FORM GEN. 160 (REV. 6-80)

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY

LETTER OF DETERMINATION

DATE: 06/06/2025

TO: 11973 San Vicente, LLC
C/o Alston & Bird
Attn: Ed Casey
333 Hope Street, 16th Floor
Los Angeles, CA 90071

FROM: Binh Phan, Chief
Permit and Engineering Bureau

SUBJECT: Demolition of the Building Located at 11973 San Vicente Boulevard (Historic-Cultural Monument No. LA-887)

PROJECT DESCRIPTION:

The proposed 11973 W. San Vicente Boulevard Project (Project or Proposed Project) consists of the demolition of an existing two-story commercial building, commonly referred to as the Barry Building, a designated Historic-Cultural Monument.

Pursuant to Los Angeles Municipal Code (LAMC) Section 91.106.4.5, the Department of Building and Safety (LADBS) shall not issue a permit to demolish a building designated as a Historic-Cultural Monument (HCM) without LADBS first determining whether the demolition "may result in the loss of or serious damage to a significant historical or cultural asset." If LADBS determines that such loss or damage may occur, a CEQA clearance is required to be prepared, and if the HCM is considered significant, no demolition permit may be issued without LADBS first "finding that specific economic, social, or other considerations make infeasible the preservation of the building or structure."

To comply with Section 91.106.4.5, the Department of City Planning (DCP) prepared and processed an environmental impact report (EIR), EIR findings, and a statement of overriding considerations for LADBS' consideration for the Proposed Project.

DETERMINATION:

In accordance with the California Environmental Quality Act (CEQA) and related City procedures, the following determinations and actions are taken by LADBS after its review and consideration of the whole of the record, including the EIR, communications by DCP, all submissions by the Applicant's representatives, the recommendation of the Cultural Heritage Commission, and any and all communications on the Project to DCP or LADBS:

1. **Environmental Impact Report Determination**

   Pursuant to CEQA Guidelines Section 15132, it is determined that the Final Environmental Impact Report (FEIR), which includes the Draft EIR (SCH No. 2020110210, ENV-2019-6645-EIR) dated February 2023, the Draft EIR appendices, and the document titled "Final EIR" dated September 2023 (including all related appendices and attachments), complies with CEQA requirements.

2. **Certification of the FEIR**

   The Los Angeles Department of Building and Safety (LADBS) certifies that:

   a. The FEIR has been completed in full compliance with CEQA;
   b. The FEIR was presented to the LADBS and the LADBS has reviewed and considered the information contained in the FEIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the LADBS; and
   c. The FEIR reflects the independent judgment and analysis of the LADBS.

3. **Adopts the following:**

   a. The Mitigation Monitoring Program (MMP);
   b. The EIR Findings dated 04/18/2025 (attached at Exhibit 'A');
   c. The Statement of Overriding Considerations, found on pages 36-39 of the EIR Findings (Exhibit "A"). The LADBS further finds that each identified benefit of the Proposed Project, as listed in the Statement of Overriding Considerations, independently justifies approval of the Project and overrides all identified significant and unavoidable impacts of the Proposed Project; and
   d. A finding that based upon the whole of the record, including the EIR Findings and the Statement of Overriding Consideration in Exhibit 'A,' a demolition permit may be issued because specific economic, social, or other considerations make infeasible the preservation of the building at 11973 W. San Vicente Boulevard.

4. **Custodian of Records**

   LADBS records related to this project are available through the LADBS Records Section at the following locations:

   Metro Office
   201 N. Figueroa Street, 1st Floor, Room 110
   Los Angeles, CA 90012

   Van Nuys Office
   6262 Van Nuys Boulevard, 2nd Floor, Room 251
   Van Nuys, CA 91401

All other records of proceedings shall be maintained by the Department of City Planning. The Director of Planning shall serve as the custodian of these records, which are kept at:

Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

5. Notice of Determination

Staff from the Department of City Planning is directed to file a Notice of Determination with the County Clerk in accordance with the Public Resources Code and CEQA Guidelines within five (5) days of mailing of this letter.

NOTICE RE APPEALS:

Appeal to Board of Building & Safety Commissioners

This determination may be appealed pursuant to LAMC Section 98.0403.1(b)(2) by any interested party within thirty-five (35) days of mailing of this letter. To file an appeal, please follow the instructions in Exhibit 'B' and email the applicable completed form to Board of Building and Safety Secretary Veronica Lopez veronica.lopez@lacity.org, (213) 482-7429 or file it in person at 201 North Figueroa Street, Suite 1030 Los Angeles, CA 90012.

CEQA Appeal

This determination and any determination upon an appeal described in Exhibit 'B' is an "approval" and a final decision for purposes of CEQA. If the determination is upheld on an appeal to the Board of Building and Safety Commissioners (Board), the Board's determination is appealable to the City Council pursuant to LAMC Section 13B.11.1.F. If this determination is not appealed, the determination is final for purposes of CEQA and no further CEQA appeal is available, including upon issuance of the demolition permit after referral to the Cultural Heritage Committee, as described below.

Referral to CHC

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

Please feel free to contact me for further details or clarifications.

Attachments: Exhibit ‘A’ EIR Findings
Exhibit ‘B’ DBS Information Bulletin re Appeals

cc: Vincent P. Bertoni, AICP, Director of Planning
Milena Zasadzien, Principal City Planner
Mindy Nguyen, Senior City Planner

"Exhibit A"

06/06/2025

EIR Findings

I. Introduction.

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of 11973 San Vicente Boulevard Project (Project), located at 11973-11975 San Vicente Boulevard (Assessor Parcel No. 4404-025-008), on the north side of San Vicente Boulevard between Montana Avenue and Saltair Avenue (Site or Project Site). The Project consists of demolition of the existing two-story commercial building, commonly referred to as the Barry Building, located on the Project Site. The existing building is a City of Los Angeles Historic-Cultural Monument (HCM) that has been vacant and fenced since 2017. The proposed 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 lot, and the existing surface parking lot would remain. A landscape buffer would be installed along the southern boundary of the Project Site (fronting San Vicente Boulevard). No future development of the Project Site is proposed or considered as part of the Project.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2019-6645-EIR/State Clearinghouse No. 2020110210). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." PRC Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.

3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final Environmental Impact Report for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant", these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the 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 rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].)

II. Environmental Review Process.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines in November 2020. The Initial Study is included as Appendix A-1 of the Draft EIR.

Notice of Preparation. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 33-day period commencing on November 18, 2020,

and ending on December 12, 2020. The purpose of the NOP was to formally inform the public 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. Written comment letters responding to the NOP were submitted to the City by from four agencies and organizations (Department of Transportation, Department of Fish and Wildlife, Native American Heritage Commission, and South Coast Air Quality Management District) and from individuals. The NOP and NOP comment letters are included in Appendix A-2 and A-3 of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2020110210), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on February 16, 2023, and ending on April 3, 2023. That comment period was extended by the Lead Agency for 15 days to and through April 18, 2023. A Notice of Availability (NOA) was distributed on February 16, 2023, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, West Los Angeles Regional Library, and the Donald Bruce Kaufman Branch Library. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on February 16, 2023.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on February 15, 2023, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on September 11, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On September 7, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Cultural Heritage Commission. On September 5, 2024, the Cultural Heritage Commission (CHC) considered the matter of certification of the EIR by LADBS and instructed staff to communicate their recommendation to LADBS action on certification of the EIR and adoption of the Statement of Overriding Considerations.

III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR*;*
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at https://planning.lacity.org/development-services/eir (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following three Library Branches:

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

IV. Project Description.

The Project consists of the demolition of the Barry Building, a two-story commercial building on a 0.61-acre site (APN 4404-025-008) located at 11973-11975 San Vicente Boulevard.

In 2007, the City of Los Angeles Cultural Heritage Commission designated the building as HCM No. 887. The building has been vacant and fenced off since 2017, and is boarded up with screwed-on plywood panels to prevent vandalism, loitering, and other public safety hazards associated with the current vacancy of the Barry Building.

The building is subject to the City's Soft Story Retrofit Program (LAMC Section 91.9300 et seq., Ordinance 183,893 entitled Mandatory Earthquake Hazard Reduction in Existing Wood Frame Buildings with Soft, Weak or Open Front Walls ["Soft Story Ordinance"]). The Ordinance applies to buildings with a "soft story," or building (or portion thereof) with no ascertainable lateral system. (See *11971 San Vicente Boulevard – Retrofit Schemes (Soft Story Memorandum),* Englekirk Structural Engineers (Rev. June 3, 2022) included as Appendix H-3 to the Draft EIR). The Soft Story Ordinance requires the owner of each building within the Ordinance's scope to undertake a structural analysis of the building. If the building does not meet the minimum earthquake standards specified, "the owner shall cause the building to be structurally altered to conform to such standards or, at the owner's option, cause it to be demolished within the time limits stated." (LAMC Section 91.9305.1.) In March 2018, the City of Los Angeles issued the Project Applicant an Order to Comply with the City's Soft Story Retrofit Program. Specifically, the Order to Comply requires the Project Applicant to comply with the following requirements as set forth in LAMC Section 91.9305.2

The building must be renovated or demolished in accordance with the Soft Story Ordinance or face penalties. A seismic assessment of the building was prepared. (See *11973 San Vicente Boulevard ASCE 41-13 Seismic Assessment,* Englekirk Structural Engineers (June 6, 2022), included as Appendix G to the Draft EIR.) The retained structural engineers identified that only a portion of the building has a "soft story" and is required to comply with the Ordinance. (See *11971 San Vicente Boulevard – Retrofit Schemes (Soft Story Memorandum),* Englekirk Structural Engineers (Rev. June 3, 2022) included as Appendix H-3 to the Draft EIR. See also *11971 San Vicente Boulevard – Retrofit Schemes (Soft Story Retrofit Letter Report)*, Englekirk Structural Engineers (June 1, 2021) included as Attachment H-2 to the Draft EIR.) The seismic assessment determined that there are high levels of overstress in the other portions of the building, and that the building is likely to suffer significant damage when subject to a moderate to strong earthquake in the Los Angeles basin, which presents a safety hazard to people in and around the building. The seismic engineers determined that additional renovations would be required to make the building suitable for occupancy above those required by the Soft Story Ordinance.

Englekirk Structural Engineers also determined that the seismic instability of the Barry Building is due to its 1950's building design, rather than lack of maintenance or neglect on behalf of the owner. Buildings designed and constructed in the early 1950's had low seismic demands and requirements; however, current requirements are much higher. Englekirk also noted, as in its prior report, in addition to the seismic retrofit work required under the Soft Story Ordinance for the south wing of the building, the north, east, and west wings of the building are currently up to 650% overstressed and would also require renovation. While the California Historical Building Code allows historic buildings to meet only 75% of the current building code forces, due to the very high level of overstress in the building substantial work, including strengthening the existing shear walls and floor/roof plywood diaphragm, and adding shear walls and moment frames would still be required. Temporary wooden frames are not a valid retrofit option because it would not meet current requirements under either the Uniform Building Code or the Historical Building Code. (See *Barry Building (11973 San Vicente Boulevard, Los Angeles, CA 90049) Los Angeles Conservancy Comments Review*, Englekirk Structural Engineers, (May 25, 2023), included as Attachment I to the Final EIR.)

