. The building represents the best of mid-century modern architecture.

Preserving our cultural landmarks is vital for Los Angeles and the landmarked Barry Building is no exception. It is a testament to our city's architectural legacy and should not be demolished.

**Response to Comment No. B36-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B37**

Eran Fields  
San Vicente, LLC

**Comment No. B37-1**

On behalf of myself, a former long-time resident in the area, and FH Vicente, LLC a property and business owner down the street on San Vicente, I am writing to express my strong support for the demolition of the Barry Building.

The San Vicente Corridor should be a prosperous, safe, clean and beautiful commercial district within Brentwood. The current site's condition promotes the exact opposite and is an embarrassment to our community and City.

The Barry Building being vacant is horrible for Brentwood and Brentwood's business community. The fenced building is ugly and a magnet for vandalism and homelessness and is a nuisance to everyone except for the NIMBYS of the world who care about no one but themselves.

The Barry Building site creates a blank canvass for a new opportunity and future development that will revitalize San Vicente and Brentwood. In fact, most of the San Vicente Corridor needs a major facelift and should be upzoned to incentivize much needed new pedestrian active housing and retail around a transit corridor. We need more housing, active retail, walking and activity, and less fenced off dark buildings, bureaucracy, delays, and costs.

**Response to Comment No. B37-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B38**

Richard Stein  
373 N. Kenter Ave.  
Los Angeles, CA 90049  
rstein@uoregon.edu

**Comment No. B38-1**

I am writing to object in the strongest possible terms to the proposed demolition of the Barry Building (11973 San Vicent Blvd, 90049)--ENV-2019-6645-EIR. Put most simply, my objection centers on the building's historic, architectural and cultural significance. Officially designated as a Los Angeles Historic-Cultural Monument, it is, I believe, an important work of mid-century modernism, one of the last remaining examples of a building movement for which Southern California was noted and one that helped mark the diverse residential and commercial character of the Brentwood community itself. Destroying this building would be an unfortunate and irreversible loss, for our local community and for Los Angeles in general.

**Response to Comment No. B38-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The remainder of the comment expresses opposition to the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B38-2**

I grew up in Brentwood, and was a resident when the Barry building was constructed. I remember it as a lively center of varied commercial activity, long predating the beloved Dutton's Books. It was always unusual, even before Dutton's, and that contributed to its vitality and charm: a collection of shops and offices arranged around a courtyard that provided an outdoor feeling for indoor activities and a leafy rest area for tenants, visitors, and passers-by. Charles Eames would have called that combination of spaces a "shock absorber" (and I should note that I am a Docent at the Charles and Ray Eames House in Pacific Palisades). It's a combination that probably would not have been possible anywhere else: a classic version of Southern California mid-century modernism. Even in its last days, before the building was allowed to fall

into complete disrepair by the current owners, it continued to serve as a vibrant and varied commercial space. Duttons Books took advantage of its variety to create a distinctive, rambling bookshop that spread across a series of disconnected rooms--one example of how much this building was and is suited to creative adaptation.

### **Response to Comment No. B38-2**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The comment provides the commentor's opinions about the Barry Building, which are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. B38-3**

Such creativity is needed now, to preserve the core of the Barry Building with or without added commercial space. This could mean adopting any of the first three Alternatives in the current DEIR, and perhaps #s 2 & 3 in particular. The owner insists that these are too expensive. I would argue that the aesthetic and community gains, over the long term, are worth the necessary short-term capital infusion. It is true that to preserve and/or adapt the Barry Building would require a significant investment, and soon--in order to comply with the City's Soft Story Ordinance. The owner essentially views this as an investment in the past. I consider it an investment in the future, in the preservation not just of a single building but of the varied and distinctive character of Brentwood and Los Angeles, a way to interrupt the increasing homogenization of commercial and residential space across the city.

In short, it is a building we cannot afford to lose.

### **Response to Comment No. B38-3**

The comment provides the commentor's preference for the Barry Building to be preserved, potentially through one of the Alternatives analyzed in the Draft EIR, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. B38-4**

[One footnote to the above. My characterization of the views of the owner of the Barry Building is based on a Zoom meeting yesterday between the owner's representatives and members of the Land Use Committee of the Brentwood Community Council. I am a member of both groups, although in this letter I am speaking only for myself.]

Thank you for considering my views,

**Response to Comment No. B38-4**

The comment provides the commentator's opinions, which are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B39**

Irina Berchik

**Comment No. B39-1**

I am writing to express my strong support for the demolition of the Barry Building. The Barry Building is structurally unfit and is likely to suffer severe damage in an earthquake. For the safety of the community, the building should be demolished.

I understand that some may have sentimental attachments to the Barry Building, but I believe that we must prioritize safety over nostalgia. It is time to look to the future and embrace change, and the demolition of the Barry Building is a necessary step in that direction.

Thank you for your attention to this matter, and I urge you to support the demolition of the Barry Building.

**Response to Comment No. B39-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B40**

Irina Lexandra Berchik  
Spa ViolaSole  
11677 San Vicente Blvd., Ste. 300  
Los Angeles, CA 90049  
berchiki@aol.com

**Comment No. B40-1**

Honestly - that building is like a scary thing in the middle of nice neighborhood and no one wants to walk by and pass it, because it feels its from horror movies where you would think some murders happen or something like that. Whenever I have to walk over to Vicente foods - I always try to take the other side of the street. It needs to go.

**Response to Comment No. B40-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B41**

Anthony Yannatta  
anthony@tsahousing.com

**Comment No. B41-1**

I am writing to provide public comment on the demolition Barry Building on San Vicente Blvd.

As a community member of Brentwood (and a frequent customer of the Dutton's bookstore) I strongly recommend approving the demolition of the Barry Building.

As a child my father lived at the corner of Montana and Gretna Green. I have worked for the past 15 years at the 11800 block of San Vicente.

