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1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION 3 THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE 4 5 6 JEFFREY POWERS, et al, 7 Plaintiffs, 8 Case No. LACV22-8357 vs. 9 DENIS RICHARD MCDONOUGH, 10 Defendants. 11 12 13 REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS TRIAL DAY 9 14 Wednesday, August 21, 2024 15 1:00 p.m. LOS ANGELES, CALIFORNIA 16 17 18 19 20 21 TERRI A. HOURIGAN, CSR NO. 3838, CCRR 22 FEDERAL OFFICIAL COURT REPORTER 350 WEST FIRST STREET, ROOM 4311 23 LOS ANGELES, CALIFORNIA 90012 (213) 894-2849 24 25

2         3       FOR THE PLAINTIFF:         4       ROBINS KAPLAN LLP         5       TOMMY DU         Attorneys at Law         6       2121 Avenue of the Stars, Suite 2800         Los Angeles, California 90067         7       PUELIC COUNSEL         8       BY: MARK D. ROSENBAUM         AMELIA PIAZZA         9       AMANDA ROMAN MANGASER SAVAGE         Attorneys at Law         10       610 South Ardmore Avenue         Los Angeles, California 90005         11         BROWN GOLDSTEIN and LEVY, LLP         BY: EVE L. HILL         Attorney at Law         120 East Baltimore Street, Suite 2500         Baltimore, Maryland 21202         14         PUBLIC COUNSEL         15       BY: AMANDA ROMAN MANGASER SAVAGE         Attorney at Law         160 South Ardmore Avenue         Los Angeles, California 90005         17         18         FOR THE DEFENDANT: DENIS RICHARD MCDONOUGH         19       US DEPARTMENT OF JUSTICE         CIVIL DIVISION - FEDERAL         PY: BRAD ROSENBERG         AGEEKO PETTY         JODY LOWENSTEIN         20 </th <th>1</th> <th>ADDEADANCES OF COINSEL.</th>	1	ADDEADANCES OF COINSEL.
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<ul> <li>4 ROBINS KAPLAN LLP</li> <li>BY: ROMAN M. SILBERFELD</li> <li>TOMMY DU Attorneys at Law</li> <li>6 2121 Avenue of the Stars, Suite 2800 Los Angeles, California 90067</li> <li>7</li> <li>7</li> <li>7</li> <li>7</li> <li>7</li> <li>9 AMANDA ROMAN MANGASER SAVAGE Attorneys at Law</li> <li>10 610 South Ardmore Avenue Los Angeles, California 90005</li> <li>11</li> <li>8</li> <li>120 East Baltimore Street, Suite 2500 Baltimore, Maryland 21202</li> <li>14</li> <li>9</li> <li>120 East Baltimore Avenue Los Angeles, California 90005</li> <li>13</li> <li>120 East Baltimore Street, Suite 2500 Baltimore, Maryland 21202</li> <li>14</li> <li>15 BY: AMANDA ROMAN MANGASER SAVAGE Attorney at Law</li> <li>16 610 South Ardmore Avenue Los Angeles, California 90005</li> <li>17</li> <li>18</li> <li>FOR THE DEFENDANT: DENIS RICHARD MCDONOUGH</li> <li>19 US DEPARTMENT OF JUSTICE CIVIL DIVISION - FEDERAL</li> <li>20 PROGRAMS BRANCH BY: BRAD ROSENBERG</li> <li>21 AGEKO PETTY JODY LOWENSTEIN</li> <li>22 TAYLOR PITZ CODY TAYLOR NAPP</li> <li>23 CARLOTTA P. WELLS Attorney at Law</li> <li>24 1100 L. Street, N.W. Washington D.C. 20005</li> </ul>	2	
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<ul> <li>BY: MARK D. ROSENBAUM AMELIA PIAZZA</li> <li>AMANDA ROMAN MANGASER SAVAGE Attorneys at Law</li> <li>610 South Ardmore Avenue Los Angeles, California 90005</li> <li>BROWN GOLDSTEIN and LEVY, LLP</li> <li>BY: EVE L. HILL Attorney at Law</li> <li>120 East Baltimore Street, Suite 2500 Baltimore, Maryland 21202</li> <li>PUBLIC COUNSEL</li> <li>BY: AMANDA ROMAN MANGASER SAVAGE Attorney at Law</li> <li>610 South Ardmore Avenue Los Angeles, California 90005</li> <li>FOR THE DEFENDANT: DENIS RICHARD MCDONOUGH</li> <li>US DEPARTMENT OF JUSTICE CIVIL DIVISION - FEDERAL</li> <li>PROGRAMS BRANCH BY: BRAD ROSENBERG</li> <li>AGBEKO PETTY JODY LOWENSTEIN</li> <li>TAYLOR PITZ CODY TAYLOR KNAPP CARLOTTA P. WELLS Attorneys at Law</li> <li>110 L. Street, N.W. Washington D.C. 20005</li> </ul>	7	PUBLIC COUNSEL
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BROWN GOLDSTEIN and LEVY, LLP BY: EVE L. HILL Attorney at Law 120 East Baltimore Street, Suite 2500 Baltimore, Maryland 21202 PUBLIC COUNSEL BY: AMANDA ROMAN MANGASER SAVAGE Attorney at Law 610 South Ardmore Avenue Los Angeles, California 90005 FOR THE DEFENDANT: DENIS RICHARD MCDONOUGH US DEPARTMENT OF JUSTICE CIVIL DIVISION - FEDERAL PROGRAMS BRANCH BY: BRAD ROSENBERG AGBEKO PETTY JODY LOWENSTEIN TAYLOR PITZ CODY TAYLOR KNAPP CARLOTTA P. WELLS Attorneys at Law 1100 L. Street, N.W. Washington D.C. 20005	10	610 South Ardmore Avenue
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<pre>22 TAYLOR PITZ CODY TAYLOR KNAPP 23 CARLOTTA P. WELLS Attorneys at Law 24 1100 L. Street, N.W. Washington D.C. 20005</pre>	21	AGBEKO PETTY
23 CARLOTTA P. WELLS Attorneys at Law 24 1100 L. Street, N.W. Washington D.C. 20005	22	TAYLOR PITZ
24 1100 L. Street, N.W. Washington D.C. 20005	23	CARLOTTA P. WELLS
	24	1100 L. Street, N.W.
	25	Washington D.C. 20005

1 APPEARANCES: (CONT.) 2 FOR THE INTERVENOR: 3 ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP BY: ERNEST J. GUADIANA 4 JUSTIN TRUJILLO Attorneys at Law 5 10345 West Olympic Boulevard Los Angeles, California 90064 6 7 ALSO PRESENT: Batina Washington, HUD Kristin Grotecloss, Veterans Administration 8 Tobin Dale, Veterans Administration Keith Harris, Party Representative 9 Robert Davenport, Counsel Marcie Vega 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, AUGUST 21, 2024 2 1:00 p.m. 3 --000--4 5 THE COURT: Well, counsel, thank you for your patience, I apologize for being late. 6 7 So we're back in session. All counsel are present, the parties are present. 8 9 And, counsel, if you would like to call your next witness on behalf of plaintiffs, please. 10 MR. SILBERFELD: Thank you, Your Honor, plaintiffs 11 12 call Steve Soboroff. 13 THE COURT: Thank you. Sir, if you would be kind 14 enough to step forward. Would you raise your right hand. 15 (Oath was administered.) 16 THE WITNESS: Yes, sir. 17 THE COURT: Thank you very much. If you would be 18 seated here in the witness box, it's just to my right. THE WITNESS: It's a little too far for me to walk. 19 20 Congratulations, 23,000 steps, whatever that was. 21 THE COURT: Anyway, have a seat. Thank you, sir. 22 Make sure you are comfortable. 23 Sir, would you be kind enough, after you are comfortably 24 seated, to state your full name, and after you state your full 25 name, would you spell your last name?