Per LAMC Section 91.9305.1, which provides that it is "the owner's option" to demolish the building, the Project Applicant has proposed to demolish the existing building in order to comply with the Soft Story Ordinance.

Once demolition activities are complete, the portion of the Project Site that currently contains the Barry Building would be a vacant lot, and the portion of the existing surface parking lot that is on the Project Site would remain. Demolition would take place within the Project Site, while the adjacent parcel to the north (APN 4404-025-016, which is not part of the Project Site) would be used for staging. No demolition work is proposed within the public right-of-way. Demolition of the building would result in the removal of approximately 4,174 cubic yards of debris from the Project Site, including approximately 130 cubic yards of asbestos-containing materials and 4,044 cubic yards of demolition materials.

In accordance with the San Vicente Scenic Corridor Specific Plan, a landscape buffer would be installed along the southern boundary of the Project Site (fronting San Vicente Boulevard). As part of the Project, three on-site palm trees would be removed (a Chinese windmill palm, a king palm, and a queen palm); however, the fourth on-site palm (Mexican fan palm) in the surface parking lot and two street trees (both London plane trees) located along San Vicente Boulevard would remain.

The Project is anticipated to last approximately 36 working days, with one additional day to plant the landscape buffer.

No future development of the Project Site is proposed and/or considered as part of the Project. No additional permits, approvals, or entitlements are requested. To this end, the Project Applicant has provided a statement, signed and notarized, that certifies that the permit for demolition is not sought to facilitate construction or development of a larger project. (See Attachment to Application for Demolition Permit: Owner's Declaration Related to CEQA and Project Scope, included as Attachment B-2 to the Final EIR.)

V. No Impact or Less than Significant Impact without Mitigation

The impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and compliance with existing regulations) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental impacts would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Summary of Impacts Evaluated in the Initial Study Only

The Initial Study (Appendix A-1 of the Draft EIR) considered effects with respect to the following: aesthetics, agricultural and forestry resources, air quality (odors), biological resources, cultural resources (archeological resources and human remains), energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning (physically divide an established community), mineral resources, noise (airport noise), population and housing, public services, recreation, transportation/traffic (plan consistency, VMT, and design feature hazards), utilities and service systems, and wildfire, but found that the Project would either have no impact or a less than significant impact with respect to each of these topics. No mitigation was required, and no further analysis of these topics was needed in the Draft EIR. (See Initial Study attached as Appendix A-1 to the Draft EIR, and Draft EIR Section VI.6.)

Aesthetics: The Project would not have a substantial adverse on a scenic vista, scenic resources, public views, or create a new source of light or glare. 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 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 or alter panoramic views that include the Project Site or interfere with current views. In addition, the Project would not conflict with applicable regulations governing scenic quality. The aesthetic impact was therefore determined to be less than significant. (Appendix A-1 to the Draft EIR, page 24. See also Draft EIR, page VI-9.)

Agricultural and Forestry Resources: The Project Site is currently developed with a commercial building, does not contain any agricultural uses. The Project Site is currently zoned C4-1VL, for commercial uses, and is not zoned for agricultural use, forest land or timberland. The Initial Study determined that the Project would have no impact on agricultural or forestry resources, as it would not convert any farmland, does not conflict with any agricultural zoning, would not result in forest loss, nor would it create changes to the existing environment which could result in the loss of agricultural or forested land. (See Appendix A-1 to the Draft EIR, page 31.).

Air Quality (odors): The Project consists solely of the demolition of the existing commercial building, and no future development of the Site is proposed and/or considered as part of the Project. Therefore, the Project would not include any of the uses identified by the SCAQMD *CEQA Air Quality Handbook* as being associated with substantial odors. Further, any odors that may be generated during demolition would be localized and temporary in nature, and would not have the potential to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. (See Appendix A-1 to the Draft EIR, page 36.)

Biological Resources: Due to the developed nature of the Project Site and lack of any natural open spaces, there are no candidate, sensitive, or special status species identified that would be impacted by the Project.[1] Furthermore, there are no riparian areas, sensitive natural communities, or Significant Ecological Areas as defined by the City of Los Angeles located on or adjacent to the Project Site. Demolition of the existing building would not interfere substantially with any established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. (See Appendix A-1 to the Draft EIR, page 37.)

Cultural Resources (archeological resources and human remains): The Project Site is located in an urbanized area of the City and has been disturbed by past development activities.

[1] Cycads have been identified by a commentator as existing in the courtyard of the Barry Building. However, cycads are not native to California and are not protected by California native plant protection laws, the California Endangered Species Act (CESA), or addressed by the Appendix G questions in CEQA (thresholds of significance) which specifically refer to native plants. (See Email from Jacqueline Bowland Worden, Lead Biologist/Natural Resources Project Manager, SWCA Environmental Consultants (May 26, 2023) included as Attachment K-2 to the Final EIR and *The Barry Building – 11973 San Vicente Boulevard, Los Angeles, California 90049*, Carlberg Associates (May 19, 2023) included as Attachment K-1 to the Final EIR.)

There are no known archaeological resources at the Project Site, nor are there any known traditional burial sites or other type of cemetery usage has been identified with the Project Site and immediate vicinity. As such, Project impacts would be less than significant to archeological cultural resources and human remains, and no further analysis of this topic in the EIR was required. (See Appendix A-1 to the Draft EIR, page 41.) Additional analysis of Cultural Resources (historic resources) was provided in the Draft EIR. (See Section IV.B of the Draft EIR.)

Energy: The proposed demolition activities would consume relatively minor quantities of electricity. No future development of the Site is proposed and/or considered as part of the Project; therefore, the Project would not have an operational demand for energy, with the exception of a limited amount of electricity for sprinklers to water the landscape buffer. Thus, the Project would not result in an increase in demand for electricity, natural gas, or petroleum that exceeds available supply or distribution infrastructure capabilities. (See Appendix A-1 to the Draft EIR, page 44.)

Geology and Soils: Impacts related to geology and soils are all less than significant. The Project Site is not located within a known earthquake fault, nor is it within a liquefaction zone. As the Project involves the demolition of an existing seismically unsafe building, the Project would not expose people or structures to substantial adverse effects associated with geology or soils. (See Appendix A-1 to the Draft EIR, page 52.)

Hazards and Hazardous Materials: Based on the age of the existing building, it is assumed that it contains asbestos containing materials (ACMs). In accordance with existing rules and regulations, all materials which are identified as ACMs, would be removed by a trained and licensed asbestos abatement contractor. The Project will not create any significant impacts related to hazards or hazardous materials. (See full analysis in Appendix A-1 to the Draft EIR, page 60.)

Hydrology and Water Quality: Based on the limited timeframe for demolition (seven weeks), the small size of the Project Site, the additional pervious area on the Site after demolition, and the lack of an operational component to the Project, the Project would not be expected to substantially degrade surface or ground water quality or conflict with any water quality standards or plans. Impacts on hydrology and water quality would be less than significant. (See Appendix A-1 to the Draft EIR, page 65.)

Land Use and Planning (physically divide an established community): 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. Additional Land Use and Planning impacts are discussed below. (See Appendix A-1 to the Draft EIR, page 70.)

Mineral Resources: The Project would not result in the loss of a known mineral resource; Project Site is not located within a City-designated oil field or oil drilling area, nor is the Project Site is located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present. Demolition of the Barry Building will have no impact on mineral resources. (See Appendix A-1 to the Draft EIR, page 71.)

Noise (Operational Noise and Vibration, Airport noise): The Project would not include an operational phase, and therefore would not result in impacts related to operational noise or operational vibration. The Project Site is not located within an airport land use plan or within two miles of a public airport or public use airport. There are no private airstrips in the vicinity of the Project Site. Therefore, no impact would occur. Additional noise impacts are discussed below. (See Appendix A-1 to the Draft EIR, page 73.)

Population and Housing: The Project-related demolition activities would not represent a permanent or substantial new employment generator that would result in substantial unplanned population growth either directly or indirectly. The Project would not displace any housing or residents, as there is no housing on the Project Site. Therefore, no impact would occur. (See Appendix A-1 to the Draft EIR, page 75.)

Public Services: The Project would not result in substantial adverse physical impacts associated with the need or provision of new or physically altered governmental facilities. Demolition activities associated with the Project may temporarily increase demand for fire protection (emergency medical services) and police protection, however, demolition activities would be required to comply with all applicable federal, State, and City safety regulations and impacts would be less than significant. As there is no operational component to the Project, there is no impact to schools, parks, or other public facilities. (See Appendix A-1 to the Draft EIR, page 77.)

Recreation: No future development of the Site is proposed and/or considered as part of the Project. Thus, he Project would have no impact on recreation. (See Appendix A-1 to the Draft EIR, page 84.)

Transportation (plan consistency, VMT, and design feature hazards): The demolition of the Barry Building would not conflict with any program plan or policy regarding the circulation system, nor would it conflict with CEQA Guidelines Section 15064.3, subdivision (b) (regarding VMT), or increase hazards due to a geometric design feature. Thus, there would be no impact to these areas. (See Appendix A-1 to the Draft EIR, page 86.)

Utilities and Service Systems: Demolition and construction activities typically do not involve the consumption of natural gas, the need for telecommunications infrastructure, or result in the generation of wastewater that would need to be treated by wastewater treatment infrastructure that serves the Project Site. There is sufficient landfill capacity to accommodate the solid waste generated by the demolition of the existing building, and impacts would be less than significant. (See Appendix A-1 to the Draft EIR, page 92.)

Wildfire: The Project Site is not located in or near a state responsibility area, within a City-designated Very High Fire Hazard Severity Zone, or within a City-designated buffer zone. Therefore, no impact regarding this topic would occur. (See Appendix A-1 to the Draft EIR, page 97.)

Cumulative Impacts: With regards to cumulative effects with respect to aesthetics, agricultural resources, biological resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire as identified in the Initial Study, the Project's

incremental contribution to potential cumulative impacts would not be cumulatively considerable as the Project would either have no impact or a less than significant impact with respect to these topics, and therefore could not combine with other projects to result in cumulative impacts. (See Appendix A-1 to the Draft EIR, page 100.)

Summary of Impacts Evaluated in the EIR

The Draft EIR concluded that the following applicable impacts would be less than significant without additional mitigation: Air Quality, Noise (groundborne vibration) Greenhouse Gas Emissions, Transportation/Traffic (emergency access) and Tribal Cultural Resources. (See Draft EIR Section I at I-7 and Section VI.6.) The EIR also considered potential cumulative impacts for each impact. The related projects list consists of seven projects provided by the City of Los Angeles Department of Transportation (LADOT) detailed in Section III of the Draft EIR. (See Table III-1, page III-3.)