Innovative and inspiring development along San Vicente between Bundy and Montana is sorely needed. The Barry Building site represents a cornerstone location that can inspire the entire streetscape. And the Munger family's resources should be seen as a catalyst towards redevelopment.

Yes, the Dutton's bookstore was a community landmark. Yes, it was a community resource that cultivated a love for reading amongst the young in Brentwood. The same experience can now be found at Diesel bookstore at the Brentwood County Mart a few miles to the west.

Please approve the demolition of the Barry Building.

**Response to Comment No. B41-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B42**

Mara Fisher  
mara.sher.fisher@gmail.com

**Comment No. B42-1**

I'm writing to express my support of the Los Angeles Conservancy in calling for the protection of the Barry Building, which is a Historic-Cultural Monument (HCM). The Conservancy strongly opposes this project and the needless demolition of this and any other designated landmarks when there are viable preservation alternatives to demolition that must be fully considered and explored.

**Response to Comment No. B42-1**

The comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

**Comment No. B42-2**

Under the California Environmental Quality Act (CEQA), the City is required to deny projects that have feasible alternatives. In this case, there are clear preservation alternatives that have been presented in previous project proposals.

**Response to Comment No. B42-2**

The comment states that there are feasible alternatives, but does not provide specific information about viable preservation alternatives. Draft EIR Section V (Alternatives) evaluated the following three preservation alternatives: Alternative 2, the Preservation Alternative; Alternative 3, the Partial Preservation with New Construction Alternative; and Alternative 4, Relocation Alternative. See also the Response to Comment No. A3-6. As discussed in this response, the economic feasibility of the alternatives is outside the scope of the EIR. The City decision-makers will determine whether a preferred alternative would be appropriate and whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**Comment No. B42-3**

Furthermore, the building's owners have used demolition by neglect since evicting tenants to circumvent historic preservation protections. If approved, the City will have awarded the owners for their bad behavior. We can't allow this to happen.

**Response to Comment No. B42-3**

With respect to the maintenance of the Barry Building, the Owner has informed the City that it has vacated the building because it is seismically unsound for human occupancy.

**Comment No. B42-4**

The Conservancy strongly believes that the Barry Building could and should be adaptively reused. During the previous environmental review process, the Conservancy advocated for the building's adaptive reuse and objected to the unnecessary removal of the historically designated coral trees, which would have compromised the uninterrupted, linear nature of the median.

**Response to Comment No. B42-4**

The comment states the preference for the adaptive reuse of the Barry Building, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

The Project does not include the removal of any coral trees in the median on San Vicente Boulevard.

**Comment No. B42-5**

Allowing the demolition of a designated HCM is exceedingly rare and sets a bad precedent. Out of more than 1,200 HCMs in Los Angeles, only around half a dozen have been demolished purely for new development. Demolishing the Barry Building would be unnecessary, misguided, and detrimental to the City's program of local landmarks.

Thank you for your time.

**Response to Comment No. B42-5**

The comment expresses opposition to the demolition of the Barry Building, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B43**

Waide Riddle  
PO Box 691882  
West Hollywood, CA 90069

**Comment No. B43-1**

Please SAVE The Barry Building!

The architecture of an erstwhile building should NOT be forgotten and bulldozed, but rather celebrated and enjoyed by future generations. Let's save it! We can make it happen! Figure out a way! We can do it!

**Response to Comment No. B43-1**

The comment expresses opposition the Project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B44**

Thomas L. Safran  
11811 San Vicente Blvd.  
Los Angeles, CA 90049

**Comment No. B44-1**

I hope I can make my comment through this email and that it be part of the record.

I've reviewed the EIR and strongly recommend approving the demolition of the Barry building. I have lived and worked within a block of this building for over 30 years. My former office was at 11812 San Vicente Blvd. About four years ago, we completed the construction of our own office building at 11811 San Vicente Blvd. My home is about one block west and north of the property at 627 South Saltair Avenue. I walk or ride my bike or drive by this property all the time. Sometimes 10 times a day. The building is an example of 50's architecture. But it was never special. I sat on the Architectural Review Board for San Vicente for 15 years. The late 80's to the early 00's. I don't remember anyone speaking very fondly of the building during my time on the Board.

The building was never well maintained. There was no good reason to have made the building a cultural monument. Why was it done? Per the late Councilman Rosendahl and some activists in Brentwood: To slow Charley Munger down. To make it harder for him to get a permit. That he often acted as a bully to get his way. And that Dutton's bookstore had been on the ground floor for years and was considered an institution in the community. But Doug Dutton wasn't a good businessperson. He invested and lost in a bookstore in Beverly Hills. He ran the one in Brentwood totally inefficiently in four separate areas on the site...which required at least four full time people to watch the areas. And what did Charley Munger do? He helped bail Dutton out of his financial problems.

And what has the community got in return? An eyesore and the lack of redevelopment of this wonderful property.

**Response to Comment No. B44-1**

The comment provides the commentor's opinions about the Barry Building and expresses support for the Project, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B44-2**

The Brentwood community deserves the redevelopment of this site...and to give the prospective new ownership the complete property to develop.

**Response to Comment No. B44-2**

The comment expresses a desire for the Project Site to be redeveloped, which is acknowledged for the record. However, the Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B45**

Kevin Johnson  
kevinshmuelyjohnson@gmail.com

**Comment No. B45-1**

No justification for this - the site is perfect for reuse. 30-year resident. Opposed.

**Response to Comment No. B45-1**

The comment provides the opinions of the commentor, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B46**

Fredrik Nilsen  
Fredrik Nilsen Studio  
620 Moulton Ave, STE 203  
Los Angeles, CA 90031  
fn@nilsenstudio.com

**Comment No. B46-1**

I am writing to you to lend my support in protection of the Barry Building in Brentwood, California. The Barry Building is at 11973 San Vicente Boulevard and the project/Case No. is ENV-2019-6645-EIR.