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1 THE WITNESS: Full name is Steven, S-T-E-V-E-N, 2 Lewis, is my middle, last name Soboroff, S-O-B-O-R-O-F-F. 3 STEVEN LEWIS SOBOROFF, 4 having been duly sworn, testified as follows: 5 THE COURT: Thank you, sir. This is direct 6 7 examination by the plaintiff. 8 MR. SILBERFELD: Thank you, Your Honor. 9 DIRECT EXAMINATION (Plaintiffs' direct examination) 10 11 BY MR. SILBERFELD: 12 Mr. Soboroff, what do you do for a living? Q 13 Α I'm a real estate investor and, not for a living, but for 14 most of my life I have been a public servant, public policy 15 servant. 16 As a public policy servant, can you give the Court 0 17 examples of some of the things you have been in involved in, 18 sir? 19 My positions? Or things? Α 20 Positions and things together. Q I will start with Recreation and Parks Commission. 21 А 22 I was the commissioner for City of Los Angeles 23 Recreation and Parks, it involved -- it handles the park system 24 for Los Angeles and consider -- consisting of museums, parks, 25 at that time the zoo.

#### UNITED STATES DISTRICT COURT

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_	
1	It was in huge disrepair at that time for five years.
2	I was harbor commissioner for the Alameda Corridor
3	Project, Mayor Riordan appointed me for that for the purpose of
4	trying to put together a project that had been languishing for
5	many years, a federal project, a-billion-eight toll road for
6	freight trains, and I was harbor commissioner to complete to
7	try to put that together and get that finished.
8	And then for the last ten years under a different mayor,
9	Garcetti, Police Commissioner for LAPD.
10	Q Tell us about some of the
11	A Do you want me to go? I've got more.
12	Q Well, sure. Go on.
13	A Okay. I was senior advisor to the Mayor Riordan for his
14	entire term and
15	Q You ran for mayor also at one point?
16	A Yeah, but if I when I say that, a lot of people will
17	ask me for their money back, so I would prefer not to get into
18	that.
19	Q All right. We won't explore that any further.
20	A Thank you, sir. I came in third.
21	And I was asked by the California Science Center to sort
22	of liaison with NASA to bring the space shuttle endeavor here
23	to Los Angeles, and enabled that to get to the California
24	Science Center from the airplane, which the world watched.
25	Q Did you regard yourself as someone who is knowledgeable

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1 about solving complex planning development and construction
2 projects?

A I have gotten a lot of positive reinforcement for trying to take complex things and make them simple, for trying to work with Government bureaucracies, and without criticizing, but through positive reinforcement, getting things done that wouldn't have gotten done.

8 And for me and for my five children, I hope, that 9 experience has been very broadening and enjoyable to me. Real 10 estate people are good for public policy issues, even though 11 most of them don't do them, which is another problem.

But, because we're only paid on completion, we're paid to finish, we're not paid for reports. We're not paid for stories in the newspaper. You are paid when you are finished.

So the skills, the characteristics, and the mannerisms of people who finish, go through the finish line. I went to Taft High School, my coach told me it was 105 yards, not a 100-yard dash. Those skills can be -- can work in public policy and that's been my experience. I have met a lot of wonderful, wonderful people.

Q One of the projects we're going to talk about in a little bit is Playa Vista. Can you describe to the Court what Playa Vista was and what your involvement was and how you brought --A Yes, sir.

25

(Reporter Clarification.)

#### UNITED STATES DISTRICT COURT

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1 А I'm trying to talk slow. 2 Playa Vista was Howard Hughes' old airport. It was 3 1,100 acres. 4 I believe that it's the largest private airport ever built for one person's use, before and even now. In fact, it 5 6 was so large, the runway, that a 747 one time missed the runway 7 at LAX and landed at Playa Vista by mistake. 8 Playa Vista, Howard Hughes had envisioned while he was 9 alive, I never met him, he had envisioned building a city on 10 that land. They had buildings built there where they assembled 11 helicopters, they assembled the famous Spruce Goose, he didn't 12 like that term, but, and they did a lot of Hughes aircraft and 13 things. But he wanted to build a city, and a very large city and 14 15 he wanted it to go -- because the property was really three times what the VA is, 1,100 acres from the San Diego Freeway to 16 the Pacific Ocean. 17 18 He had some big plans for it. And they became highly 19 controversial. It was too much. 20 And the fear was that he could do it. The fear was that 21 he could politically get through -- he was Howard Hughes, he 22 could get through things. 23 But he had a problem in that he died and his successors, 24 the Summa Corporation, started running into political, 25 environmental, neighborhood, even media issues because they had

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1 a blacklist of people on the media that they didn't want on the 2 property. So Summa wound up selling the property to another group 3 4 and that group lost a lot of money. And then they sold it to another group that was losing a lot of money. 5 And when I lost the election, they asked me if I would 6 7 be interested in leading Playa Vista. 8 I said I'm not as qualified to lead it as Randy Johnson is, I mean, he was a vice president then, he knew about doing 9 the infrastructure, doing everything for community self-esteem, 10 11 he knew everything about housing. 12 I said, but -- they said, "What would your goals be?" And I said, "Well, make traffic work, respect the 13 14 environment, build a community that all kinds of people want to 15 live in, help public education, and create a great park 16 system." 17 They said, "Wait a minute, your goals are supposed to be 18 about finance." And I said, "Well, if you do all of those things, the 19 20 money will come. If you don't, it never will." 21 So, I -- they were upside-down hundreds of millions of 22 dollars. 23 And I was hired and the thought was, how do we get this 24 from controversial, in all of this talk and all of these 25 lawsuits and all of this, to cool.

#### UNITED STATES DISTRICT COURT

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1	And the answer was not build on wetlands.
2	So we sold all of the wetlands, which was half of the
3	property, to the State of California but we really gave it to
4	the State of California because we got them the money to buy it
5	through a bond measure.
6	And Playa Vista went from controversial to cool on that
7	November day.
8	What was built there over ten years with Randy at the
9	lead as the chief operating officer, I was I think president
10	and CEO or something.
11	What was built there is a remarkable wonderful
12	wonderful community with connective tissue, it's like a cruise
13	ship, but it's for everybody. It wasn't just for rich people
14	or it wasn't just for underserved.
15	We hired felons. One in ten people who were working on
16	the project were felons, and a work project they were
17	surrounded by nine sort of Big Brothers or Big Sisters, union
18	laborers, and the recidivism rate went from 70 to 6 after three
19	years. Thousands of people went through that program.
20	We gave cops, firemen, teachers, and nurses their units
21	at I don't know if it was half price, but it's a substantial
22	discount.
23	We mitigated traffic issues that hadn't been mitigated
24	since for 50-some years.
25	Q What does "mitigated" mean?

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1	A Well, it's we fixed them. Mitigated is the opposite in
2	the last 50 years as what's happened on the VA campus. That's
3	my definition of mitigated, because nothing has been mitigated
4	on the VA campus.
5	So the project was built, today 10,000 people live
6	there, 10,000 people work there. There are many, many
7	children, many, many dogs, it's a very healthy place for all
8	kinds of people.
9	Q What years was it you were the head of Playa Vista?
10	A I was hired in 2001, exactly six months after I lost the
11	election, and I left at the end of 2010.
12	Q Okay. You have been asked to act as an expert witness in
13	this case, correct?
14	A This is the first time I have ever yes. This is the
15	first time I have ever been an expert witness on the stand.
16	So I do have one question, Judge.
17	THE COURT: Sure.
18	THE WITNESS: May I ask you? I've read a lot of
19	stuff, but I made a lot of notes and I brought them with me.
20	Is that okay?
21	THE COURT: Yes.
22	THE WITNESS: I mean, I'll leave them here. I won't
23	leave my daughter's birthday card here.
24	THE COURT: It's fine if you refer to the notes,
25	just let counsel know that so that they know when you are

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1 looking at your --2 THE WITNESS: Or they can have them when I'm 3 finished. So it's okay to do that? 4 THE COURT: Sure. BY MR. SILBERFELD: 5 So when did I ask you to act as an expert witness for the 6 Q 7 first time, sir? 8 After Mark called you, I think. Α 9 Mark called me from public counsel because I -- being in public life for so long in Los Angeles, I have known of the 10 11 good work of public counsel and agreed with most of it and 12 disagreed with some of it, but that's life. 13 But he called me and asked me about this, and I was 14 familiar with it because 10 years ago -- 12 years ago, I talked 15 to Dan Garcia, Bobby Shriver and a whole bunch of people about getting involved, but I couldn't -- so I'm under oath, right? 16 17 I didn't want to work in the Trump Administration. 18 I just had no interest. So I was familiar with VA and what they wanted to do and 19 20 Mark called me and asked me -- he told me about the lawsuit and 21 he told me that they had -- that there was a lawsuit before 22 that they had won, but they had made a mistake, there weren't 23 teeth from it. 24 And he told me take a look at the deed, which I did. 25 And the deed says that the land was given in consideration of