Air Quality: The Project includes the demolition of the existing building, but no future development of the Project Site is proposed and/or considered as part of the Project. The demolition would be short term and as a result would not exceed any applicable air quality thresholds. Ss discussed in Section IV.A of the Draft EIR, the Project would not conflict with or obstruct implementation of the applicable air quality plan, exceed any applicable significance threshold or regulatory standard, or expose any sensitive receptors to substantial pollutant concentrations. Finally, the Project would not result in any significant cumulative air quality impacts and thus would not require any mitigation. (See full analysis in Section IV.A of the Draft EIR.) No significant cumulative impacts to air quality were identified, and no mitigation measures are required. (See Draft EIR, Section IV.A-37.)

Greenhouse Gas Emissions: The EIR compared the Project's characteristics with applicable regulations, plans, and policies to reduce greenhouse gas (GHG) emissions and found that the project would not conflict with plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Thus, as noted in Section IV.C of the Draft EIR, impacts are less than significant, and no mitigation is required. (See Section IV.C of the Draft EIR.) In addition, no significant cumulative impacts to GHG emissions were identified, and no mitigation measures are required. (See Draft EIR Section IV.C-39.)

Land Use and Planning (conflict with plan or policy): With regard to the San Vicente Scenic Corridor Specific Plan, 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 (Specific Plan, Section 5: Uses). 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 (Appendix A-1 to 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 (Appendix A-1 to the Draft EIR. See also IV.D of the Draft EIR.). The Project would not conflict with any of those applicable policies and guidelines, and thus no impacts would occur. Cumulative impacts related to land use and planning would be less than significant without mitigation.

Noise (groundborne construction vibration): The Project's estimated construction vibration impacts at nearby receptors sensitive to the human annoyance effects of ground-borne vibration would not exceed the applicable 72 VdB threshold of significance. As a result, the Project's human

annoyance-related vibration impacts as generated by on-site construction activities would be less than significant. Off-site vibration was also analyzed by the EIR and was found to be less than significant, and no mitigation is required. (See Section IV.E of the Draft EIR.) Cumulative on-site and off-site construction vibration impacts related to human annoyance would be less than significant. (See Draft EIR Section IV.E-35.)

Transportation/Traffic (emergency access): Project construction activities would not generate a significant number of daily trips during peak hours or increase congestion in the Project vicinity that could affect emergency access. The Project's impacts to transportation / traffic are less than significant. (Section IV.F of the Draft EIR). In addition, the Project includes a Project Design Feature (PDF-TRA-1 Demolition Management Plan) requiring the Project Applicant to prepare a detailed Demolition Management Plan. (See Section IV.F of the Draft EIR, page IV.F-12.) The Project's cumulative impacts related to emergency access would be less than significant. (See Draft EIR Section IV.F-17.)

Tribal Cultural Resources: No specific tribal cultural resources were identified at the Project Site by either a sacred lands file search, a California Historical Resources Information System records searches, or in consultation with California Native American Tribes. The Project Site was determined to have a low sensitivity for containing unknown tribal cultural resources, and the Project would only disturb soils that have been previously disturbed by past development activities. Therefore, Project's impacts with respect to tribal cultural resources would be less than significant without mitigation, as noted in Section IV.G of the Draft EIR. cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable. (See Draft EIR Section IV.G-12.)

VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Noise (temporary or permanent increase in noise)

Impact Summary

The Project Site is occupied by an approximately 13,956 square foot commercial building that is vacant and boarded up, and is therefore assumed to generate no noise. Construction would generate noise during the approximately 36 working days of demolition activities (see Table II-1 in Section II of the Draft EIR, Project Description, for the proposed Project schedule), with one additional day to install the landscape buffer.

The Draft EIR evaluated the noise expected as a result of the Project through on-site construction, off-site construction, and vibration-producing activities (discussed previously). Analysis of the activities and equipment planned to be used at the Project Site evaluated the unmitigated noise impacts that could result from excavator and loader usage during the Project's proposed demolition of the Barry Building. Noise increases at 640 Saltair Avenue, 11900 Saltair Terrace,

and 529 Westgate. Avenue could exceed the City's 5 dBA Leq increase significance criteria. As a result, without mitigation, this impact would be considered significant.

With respect to LAMC Section 112.05, no individual piece of equipment (i.e., no individual excavator or loader or backhoe) is estimated to generate a noise level in excess of 75 dBA L_{eq} as measured at a distance of 50 feet. As a result, the Project's impact as it pertains to the generation of noise levels in excess of noise ordinance standards would be considered less than significant.

The Project would also generate noise at off-site locations from haul trucks removing debris from the Project Site during demolition activities. Haul trucks would access the Project Site via San Vicente Boulevard. According to FHWA TNM 2.5 modeling, the Project's off-site noise impacts from construction-related traffic truck traffic would be less than significant.

The Project, together with related projects and future growth, was evaluated for potential cumulative noise impacts. A total of seven related projects were identified in the study area. (See Table III-1 for list of related projects.) The closest related project is more than 1,000 feet from the Project Site; it would not combine with the Project to result in a cumulative construction noise impact. The Draft EIR determined that cumulative noise due to construction truck traffic from the Project and related projects would not have the potential to exceed the ambient noise levels along the haul route or other streets by 5 dBA. Thus, Project impacts would not be cumulatively considerable and cumulative construction noise impacts would be less than significant.

Project Design Features

No specific project design features (PDFs) are proposed with regard to noise.

Mitigation Measures

To ensure that the Project's construction-related noise increases at 640 Saltair Avenue, 11900 Saltair Terrace, and 529 Westgate Avenue do not exceed the City's 5 dBA L_{eq} threshold of significance, the following mitigation measure is required:

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 2nd 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.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC Section 21081(a)(1))

Rationale for Finding

Implementation of Mitigation Measure MM-NOI-1 would reduce demolition-related noise impacts to below the City's 5 dBA L_{eq} significance criteria. As shown in Draft EIR Section IV.E, Table IV.E-7, building demolition-related noise increases at 640 Saltair Avenue, 11900 Saltair Terrace, and 529 Westgate Avenue would be no greater than 1.1 dBA after implementation of Mitigation Measure MM-NOI-1. Therefore, the Project's noise impact from on-site demolition activities would be considered less than significant with mitigation.

Reference

See Draft EIR Section IV.E and Appendix D of the Draft EIR for complete analysis of the noise impacts, thresholds, and evaluation methods conducted for the Project.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XII, below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and

b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

Cultural Resources (historic resources)

Impact Summary

The Barry Building was constructed in 1951 by David Barry, Jr., who hired architect Milton Caughey[2] to design the two-story commercial office building with shops on the ground floor, wrapping a central courtyard lushly landscaped with tropical plants. In 1993, a one-story receiving and storage addition was constructed on the north side of the building. An additional alteration in that area in 1993 was removal of the screens separating the rear patios from the parking lot. A

[2] Caughey's work consisted primarily of residences and schools; the Barry Building is one of his few commercial projects.

ramp was added on the southeast side to enter the courtyard space. The landscaped courtyard has also been altered over time.

The Project Site is currently developed with the two-story Barry Building and a surface parking lot. It is set back from San Vicente Boulevard by a narrow concrete-paved plaza with low planters. The building is flanked to the east by a shared driveway and to the north by the surface parking lot. The building consists of four wings of offices around a central garden courtyard, forming an open square in plan. The building has flat roofs at varying heights, with parapets around the perimeter and cantilevered plaster soffits with wood fascia around the courtyard. Two curved staircases, one in the northeast corner and one in the southwest corner, provide access to the cantilevered second-story balconies that encircle the courtyard. Each staircase consists of "floating" concrete treads in steel pans supported on triangular concrete mono stringers, with metal pipe railings.

The second story of the south wing is supported on slender steel pipe columns, leaving the ground floor open to both San Vicente Boulevard and the central courtyard. A small freestanding structure, slightly rotated from the building's orthogonal plan relative to San Vicente Boulevard, is located under the southeast corner. The interiors of the office suites are finished with wood flooring, plaster walls, and textured acoustical plaster ceilings.

The Barry Building was designated by the City as a Historic-Cultural Monument (HCM) No. 887 in 2007. The property is significant under the City's Cultural Heritage Ordinance Criterion 1, because it reflects "the broad cultural, political, economic or social history of the nation, state, or community." The building was the longtime home of Dutton's Brentwood Books and fostered a sense of cultural identity along the San Vicente commercial corridor in Brentwood. The Barry Building is also significant under City's Cultural Heritage Ordinance Criterion 3, because it "embodies the distinguishing characters of an architectural-type specimen, inherently valuable for a study of a period, style of method of construction," as an example of International Style architecture. The Barry Building is an example of Mid-century Modern commercial architecture in Los Angeles and embodies a distinctly local expression of the style. The period of significance for the context/theme/property type combination is 1945-1975. The Barry Building retains integrity of location, design, setting, materials, workmanship, and feeling. It is therefore eligible for listing in the National Register and the California Register. Details of the criteria, eligibility standards, character-defining features, and integrity considerations are provided in the Historical Resources Technical Report included as Appendix C-1 of the Draft EIR.

The Project would demolish the Barry Building and all those physical characteristics that convey its historical significance and that justify its designation as a City HCM, and its eligibility for listing in the California Register and the National Register. Thus, the Project would materially impair the significance of the Barry Building and would cause a substantial adverse change in the significance of an historical resource as defined by CEQA. Therefore, Project impacts related to historical resources would be significant and unavoidable.

As discussed in Section IV.B of the Draft EIR, cumulative impacts to historical resources would be less than significant. While the Project would demolish the Barry Building, resulting in a Project-specific significant and unavoidable impact, the Barry Building is not a contributor to any established historic district or HPOZ and does not contribute to the significance of any other individual historical resources.

Project Design Features

No specific project design features (PDFs) are proposed with regard to cultural resources.

Mitigation Measures

The following measure has been required for the Project:

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.

Finding

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. (PRC Section 21081(a)(3))

Rationale for Finding

As discussed in Section II (Project Description) of the Draft EIR, the Project consists of the demolition of the Barry Building, which has been vacant and fenced off since 2017, and the installation of a landscape buffer along the southern boundary of the Project Site. The existing building is currently designated as a City of Los Angeles HCM. Adopting Mitigation Measure MM-CUL-1, which will document the existing building's historical significance, will not eliminate the Project's significant impacts to cultural resources, which are the result of demolition of an HCM. Therefore, as discussed in Draft EIR Section IV.B, the Project's impacts to cultural resources will be significant and unavoidable. Mitigation Measure MM-CUL-1, provided above, requires the Barry Building to be documented to meet HABS Level I standards prior to demolition. However, even after implementation of Mitigation Measure MM-CUL-1, Project impacts would remain significant and unavoidable as the Project would demolish the existing historical resource. Further, all feasible mitigation measures have been imposed on the Project, mitigation measures such as interpretive programs, incorporation of materials into a new building, or a commemorative plaque would not reduce impacts, provide additional benefits not otherwise provided by the HABS survey detailed above, or are impractical because no new development is proposed. Therefore, as the Project is demolition of a building with no new construction, all feasible mitigation measures have been imposed on the Project. Further, Alternatives 1, 2, and 3 of the Draft EIR studied alternatives to demolition that could potentially mitigate effects but were determined infeasible. In addition, relocation of the building is technically impractical and infeasible due to the size of the building and the logistical requirements to move the structure. Dismantling the building for relocation would pose a significant risk to the buildings character-defining features.