**Response to Comment No. B46-1**

The comment expresses opposition to the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B46-2**

The Barry Building is a Historic-Cultural Monument (HCM) and it needs to be protected. I am writing you to encourage you to protect and support one of the few historical buildings we have on the westside of Los Angeles. The dubious owners have used demolition by neglect ever since evicting the tenants to circumvent historic preservation protections. There are viable preservation alternatives to demolition that must be fully considered and explored before capitulating to their current request. If approved, the city will have awarded the owners for their bad behavior and set a precedent for future developers in the city. This kind of business practice is already happening around the city, and it needs to be stopped. You hold the cards here, let's not let ill-intentioned behavior win out. We need to send a message that the history of the city matters and that it is possible to have development and historical buildings at the same time. If they didn't want to save this building, they should have not purchased it. Saving this building will make Brentwood and other communities with historic buildings more interesting places to live in and visit. We have plenty of brand-new shopping developments, what we need is more education around why these buildings matter and how they will add to a sense of place. Please don't let this building be destroyed!

Under the California Environmental Quality Act (CEQA), the city is required to deny projects that have a feasible alternative. In this case, there are clear preservation alternatives that had been presented in the previous project proposals. It seems clear to the community that the owners

are playing a waiting game and neglecting this important beautiful building. Shame on them! Please don't reward this kind of business practice.

**Response to Comment No. B46-2**

This comment is the same as Comment No. B25-2. Therefore, refer to the Response to Comment No. B25-2.

**LETTER NO. B47**

John Sherwood  
633 Greenleaf Canyon Road  
Topanga, CA 90290  
jsherwd@gmail.com

**Comment No. B47-1**

I am writing to oppose the demolition of the Barry Building. It is the only remaining significant piece of architecture that speaks to the character of that neighborhood. It's well worth preserving.

**Response to Comment No. B47-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The comment also expresses opposition to the Project, which is acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B48**

Anna Hashmi  
anna@thecornershop.tv

**Comment No. B48-1**

New and bigger is not always better. That is why I am writing to you regards the landmark building on San Vicente targeted for demolition.

When I first moved to Brentwood this little mall was a hive of activity. A meeting place for coffee, a dentist surgery, a furniture store and offices. There were places to sit and marvel at the beautiful mid-century design of the venue that served the community with beautiful greenery and trees.

Driving past this area was also a delight, to look at this aesthetically pleasing little mall that didn't dominate the road and cast a deep shadow over the street with its multi-storied generic design. This was always a place of beauty, that preserved one of the best design eras in American Architecture.

This era of design defines what was and is great about Los Angeles. When thoughtful design considered the climate of outdoor/ indoor design. These designs are important to preserve the history of the city, and the wonderfully creative period of mid century design that is synonymous with Los Angeles.

As these buildings are left to decline, so that investors can have them deemed unsafe and then demolish them to create bigger, and brand new developments. I really think you should ask - a what cost?

Demolishing your city's most historical and important buildings will only lead to generic looking city, devoid of character and style.

I join with other Brentwood residents to ask you to protect this structure and continue to persevere the historical building that have made Brentwood special.

**Response to Comment No. B48-1**

The Draft EIR acknowledges that the Barry Building is a historic monument designated under the City's Cultural Heritage Ordinance, and that demolition of the Barry Building will cause a significant impact to historic resources. Refer to Response to Comment No. B1-2 regarding the Statement of Overriding Considerations that would be required to approve the Demolition Permit.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about new development is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The remainder of the comment provides the commentor's opinions about the Barry Building and expresses opposition to the Project, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B49**

John Crues  
john@crues.com

**Comment No. B49-1**

I know this building has been designated as a historic-cultural monument number 887, this building is an eye sore and should be demolished.

**Response to Comment No. B49-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B50**

Bryan Gordon, CEO  
Pacific Equity Properties Incorporated  
1460 Fourth Street, Suite 308  
Santa Monica, CA 90401

**Comment No. B50-1**

On behalf of Pacific Equity Properties, Inc. I am writing to express Pacific Equity's strong support of the demolition of the Barry Building.

Pacific Equity is the owner of the properties on the northeast corner of San Vicente and Barrington, including the tenants: Starbucks, Pressed Juicery, E\*Trade and Rag & Bone. The Barry Building being a vacant and seismically unstable building is not good for Brentwood and Brentwood's business community. The fenced building is a magnet to vandalism and homelessness and is a nuisance to the commercial businesses on San Vicente Blvd. The risk of collapse due to an earthquake is also dangerous for its neighboring businesses. The Barry Building is an eyesore, unsafe, and unclean and is a detriment to residents and businesses alike.

This demolition of the Barry Building creates a blank canvas for a new opportunity and a future development which has the potential to reinvigorate San Vicente Blvd.'s commercial district. Pacific Equity stands in firm support of the demolition of the Barry Building.

**Response to Comment No. B50-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B51**

Josh Stephens  
jrstephens@gmail.com

**Comment No. B51-1**

I support the demolition of the Barry Building, case ENV-2019-6645-EIR.

Currently, the property imposes adverse environmental impacts on the community. It is an eyesore, a fire danger, and a temptation to vagrants and vandals. Indirectly, it stands in the way of productive redevelopment, be it for commercial or residential use.

I urge the city to certify the EIR and facilitate demolition posthaste.

I write this as a lifelong Brentwood resident who has fond memories of the building and the businesses that used to occupy it. Its time is long past, and it is beyond repair.

**Response to Comment No. B51-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B52**

Barbara Roll  
bsroll@live.com

**Comment No. B52-1**

Is there a link or e mail address where residents may send their public comments for this project? The original end date for public comment was April 3, but I have been advised that the date was extended to April 18, 2023.

If you would kindly provide the link and/or e mail for public comment on this project, I would be grateful.

You are correct, the comment period has been extended to Tuesday, April 18, 2023, at 4:00 p.m.

**Response to Comment No. B52-1**

The comment provides an email exchange between the commentor and City Planning staff regarding the extension of the Draft EIR public comment period, which is acknowledged for the record.