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1	the promises for a permanent maintenance, but there were no
2	teeth in it. "Teeth" in real estate, I'm not a lawyer, but
3	say, well, if you don't do what you say you are going to do, I
4	want my property back. That is not in the deed.
5	So, you know, I have heard George Washington, you know,
6	what George Washington said, I heard what Abraham Lincoln said,
7	but it's what Yogi Berra said that is in my mind, and that is
8	déjà vu all over again. There's gotta be teeth, because
9	without teeth, promises aren't being kept. They are being
10	promoted.
11	I have brochure after brochure talking about community.
12	Building complete community, not just housing.
13	Get support for a lifetime. This is a recruitment
14	brochure for all of the armed forces that says how you are
15	going to be taken care of after you're finished.
16	Well, if this was a truth in advertising case, I would
17	want a disclaimer on that saying once you're finished and if
18	you are going to be near the West LA VA, you are not going to
19	get any of that, because it's not provided and it's an American
20	tragedy and because of that, this hit me.
21	Q What is "this"?
22	A The emotion of it, the American tragedy that is going on
23	right here and what Mark says is, "Do you think it's fixable?
24	Do you think it can be done?"
25	And if you I said, "Well, if you send me some things

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1	I can tell you." You're not telling me to fix it, you are
2	asking me if it's possible, you are asking me if there is a bus
3	to yes instead of an easy bus to no.
4	Which is what I found at the City, what I found at the
5	County, what I found at the State, what I found at the Federal.
6	The easiest thing to do is say no because then you don't have
7	to do anything. And you are not going to get fired.
8	And so once I looked at it, it's like it's emotional, I
9	mean, this is an American tragedy, right here.
10	And so I looked and then you called me and gave me some
11	more detail. We hadn't met before. And I said, "Yes, but my
12	strength is in knowing my weakness. But I know people who are
13	smarter than me at different parts, so can I do my part but
14	there are some other people you're going to have to get
15	involved in this if you want me to do it."
16	You did, and I did, and that's how I got involved.
17	Q All right.
18	MR. SILBERFELD: Your Honor, we offer Mr. Soboroff
19	as an expert in public policy, real estate development, and the
20	building of communities.
21	THE COURT: You may proceed.
22	MR. SILBERFELD: Thank you.
23	BY MR. SILBERFELD:
24	Q Was part of your reason for getting involved that you saw
25	a connection between the VA property as it exists and what you

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1	accomplished at Playa Vista?
2	A Between Playa Vista, 7.3 miles away, which I guess if you
3	ever want to go out there we could leave in 5:00 in the morning
4	and get there by it's pretty much the same time. And
5	experiences with LAUS in overseeing \$2 billion, a-billion-eight
6	worth of fixes to the dilapidated schools and the park system,
7	fixes to hundreds of parks, and the Alameda Corridor, working
8	with dozens of cities, I looked at this and said, "Let's go.
9	We can do this, let's get on the bus to yes, let's do it."
10	Otherwise, put a disclaimer in all of these
11	papers, telling every person that is trying to sign up to go
12	into the service in America, you are going to be mistreated
13	when you are out.
14	Q So at my request did you put together a series of
15	photographs, aerial photographs, and examples of housing?
16	A Yes.
17	Q Okay. Let me show you what we've informally marked as
18	Exhibit 230.
19	MR. SILBERFELD: This is what we sent you, Brad, but
20	here is a new one.
21	A It is a part of what needs to be done.
22	BY MR. SILBERFELD:
23	Q Right.
24	A Based on the judge's
25	THE COURT: Thank you, I appreciate it.

### UNITED STATES DISTRICT COURT

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1 THE WITNESS: Which was based on the judge's, was 2 that an order that the judge -- that you sent to me? BY MR. SILBERFELD: 3 4 0 No. 5 It was a -- something. Shows my inexperience. Α But anyway, you mentioned about temporary housing, Your Honor, so 6 7 that was one of the things that they asked me to do. 8 Before we go into this, did you, in fact, identify a Q number of parcels on the West Los Angeles VA Campus, that may 9 10 be suitable for temporary housing? 11 Temporary and permanent housing. А 12 Both? Q 13 Α Yes. Stressing what can be done in a year. What can be 14 done in 18 months. Because these people are in the streets 15 dying, and some of the people in these little 8-by-8 telephone 16 booths that are living there, I mean, that is just abuse, 17 period. 18 So, yes. Let's walk through what you had created for us by way of 19 Q 20 illustration. 21 What we have on the screen there in front of you, 22 Mr. Soboroff, is an aerial of the West LA VA property and there 23 are nine parcels identified along with their acreage, but only 24 eight are usable in your opinion, correct? 25 А Yes. Now, these were for -- to try and get 1,000

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1	temporary units. One-level units in little healthy
2	neighborhoods around the campus.
3	And we looked at them from obviously from the open
4	land perspective, but a couple of main things that guide us, we
5	didn't want to interfere with any of the permanent housing
6	that's being built or will be built in the future.
7	Q Right.
8	A We think that there are capable people doing that under an
9	agreement.
10	THE COURT: So you are initially going to talk to us
11	about the temporary housing?
12	THE WITNESS: Yes, sir.
13	THE COURT: All right.
14	THE WITNESS: And Parcel 8 as we kept going out,
15	we've eliminated Parcel 8, we said it's not worth it for the
16	number of units, but I could add a couple of more parcels in
17	here that I think could be used because some of these have
18	issues with them. You have got to be on the bus to yes to make
19	these work. If you are trying to kill them off, I know the
20	arguments against them, but when you bring up those arguments,
21	I will show you how to beat them.
22	BY MR. SILBERFELD:
23	Q So let's run through the parcels on this first page of
24	Exhibit 230 in order, shall we?
25	A Yes, sir.

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1 Let's start with Parcel Number 1. Q 2 MR. SILBERFELD: If we could make that --3 I can describe it. Α BY MR. SILBERFELD: 4 5 Is that the solar parking lot on the South Campus? Q 6 Yes, it is. Α 7 MR. SILBERFELD: And, Your Honor, you will recall we 8 looked at this just this morning. 9 So we think of two things, Number 1 is what will the Α 10 quality of the temporary housing be, where will it be, 11 especially in relation to the hospital, which is a great --12 that was a great place for some of it. 13 Number 2, where would we put the parking that has to be 14 taken out. And just as important, solar is good, how do you 15 replace -- how do you replace that solar or give more power than that solar is providing. Because those solar panels are 16 17 around -- I don't know my Apple computer is -- my Apple phone, 18 iPhone is a 15, those are 2.0s. There's been a lot of change in quality and ability --19 20 Q All right. 21 -- with solar. But, yeah, that's a great site. А 22 So with regard to Parcel Number 1, which is roughly Q 23 15 acres, a little under 16, right? 24 А Yes, sir. There was some issues you spotted right away with regard 25 0

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1	to using that parcel, correct?
2	A Well, there are issues with every you know, with every
3	parcel, but one was there's a helicopter pad there.
4	Q Yes.
5	A The helicopter pad you don't mess with helicopter pads
6	because they're not given out in Los Angeles County very
7	seldom, and that is an important helicopter pad that services a
8	hospital so we left that out.
9	Q And that's excluded from the Parcel Number 1, that's a
10	little cutout there?
11	A Yes, it is. Also, there's some potential environmental
12	issues, some soil issues, all minor league. That can be easily
13	built over, and the parking can be easily replaced in a parking
14	structure that will better serve the hospital.
15	Q And in the financial model that Mr. Johnson created, did
16	he account for building a parking structure to replace the
17	spaces that are lost if you use the solar parking lot for
18	temporary housing?
19	A I believe so. But I don't want to did you, Randy?
20	Okay, yes.
21	Q All right.
22	A This is not the place to guess or lie I guess.
23	Q Let's do this: Approximately how many single-level units
24	do you of temporary supportive housing do you believe can be
25	placed on an acre of land that's usable?