Reference

See Section IV.B and Section VI of the Draft EIR for complete analysis of the cultural resources impacts, thresholds, and evaluation methods conducted for the Project.

Land Use and Planning (conflict with plan or policy)

Impact Summary

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

As the Project would result in the demolition of an existing historical resource, the Project would conflict with the applicable objectives and policies in the City of Los Angeles General Plan - Conservation Element related to the preservation of historical resources. Therefore, the Project would result in a potentially significant impact with respect to consistency with the City of Los Angeles General Plan (Conservation Element).

The Project would also conflict with several of the applicable goals, objectives, and policies within the Brentwood – Pacific Palisades Community Plan that are related to the preservation of historical resources. See Section IV.D, Table IV.D-1 of the Draft EIR. Therefore, the Project would result in a potentially significant impact with respect to consistency with the Brentwood-Pacific Palisades Community Plan.

The Project would not result in any changes to the General Plan land use designation and zoning regulations applicable to the Project Site. However, 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 primary goals, objectives, and policies applicable to the Project since development of the Project Site is not proposed.

As described in Draft EIR Section IV.B, Cultural Resources, Mitigation Measure MM-CUL-1 would be undertaken by the Project Applicant, which requires the Barry Building to be fully documented prior to demolition.

Even with implementation of Mitigation Measure MM-CUL-1, the Project would conflict with the applicable land use goals, objectives, and policies as the Project would demolish the existing historical resource. Therefore, Project impacts related to land use and planning would remain significant and unavoidable.

Project Design Features

No specific project design features (PDFs) are proposed with regard to land use and planning.

Mitigation Measures

The Project would be required to implement MM-CUL-1, discussed above, which would mitigate impacts to cultural resources, and by extension applicable goals, objectives, and policies related to historic preservation.

Finding

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. (PRC Section 21081(a)(3))

Rationale for Finding

As evaluated in Section IV.D of the Draft EIR, the Project would conflict with the applicable policies of the General Plan (Conservation Element) and the Brentwood-Pacific Palisades Community Plan related to historic preservation. Even with implementation of Mitigation Measure MM-CUL-1, the Project would continue to conflict with the applicable land use goals, objectives, and policies as the Project would demolish the existing historical resource. Therefore, Project impacts related to land use and planning would remain significant and unavoidable. However, there were no other mitigation measures identified in the EIR that avoid that significant impact. Further, Alternatives 1, 2, and 3 of the Draft EIR studied alternatives to demolition that could potentially mitigate effects but were determined infeasible. In addition, relocation of the building is technically impractical and infeasible due to the size of the building and the logistical requirements to move the structure. Dismantling the building for relocation would pose a significant risk to the buildings character-defining features.

Therefore, there are no feasible mitigation measures or alternatives that would reduce impacts to related to land use to less than significant.

Reference

See Draft EIR Sections IV.D and Section VI for complete analysis of the land use and planning impacts, thresholds, and evaluation methods conducted for the Project.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15091, that no feasible alternative or mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

Project Objectives

The objectives of the Project are as follows:

1. Comply with the City's Soft Story Retrofit Program (LAMC Section 91.9300 et seq., Ordinance entitled Mandatory Earthquake Hazard Reduction in Existing Wood Frame Buildings with Soft, Weak or Open Front Walls), which includes complying with the requirements under LAMC Section 91.9305.2.

2. Abate the fire, loitering, vandalism, and other public safety hazards associated with structural defects and current vacancy of the Barry Building.

Alternatives Analyzed

Alternative 1 – No Project Alternative

Description of Alternative

CEQA requires the alternatives analysis to include a "no project" alternative, which is the circumstance under which the Project does not proceed. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6, subd. (e)(1)).

This alternative assumes that the Project would not be implemented, and the existing building would not be demolished. However, in March 2018, the City of Los Angeles issued the Applicant an Order to Comply with the City's Soft Story Retrofit Program. (See LAMC Section 91.9305.2(1)(c), (2), and (3).) Thus, even under a "no project" alternative, some alternations to the Barry Building must be made. In a "no project" alternative where the building is not demolished, then it must be retrofitted to avoid penalties under the Soft Story Ordinance. However, Alternative 1 assumes only the minimum seismic retrofit work would be undertaken to comply with the Soft Story Ordinance, but no other seismic retrofit work would be undertaken and therefore the building would not be operational under this alternative.

Englekirk Structural Engineers prepared a technical report dated May 26, 2021 (included in Appendix H-2 of the Draft EIR) that included a structural analysis to repair the existing building to conform to the City's Soft Story Ordinance (see "Phase I" discussion in Appendix H-2). According to the Englekirk report, the south wing of the building that faces San Vicente Boulevard utilizes a pass-through at the ground floor that accesses the interior courtyard. As a result, there are no bearing walls that extend to the foundation and instead the second floor is supported on a series of isolated steel columns.

To comply with the City's Soft Story Retrofit Program, Englekirk developed a seismic retrofit scheme that consists of steel moment frame structures that are located within the building and are supported on new concrete footings. However, compliance with the retrofit required by the Soft Story Ordinance would not address structural deficiencies identified in the east, north, or west wing as provided in Englekirk's Seismic Assessment (see Appendix H-3 and Appendix G of the Draft EIR).

Therefore, if the remaining building wings are not structurally retrofitted, the work to the south wing of the building would not be sufficient to protect building occupants if the building was subject to a moderate to severe seismic event. In addition, the south wing alone, which is on the second story of the building, could not be occupied as occupants would need to take one of two stairways and travel along other wings of the building that have not been retrofitted in order to reach the south wing. As such, the building could not be safely occupied under Alternative 1. This alternative would not address the building's other areas of noncompliance, specifically under the ADA and the Building Code.

Impact Summary

All of Alternative 1's impacts would be less than significant, including with respect to historical resources and land use. The Project would result in a significant and unavoidable impact with respect to historical resources and land use, as the Project would demolish the existing building, which is City HCM No. 887. As Alternative 1 involves the retention of the existing building, Alternative 1 would result in similar impacts as the Project related to Air Quality, Greenhouse Gas

Emissions, Noise, Transportation, Tribal Cultural Resources, and would avoid the Project's significant and unavoidable impacts with respect to Cultural Resources (historical resources) and Land Use and Planning (conflict with plans).

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (PRC 21081(a)(3).)

Rationale for Finding

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

Per the CEQA Guidelines Section 15126.6 (a), reasonable project alternatives are those that "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives." Accordingly, while this alternative would partially meet the first Project objective, this Alternative is still infeasible because it would not resolve the public safety consideration associated with a moderate to severe earthquake event. In such an event, there would still be a significant risk to public safety because of the structural deficiencies in the building wings not subject to the Soft Story Ordinance. Further, given that the building would remain unoccupied under this alternative, the property would remain vacant and therefore, would not meet the second Project objective. Therefore, this alternative would not meet most of the project objectives.

Therefore, per PRC Section 15364 and based on the above specific economic, legal, social and technical reasons Alternative 1 would be infeasible.

Reference

See Draft EIR Section V for complete analysis of alternatives evaluated for the Project.

Alternative 2 – Preservation Alternative

Description of Alternative

Alternative 2, the Preservation Alternative would involve the work required to comply with the City's Soft Story Ordinance (as with Alternative 1), in addition to a voluntary seismic retrofit on the remainder of the building, and renovations to ensure compliance with the ADA, building code, and energy efficiency upgrades of the existing building.

The voluntary seismic retrofit program proposed by Englekirk Structural Engineers (see "Phase II" discussion in the technical report contained in Appendix H-2 of the Draft EIR) would include strengthening existing walls, adding new two-story shear walls, adding new floor and roof diaphragm sheathing, and adding new steel moment frames.

In addition, various physical aspects of the building are not in compliance with the ADA and California Building Code provisions related to access to buildings and properties for people with disabilities (Title 24, Part 2, Vol. 2, Chapter 11B). These issues are detailed in the ADA Upgrade Report prepared by Gruen Associates, included in Appendix H-5 of the Draft EIR. Accordingly, in addition to the voluntary seismic retrofit described above, Alternative 2 would also include an ADA upgrade, which would include upgrades related to an accessible path of travel, plumbing, stairs and balcony railing, vertical transportation, and tenant space improvements. Finally, certain aspects of the building do not meet California Building Code requirements. Therefore, Alternative 2 includes the following work to bring the building into compliance with the Code and other energy efficiency requirements.

Upon completion of the voluntary seismic retrofit, and ADA, building code, and energy efficiency upgrades, the building could be re-occupied by approximately 12,800 square feet of retail uses.

In the analysis provided below, asbestos abatement activities, which would take place prior to all other work, are anticipated to last two weeks. Performing the additional preservation measures is estimated to take approximately six months. Finishing activities, such as paving and applying new architectural coatings to the Barry Building, would take approximately one week each.

Impact Summary

As Alternative 2 involves the preservation of the existing building, Alternative 2 would avoid the Project's significant and unavoidable impacts with respect to historical resources and land use. However, as Alternative 2 includes an operational component (the re-occupancy of the building), Alternative 2 would result in greater impacts than the Project with respect to air quality, greenhouse gas emissions, noise, and traffic, although these impacts would still be less than significant.

While the additional construction would not result in exceedances of significance thresholds because there is no demolition activity under this Alternative, to further minimize Alternative 2's construction-related noise increases at 11900 Saltair Terrace and other sensitive receptors, the Draft EIR identified the following mitigation measure:

ALT2 MM-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 either the Project or Alternative 2, that parcel would be used for construction staging.)

- The northern property line of the parcel to the north of the Project Site (APN 4404-025-016) that separates this parcel from the residential uses to the north. Sound barriers along this property line shall be connected to the sound barriers described for the east and west property lines, so that all of Alternative 2's construction areas are fully enclosed by sound barriers.

The sound barriers shall be tall enough to shield line of sight paths from operating construction equipment to the 2nd stories of nearby residential uses. The prescribed sound barriers shall be installed for the duration of Alternative 2's construction activities.

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (PRC 21081(a)(3))

Rationale for Finding

Alternative 2 would meet both of the Project objectives. However, studies provided by the Applicant demonstrate that Alternative 2 is economically infeasible.

This alternative would include compliance with the Soft Story Ordinance, additional seismic renovations, ADA upgrades and building code compliance to prepare the building for occupancy.