**LETTER NO. B53**

Byrdie Lifson Pompan  
11911 Saltair Terrace  
Los Angeles, CA 90049  
blp1966@gmail.com

**Comment No. B53-1**

I live behind the property on Saltair Terrace. Please tear the building down and fence it properly. We have had a serious vagrant issue. The owners of this property must be made accountable to make sure that their property does not become a park land for more homeless people. There must be appropriate fencing, and lighting and periodic security.

**Response to Comment No. B53-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Regarding fencing and security, as discussed on page II-13 of the Draft EIR, following demolition of the building, the Project Site would be fenced with a landscape buffer planted between the sidewalk and the fence.

**LETTER NO. B54**

Carolyn Jordan  
cjordan@glaserweil.com

**Comment No. B54-1**

I am writing in regard to the draft Environmental Impact Report for the Barry Building, in connection with the demolition permit being sought. I am sharing my personal opinion and not that of any group with which I may be affiliated. It is my personal opinion that the Barry Building should never have received cultural landmark status; at the time, it was a misguided effort by some community members to save the beloved tenant, Dutton's Books, by halting the larger project to build on that site. Dutton's Books still failed, and the building is also failing structurally, is an eyesore, and is potentially dangerous to the community in its current dilapidated condition. I worry about unhoused breaking in, starting a warming fire, and burning the whole place up. This building is not a shining example of any form of architecture, and while there may be a "significant impact" to tear it down, in this instance it would have a significantly positive impact. The only humane thing to do at this time is to tear down the building, clear the lot, and at some later point in time bring in new ownership with a project and vision to energize that part of San Vicente for the Brentwood community.

I hope that the demolition permit is granted and the owner allowed to raze the structure and clear the blight. Not only does the owner need that, San Vicente needs that.

**Response to Comment No. B54-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B55**

Corin L. Kahn  
401 Wilshire Blvd., 12<sup>th</sup> Floor  
Santa Monica, CA 90401  
[clkesq@outlook.com](mailto:clkesq@outlook.com)

**Comment No. B55-1**

Good day Mr. Harris: I am reviewing the DEIR and other materials prepared in connection with the proposed demolition of the Barry Building, I do not see the proposed mitigation program or proposed statement of overriding considerations that the DEIR admits will be required to approve the permit and certify compliance with CEQA. Would you kindly send me the links I need to access those materials? I thank you in advance for your cooperation.

**Response to Comment No. B55-1**

The Mitigation Monitoring and Reporting Program (MMRP) is included as Section IV of this Final EIR.

The Statement of Overriding Considerations is currently being prepared by City staff and the City decision-makers will decide whether to approve a Statement of Overriding Considerations based on the evidence in the entire administrative record at the time it acts on the requested Demolition Permit.

**LETTER NO. B56**

DM Stenlake  
harmadm@yahoo.com

**Comment No. B56-1**

We need to move forward and come to an agreement on an improvement of this property. I have no problem with demolition however, concerns about the use, height, parking etc for the property.

**Response to Comment No. B56-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also notes concerns about use, height, and parking. However, the Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B57**

Nancy and Gary Freedman  
[gjf165@gmail.com](mailto:gjf165@gmail.com)

**Comment No. B57-1**

As residents of Brentwood, we have followed the history of this building since it was presented to the Brentwood Community Council to be developed by Mr. Munger. Eventually it was given monument status.

Mr. Munger would not agree to future incorporation of the building in to any other scheme after being made a monument status. The City and Ken Bernstein made it very difficult to move it to any other site. There was an opportunity to use the building as a potential library for a public school one block away, but we were told the Barry Building had to be next to a large parking lot to be relevant to the setting as it sits today. There was no parking lot at the school and a very unfortunate missed opportunity for everyone concerned.

Thus, there was a waiting period to demolish a building if it is not capable of being renovated and that is how we find this to be with the community having waited way too long to have it gone. The building is not built to the present code and electrical and plumbing need to be totally replaced. The building is not suitable for renovation, restoration or rehabilitation. Additionally, the building has been determined to be not structurally sound and will not withstand an earthquake, which is why it was closed.

The open space and deteriorating building has blighted the block it sits on and ruined business for years while also attracting homeless and gophers which negatively affect our Cultural Monument #148...Coral Trees.. There is nothing in the building that would not need complete revamping and at that, there are only a few portions that have merit such as a patio.

We are for the demolition of the Barry Building as soon as possible and new life breathed in to this property.

**Response to Comment No. B57-1**

The comment provides the commentors' opinions about the Barry Building and also expresses support for the Project, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B58**

Roz Gamble  
Vice President Corporate Operations & HR  
10866 Wilshire Blvd. Ste.800  
Los Angeles, CA 90024  
rgamble@motorcyclegroup.com

**Comment No. B58-1**

I am a resident of Brentwood for the past 35 years at the cross street of San Vicente and Montana (opposite the Tom Safran building). I support conservative development of Brentwood. The Barry Building is an eyesore and has been for years before it was fenced off. It's time it was demolished and a structure with more use to the residents erected in its place. The owner presented an attractive development plan some years ago that provided boutique shops, an open space for sitting and a post office. Residents need these facilities. Its designation as a cultural landmark is misguided and it has outgrown its use.

Please approve the demolition plan.

**Response to Comment No. B58-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B59**

Ziggy and Bob Blue  
ziggykruse2005@yahoo.com

**Comment No. B59-1**

This is a quick follow up to our phone conversation from March 29, 2023.

During the conversation you told us that you would respond to our email from March 27, 2023 in writing and after conferring with other members in your office since this type of project does not happen very often. (ENV-2019-6645-EIR, Demolition of an HCM without any "further development of the site").

In short: Destroying a Historic-Cultural Monument and leaving in its place a vacant dirt lot as well as the existing surface parking lot.

However, as of today, April 14, 2023, we have not received any answers to the questions listed in the 03/27/2023 email.

Please provide the requested information without any further delay, especially since the Public Comment Period on the DEIR for this project ends on Tuesday, April 18, 2023.