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1	A Approximately 40. But there are some that are basically
2	that are duplexes that share a wall, because you need to
3	have 10 feet in between, and you want to have porches and you
4	want to have yards. You don't want to have wheels, you want it
5	to look like little neighborhoods.
6	So I would say 40.
7	Q So if 15 of the 16 acres was usable
8	A 61 there. Yeah, I mean, 40 times 15, it would be 60.
9	Q 600?
10	A Yes.
11	Q Let's go on to Parcel Number 2.
12	MR. SILBERFELD: Tommy, if we could below that one
13	up.
14	A May I just add one thing to Parcel 1?
15	BY MR. SILBERFELD:
16	Q Sure.
17	A Because I'm going to say this on every one. Let's assume
18	for some reason that all of it couldn't be used.
19	Let's assume that only eight acres could be used. Let's
20	assume that 13 could be used. Let's assume that four could be
21	used. As many as possible, it's not all or nothing, and.
22	Q How do you solve for the shortfall?
23	A Well, we have enough land in the nine parcels, less the
24	other one, to do a lot more units than the Judge envisioned and
25	the number that I have been working with is 1,000.

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1	I don't know how that number was arrived at. I don't
2	know if that number should now, because the count is going
3	down, should go down to 600, et cetera. We solved for 1,000.
4	It's easier to solve for 600.
5	Q Sure, because you need less property.
6	A And I need 18 lots and that's it.
7	Q Let's talk about Parcel Number 2 on the map here.
8	A My screen is half black, is yours?
9	THE COURT: Mine is also.
10	THE WITNESS: Okay, there we go.
11	BY MR. SILBERFELD:
12	Q Do you recognize Parcel Number 2 to be down
13	A Yes, sir.
14	Q south end of the campus behind and around the Patriot
15	House?
16	A Yes, sir.
17	Q And you think that is a suitable parcel for temporary
18	supportive housing?
19	A I think it's a wonderful parcel for
20	Q Why?
21	A Because of the proximity to residential, proximity to the
22	hospital, the little nooks and the inefficiencies. It's not a
23	square block like the other one, and when I show you when
24	you show me the photographs of what we're envisioning here, you
25	can easily see subneighborhoods, subcommunities to help create

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1
    a nice life for someone.
 2
        All right.
    Q
 3
               THE COURT: Just one moment, let me get oriented for
 4
    just a minute.
 5
                         (Pause in proceedings.)
               THE COURT: Thank you very much, counsel.
 6
 7
               THE WITNESS: Okay.
    BY MR. SILBERFELD:
 8
 9
          Directly across the street from the Patriot House land is
    Q
10
    another parcel that you've identified as Parcel Number 3,
11
    right?
12
          Yes, sir.
    А
         That's about 1.6 acres?
13
    Q
14
    А
          It is.
15
          The parcel we just talked about across the way behind and
    Q
    around the Patriot House used to be six and a quarter acres and
16
    it's now 4.3 acres.
17
18
          We found some issues with some of the land that make it
    А
    too difficult.
19
20
    Q
        Okay. So if Parcel Number 2 was rounded down, four acres
21
    at 40 per acre, roughly 160 units?
22
          Maybe a few less because it's a little inefficient. It's
    А
23
    not a square.
24
    Q
        What about Parcel Number 3 at 1.6 acres, this is an area
25
    -- do you recognize it as being behind the Fisher House?
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1 I do, I think it's -- well, first of all, the use now is a А 2 noble use, it's just not used. 3 And that is for people who want to park overnight to 4 sleep in their cars. It's hardly used. We could find alternative spots for that. But this, again, a residential 5 6 neighborhood between Parcel 2 and Parcel 3 is the only 7 respectful and dignified entrance to this entire 388 acres. It's a nice area. And I believe that -- I believe that that 8 9 parcel would be a super mini neighborhood. Okay. Let's go on to Parcel Number 4. It is shown on the 10 Ο 11 map here as being adjacent to the South Lawn Park area. 12 Do you see that, sir? 13 А Yes, sir. You understand that that parcel today is dedicated to the 14 0 15 Metro operations, having to do with the Metro stop being built across from the existing hospital? 16 17 Yes, sir, it's a staging area. Α 18 And why do you count this three and a half acres as 0 possible citing of temporary supportive housing? 19 20 А It's a good question. 21 It's not green now. It is paved. I think we could work with MTA -- I have worked with them before -- or it could come 22 23 later. 24 On the other hand, as a parks person, I'd probably want 25 to eliminate this.

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1 Q All right. 2 I would like to see a bigger park. Α 3 All right. Q 4 А But --You have put a legend on here about the park to be 5 Q 6 maintained, referring to the South Lawn Area. 7 Yes, sir. А 8 Why did you do that? Q 9 Because parks are a critical part of community, of Α healing, of re-entry. In every city in America. 10 11 I love that park. I don't love the utilization for just 12 very few homes, but I think that is a wonderful park. And 13 maybe that park should be expanded. If it wasn't, and we got the laydown yard back, it would 14 15 be a super place for temporary housing to live in a park. 16 Okay. How many times have you visited the campus? 0 17 In my life? Α 18 In the last six months since you first became an No. 0 19 expert in this case, approximately. 20 A dozen, and driven by it 100. Α 21 Okay. All right. Let's go on to Parcel Number 5 which is 0 22 a triangle. Do you see that, sir? 23 Yes, sir. Α 24 Q It's 2.2-acre parcel. Is that a parking lot --25 А Yes, sir.

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1 Q -- currently? 2 Ye, sir. Α 3 And why do you think that's a suitable place to put Q 4 temporary supportive housing? It's inefficient, but it could be really cute. Is that a 5 Α 6 word for an expert witness? 7 It could be a nice little area. Even though it's two acres, I think you could probably get 40 or 50 units, but it's 8 9 a great location. It's very proximate to non-hospital services that are 10 11 provided, and God willing, will be provided. 12 So it's a great location, and the parking can be easily 13 -- because that parking is used, the parking can be easily put 14 somewhere else proximate. 15 Parcel Number 6 on this map, Mr. Soboroff, is a 6.3-acre Q 16 parcel that is just north of the existing relatively new columbarium. 17 18 Are you aware of that? A portion of it is contiguous to the new park and the 19 А 20 large portion isn't, but yes. I have been on that parcel many, 21 many times. 22 And that is currently a paved parking lot, is it not? Q 23 Yes, it is. Α 24 And there is some issues about the ability to use that Q parcel? 25

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1	A I would imagine. I think it's under I believe that
2	it's under different ownership control because of the
3	department of whatever it's called.
4	Q You are aware that the National Cemetery Administration
5	A Has control over all or a portion of that. I'm aware that
6	they have completed the columbarium magnificently, and I
7	understand that they believe that the part of it just to the
8	north, over the next 30 years, within the next 30 years, may be
9	developed. We're talking about temporary supportive housing.
10	So, it's a wonderful location. It would involve working
11	because these are temporary working with them to get all
12	or a portion or half or a third of it. But anything would be
13	great. It's a great location.
14	Q If you got the whole parcel it would be six acres, and
15	that's roughly 240 units, maybe it's 200 units?
16	A Terrific units. What I'm saying is, because I'm picturing
17	what the units look like and how they lay out, I would like to
18	show that, also, to the Court.
19	Q Okay. We will get there.
20	A Okay.
21	Q Parcel Number 7 is a four-acre parcel to the west and
22	slightly to the north of the columbarium parking lot. You are
23	familiar with that area?
24	A Yes, sir.
25	Q And that is an area that includes the veteran garden area?