An economic analysis (hereafter "Initial Renovation Cost Analysis") was conducted and submitted to the record on April 20, 2023, by the Applicant. The analysis attached the following reports:

- *11971 San Vicente Boulevard – Retrofit Schemes* by Englekirk Structural Engineers (June 2021) (Soft Story Retrofit Letter Report) (Attachment A);
- *11971 San Vicente Boulevard – Retrofit Schemes* by Englekirk Structural Engineers (June 2022) (Attachment B);
- *11973 San Vicente Boulevard, ASCE 41-13 Seismic Assessment* by Englekirk Structural Engineers (June 2022) (Attachment C);
- *Project Impacts Assessment, 11973 San Vicente Boulevard* by Historic Resources Group (October 2022) (Attachment D);
- *Barry Building ADA Update Requirements* by Gruen Associates (June 2021) (Attachment E);
- *Barry Building Renovations* by Hill International (November 2022) (Attachment F); and
- *Barry Building Land Residual Analysis* by CBRE, Inc. (March 2023) (Pro forma) (Attachment G)

In addition, updated economic analysis (hereafter "Additional Cost Analysis") was provided by the Applicant on July 15, 2024. Additional reports attached to this analysis included:

- *Revised Cost Estimate*, Hill International (June 27, 2024) (Attachment H to the Additional Cost Analysis); and
- *Revised Revenue Analysis*, CBRE, Inc. (July 2024) (Attachment I to the Additional Cost Analysis)

In November 2024, the Applicant provided additional economic analysis to the City (hereafter "Updated Cost Analysis"), including:

- *Barry Building Retrofit Scope Costs*, Hill International (October 3, 2024)
- *Barry Building Proposed Retrofit*, Englekirk Structural Engineers (September 9, 2004)
- *Barry Building – Opinion of Probable Retrofit Cost*, Hill International (November 6, 2024)
- *Appraisal Report*, CBRE, Inc. (November 8, 2024)

The Initial Renovation Cost Analysis is included in the Administrative Record. (See Letter from E. Casey to J. Harris, RE: *11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (April 20, 2023).) The Additional Cost Analysis was provided to the Office of Historic Resources, in a letter from E. Casey dated July 15, 2024. (See Letter from E. Casey to K. Bernstein, *RE: 11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210 ("Barry Building")* (July 15, 2024).) The Updated Cost Analysis was provided to the City on November 14, 2024. (See Letter from E. Casey to J. McCrea, *RE: 11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (November 14, 2024).) These analyses and related attachments are the entirety of the materials in the administrative record evaluating the economic feasibility of the Project Alternatives.

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

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

In addition, a pro forma revenue analysis completed by CBRE in March 2023 analyzed the expected value of the land and rental income based on the real estate market and the costs to complete necessary renovations to determine the maximum revenue that would be generated from a rehabilitated Barry Building. (See Attachment G to the Initial Renovation Cost Analysis.)

CBRE evaluated Alternative 2 of the Draft EIR (the "Preservation Alternative"), including seismic retrofitting of the existing Barry Building, the ADA upgrades, and Building Code compliance renovations identified in the Hill International Report (discussed above). This alternative estimates a total of an approximate 12,800 square feet of retail uses (and includes some common areas like bathrooms). In addition to the $12,818,000 estimated cost to complete necessary renovations

(per Hill International, discussed above), leasing commissions, costs for improvements to the leased spaces ("Tenant Improvement Allowance"), transfer taxes and developer profit were considered. According to CBRE's analysis dated March 2023 (provided by the Applicant in April 2023) the total combined costs of Alternative 2 are estimated at $17,024,961.

CBRE determined that under the assumptions of Alternative 2, the annual gross rental income for the retrofitted Barry Building is estimated at approximately $736,960; the total value of the retrofitted Building is $11,361,308. (See Attachment G to the Initial Renovation Cost Analysis.)

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

The Applicant provided additional analyses to the City in July 2024 which identified changes in the costs associated with Alternative 2. Hill International revised its analysis in June 2024 and determined that the cost to complete the rehabilitation work as of June 2024 had risen to approximately $17.1 million. (See Attachment H to the Additional Cost Analysis.) Hill International's revised analysis determined that from June 1, 2021, to June 26, 2024, the cost per square foot for this renovation work rose from $777 to $1,108. According to Hill International's analysis, this escalation is primarily driven by higher labor costs, increased material prices, and rising transportation and disposal fees.

CBRE's 2023 analysis previously provided by the Applicant was based on an income approach that could be derived from the Owner leasing space in the rehabilitated building. In July 2024, the Applicant also commissioned a 2024 Appraisal Report by CBRE based on a sales approach. This analysis was provided as Attachment I to the Additional Cost Analysis. CBRE 2024's report determined that the Barry Building Property, assuming rehabilitation of the existing building, has no market value and may even have a negative value of $5,672,747.

In addition to the economic analysis prepared by the Applicant evaluating Alternatives 2 and 3, the Applicant has also evaluated the economic feasibility of completing only the minimum rehabilitation required for compliance with the Soft Story Ordinance and the California Historic Building Code. In November 2024, the Applicant provided the following analyses to the City related to this proposed scenario as part of the Updated Cost Analysis:

- Barry Building Proposed Retrofit, Englekirk Structural Engineers (September 9, 2004)
- Barry Building Retrofit Scope Costs, Hill International (October 3, 2024)
- Barry Building – Opinion of Probable Retrofit Cost, Hill International (November 6, 2024)
- Appraisal Report, CBRE (November 8, 2024)

This scenario specifically accounts for the allowance per Section 8-706 of the California Historic Building Code for an historic building retrofit to meet only 75% of the current Building Code. The Applicant provided a Seismic Assessment prepared by Englekirk Structural Engineers identifying the work required under this more limited scope seismic retrofit work (the "75% Seismic Retrofit").

The required rehabilitation identified by Englekirk includes: reinforcing shear walls; adding plywood at floors and roof; adding or enlarging existing footings. (See Barry Building Proposed Retrofit, Englekirk Structural Engineers, September 9, 2004.)

The Applicant also provided an analysis of the costs associated with this narrowed scope of work under the 75% Seismic Retrofit scenario as compared to Alternative 2. An estimate prepared by Hill International excluded work previously considered within Alternative 2. (See Barry Building – Opinion of Probable Retrofit Cost, Hill International, November 6, 2024.) After reducing the June 27, 2024, cost estimate developed by Hill International (Attachment H to the Additional Cost Analysis) and accounting for the increase in construction costs due to the annualized inflation rate of 6.8%, Hill International determined that the cost to rehabilitate the Barry Building under this more limited scope of rehabilitation work is approximately $15,438,389. (See Barry Building Retrofit Scope Costs, Hill International, October 3, 2024.)

CBRE prepared an appraisal report for the Applicant considering the value of the rehabilitated Barry Building, complying with the California Historic Building Code per this scenario. CBRE compared similar recently sold properties and found that the price per square foot ranged from approximately $469 to $1,045. Excluding high and low extremes, CBRE determined the average price per square foot of comparable properties is approximately $630. CBRE used Hill's cost analysis of the minimum rehabilitation work required ($15,438,389) and reduced it by 20% to assume availability of a 20% rehabilitation tax credit. This assumption resulted in CBRE's estimate of cost to renovate the property at approximately $865 per square foot. This reduced cost is conservatively low as it does not include any indirect costs (which CBRE estimates could add 10-20%). CBRE's estimated cost of rehabilitation of $865 per square foot significantly exceeds the market price of the renovated property at $630 per square foot.

Based on the assumptions provided, CBRE determined that the resulting value of rehabilitating the Barry Building is approximately negative $3 million (excluding indirect costs). As a result, CBRE determined that the property has no (or negative) market value. (See Appraisal Report, CBRE, November 8, 2024.)

Alternative 2 would reduce or avoid the Projects impacts to Cultural Resources and Land Use but would result in greater impacts with respect to air quality, greenhouse gas emissions, noise, and traffic, as a result of an operational component, although these impacts would still be less than significant. Feasibility is defined by PRC Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Although Alternative 2 would meet the Project objectives, and reduce some environmental impacts, substantial evidence in the administrative record submitted by the Applicant demonstrates that Alternative 2 would be economically infeasible.

Reference

See Draft EIR Section V for complete analysis of alternatives evaluated for the Project. See Appendices H-2, H-3, H-4, H-5, H-6, H-7 and G; Letter from E. Casey to J. Harris, RE: *11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (April

20, 2023) ("Initial Renovation Cost Analysis") and attachments; Letter from E. Casey to K. Bernstein (July 15, 2024) ("Additional Cost Analysis") and attachments; and Letter from E. Casey to J. McCrea, *RE: 11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210* (November 14, 2024) ("Updated Cost Analysis") and attachments.

Alternative 3 – Partial Preservation with New Construction Alternative

Description of Alternative

Alternative 3 includes the partial preservation of the existing building with new construction on the remaining portion of the Project Site. Specifically, Alternative 3 would preserve the south, east, and west wings of the building, the courtyard, and the south façade of the north wing. However, Alternative 3 would involve demolition of the building volume behind the south façade of the north wing. Alternative 3 would also include the work required to comply with the City's Soft Story Ordinance, as well as the voluntary seismic retrofit (see Appendix H-2 of the Draft EIR for a discussion of the work required to comply with the Soft Story Ordinance and the voluntary seismic retrofit), and ADA (see Appendix H-5 of the Draft EIR for a discussion of work need to comply with ADA requirements), building code, and energy efficiency upgrades, as described above for Alternative 2, to the preserved portion of the existing building.

In addition, Alternative 3 would include the construction of a new building behind the existing building (referred to as the "Annex"). The new building would be approximately 10,815 square feet in three stories (approximately 3,605 square feet per level). In total, Alternative 3 would include approximately 19,771 square feet of office and retail uses, consisting of 8,956 square feet of retail uses in the existing building and 10,815 square feet of office uses in the new building.

This work would be performed over an approximate seven-month period. Asbestos abatement activities, which would take place prior to all other work, are anticipated to last two weeks. Performing the additional preservation measures, as well as constructing the new office building, is estimated to take approximately seven months. Finishing activities, such as paving and application of architectural coatings, would take approximately one week each.

Impact Summary

As Alternative 3 involves the partial preservation of the existing building, Alternative 3 would avoid the Project's significant and unavoidable impacts with respect to historical resources and land use. However, as Alternative 3 involves the construction of a new building and also includes an operational component (the re-occupancy of the preserved portion of the existing building with retail uses and a new building with new office uses), Alternative 3 would result in greater impacts than the Project with respect to air quality, greenhouse gas emissions, noise, and traffic, although these impacts would still be less than significant.

Demolition of the Barry Building's north wing and grading for the proposed office building could result in substantial noise increases at nearby sensitive receptors. The resultant noise increase at the nearest sensitive receptor would be 12.5 dBA, which is above the City's significance threshold of 5 dBA. Without mitigation, this impact would be considered potentially significant. As a result, the following mitigation measure is required for Alternative 3:

> **ALT3 MM-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 either the Project or Alternative 3, that parcel would be used for construction staging.)
- The northern property line of the parcel to the north of the Project Site (APN 4404-025-016) that separates this parcel from the residential uses to the north. Sound barriers along this property line shall be connected to the sound barriers described for the east and west property lines, so that all of Alternative 3's construction areas are fully enclosed by sound barriers.
- The sound barriers shall be tall enough to shield line of sight paths from operating paving equipment to the 2nd stories of nearby residential uses. The prescribed sound barriers shall be installed for the duration of Alternative 3's construction activities.