**Response to Comment No. B59-1**

This comment is an email from the commentor to City Planning staff following up on a telephone conversation, and is acknowledged for the record.

The specific questions referenced in the comment have been responded to below.

**Comment No. B59-2**

Good morning, Mr. Harris:

Please respond to the below listed questions today. Thank you.

Sincerely,

Ziggy Kruse Blue

**Response to Comment No. B59-2**

The comment is an additional email from the commentor to City Planning staff and is acknowledged for the record. The questions referenced in the comment have been responded to below.

**Comment No. B59-3**

In regard to the above referenced project ENV-2019-6645-EIR we would appreciate it if you could clarify the process for this case as the applicant is not seeking any entitlements.

1. Are there only two discretionary matters: demolition permit and CEQA? Or are there other discretionary actions involved with this project?

**Response to Comment No. B59-3**

As discussed in the Response to Comment No. B1-2, the Applicant for the Demolition Permit has not filed for any entitlements for the development of new buildings at the Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR for the Project.)

There are no additional discretionary actions beyond those listed in the comment.

**Comment No. B59-4**

2. What is the required review procedure for this project?

**Response to Comment No. B59-4**

Once the Final EIR has been completed, it will accompany the request for demolition by the Department of Building and Safety (LADBS). LADBS will then request input from the Cultural Heritage Commission (CHC) on the Applicant's request since the structure is a listed cultural monument. CHC will provide LADBS with their input and then LADBS will make their determination. As the public comment period on the Draft EIR is now closed, the next opportunity for public input will be before the CHC.

**Comment No. B59-5**

3. Does this automatically go to the Cultural Affairs Commission? Can it be appealed to the Cultural Affairs Commission?

**Response to Comment No. B59-5**

The application is acted on by LADBS prior to CHC. Any appeals of LADBS's determination would follow the LADBS appeal process.

**Comment No. B59-6**

4. What are the appeal opportunities, ie:

- a. Zoning Administration?
- b. Area Planning Commission?
- c. Full Planning Commission?
- d. City Council?

**Response to Comment No. B59-6**

Appeals can be filed once LADBS makes its determination. All appeals would follow the LADBS appeal process.

**Comment No. B59-7**

5. Does the record for the DEIR and the Demo automatically include the prior project and environmental documents (Green Hollow Square, ENV-2009-1065-EIR)? Or do we need to take steps to include that material into the record?

**Response to Comment No. B59-7**

The administrative record for the current Project does not automatically include environmental documents prepared for prior projects.

**Comment No. B59-8**

6. Is the 11973 San Vicente Boulevard Project scheduled for the Design Review Board? And if so, what is the date?

**Response to Comment No. B59-8**

The Project is not scheduled for review by the Design Review Board.

**Comment No. B59-9**

Is the 11973 San Vicente Boulevard Project scheduled for any other review? And if so, what is the date?

**Response to Comment No. B59-9**

The Project is not scheduled for review by any other board.

**Comment No. B59-10**

We would like to receive answers to the above inquiries as soon as possible. Thank you.

**Response to Comment No. B59-10**

Answers to the inquiries have been provided above.

**LETTER NO. B60**

B. Aviva Hayempour  
[bhayempour@gmail.com](mailto:bhayempour@gmail.com)

**Comment No. B60-1**

Hello. It's time to move on from the past into the future. Our neighborhood needs new life breathed into it. It's time to demolish this building and build! Thank you.

**Response to Comment No. B60-1**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC1**

Frederick Lewis  
11908 Montana Ave #303  
Los Angeles, CA 90049  
Frederick.Lewis@gmail.com

**Comment No. SC1-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC1-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC1-2**

It's bull...that the Bldg is culturally important or historic. It's as cultural as Starbucks. It's just a vacant Bldg inhibiting something nice from built like a hotel! One vacant lot with a boarded up Bldg is an eyesore!

**Response to Comment No. SC1-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC2**

Catherine Neiman  
11970 Montana Ave #108  
Los Angeles, CA 90049  
Cathy\_Neiman@yahoo.com

**Comment No. SC2-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC2-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC2-2**

A vacant building for 6 years anywhere in Los Angeles is never a good thing even with 24/7 security. It is inevitable that something bad will happen. Why are we waiting for this? Please demolish this building.

**Response to Comment No. SC2-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC3**

Barbara Marcus  
517 Westgate  
Los Angeles, CA 90049

**Comment No. SC3-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC3-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC3-2**

No one is going to buy it – so demo already. Put something in it's place. It's time.

**Response to Comment No. SC3-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC4**

Loretta Lasseigne  
11970 Montana Ave #307  
Los Angeles, CA 90049  
LL1213@aol.com

**Comment No. SC4-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC4-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC4-2**

Move along already, knock it down, it's time to build something new.

**Response to Comment No. SC4-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC5**

Angeliki Kentros  
11907 Gorham Ave  
Los Angeles, CA 90049

**Comment No. SC5-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC5-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC5-2**

Can't believe not taken down already. Doesn't seem historic – time for it to go already.

**Response to Comment No. SC5-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC6**

Commentor - Illegible

**Comment No. SC6-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC6-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC6-2**

It's unsafe. Time to go.

**Response to Comment No. SC6-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC7**

Claudia Arrendondo  
11911 Gorham Ave  
Los Angeles, CA 90049  
claudiarrendondo@aol.com

**Comment No. SC7-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC7-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC7-2**

Better to be safe and taken down.

**Response to Comment No. SC7-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC8**

Brian Jenson  
11920 Montana Ave #5  
Los Angeles, CA 90049  
bjjinla@twc.com

**Comment No. SC8-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC8-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC8-2**

I'd like to see a new project go in there.