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1	A The community center. Yes, sir.
2	Q And both Parcel Number 6 and Parcel Number 7 are around
3	the UCLA baseball stadium, are they not?
4	A Yes, sir.
5	Q Okay. Parcel Number 7 is four acres, give or take?
6	A Yes, sir.
7	Q It's partially hilly?
8	A Partially.
9	Q And it is adjacent to private homes
10	A Yes.
11	Q along Brentwood Glen, I think it's called?
12	A Yes. But the issue to me is what what the sign says it
13	is, a community guard, is exactly what the VA needs. It's
14	connective tissue. It's something for people to do. It's
15	hobbies. It's places where people heal.
16	But that is the rattiest community garden I have seen in
17	America, and I have been all over America looking at community
18	gardens. Because we put some in Playa Vista.
19	And what I would do would be to replace that community
20	garden with a series of community gardens dispersed in the
21	greenery in the parks throughout the campus. Because community
22	gardens are terrific. I have never seen one community garden
23	for 388 acres. That is ridiculous. You want people to walk to
24	it, not to have to take a bus.
25	Q So you would use the existing community garden for

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1 temporary housing --2 Yes, sir. А 3 -- in part --Q 4 А Yes, sir. 5 -- and then create smaller gardens or --Q 6 Yes, sir. А 7 -- or smaller parks elsewhere? Q 8 Yes, sir. Α 9 Is that the idea? Q I mean, I would put -- you know, along San Vicente, where 10 Α 11 you are now looking at the phone booths -- or whatever they are 12 called, tiny shelters, or whatever they are. Those have to come down. 13 14 But I mean, there are places for community gardens on 15 this property that would be much healthier for present and 16 future residents or people that are getting services there. 17 Right. Parcel Number 7, roughly four acres. Roughly Q 18 160 units? Maybe a little less because of what you mentioned. 19 Α 20 Q Call it 100? 21 It's a little inefficient getting -- as far as -- the road А 22 access is a little bit tougher. The utility access is a little 23 bit tougher. But I would say 120, 130. Really nice community. 24 Q All right. Parcel Number 8 --25 А May I add one thing?

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1 Q Certainly. 2 I know we're not talking about housing for veterans who Α work on the campus who are now driving from Palmdale or Pomona, 3 4 but what a wonderful place for some workforce housing. What a wonderful place for -- 20 percent of our community college 5 6 students live in their cars. A number of those are veterans. 7 What a wonderful place to serve veterans. 8 Maybe outside the scope of what we're talking about, or 9 may not, I'm talking about people getting better. I'm not 10 talking about ... 11 So are those ideas of yours about workforce housing and 12 veteran -- student veteran housing, possible reuses of 13 temporary supportive housing that gets put on the property? 14 А Yes, sir. 15 Okay. Let's go on and talk about Parcel Number 8, even Q 16 though you are not going to use it for your purposes. 17 Sad. Α What is the problem with Parcel Number 8, which is the 18 0 19 sort of diamond-shaped figure up in the upper left-hand corner 20 there? 21 Well, for those of you who walked it, Barrington, above А 22 it, there's a very, very deep slope there. And so, a small 23 portion of that land is suitable for temporary housing. I 24 mean, it's possibly an acre or acre and a half. 25 I would think that if there was a need for other parcels

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1	for permanent supportive housing, that a project could be built
2	into the hill that would be beautiful. So, from a temporary
3	perspective, I don't think it's worth pursuing.
4	Q Okay. And then Parcel Number 9, which is roughly an acre,
5	that is a softball field just outside the Brentwood gate, is it
6	not?
7	A That is the rattiest softball field I have seen in Los
8	Angeles, and I was parks commissioner.
9	Q Well, you haven't seen the recreation parks up on
10	Barrington, I guess?
11	A Yes, I have. And I was a part of that. Not so bad. This
12	is bad. It's hardly ever used. It's in the Brentwood School
13	lease. They don't use it. It would be a lovely place to have
14	a little neighborhood.
15	Q Okay.
16	A And whoever uses it could also there are alternate
17	places are for them to play softball within a home run's hit
18	from there.
19	Q So have you identified in the course of your work in this
20	case, all the places that temporary housing might be put on the
21	West LA VA campus?
22	A No.
23	Q All of them?
24	A No. Had I walked with you today, I probably could have
25	found one or two others.

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1	The last time I was out there, we found one or two
2	others. But I wanted to have studied them enough to be able to
3	present them here. But I'm not done, you know. I didn't do
4	all of the work. I have been doing this for 50 years. I
5	didn't do it all in three weeks.
6	Q I want to direct your attention to a part of this first
7	page of Exhibit 230 that isn't outlined. I want you to look at
8	the area between Parcel 8 and Parcel 9.
9	Do you see that, sir?
10	A Yes. You mean up on Barrington? The park?
11	Q Yes.
12	A Yes.
13	Q Do you see we have just circled it?
14	A I do.
15	Q So that's two large baseball fields, right?
16	A Well, they are public they are part of the LA City
17	public park system. Yes. I know what you are talking about.
18	Q Okay. Did you consider whether those that parcel would
19	be suitable either for temporary or permanent supportive
20	housing?
21	A I don't think it's necessary now, and I think what it
22	would do is create opposition that isn't necessary now.
23	Q What opposition is that?
24	A There are a lot of people that use the for the dog
25	use the dog park and utilize that park. The City of Los

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1 Angeles Recreation and Parks, I think operates that park. And 2 just like in Playa Vista --3 THE COURT: Just a moment. This isn't the dog park, 4 counsel. BY MR. SILBERFELD: 5 6 The dog park is adjacent to these two baseball fields? Q 7 Yeah. When you circled it --Α 8 Yes? Q 9 The parcel that you have circled, is the dog park within Α that circle? 10 11 Yes. 0 12 Α Okay. That's what I thought. 13 THE COURT: Counsel, dog park is not in that circle. 14 MR. SILBERFELD: I'm sorry. 15 THE WITNESS: I just felt that there would be --16 THE COURT: A portion might be, the way you have drawn it. But there is a parking lot, you walk out, about nine 17 18 acres there. The dog park is below that. 19 THE WITNESS: Correct. And the parking lot --20 THE COURT: The portion -- just so we're all, I 21 hope, on the same page, that nine acres is maintained by the 22 City. That's what we walked. The dog park is just down 23 adjacent to it. 24 THE WITNESS: Yeah. And people are using the 25 regular park as a dog park. I think there was a photograph of

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1 that in Los Angeles Times this week. 2 I am concerned about political opposition to stymieing this project, and a lot of those neighbors have a lot of 3 4 political contacts. And so I just assumed -- not deal with that now and get this other stuff done and then come back and 5 6 take a hard look at that. 7 Because you have two parcels -- one on the north side 8 and one on the south side -- that paved of the existing post 9 office that will lend itself to permanent supportive housing 10 with prospective veteran retail underneath it. 11 But you haven't looked at those two parking lots as sites 0 12 for temporary supportive housing, correct? 13 А No, sir. Did you, at my request, have test fits run for these eight 14 0 15 parcels that we're talking about to see how many units could 16 actually fit on these parcels? 17 Through a relationship of Mr. Johnson through Gensler, one А 18 of the largest, most sophisticated architecture firms in the 19 world and who are as experienced with temporary housing as 20 anyone that we found, we found the types of units and did a few 21 prospective layouts. But the answer to your question is I need 22 another week. 23 Okay. We will take a look at the next page of Exhibit 30. 0 24 THE COURT: Counsel, I want to apologize. Would you 25 put that back up for just one moment?