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (PRC 21081(a)(3))

Rationale for Finding

Alternative 3 would meet both of the Project objectives. However, studies provided by the Applicant demonstrate that it is economically infeasible.

The Initial Renovation Cost Analysis submitted to the record on April 20, 2023, by the Applicant (and identified above) considered the economic feasibility of Alternative 3. As with Alternative 2, CBRE prepared a pro forma valuation based on Alternative 3 of the Draft EIR (the "Partial Preservation with New Construction Alternative") which would involve renovation and preservation of approximately 70 percent of the existing Building and construction of additional commercial space on the remaining portion of the Project Site. Alternative 3 would involve demolition of the building volume behind the south façade of the north wing to accommodate the construction of an additional 10,815 square feet of commercial space (three stories high). In total, Alternative 3 would include approximately 19,771 square feet of office and retail uses. Alternative 3 results in the most leasable space in the renovated building of the alternatives identified.

Alternative 3 includes seismic retrofitting, ADA upgrades, Building Code compliance, and energy efficiency upgrades. As provided by the Applicant, Hill International prepared an analysis of the cost of completing this work as of November 2022. (See Attachment F to the Initial Renovation Cost Analysis.) CRBE considered the cost estimate prepared by Hill International and determined that the total cost of renovations, demolition, and construction of the additional annex was estimated at $19,646,307 as of March 2023. (See Attachment G to the Initial Renovation Cost Analysis.)

CBRE's 2023 analysis of the assumptions of Alternative 3, estimated the annual gross rental income for the retrofitted Barry Building at approximately $1,049,100, and the total value of the property at completion is $15,912,339. (See Attachment G to the Initial Renovation Cost Analysis.)

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

CBRE's 2023 analysis did not consider the potential availability of a 20 percent tax credit for the rehabilitation work[3] or the narrower scope of work available under the 75% Seismic Retrofit Scenario per the Historic Building Code,[4] which would call for 8,956 square feet of the building to be preserved under this Alternative. However, since CBRE prepared their analysis, Hill International identified that construction costs have risen significantly. According to Hill International's analysis, this escalation is primarily driven by higher labor costs, increased material prices, and rising transportation and disposal fees. (See Attachment H to the Additional Cost Analysis.) Hill International's June 2024 report notes that construction costs have risen by approximately 42.5 percent since their initial report was produced. In November, Hill International noted that construction costs have continued to rise. (See Attachment H to the Additional Cost Analysis; see also Updated Cost Analysis.) The Applicant determined that while these factors considered cumulatively would decrease the costs associated with construction under this Alternative by approximately $500,000, the reduction in costs available from the tax credit and the Historic Building Code were not sufficient to offset the negative $3,733,908 valuation identified by CBRE in 2023 in light of the significant increase in construction costs

CBRE and Hill International's analyses found that even with the additional commercial space included in Alternative 3, the sale price per square foot (approximately $630) is less than the cost per square foot of the necessary construction work ($970-$1,270 per Hill International's 2024 report) such that the additional construction required under Alternative 3 would not alter CBRE's finding of a negative valuation of the renovated property.

Alternative 3 would meet the Project objectives, avoid the Project's significant and unavoidable impacts to Cultural Resources and Land Use, while resulting in greater than the Project but still less than significant impacts with respect to air quality, greenhouse gas emissions, noise, and traffic. Feasibility is defined by PRC Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Based on substantial evidence in the administrative record submitted by the Applicant, Alternative 3 would be economically infeasible.

Reference

See Draft EIR Section V for complete analysis of alternatives evaluated for the Project. See Appendices H-2, H-3, H-8, H-9, H-10, H-11 and G; Letter from E. Casey to J. Harris, RE: *11973 San Vicente Boulevard Project / ENV-2019-6645-EIR / State Clearinghouse No. 2020110210*

[3] This 20% tax credit under I.R.C. Treasury Regulations is discussed and considered in CBRE's 2024 analysis. (See Attachment I to the Additional Cost Analysis.)

[4] See also findings for Alternative 2 concerning the 75% Seismic Retrofit allowed under the Historic Building Code.

(April 20, 2023) and attachments; and Letter from E. Casey to K. Bernstein (July 15, 2024) ("Additional Cost Analysis") and attachments.

Alternative 4 – Relocation Alternative

Description of Alternative

Alternative 4 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 determined. 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 upgrading that were described previously for Alternative 2. Once the Barry Building has been moved and rehabilitated, this analysis assumes that the Barry Building would be occupied by 12,800 square feet of retail uses.

HKA prepared a report analyzing four options to move the existing building to another site (see Appendix H-12 of the Draft EIR for this report), which are described below:

Option 1: Relocate virtually all building elements intact in one piece. This option was determined to be infeasible from a structural moving perspective, as the logistical challenges are extremely high. Besides undercutting beneath the building and then supporting the entire building while on the Project Site, it is infeasible to move the intact building in one piece once it is on City streets because of its size, particularly the building's width. Maneuverability would be infeasible to make turns from one street to another and due to the physical challenges (street trees, traffic signals, overhead wires, etc.) that would be encountered during the move. Therefore, HKA determined that Option 1 is infeasible due to these logistical challenges.

Option 2: This option considers partially dismantling the building elements into six parts at strategic vertical locations resulting in multiple two-story building portions which would be moved individually. This option proposes separating the north and the south two-story building elements from the connecting west and east two-story elements. This option also suggests removing, cataloging, and crating exterior stair elements, applied architectural features, such as aluminum sun-control fins, and applied architectural fixed-in-place wooden sun-control and ornamental architectural features. However, this option would present a number of transportation challenges. Even partially dismantled, the length of the building segments would make the transporting maneuverability infeasible at turns from one street to another street along the path from San Vicente Boulevard to a presently undetermined property. The overall height would also make this option infeasible for the same reasons as described for Option 1 (inability to clear street landscaping, utilities, street lighting, and traffic signals). Therefore, HKA determined that Option 2 is infeasible due to these logistical challenges.

Option 3: This option proposes partially dismantling the building elements at strategic horizontal locations into nine total pieces, thereby achieving multiple one-story building portions. In addition, strategic vertical separations would also be necessary to keep the overall length for each building element respectful to the architectural massing. Since the structure would be separated at a point above the second-floor plane but below the historic windows, the structure must be stabilized temporarily (addition of wood and steel beams, vertical and diagonal braces, diaphragms, and temporary floor construction to take place of the floor which will remain as part of the first story) to protect the construction from excessive movement during the relocation trip. This option also entails removing, cataloging, and crating exterior stair elements, applied architectural features, such as aluminum sun-control fins, and applied architectural fixed-in-place wooden sun-control

and ornamental architectural features. This option also presents a number of transportation moving challenges, as the overall length of the building elements would remain a challenge, which would make the transporting maneuverability difficult at turns from one street to another street along the path from San Vicente Boulevard to a presently undetermined property. The overall height may be less of a challenge with respect to clearance of street landscaping, utilities, street lighting, and traffic signals since the singular floor height would be substantially less than the building's two-story height. The work required under Option 3 would be performed over approximately 14-18 months. HKA identified that this option presents significant architectural destruction and damage when separating the building into portions for moving. Separating the two-story building would cause damage to the architectural exterior veneer plaster at the horizontal and vertical separations. As the overall building is separated into strategic portions to facilitate structural relocation, more and more damage and restoration will be required. HKA noted that restoring the veneer plaster at the separation locations would require feathering the plaster between the old and the new and/or installing screeds as plaster stops and expansion joints. This would result in significant degradation to the historic fabric of the building's exterior and to the character defining features.

Option 4: This portion proposes partially dismantling the building elements at strategic horizontal and vertical locations into 20 pieces achieving multiple small building portions. This option also entails removing, cataloging, and crating exterior stair elements, applied architectural features, such as aluminum sun-control fins, and applied architectural fixed-in-place wooden sun-control and ornamental architectural features. This option presents fewer transportation moving challenges and would make the transporting maneuverability somewhat easier at turns from one street to another street along the path from San Vicente Boulevard to a presently undetermined property. The overall height would likely be less of a challenge, for clearance of street landscaping, utilities, street lighting, traffic signals, and overhead power/telephone/cable lines since the singular floor height would be substantially less than an option where the building remains at two stories during the relocation. This option presents a temporary construction challenge (addition of wood and steel beams, vertical and diagonal braces, diaphragms, and temporary floor construction to take place of the floor which will remain as part of the first story) as previously discussed for Option 3, but this challenge is much more significant for Option 4, as a substantial amount of structure must be added to stabilize portions of the building temporarily to protect the building from excessive movement during the relocation trip. The work required under Option 4 would be performed over approximately 16-20 months.

As Options 1 and 2 were determined to be infeasible, the Draft EIR (Section V) addresses only Options 3 and 4 from the HKA report in detail. This analysis assumes that asbestos abatement activities, which would take place prior to all other work, are anticipated to last two weeks. Following this, preparing the Barry Building for dismantling and transporting would involve removing exterior elements and other ornamental features, as well as adding temporary stabilizing structures to portions of the building that would be transported. This is estimated to take approximately two months.

Reconstruction of the building would incorporate additional preservation measures relating to seismic retrofitting, ADA updates, building code updates, and energy efficiency upgrading. The differences between Option 3 and Option 4 chiefly concern whether the Barry Building would be dismantled into 9 or 20 pieces.

Reassembling the Barry Building and performing the additional preservation measures is estimated to take approximately 15 months. While a relocation site has not yet been identified, according to Historic Resources Group (see Appendix H-13 of the Draft EIR), the new site would have to be located on a similar commercial thoroughfare and have a similar flat topography as the Project Site. However, there is no limit to the distance from the old site to the new site within the City of Los Angeles, other than those limits imposed by physical and economic feasibility.

Impact Summary

All of Alternative 4's impacts would be less than significant, including with respect to historical resources (with mitigation) and land use. The Project would result in significant and unavoidable impacts with respect to historical resources and land use, as the Project would demolish the existing building, which is City HCM No. 887. As Alternative 4 involves the relocation of the existing building, Alternative 4 would avoid the Project's significant and unavoidable impacts with respect to historical resources and land use, with implementation of Mitigation Measure ALT4 MM-1 with respect to historical resources, as well as inclusion of the recommendations provided by Historic Resources Group (Appendix H-7 of the Draft EIR).

> **ALT4 MM-1** Potential mitigation measures to reduce the risks associated with disassembly of the Barry Building could include, but not necessarily be limited to, the following:
>
> - Historic American Buildings Survey (HABS) documentation including photographs, drawings, and narrative, completed prior to the issuance of permits.
> - Preparation of an Historic Structure Report (HSR) in conformance with Preservation Brief 43 prior to the issuance of permits, to document existing features, evaluate conditions, and recommend appropriate treatments.
> - Preparation of a Relocation and Rehabilitation Plan, to be reviewed and approved by the City of Los Angeles Office of Historic Resources (OHR) prior to the issuance of any permits.
> - Selection of a new site that meets the requirements of Criteria Consideration B as outlined in National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
> - Inclusion of an historic architect on the Project team to monitor disassembly, relocation, and rehabilitation activities.
> - Rehabilitation of the relocated Barry Building in conformance with the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67) including replication of the historic cement plaster and reinstallation of salvaged architectural features.