**Response to Comment No. SC8-2**

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC9**

Anne Russell  
11940 San Vicente Blvd., Suite 100  
Los Angeles, CA 90049  
anne@rodeore.com

**Comment No. SC9-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC9-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC10**

Ashley Jordan  
11933 Gorham Ave, Apt 8  
Los Angeles, CA 90049  
ashleeflower@icloud.com

**Comment No. SC10-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

Thank You

**Response to Comment No. SC10-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC11**

Mark Wright  
11927 Gorham Ave, Apt 301  
Los Angeles, CA 90049  
magnetictrumpets@gmail.com

**Comment No. SC11-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

YES, I would like to learn more about the safe demolition of the Barry Building. Please add me to your mailing list and keep me informed.

**Response to Comment No. SC11-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC11-2**

Please demolish this building it serves no purpose, is dangerous and of value to the community.

**Response to Comment No. SC11-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC11-3**

Also if they build something else there needs to be proper parking & turning lanes.

**Response to Comment No. SC11-3**

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC12**

Lee Silver  
416 S Westgate  
Los Angeles, CA 90049  
lsilver@ucla.edu

**Comment No. SC12-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC12-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC12-2**

Demolish because they can't preserve. Lived here over 40 years.

**Response to Comment No. SC12-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC13**

Mark Moriarty  
11970 Montana Ave, #214  
Los Angeles, CA 90039

**Comment No. SC13-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC13-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC13-2**

Building is not highest and best use. Designation seems marginal. Property won't pencil if retrofit. Save the staircases and use them in new build.

**Response to Comment No. SC13-2**

The comment provides opinions about the Barry Building, which are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC14**

Bill Tong  
11970 Montana Ave  
Los Angeles, CA 90049

**Comment No. SC14-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC14-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC14-2**

Eyesore. Demolish and build.

**Response to Comment No. SC14-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Note that the Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about potential future development on the property is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC15**

Susan Winick  
11907 Gorham #5  
Los Angeles, CA 90049  
susanwin@icloud.com

**Comment No. SC15-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC15-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC15-2**

It needs to come down if it is not retrofitted, for safety reasons.

**Response to Comment No. SC15-2**

As discussed in the Draft EIR, the Applicant is proposing to demolish the building. The comment of support for demolition of the building if it is not retrofitted is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC16**

J Weitzen  
706 Westgate  
Los Angeles, CA 90049

**Comment No. SC16-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC16-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC16-2**

Support for safety.

**Response to Comment No. SC16-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC17**

Deidre Kruckenberg  
11927 Gorham Ave, #103  
Los Angeles, CA 90049  
deekruckenberg@gmail.com

**Comment No. SC17-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC17-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC17-2**

If unused/unsafe and it can't be retrofitted then demo.

**Response to Comment No. SC17-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC18**

Hamed Sandoghdar  
11970 Montana Ave #211  
Los Angeles, CA 90049  
hamed269@yahoo.com

**Comment No. SC18-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC18-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC18-2**

I think the building should be demolished.

**Response to Comment No. SC18-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC19**

Irina Berchik  
11927 Gorham Ave  
Los Angeles, CA 90049  
Berchiki@aol.com

**Comment No. SC19-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC19-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC19-2**

Get rid of that thing.

**Response to Comment No. SC19-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC20**

Irwin Zim  
11911 Gorham Ave #1  
Los Angeles, CA 90049

**Comment No. SC20-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC20-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC20-2**

Knows all about issue – talked to me outside over his gate. Feels if Munger not going to retrofit than demolish it already.

**Response to Comment No. SC20-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC21**

Jaren Mitchell  
11908 San Vicente Blvd  
Los Angeles, CA 90049  
jarenm@alfred.la

**Comment No. SC21-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC21-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC22**

Karen Chapman  
11929 Saltair Terrace  
Los Angeles, CA 90049

**Comment No. SC22-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC22-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC22-2**

Not worth keeping up. I'd like to see something better.

**Response to Comment No. SC22-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC23**

Kurush Papadopoulos  
11939 Gorham #103  
Los Angeles, CA 90049

**Comment No. SC23-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC23-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC23-2**

Whatever bring the building safe or demolish.

**Response to Comment No. SC23-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC24**

Logan Wood  
11927 Gorham Ave, Unit 102  
Los Angeles, CA 90049

**Comment No. SC24-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC24-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC24-2**

Time to go, no attachment.

**Response to Comment No. SC24-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC25**

Manpreet Rai  
11930 Montana Ave., #202  
Los Angeles, CA 90049

**Comment No. SC25-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC25-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC25-2**

No issues to building being demolished.

**Response to Comment No. SC25-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC26**

Manuel Maradiaga  
110907 Gorham  
Los Angeles, CA 90049

**Comment No. SC26-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC26-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC26-2**

No comments. Not opposed to demolition.

**Response to Comment No. SC26-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC27**

Marc Mendoza  
11911 San Vicente  
Los Angeles, CA 90049

**Comment No. SC27-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC27-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC27-2**

If the structure is unsafe it is a hazard & needs to be removed.

**Response to Comment No. SC27-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC28**

Michael Lewis  
837 S Westgate #2  
Los Angeles, CA 90049

**Comment No. SC28-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC28-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC29**

M. O'Donnell  
11920 Montana Ave., #1  
Los Angeles, CA 90049

**Comment No. SC29-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC29-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC30**

Michel Lechasseur  
11908 Montana Ave #308  
Los Angeles, CA 90049

**Comment No. SC30-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC30-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC30-2**

Yes demo already.

**Response to Comment No. SC30-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC31**

Nathan Younan  
11958 San Vicente Blvd  
Los Angeles, CA 90049

**Comment No. SC31-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC31-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC32**

Noul Betziy  
11959 Gorham Ave  
Los Angeles, CA 90049

**Comment No. SC32-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC32-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC33**

Patrina Couling  
11907 Gorham Ave., #11  
Los Angeles, CA 90049

**Comment No. SC33-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC33-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC33-2**

I never noticed the building. But would support safe neighborhood.

**Response to Comment No. SC33-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC34**

Perry German  
537 S. Westgate Ave  
Los Angeles, CA 90049

**Comment No. SC34-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC34-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC34-2**

Get rid of it.