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1 MR. SILBERFELD: Sure. 2 THE COURT: Thank you. The prior slide. I'm wrong. You see that bare spot next to the green? 3 4 MR. SILBERFELD: Right. 5 THE COURT: That's the dog park. It was in the 6 circle. I want to correct the record because the Court was 7 wrong in its evaluation of where that was located. 8 THE WITNESS: Thank you. From a practical 9 perspective, the entire park is being used as a dog park now, 10 illegally, by the community. 11 BY MR. SILBERFELD: 12 Let's go onto the test fits, which is the next page of Ο Exhibit 230. 13 Yes, sir. So is this page of Exhibit 230, Mr. Soboroff, 14 15 a test fit of how many single level units and duplex dwellings could be placed on the eight parcels of the nine that were 16 17 shown on the map on the prior page? 18 Yes, sir. This is a very important page. It looks like А 19 one page it took weeks of back and forth site visits, 20 consultants to the site, and to come up with those blue 21 numbers. Because the blue numbers at the bottom -- the 22 number 590 and the number 860 are important in relation to the 23 Judge's ultimate findings based on the need. 24 So, without going into every one of these line items, was Q 25 the process to have you and Mr. Johnson and the team from
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```
1
    Gensler --
 2
          And more.
    А
 3
          -- figure out, maybe with Johnson team as well, figure out
    0
 4
    how many single-level units and duplex units could be placed on
    these eight parcels based upon their shape and configuration?
 5
 6
          Yes, sir. And then something else came up that was sort
    Α
 7
    of a shock to the system.
          What was that?
 8
    Q
          You can build two-level, modular, temporary supportive
 9
    Α
10
    housing units that are very nice.
11
          All right. We will talk about those in just a minute.
    0
12
    Α
          But we were trying to get to it without doing that.
13
               THE COURT: So is this estimate, then, single-story?
14
               THE WITNESS: Yes, sir.
15
               THE COURT: This isn't double-story.
16
               THE WITNESS: No, sir. We can get over 1,000.
    People have built five-level buildings, but that isn't what we
17
    are envisioning here.
18
    BY MR. SILBERFELD:
19
20
          So the number 590 there, Mr. Soboroff, represents what?
    Q
21
    What is being expressed there?
22
          Maximum single-level dwelling units. When you show the
    А
23
    photographs, you will see that the duplex -- because they have
24
    side yard setbacks between each unit. When you have a duplex,
25
    you will have -- eliminate that.
```

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1 THE COURT: Between the two of you, it's my 2 apologies, I'm confused. When I say "max duplex," is that a 3 second story? 4 THE WITNESS: No. Single-story, sharing a wall. 5 THE COURT: Thank you. BY MR. SILBERFELD: 6 7 It's side by side, I think. Is that what a duplex is? 0 8 Α Yes. 9 A single-story, side-by-side unit sharing a common wall? Q 10 Α Which has an advantage when you look at potential users 11 who have families, because they may need more space. 12 So, what this test fit teaches us is that if, on these Q 13 eight parcels, single-level standalone units were placed, you 14 believe the number for these eight parcels is about 590 units? 15 Yes. Α 16 And if duplex units -- in other words, two units sharing a 17 common wall -- were placed on these eight parcels, you could 18 get 860 units placed? Yes. But as they are laid out, the reality will be that 19 Α 20 it'll be a hybrid. There will be some areas where you can't 21 fit two units, where you could fit a duplex unit. So, a 22 hybrid. There is nothing wrong -- both of these are healthy 23 living places. 24 All right. Did you bring along with you in this exhibit, Q 25 sir, some examples of single and duplex veteran housing?

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1 Yes, sir. А 2 All right. Let's turn to the next page, if we can, Q 3 please. 4 That's what I'm talking about. А All right. So starting with the photograph in the upper 5 Ο 6 left-hand corner, the white, single-story standalone 7 structures, is this actually a village that exists? It's in Santa Rosa. Give us 18 months from tomorrow and 8 А 9 \$110,000 a unit, and that will be there. 10 Okay. The next photograph, moving down the page, is Q 11 another example of single-story standalone dwelling, right? 12 There is in Wisconsin. Yes. I don't think it's as Α 13 pretty, and it's probably a little bit cheaper. 14 Is this a VA property? 0 15 Yes, it is. Α I believe -- and I'm not sure that these are 400 square 16 feet either. These are a little smaller. 17 18 0 Okay. This isn't my favorite of the slides. 19 Α 20 In the middle of this page we have a veterans community Q 21 project village in St. Louis, Missouri. Is this an actual 22 project? 23 Yes, sir. I haven't been there. I have seen the Α 24 photographs. I have done Google Maps to make sure they are 25 really real. But yes.

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1 And my question to you is isn't it cool? It's awesome, 2 compared to that 8 by 8 stuff where people have no bathrooms, 3 no running water, where they can't get healthy. 4 How do you heal in a tiny phone booth? It's abusive to 5 me. 6 In the upper right-hand corner of this page, Mr. Soboroff, Ο 7 there is a New Directions Burbank Housing Corporation veteran 8 bungalows in Burbank, California. Is this, again, an example 9 of what might be done on the West LA VA campus? Yes. I would live there. 10 Ά 11 And then, the bottom of that page is yet another example. 0 12 This one is a duplex housing? 13 А Which is really important because you can have the physical look of any of the others, but here they share a wall 14 15 and there are two separate -- two separate units of 400 square feet. 16 17 When you look inside -- high ceilings, natural light, 18 kitchens, bathrooms, bedrooms, living spaces. God forbid, have 19 a neighbor over to visit you. Wonderful. At the same price 20 point, 100-some-thousand. 21 Just to be clear, looking at this last photograph of the 0 22 duplex housing where two units share a common wall --23 Yes, sir. Α 24 Q -- that, you think has a test fit of about 860 units? 25 А Yes, sir. Could I mention dollars per square foot for

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1 just a second? 2 Of course. 0 400 square feet, \$120,000, is \$300 a square foot. Some of 3 Ά 4 the projects today with the permanent supportive housing projects being built on the campus with their financing stack 5 and all of their costs, and hard and soft costs, are \$1,200 a 6 7 square foot. 400 percent less cluck for the buck. It's a shame, for 8 9 not even the same quality of living. 10 0 Let's turn to the --11 THE COURT: Would you repeat that for me. I want to 12 make certain. And that is that you say that 400 square feet at 13 120,000, which is the example of the -- example you are showing me from Calgary, et cetera, would equate to \$300 a square foot. 14 15 THE WITNESS: Yes, sir. THE COURT: But you tried to point out that 16 permanent supporting housing is costing four times as much, 17 18 \$1,200 per square foot. THE WITNESS: Yes, sir. Including all the costs, 19 20 the hard costs, the soft costs, all of the fees. 21 And the other thing that this includes is not just the 22 building, but the infrastructure, the gardens in between, the 23 roads, the parking space in between. 24 THE COURT: Do you know the cost per square foot, 25 let's say, of Building 209 -- it's got an address now -- 208

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1 and 205. 2 THE WITNESS: I don't. I think tomorrow Randy Johnson would know that, or other people would know than me. 3 BY MR. SILBERFELD: 4 Have you brought for us an example of what a veteran 5 0 village might look like as you envision it, sir? 6 7 A veteran village? Similar to what you allay or what one Α 8 of the master plans envisions. 9 Let's take at Exhibit 230? 0 Okay. Yeah. This is a -- I call them a tiny home 10 11 village. But these are prospective layouts of how you take the 12 units -- instead of putting them right next to each other, like 13 you did when those phone booth things that look like big toilets, except they don't have toilets -- but it's how you 14 15 make something healthy, how you make something inviting. And that's why we're using 40 or even go down to 30 -- I would like 16 17 to have more land -- I would like to have all eight of those 18 nine parcels, because then you can spread them out a little 19 bit. You can actually enjoy living there. You can actually 20 get better. You can actually reenter. And that's what all of 21 these brochures say you are supposed to do. 22 But when they go to the focus groups -- they have done a 23 lot of focus groups. 24 This is not guided by me as a real estate person. This 25 is guided by the wonderful work that the community has done,

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1 that the VA has done, that both master plans have done, and 2 there is nothing I would throw away. But I don't want it on a book shelf. 3 4 And it's summarized when they ask people in the focus 5 group. The campus was characterized consistently by panelists 6 in terms such as lonely; dilapidated; uncaring and uncared for; 7 a medical center, not a home; and lacking a heart. 8 That's not what the deed says. It is not what is 9 promised in any of these materials. That is housing. We're talking about community. The developers that are doing housing 10 11 are great at housing. It's a different game to do the 12 community, to do the connective tissue. It needs a different 13 developer. The document you just read from, what is that document? 14 0 15 Is it part of the master plan. I know it's from something А 16 you gave me. I didn't make it up, but here it is. 17 Okay. Very well. Did you also --Q 18 А Sorry. 19

19 Q Did you also consider whether it was possible and 20 plausible and reasonable to put multi-story, modular housing on 21 the West LA campus? 22 A Well, I believe that one of the permanent supportive

housing units is advertised -- the one that Frank Gerry was involved in -- as modular construction. It was not built on-site. So the answer to your question is yes. I would

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1 prefer not to here. 2 Why? Q I want -- you are taking people off the streets. 3 Ά I want 4 to give them a great chance to be surrounded -- to be 5 surrounded by services, by a nice place to live, in a nice 6 location with things to do. 7 And I believe that one-story is better for that. Plus, 8 I don't know if you have ever lived below somebody else, but --9 especially if they have kids, they have hard shoes -- but sometimes you get noisy, you get problems, you get transfer 10 11 problems. And that doesn't happen in one-story. 12 Q Take a look at the next page of 230, Mr. Soboroff? 13 А Yes. 14 0 Are these examples of multi-story veteran villages that 15 actually exist today or are planned? 16 Yes, sir. And they are modular. I mean, they are Α 17 building modular hotels now where the furniture is in the room 18 before they stick it on the site. 19 Define "modular" as you use that term? Q 20 It's built off-site. It's built as a modular instead of Α 21 building the entire building, and it's assembled on the site. 22 Okay. And here in the left-hand portion of this page, we Q 23 have a project in Orange County, California. Do you see that, 24 sir? 25 А That's nice. It looks more permanent to me than it does

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1 temporary. 2 Okay. In the middle of the page, we have a project in Q Riverside, California? 3 4 А Yes. It's called Veterans Village. Yes. And on the right-hand side, something in the --5 0 6 Rancho Cordova, which is up near Sacramento, yes. Α 7 To me, they look much more institutional. That's why I 8 would like to keep away from that for this entry housing that 9 is for people having crises and emergency. I would like to 10 give them a better shot. That's why I like -- I recommend 11 single story or the -- what'd we call it? 12 Q Duplex? 13 А Duplex. Okay. Take a look at the last page of Exhibit 230, and we 14 0 15 won't spend a lot of time on this. Are you familiar with the 16 Solar Decathlon? 17 I'm familiar with solar, and I think it's cool. Α No. 18 And I think that it's possible that solar on these units 19 could provide a big portion of the electrical usage. But 20 again, that isn't -- I do know the Solar Decathlon is -- I 21 think it's great. 22 All right. The temporary supportive housing units that Q 23 you envision to be placed on the West LA VA campus, do you have 24 an opinion as to whether those can be placed there in a matter 25 of months as opposed to a matter of years?