However, Alternative 4 would be required to implement mitigation measures (Mitigation Measures ALT4 MM-2 through ALT4 MM-5) related to construction noise and vibration to ensure that that these impacts are less than significant at both the Project Site and the potential relocation site.

> **ALT4 MM-2** 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 either the Project or Alternative 4, that parcel would be used for construction staging.)
> - The northern property line of the parcel to the north of the Project Site (APN 4404-025-016) that separates this parcel from the residential uses to the north. Sound barriers along this property line shall be connected to the sound barriers described

for the east and west property lines, so that all of Alternative 4's construction staging areas are fully enclosed by sound barriers.

The sound barriers shall be tall enough to shield line of sight paths from operating construction equipment to the 2nd stories of nearby residential uses. The prescribed sound barriers shall be installed for the duration of Alternative 4's relocation preparation and utilities removal phases.

ALT4 MM-3 Sound barriers rated to achieve a sound attenuation of at least 15 dBA shall be erected along perimeters of the future relocation site facing noise-sensitive receptors that are located less than 300 feet from the future relocation site. The sound barriers shall be tall enough to shield line of sight paths from operating construction equipment to any above-ground stories that these receptors may possess. The sound barriers shall be installed for the duration of Alternative 4's relocation preparation activities (including trenching for utility connections and grading for foundations), Barry Building reassembly and preservation activities, and any paving.

ALT4 MM-4 The Barry Building shall not be relocated to a future site that would require heavy-duty, steel-tracked construction equipment (or the vibrational equivalent thereof) to operate within 15 feet of structures that meet FTA Category III conditions or within 20 feet of structures that meet FTA Category IV conditions.

ALT4 MM-5 The Barry Building shall not be relocated to a future site that would require heavy-duty, steel-tracked construction equipment (or the vibrational equivalent thereof) to operate within 85 feet of residential land uses.

Finally, as Alternative 4 involves an operational component (the re-occupancy of the relocated Barry Building), Alternative 4 would result in greater impacts than the Project with respect to air quality, greenhouse gas emissions, noise, and traffic, although these impacts would still be less than significant.

Finding

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (PRC 21081(a)(3).)

Rationale for Finding

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

The ability of Alternative 4 to meet the Project objectives depends on finding a new site for the Barry Building, which has not occurred, and the EIR could not include an analysis as to the feasibility of finding a new site without engaging in speculation.[5] However, assuming a new site

[5] As noted in Appendix h-13 to the Draft EIR, the new site would have to be located within the Los Angeles city limits, be located on a similar commercial thoroughfare and have a similar flat topography.

could be identified, the analysis provided in the EIR demonstrates that Alternative 4 may be able to meet both of the Project objectives, subject to economic factors, which were not addressed in the EIR.

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

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

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

Neither Option 3 or 4 is a practical option to meet the project's first objective, as both options would destroy character defining features and would present very high risks to the integrity of the building that could result in a significant adverse impact as defined by CEQA. (See Appendix H-12 and H-16.) However, even if the adverse impacts could be mitigated to a less than significant impact as outlined by HRG in Appendix H-16 to the Draft EIR, and assuming a suitable new site exists and can be obtained, Options 3 and 4 are economically infeasible. Feasibility is defined by PRC Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." As explained in Alternative 2, the cost to complete the necessary ADA upgrades and seismic retrofits such that the building and safely be occupied for use exceeds the value of the preserved building by approximately $5,663,653.[6] In this Alternative, the considerable additional cost for the relocation would mean the costs associated with relocation are likely much higher than Alternative 2, whereas the value of the preserved building (based on total leasable square footage) is unlikely to change significantly at its new location.

Reference

See Draft EIR Section V for complete analysis of alternatives evaluated for the Project. See Appendices H-12, H-13, H-14, H-15, and H-16 for additional supporting documentation.

The building would have to be able to be located in the same general orientation to the street, facing generally south, with similar setbacks, hardscape and landscape.

[6] If the necessary ADA upgrades and seismic retrofitting are forgone, the relocated building could not be occupied and this Alternative would not meet the second project objective.

Alternatives Rejected as Infeasible

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and no further analysis is provided in the EIR. For those rejected alternatives, the EIR should briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

One alternative that was considered was mothballing the Barry Building in accordance with *Preservation Brief 31: Mothballing Historic Buildings,* prepared by the National Park Service. Preservation Brief 31 outlines the steps required to close up and temporarily protect an historic building for an extended period of time while planning its future use. Historic Resources Group prepared a memo that outlines the steps to properly mothball a building (see Appendix H-1 of the Draft EIR). However, mothballing is not a long-term solution that can achieve the project objectives, including compliance with the Soft Story Ordinance and therefore, this alternative was rejected.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

Alternative 1 (the No Project Alternative) would be environmentally superior to the Project since this alternative would avoid the Project's significant and unavoidable impacts with respect to historical resources and land use. In addition, Alternative 1 would not include an operational component and, therefore, would not result in any operational impacts.

Among the remaining alternatives, Alternative 2 (the Preservation Alternative) is environmentally superior to Alternatives 3 and 4. As noted above, Alternative 2 would involve the work to comply with the City's Soft Story Ordinance, as well as a voluntary seismic retrofit and additional upgrades (like ADA compliance) in order to make the existing building suitable for occupancy. This Alternative would lessen the significant and unavoidable impacts to historic resources and land use/planning compared to the Project as it would not require demolition of the Barry Building. However, Alternative 2 would result in greater construction and operational impacts compared the Project.

Alternatives 2, 3, and 4 would all reduce the significant and unavoidable impacts to historic resources and land use/planning that would occur under the Project to less than significant levels. When compared to Alternative 2, Alternative 3 consists of more development and as such, would result in more impacts than Alternative 2.

Comparing Alternative 2 and Alternative 4, Alternative 4 would result in greater impacts with respect to the character-defining features of the Barry Building, and would therefore require the implementation of additional mitigation measures to avoid a significant impact with respect to historical resources. Alternative 4 would have greater impacts than Alternative 2.

Therefore, Alternative 2 is the Environmentally Superior Alternative.

However, the determination of the "environmentally superior" alternative does not include an evaluation of the feasibility of the environmentally superior alternative.

IX. Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section VI.3, of the Draft EIR, the project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

The Project would necessarily consume a limited amount of slowly renewable and non-renewable resources that could result in irreversible environmental changes, including: (1) solid waste disposal effects on landfills; (2) water; and (3) energy resources. As explained in Section VI.3 of the Draft EIR, the Project would not consume a large commitment of natural resources or result in significant irreversible environmental changes.

Building Materials and Solid Waste

Solid waste was addressed in the Initial Study (included in Appendix A-1 of the Draft EIR). As discussed therein, the Project would demolish of the existing commercial building, which is expected to generate a total of approximately 4,174 cubic yards of debris, including 130 cubic yards of asbestos-containing material and 4,044 cubic yards of non-contaminated debris. The 130 cubic yards of asbestos-containing material would be entirely disposed of at the Azusa Land Reclamation Facility. Compliance with SB 1374 would require the recycling or salvaging of 75 percent of the remaining 4,044 cubic yards of debris. This would equate to approximately 1,011 cubic yards (or 404,400 pounds or 202 tons) that would be disposed of at a landfill over the course of demolition. The Initial Study determined that the landfills serving the Project Site would have adequate capacity to accommodate the solid waste generated by the demolition of the existing building. Because of the recycling of most of the solid waste generated by the Project, and the available capacity at landfills serving the Project Site, the Project's short-term solid waste disposal effects on landfills would be reduced.

Water

As stated in the Initial Study (included in Appendix A-1 of the Draft EIR), the Project would require a limited amount of water for dust control during demolition activities and to water the landscape

buffer planted along the fence after demolition has been completed. As discussed in the Initial Study, LADWP would be able to supply water for the Project's demolition activities and to water the landscape buffer based on its existing supply. Thus, while the Project would result in a limited amount of irreversible consumption of water, the Project would not result in a significant impact related to water supply.

Energy Consumption and Air Quality

The proposed construction activities would consume relatively minor quantities of electricity (i.e., temporary use for lighting and small power tools). This electricity would be supplied to the Project Site by the City of Los Angeles Department of Water and Power (LADWP) and would be obtained from the existing electrical lines that connect to the Project Site. Electricity consumed during demolition of the existing building and installation of the landscape buffer would be temporary and would cease upon the completion. Construction activities would also consume energy in the form of petroleum-based fuels associated with the use of construction vehicles, construction worker travel to and from the Project Site, and hauling truck trips. Based on the limited amount of equipment required and the limited duration of construction activities, the Project would require a negligible fraction of the State's total transportation fuel consumption. Therefore, the Project would not have an adverse impact on available electricity or fuel supplies.

The Project consists solely of the demolition of the existing building and the installation of a landscape buffer on the southern boundary of the Project Site. Development of the Project Site is not proposed and/or considered as part of the Project. Therefore, the Project would not have an operational demand for energy, with the exception of a limited amount of electricity for sprinklers to water the landscape buffer.

Overall, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources, and Project impacts would be less than significant.

Conclusion

Based on the above, the Project would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources for future generations or for other uses. However, the consumption of such resources would not be considered substantial. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by the Project's construction activities is justified.

X. Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either

individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The Project consists of the demolition of the Barry Building. Once demolition is complete, the portion of the Project Site that currently contains the Barry Building would be a vacant lot, and the existing surface parking lot would remain. A landscape buffer would be installed along the southern boundary of the Project Site (fronting San Vicente Boulevard). Development of the Project Site is not proposed and/or considered as part of the Project. The demolition activities would require a daily maximum of 10 construction workers during any given day. The patterns of construction workers in Southern California are such that it is not likely that the workers for the Project would relocate their households as a consequence of being employed to conduct the Project's demolition work, especially given the short duration of demolition activities. Therefore, the Project would not be considered growth-inducing from a short-term employment perspective. Rather, the Project would provide a public benefit by providing employment opportunities during the demolition period.

As the Project does not include any new development on the Project Site, the Project would not result in a population increase at the Project Site due to new housing or employment opportunities that could result in substantial unplanned growth either directly or indirectly. Likewise, the Project also would not require any utility infrastructure improvements. Therefore, the Project would not result in any direct or indirect growth-inducing impacts.

XI. Energy Conservation

The Project's demolition activities would consume relatively minor quantities of electricity and fuel, particularly as the Project would be temporary. Electricity consumed during demolition of the existing building and installation of the landscape buffer would be temporary and would cease upon the completion. All construction and demolition equipment would meet applicable fuel efficiency standards.

The Project does not have an operational component and therefore would not have an operational demand for energy, with the exception of a limited amount of electricity for sprinklers to water the landscape buffer. The Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources.