**Response to Comment No. SC34-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC35**

Scott Alexander  
11952 San Vicente Blvd.  
Los Angeles, CA 90049

**Comment No. SC35-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC35-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC36**

Stefanie Csoke  
11963 San Vicente Blvd  
Los Angeles, CA 90049

**Comment No. SC36-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

YES, I would like to learn more about the safe demolition of the Barry Building. Please add me to your mailing list and keep me informed.

**Response to Comment No. SC36-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC36-2**

Concerned about the dust and debris that will come flying toward my business next door. I am also concerned about the traffic and parking with the trucks and construction for demolition and future development.

**Response to Comment No. SC36-2**

Project impacts with respect to dust and debris are analyzed in Section IV.A (Air Quality) of the Draft EIR. As discussed on pages IV.A-31 through IV.A-35, Project impacts with respect to air quality would be less than significant.

Project impacts with respect to traffic and parking are analyzed in Section IV.F (Transportation) of the Draft EIR. As discussed on pages IV.F-15 through IV.F-17, Project impacts with respect to traffic and parking during demolition would be less than significant. In addition, the Project would include Project Design Feature PDF-TRA-1 (Demolition Management Plan), which would include potential street/lane closure information, a detour plan, and a staging plan. The Demolition Management Plan would formalize how demolition would be carried out and identify specific actions that would be required to reduce the effects on transportation.

Finally, the Applicant for the Demolition Permit has not filed any entitlements for the development of new buildings at the Project Site. In its application for the Demolition Permit, the

Applicant has stated under penalty of perjury that the demolition of the Barry Building is not part of a larger development project. (A copy of that application is provided at Appendix B to this Final EIR.) Nevertheless, the comment about future development is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC37**

Starling Johnson  
11961 Montana Ave  
Los Angeles, CA 90049

**Comment No. SC37-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC37-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC37-2**

Needs to be developed & retrofit. Cost to retrofit shouldn't be put totally on ownership.

**Response to Comment No. SC37-2**

The comment provides the commentor's opinions, which are acknowledged for the record and which will be forwarded to the decision-making bodies for their review and consideration.

As discussed in the Draft EIR, the Project consists of the demolition of the Barry Building.

**LETTER NO. SC38**

Sue Ella Douglas  
443 S Saltair  
Los Angeles, CA 90049

**Comment No. SC38-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC38-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC38-2**

I support the demo.

**Response to Comment No. SC38-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. SC39**

Vserolod Burmaka  
11937 Gorham Ave., #6  
Los Angeles, CA 90049

**Comment No. SC39-1**

YES, I support the safe demolition of the Barry Building at 11973-11975 San Vicente Blvd, Los Angeles, California, 90049.

**Response to Comment No. SC39-1**

The comment is a signed supporter card expressing support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. SC39-2**

I have no connection to the building. Safety first.

**Response to Comment No. SC39-2**

The comment expresses support for the Project, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### 3. Revisions, Clarifications, & Corrections

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In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15132(a), this Chapter of the Final Environmental Impact Report (EIR) provides changes to the Draft EIR that have been made to clarify, correct, or supplement the information provided in that document. These changes and additions are due to recognition of inadvertent errors or omissions, and to respond to comments received on the Draft EIR during the public review period. The changes described in this Chapter do not add significant new information to the Draft EIR that would require recirculation of the Draft EIR. More specifically, CEQA requires recirculation of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible alternative) that the project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

CEQA Guidelines Section 15088.5 also provides that “[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR...A decision not recirculate an EIR must be supported by substantial evidence in the administrative record.”

As demonstrated in this Final EIR, the changes presented in this Chapter do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Changes to the Draft EIR are indicated under the respective EIR section heading, page number, and paragraph. Paragraph reference is to the first full paragraph on the page. Deletions are shown with ~~strikethrough~~ and additions are shown with **bolded underline**.

## Section I. Executive Summary

On page I-4, the list of individuals who provided written comments in response to the NOP is revised as follows:

### Individuals

1. Alex Danzer, December 19, 2020.
2. Alexis Fleisig, December 21, 2020.
3. Andrew Menotti, December 21, 2020.
4. Robert Blue and Ziggy Kruse.
5. Catherine Jurca, December 21, 2020.
6. David Stone, December 21, 2020.
7. Dianne Kraus, December 21, 2020.
8. Emily Williams, December 21, 2020.
9. Jody Heymann, December 18, 2020.
10. Kristin Burcham, December 19, 2020.
11. Laura Bernier, December 21, 2020.
12. Lauren Everett, December 20, 2020.
13. Lisa Avebury, December 21, 2020.
14. Melissa Hunt, December 16, 2020.
15. Samy Burch, December 19, 2020.
16. Tyler Bourgoise, December 21, 2020.
17. Robert Silverstein, December 18, 2020.
18. Victoria Kato, December 19, 2020.
19. Wiley Hickson, December 21, 2020.
20. Willow Pappageorge, December 19, 2020.
21. **Adrian Scott Fine, December 21, 2020 (a copy of this letter is included in Appendix J of this Final EIR)**

## Section II. Project Description

No revisions, clarifications, or corrections are required.

## Section III. Environmental Setting

No revisions, clarifications, or corrections are required.

## Section IV.A. Air Quality

No revisions, clarifications, or corrections are required.

## Section IV.B. Cultural Resources

No revisions, clarifications, or corrections are required.

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**Section IV.C. Greenhouse Gas Emissions**

No revisions, clarifications, or corrections are required. However, Appendix Q of this Final EIR includes a more in-depth discussion of the December 2022 Scoping Plan (Plan), adopted by the California Air Resources Board to address the reduction of greenhouse gas (GHG) emissions, which was evaluated in the Draft EIR at pages IV.C-19 and IV.C-38 through IV.C-39. The City's detailed summary of that Plan, that is included as Appendix Q, was developed for use by projects within the City but was released after the Draft EIR was published. The Project only entails demolition and no development or operation of a new land use at the Project Site. As such, the Project would not cause any GHG emissions that are addressed by the 2022 Scoping Plan. A copy of the City's summary of the 2022 Scoping Plan is included in Appendix Q for purposes of full disclosure and transparency.