```
1
          Yes, sir. And I will tell you why I say "yes, sir" to
    А
 2
    that.
 3
            We have contacted a number of manufacturers of this type
 4
    of housing and asked them about their capacity to build and
 5
    their capacity to ship and install.
 6
            I think we have a list of like eight or nine people, I
 7
    mean, including Berkshire Hathaway has a division that does
    this.
 8
 9
            All in the same price range.
            The thing that is -- the thing that comes to my mind --
10
11
    first of all, these guys are all busy now, but we talked to
12
    them about this project, talked to them, you know, 1,000 units,
13
    and I think we'd probably would have to get five or six of them
14
    simultaneously.
          Five or six different manufacturers?
15
    Q
16
          Yeah. But they can do the same thing.
    Α
17
          So there would be a mix of different manufactured housing
    Ο
18
    that would comprise the stock --
19
          Yes, sir.
    Α
20
          -- of temporary supportive housing?
    Q
21
    А
          Yes, sir.
22
          Why five or six different manufacturers?
    Q
23
          Most of them say the most they can build is 70 a month.
    Α
24
            So if I've got five of them and if they get halfway on
25
    their promise, I'm getting 150 a month, 150 a month and then
```

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1 I'm going to get to 600, they can build them -- what I'm trying 2 to do is get to a -- come back here in a year with them all done, or 18 months. 3 4 This is not the first time I have said that publicly. Ι 5 said it about body cameras with LAPD, I said about fixing 200 6 parks at the Department of Recreation and Parks without hiring 7 one new person. 8 I have said that about spending a-billion-eight in 9 hundreds of schools that were dilapidated, I'm getting that 10 done in a period of months other than years, and we called it 11 in the park system Project 24, because their schedule was 12 24 years and my schedule was 24 months, and they did it. 13 Q Okay. 14 А I still lost for mayor. It was a big accomplishment. 15 I thought we weren't going to talk about the election? Q 16 I didn't mean to, but you hit a soft spot for me. Α 17 Sorry. We will talk about it later. Q 18 No, I won't. А Do you have in mind simply the placement of temporary 19 Q 20 supportive housing on the West LA VA Campus or erecting a 21 community there? 22 Building housing, including temporary supportive housing, Α 23 including permanent supportive housing, does not build a 24 community. 25 Without a community you build a housing project, and

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1	
1	housing projects have inherent problems.
2	Without the connective tissue, without a park system,
3	without those without the infrastructure, the reports have
4	said is between some of it up to 100 years old, most of it 50
5	years old that needs to be replaced without parkways, without
6	the correct landscaping, without park systems, without that
7	connective tissue, without things for people to do to heal,
8	they won't if there's just housing.
9	Q I think you were present last week when Dr. Sherin
10	testified.
11	Do you remember his testimony?
12	A I certainly do. I have talked to him many times.
13	Q And I know you have been in touch with him over the last
14	few months about this case, have you not?
15	A I have. I have a high level of respect for him and how he
16	feels about this, because I relate to it. It's the way I feel
17	about Los Angeles.
18	I have a sister who died, but she was
19	schizophrenic and putting a roof over her head wouldn't have
20	done anything for her, she needed help.
21	Q Yes.
22	A And these veterans need help, and this is an opportunity
23	for veterans. It's an opportunity for the VA to see how to do
24	this correctly, to sequence it correctly in the future for
25	veterans around the country. Because you don't just build

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1	housing and say, "Good luck, Wally," you can't do that.
2	Q Dr. Sherin made a point in his testimony, I think you may
3	remember this, about creating a campus for reintegration into
4	the broader community.
5	Do you recall that?
6	A Yes, sir.
7	Q Does what you have in mind to build between housing and a
8	sense of community and the connective tissue you've talked
9	about do that?
10	A Yes, sir. It's
11	Q How?
12	A It's also respectful. It's what people who have served in
13	the Armed Forces, whether they have gone to war or not, all
14	veterans deserve. They deserve now you are getting second
15	generation you are getting kids with PTSD because their
16	parents had it.
17	They deserve a place to be surrounded by a community
18	that cares about them. That they come from a place, a
19	battlefield or a training, where they have a buddy system,
20	where we do things together, we do things together, then they
21	get out and they're all alone. This is a place where they can
22	do things together, and they will, and whether, like Sherin
23	said, it's bingo or a swimming pool or a community garden or
24	places just to talk or play chess, it becomes a community.
25	That is what Playa Vista is, and then the people who live

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1	there, even with the problems that they have start creating
2	their own community self-esteem. They start picking up the
3	trash themselves, they start taking care of things themselves.
4	That's what has to be there or this is a failure. It's a
5	failure.
6	Q I want to just cover some basic information with you about
7	your work in this case. You wrote a report that was I think
8	provided to the Government on or about April 1st
9	A Can I get some water?
10	THE COURT: Absolutely. I don't have any, but
11	somebody may have some water.
12	MR. SILBERFELD: We have some.
13	THE WITNESS: Yes. Okay. What?
14	BY MR. SILBERFELD:
15	Q Just some basic ground rules about how you formed your
16	opinions in this case.
17	You wrote a report on or about the 1st of April this
18	year. Do you recall that?
19	A Yes, sir.
20	Q Then you had your deposition taken after that?
21	A I did.
22	Q Okay. And the operating assumption you made was that
23	there were about 4,000 homeless veterans in Southern
24	California?
25	A Yes, sir. I also made a mistake in my deposition and that

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1	was I have tried to correct that numerous times, but I do
2	not believe it takes 10 to 12 permanent supportive housing
3	construction groups to do the permanent supportive housing. I
4	think what you have is enough, three or four. It just needs to
5	be made easier for them to do that.
6	If the infrastructure is done correctly, which it
7	isn't, if the roads are done correctly, which they aren't, if
8	the community fabric is done correctly, which it isn't, it will
9	make their work easier and faster and more efficient, less
10	costly and most important, more meaningful.
11	Q We will get to that.
12	But back at the baby steps, beginning of this, you
13	assumed that there were approximately 4,000 homeless veterans?
14	A That was a number that was given to me.
15	Q Yes. And based on that, you reached an opinion about the
16	placement of roughly 1,000 temporary supportive units?
17	A That's correct.
18	Q You understood that there were in process 1,200 permanent
19	supportive housing units in various stages on the campus now
20	and in the future?
21	A Yeah, you are saying in process is a wide range of what's
22	going on, because some are almost complete, some are complete,
23	and some are in process that won't be complete for years and
24	years.
25	Q And you formed an opinion that based on 4,000 homeless

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1	veterans, the campus should have an additional number of
2	permanent supportive housing units, right?
3	A Well, that's what I was told, and so we wanted to keep out
4	of the way of that with the temporary units and then find other
5	locations, including areas of demolition. There's a lot of
6	buildings to be demolished. And other areas looking at
7	instead of this adaptive reuse, which is incredibly slow,
8	incredibly expensive, and in some cases it's required because
9	of the history, but incredibly inefficient to remove some of
10	those and to build you could build more units.
11	Q Okay.
12	A Or they could. The Government has a deal with this group
13	to build them.
14	Q The developer group?
15	A Yes, sir.
16	Q You mentioned infrastructure, just define that for us as
17	it applies to the West LA VA Campus?
18	A I'll start on the perimeter. For many years the San
19	Vicente fence was horrible and now it looks good.
20	A lot of the rest of the perimeter looks horrible. The
21	entrances are disrespectful.
22	The message when you drive in, the message is
23	they might as well just put a big sign out there, we don't
24	care about you, this isn't going to be good for you.
25	But if you are on the corner of Constitution and