XII. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis in Sections IV.B and IV.D of the Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts to cultural resources (historical resources) and land use and planning (conflict with plans) that cannot be feasibly mitigated attributable to the demolition of an HCM.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that each of the project's benefits listed below outweigh and override the significant unavoidable impacts relating to the demolition of an HCM.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the project despite the project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project would remove an existing safety hazard and seismically unsafe structure, which includes significantly seismically overstressed building portions, in compliance with the Soft Story Ordinance, and objectives to protect public safety or possible occupants in the event of a moderate to severe earthquake;
2. The Project would remove an attractive nuisance, namely a building known to be vacant, that may give rise to break-ins and other unlawful behavior, and which could pose safety and other risks to the surrounding community and adjacent properties for unlawful behavior within a structurally unsound building;
3. The Project would pursue an economically feasible improvement to the property in a manner that will also benefit the surrounding community by removing public safety risks and health hazards;
4. The Project would create an additional vacant site that could accommodate housing or other commercially viable development in the future, built to more energy-efficient and structurally safer modern building codes, contributing to the City's Regional Housing Needs Assessment (RHNA) allocations and the City's critical housing need, or providing new commercial uses in line with smart growth policies and transit-oriented development; and
5. The Project would create jobs during demolition for construction workers in the City.

General Findings.

1. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, cultural resources, greenhouse gas emissions, land use and planning, noise, transportation and traffic, and tribal cultural resources, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.

4. The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

5. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

    - The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

    - The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

    - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the project, constitutes significant new

information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

- The mitigation measures identified for the project were included in the Draft EIR and Final EIR. The final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

6. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

7. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.

8. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

9. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.

10. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.

DEPARTMENT OF BUILDING AND SAFETY

INFORMATION BULLETIN / PUBLIC – BUILDING CODE
REFERENCE NO.: Effective: 01-01-2023
DOCUMENT NO.: P/BC 2023-149 Revised:
Previously Issued As: P/BC 2020-149

PROCEDURE FOR PROCESSING “ERROR OR ABUSE OF DISCRETION” APPEALS OF LADBS ACTIONS TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS

This Information Bulletin provides the procedure for processing requests for Modification of Building Ordinances (Request for Modification) and, subsequently, appeals alleging error or abuse of discretion by the Los Angeles Department of Building and Safety (“LADBS”) concerning the City of Los Angeles Building Code (LABC) or other items within the powers of the Board of Building and Safety Commissioners (BBSC) as granted by LAMC 98.0403.1(b). Such appeals shall be filed in accordance with procedures outlined in LAMC Section 98.0403.2.

LADBS staff uses the following guidelines to process appeals filed under LAMC 98.0403.2:

1. PROCESSING FEES

The customer shall complete the Request for Modification Form and provide the request to the LADBS staff member along with exhibits and any pertinent information for the request. The LADBS staff member’s supervisor will determine the processing fees pursuant to LAMC Section 98.0403.2(a) and refer the customer to cashier with (3) copies. Processing fees are $130.00 for the first item and $39.00 for each additional item, plus $208.00 for two (2) hours of research. For complex requests requiring more than two (2) hours of research, an additional research fee may be imposed.

> Note: At satellite offices where cashiers are not available, the appellant may leave a check or money order made out to the “City of Los Angeles” for the appropriate amount. LADBS shall process the application and send a copy with receipt of payment to the appellant.

2. DETERMINATION

The LADBS Staff member’s supervisor shall make a determination to grant, grant with conditions, or deny the Request for Modification and provide said information to the customer. If dissatisfied with the supervisor’s interpretation, the customer can file an appeal under LAMC Section 98.0403.2(b).

LAMC Section 98.0403.2(b). appeals shall be submitted to the Chief Inspector, Building Civil Engineer and above in charge of the office where the determination was made. (The term “Manager” shall be used hereinafter to describe this senior staff position.)

If the Manager determines that LADBS neither erred nor abused its discretion in making the determination, and the appellant wishes formally to initiate the appeal process, the Manager shall provide the required “Supplemental Application for Appeals” Form (Appeal Form) and

instruct the appellant how to complete the form.

The appellant must itemize the grounds for the appeal, along with applicable LAMC sections, on the Appeal Form. The Request for Modification Form and any evidence supporting the appeal, such as photographs and correspondence should be submitted as an attachment to the appeal form.

No additional information will be accepted by the Department after the appeal form has been submitted unless a new appeal form is filed and applicable fees are paid.

3. REVIEW OF APPEAL FORMS AND FEE FOR WRITTEN REPORT

The Manager shall review the appeal package for completeness. If the Manager determines that the form and all attachments clearly state the grounds for the appeal and cannot be approved administratively, the Manager shall complete the fees portion on page two of the Request for Modification form as outlined in LAMC Section 98.0403 (b) and refer the customer to cashiers with (3) copies. Filling fees are based on the subject of the request as set forth in Tables 4A or 4B plus $104.00 for (1) hour of research.

4. ROUTE ORIGINAL APPEAL PACKAGE

After the fees are paid, the appellant shall return the original appeal package and a copy of the paid request for modification form to the Manager. The Manager shall ensure that the appellant's original appeal package is hand delivered to the Commission Office. The Commission staff shall log the appeal by assigning a case number, creating a case file and assigning the case to the responsible manager.

5. WRITTEN DETERMINATION

The Manager assigned to the case shall prepare a report and presentation setting forth the justifications and findings for LADBS's determination, specifically addressing the appellant's issues. The report shall be completed within 60 days from the date of the appeal's submittal and the item shall be scheduled for the next available BBSC hearing date. For complex requests, additional time may be required to complete the report.

6. NOTIFICATION OF PUBLIC HEARING

When the appeal is scheduled for a hearing before the BBSC, the Commission staff shall notify the appellant through a written notice at least ten days prior to the date of the hearing. The notice shall be given by email or U.S. mail.

REQUEST FOR MODIFICATION OF BUILDING ORDINANCES

UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

PERMIT APP. #:	**DATE:**	**For City Dept. Use Only** **Building Zoning** **Grading Shoring** **Mech. Elec. Plumb.** **Green D.A. Misc.**
JOB ADDRESS:		
Tract:	**Block:** **Lot:**	
Owner: Address: City State Zip Phone	Petitioner: Address: City State Zip Phone	

REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY) | CODE SECTIONS:

JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)

Owner/Petitioner Name (Print) **(Signature)** **Position**

FOR CITY DEPARTMENT'S USE ONLY BELOW THIS LINE

Concurrences required from the following Department(s)			Approved	Denied
☐ Los Angeles Fire Department	Print Name_____	Sign_____	☐	☐
☐ Public Works Bureau of Engineering	Print Name_____	Sign_____	☐	☐
☐ Department of City Planning	Print Name_____	Sign_____	☐	☐
☐ Department of County Health	Print Name_____	Sign_____	☐	☐
☐ Other _____	Print Name_____	Sign_____	☐	☐

DEPARTMENT ACTION

☐ **GRANTED** ☐ **DENIED**

Reviewed by: (Staff) (Print) ***Sign*** ***Date***

Action taken by: (Supervisor) (Print) ***Sign*** ***Date***

NOTE: IN CASE OF DENIAL, SEE PAGE #2 OF THIS FORM FOR APPEAL PROCEDURES

CONDITIONS OF APPROVAL (Continued on Page 2):

(DEPARTMENT USE ONLY)

FEES

Appeal Processing Fee.. (No. of Items) =	1	X $130 + $39/addl	= 130.00
Inspection Fee ..... (No of Insp.) =		X $ 84.00	=
Research Fee ... (Total Hours Worked) =	2	X $104.00	= 208.00
Subtotal.....			= 338.00
Development Services Center Surcharge		X .03	= 10.14
Systems Development Surcharge.....		X .06	= 20.28
Total Fees.....			= 368.42

Fees verified by:

Print and Sign _____

For Cashiers Use Only

(PROCESS ONLY WHEN FEES ARE VERIFIED)

Permit App #:	Job Address:

CONDITIONS OF APPROVAL (Continued from Page 1)

CITY OF LOS ANGELES
BOARD OF BUILDING AND SAFETY/DISABLED ACCESS COMMISSION APPEAL FORM

(Must be Attached to the Modification Request Form, Page 1)

AFFIDAVIT – LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS – RESOLUTION NO. 832-93

I, _____ do state and swear as follows:
(Print or Type Name of the Person Signing this Form)

1. The name and mailing address of the owner of the property (as defined in the resolution 832-93) at _____ as shown on the appeal application (LADBS Com 31) are correct, and
2. The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.

I declare under PENALTY OF PERJURY that the forgoing is true and correct.

Owner's Name(s) _____ _____
(Please Type or Print) (Please Type or Print)

Owner's Signature(s) _____ (Two Officers' Signatures Required for Corporations)
(Please Sign)

Name of Corporation _____ _____
(Please Print Name of Corporation) (Please Type or Print)

Dated this _____ day of _____ 20_____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT----------SIGNATURE(S) MUST BE NOTARIZED

State of **CALIFORNIA** County of _____ on _____

before me, _____, personally appeared _____,
Name, Title of Officer (e.g. Jane Doe, Notary Public) Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. **I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.**

WITNESS my hand and official seal. Signature _____

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION

_____ _____
Applicant's Name Applicant's Title

_____ _____
Signature Date

FEES **(DEPARTMENT USE ONLY)**

Board Fee ..... (No. of Items)	1	X	$354 +$215/addl	=	354.00
Inspection Fee ..... (No of Insp.) =		X	84.00	=	0.00
Research Fee ... (Total Hours Worked) =	2	X	104.00	=	208.00
Subtotal				=	562.00
Development Services Center Surcharge		X	.03	=	16.86
Systems Development Surcharge		X	.06	=	33.72
Total Fees				=	612.58

Fees verified by:

Print and Sign _____

For Cashiers Use Only
(PROCESS ONLY WHEN FEES ARE VERIFIED)

SUPPLEMENTAL APPLICATION FOR APPEALS

TYPE OF APPEAL:

- ☐ BUILDING CODE APPEAL
- ☐ ZONING CODE APPEAL
- ☐ INSPECTION / CODE ENFORCEMENT APPEAL

PROJECT TYPE:

- ☐ ONE OR TWO FAMILY RESIDENTIAL
- ☐ MULTI-FAMILY RESIDENTIAL
- ☐ COMMERCIAL/INDUSTRIAL

PERMIT APPLICATION:			
ADDRESS:			ZIP:
TRACT:	BLK:	LOT:	
OWNER NAME:	OWNER ADDRESS:		ZIP:

APPLICATION INFORMATION:

NAME:	ADDRESS:	ZIP:
EMAIL:	APPLICANT SIGNATURE:	DATE:

ISSUES:	VIOLATION:	CODE SECTION:
1.		
2.		
3.		

- ❖ FOR ADDITIONAL ISSUES, ATTACH TO THIS APPLICATION
- ❖ ATTACH ALL APPLICABLE EXHIBITS AND EVIDENCE TO THIS APPLICATION

SUPPLEMENTAL APPLICATION FOR APPEALS

ISSUES:	VIOLATION:	CODE SECTION:
4.		
5.		
6.		
7.		
8.		
9.		