**Section IV.D. Land Use and Planning**

No revisions, clarifications, or corrections are required.

**Section IV.E. Noise**

No revisions, clarifications, or corrections are required.

**Section IV.F. Transportation**

No revisions, clarifications, or corrections are required.

**Section IV.G. Tribal Cultural Resources**

No revisions, clarifications, or corrections are required.

**Section V. Alternatives**

No revisions, clarifications, or corrections are required.

**Section VI. Other CEQA Considerations**

No revisions, clarifications, or corrections are required.

**Section VII. Acronyms and Abbreviations**

No revisions, clarifications, or corrections are required.

**Section VIII. Preparers of the EIR**

No revisions, clarifications, or corrections are required.

# MITIGATION AND MONITORING PROGRAM

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## 1.1 INTRODUCTION

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

## 1.2 ORGANIZATION

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- **Enforcement Agency:** the agency with the power to enforce the PDF or MM.
- **Monitoring Agency:** the agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase:** the phase of the Project during which the PDF or MM shall be monitored.
- **Monitoring Frequency:** the frequency at which the PDF or MM shall be monitored.

- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

### **1.3 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT**

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

### **1.4 PROGRAM MODIFICATION**

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion

of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

## 1.5 MITIGATION MONITORING PROGRAM

### Cultural Resources

#### *Mitigation Measure*

**MM-CUL-1** Prior to the issuance of a demolition permit, the Barry Building shall be documented to meet Historic American Buildings Survey (HABS) Level I standards. The documentation shall include a full set of measured drawings depicting existing conditions; photographs with large format negatives of exterior and interior views; photocopies with large format negatives of select existing drawings and historic views that are produced in accordance with the U.S. Copyright Act (as amended); and a written history and description. The documentation shall be submitted to the Library of Congress, with copies given to the Los Angeles Conservancy and the Los Angeles Public Library. A digital copy of the documentation shall be submitted to the South Central Coastal Information Center at California State University, Fullerton.

- **Enforcement Agency:** Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Prior to issuance of demolition permit
- **Monitoring Frequency:** Once, prior to issuance of demolition permit
- **Action Indicating Compliance:** Issuance of demolition permit

### Noise

#### *Mitigation Measure*

**MM-NOI-1** Sound barriers rated to achieve a sound attenuation of at least 15 dBA shall be erected along the following boundaries:

- The east and west parking area boundaries (both the Project Site's east and west parking area boundaries and the east and west boundaries of the parcel)

immediately to the north of the Project Site (APN 4404-025-016)). (While the parcel to the north of the Project Site is not part of the Project, that parcel would be used for construction staging.)

- The northern property line of the parcel to the north of the Project Site (APN 4404-012-016) that separates this parcel from the residential uses to the north. Sound barriers along this property line shall be connected to the previously described sound barriers for the east and west property lines, so that there are no gaps.

All sound barriers shall be tall enough to shield line of sight paths from operating demolition equipment to the 2<sup>nd</sup> stories of nearby residential uses. The prescribed sound barriers shall be installed for the duration of the Project's demolition activities, which are estimated to last approximately 36 working days. At plan check, building plans shall include documentation prepared by a noise consultant to verify compliance with this measure.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-demolition; demolition
- **Monitoring Frequency:** Once at Project plan check prior to issuance of demolition permit; periodic field inspection
- **Action Indicating Compliance:** Issuance of demolition permit; field inspection sign-off

## Transportation

### *Project Design Feature*

#### **PDF-TRA-1 Demolition Management Plan**

The Project Applicant shall prepare a detailed Demolition Management Plan that includes potential street/lane closure information, a detour plan, and a staging plan. The Demolition Management Plan shall be submitted to the City for review and approval, prior to commencing demolition. The Demolition Management Plan would formalize how demolition would be carried out and identify specific actions that would be required to reduce effects on the transportation. The Demolition Management Plan shall be based on the nature and timing of the specific demolition activities and other construction projects in the vicinity of the Project Site, and shall include, but not be limited to, the following elements, as appropriate:

- Advance, bilingual notification of adjacent property owners and occupants of upcoming demolition activities, including durations and daily hours of operation.

- Prohibition of demolition-related vehicles/equipment parking on adjacent streets.
  - Temporary pedestrian, bicycle, and vehicular traffic controls during all demolition activities adjacent to San Vicente Boulevard to ensure traffic safety for all travel modes on public rights-of-way and maintain a safe pedestrian route to nearby schools. These controls shall include, but not be limited to, flag people trained in pedestrian and bicycle safety at the Project Site's driveway.
  - Provision of covered walkways where pedestrians are exposed to potential injury from falling objects.
  - Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
  - The sidewalk shall be kept open during demolition except when it is absolutely required to close or block sidewalk for demolition staging. Sidewalk shall be reopened as soon as reasonably feasible, taking demolition and demolition staging into account.
  - Scheduling of demolition activities to reduce the effect on traffic flow on surrounding Arterial Streets.
  - Containment of demolition activity within the Project Site boundaries.
  - No staging or parking of demolition vehicles on any of the streets immediately adjacent to schools.
  - Ongoing contact with the administrator of nearby schools during demolition and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
  - Haul route scheduling sequenced to minimize conflicts with pedestrians, school buses, and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past schools during periods when school is in session, especially when students are arriving or departing from the campus.
  - All haul truck activity to and from the Project Site shall occur outside of the morning and afternoon commuter peak hours.
- **Enforcement Agency:** Los Angeles Department of Transportation
  - **Monitoring Agency:** Los Angeles Department of Transportation
  - **Monitoring Phase:** Pre-demolition; demolition
  - **Monitoring Frequency:** Once at Project plan check; periodic field inspection

- **Action Indicating Compliance:** Issuance of demolition permit; field inspection sign-off