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1 Sepulveda and you are looking into the cemetery, you see a 2 beautiful entrance, beautiful landscaping, both sides of the street, places for healing, there is only one problem, you've 3 4 got to be dead to be there. But if you turn the other direction, you see an 5 oil field, you see the road is half torn up, and then you go 6 7 into these buildings that are beyond looking like they should 8 be red-tagged. 9 That, a park system, a complete new road system, and utility system that is put in. And this is coming out of the 10 11 reports that I have been given, complete redo of aging 12 infrastructure, instead of doing them project by project, that is inefficient, ridiculous. 13 The subway's is being dug now. I called DWP and 14 15 I called Southern California Edison and asked them, are they 16 working off of these master plans? Because you have to order this equipment years and years in advance. 17 18 I did not get any response that there was. They are being done building by building, infrastructure 19 20 is being done place by place. 21 It's inefficient and it doesn't solve anything. 22 What are the consequences of doing infrastructure building Q 23 by building? 24 Does it cost more? 25 А Yeah, it costs more, but the consequences are mental

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ī	
1	health. The consequences are when you come out of one of those
2	buildings that have been built and completed, which some of
3	them are nice, what are you coming out of?
4	What is your life?
5	You don't heal in two-hour therapy sessions. You heal
6	in a community, and therapy is one part of it.
7	And so there is a village with retail and recreational
8	activities, activities with dogs, sometimes service dogs.
9	The community has come up with hundreds of things that
10	go into building the healthy community.
11	Q All right.
12	A They're not expensive.
13	Q Do you recall going on a site visit with a number of other
14	professionals, other than you and Mr. Johnson?
15	A On the bus to yes?
16	Q Yes.
17	A Yes.
18	Q And when was that site visit, approximately?
19	A I don't remember, a couple of months ago.
20	Q And without necessarily naming names, although you are
21	welcome to name names, what kinds of professionals were along
22	on that bus tour?
23	A Randy Johnson will be better at that than me tomorrow, but
24	I can tell you from my perspective, because I was sitting in
25	the front row behind the bus driver trying to ask him what he

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1 knew about the VA, and I was hopping out, talking to vets and 2 talking to contractors, et cetera. But there were architects, there were utility 3 4 people, demolition people, there were people that build 5 communities. 6 I think that -- I believe, you can verify from 7 Mr. Johnson tomorrow, that these people came out there for free 8 based on what we did at Playa Vista, sort of saying, hey, we respect what you, him, maybe a little bit of me, did at Playa 9 Vista and if you think something is cool, we're willing to look 10 11 at it. 12 And it was very, very helpful in identifying sites, 13 looking at problems and coming up with solutions to the 14 problems. 15 Did the input and the opinions of those professionals Q 16 inform your opinions about what can be accomplished at the West LA VA? 17 18 It validated them. А MR. SILBERFELD: Your Honor, this would be a 19 20 convenient point for a short break. 21 THE COURT: 20 minutes, counsel. 22 MR. SILBERFELD: Sure. 23 THE COURT: Let's have a recess. We will see you in 24 about 20 minutes. Thank you. 25 (Afternoon recess.)

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THE COURT: Counsel, have a seat. 1 Thank you for 2 your courtesy, though. 3 We're back on the record, all counsel are 4 present, parties are present, the witness is present. Counsel, your continued direct examination on 5 behalf of the plaintiffs. 6 7 BY MR. SILBERFELD: 8 Thank you, Your Honor. Q 9 Mr. Soboroff, at our request did you form an 10 opinion about the need for permanent supportive housing as 11 distinguished from temporary supportive housing? 12 I validated or verified, based on what I have read, that Α 13 the approximate 2,800 units, based on what the need was, could 14 go up or down, and also that the number of temporary housing 15 units could go up or down, but I felt that one of the important quidelines was not to have to recirculate EIS because that 16 17 takes a lot of time. 18 And I felt that what we're talking about doing, the EIS does not forbid -- the boundaries of the Environmental Impact 19 20 Statement are much larger than these shrinking boundaries of 21 these master plans. 22 And that the things we're talking about doing here, most 23 likely can be done within the existing EIS. 24 I do need to make a clarification, Judge, on the dollars 25 per square foot, because I want to make sure they are apples to

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1 apples. 2 The message is the adaptive reuse is super expensive 3 compared to new construction. The message is that these temporary units, even though 4 5 they can last a long time, are not anywhere near as expensive 6 per square foot. 7 But the apples to apples numbers, when you look at the financing stacks and all of the other things, they may not be. 8 9 So, I don't want to -- I don't want to go out of here 10 saying it's four times or three times as expensive to do this 11 versus that. 12 I would like to substitute the word substantially more. 13 THE COURT: Fair enough. 14 THE WITNESS: Okay. And the other thing is the 15 photographic examples, I hope I didn't intimate that those were all on veteran property, they are veteran villages built for 16 17 veterans, some are and some aren't. 18 People build veteran housing off veteran properties. 19 THE COURT: Okay. 20 THE WITNESS: And the last thing is we talked 21 briefly about the -- a little bit about the retail and the 22 village. 23 But my point is, a coffee shop in a housing project is a 24 coffee shop. 25 A coffee shop in a village is city hall. It's where

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1	
1	people go to talk, it's where they get together, it's where
2	they heal together, it's a healthy place.
3	And the reason I'm here is because there is a difference
4	between a housing project and a community.
5	And what's promised to veterans, every veteran, I think
6	there are 18 million in America, is that we're going to be with
7	you when you're finished, and housing projects don't do it.
8	BY MR. SILBERFELD:
9	Q So, Mr. Soboroff, just to be clear about the number of
10	units we have been talking about here, we have talked about
11	1,000 temporary units, we have talked about 2,800 additional
12	permanent units.
13	You are aware that there's 1,200 units planned to be
14	completed by 2030?
15	A Yes, sir.
16	Q I just want to make sure that the record is clear about
17	what all of those numbers mean.
18	All of those numbers are premised on, first of all, the
19	assumption that there are 4,000 homeless veterans, and maybe
20	there are more and maybe there are less, right?
21	A Yes, sir.
22	Q And those numbers of units could be adjusted upward or
23	downward, depending upon need; is that correct?
24	A That's correct. And this idea that need is only going in
25	one direction is a dangerous way to think.

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1	Because even though it went from if the numbers are
2	if it went from 4,000 to 3,000, if we become known for
3	solving this issue, what's going to happen is it's going to be
4	a magnet for others to come here from other places because it
5	works.
6	So I don't believe it's all you are going to see in
7	the future, this continual big drop, big drop, big drop, if we
8	start solving it, and if we don't do anything maybe we will see
9	a big drop.
10	Q With regard to the temporary supportive housing units that
11	you have looked at, what is the estimated life span of those
12	units? Roughly.
13	A It could be 25, it could be 30 years. They can be used in
14	other places.
15	They can be taken from here and moved into other places,
16	even in Los Angeles, where some of these tiny, tiny homes are
17	being built even now.
18	So I think they can have a life span a lot longer than
19	mine.
20	Q In order to accomplish what you believe can be
21	accomplished on the West LA VA Campus, with respect to
22	temporary supportive housing, doing it in a matter of months as
23	opposed to years does
24	A Or never.
25	Q does something else have to change about how projects

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60 1 are run on that campus? 2 Yeah. I think it's the reason that Mark called me and you Α 3 and I spoke initially. 4 And that is this is not about bad people where people are doing the wrong thing or not doing their job. 5 These are 6 about impossible situations and the governance of these 7 situations, in many cases, needs to be changed to allow people 8 to do what they need to do. For example, in policing, I will say that without the 9 10 Consent Decree that occurred in Los Angeles, the department 11 would not have gone from a militaristic police department to a 12 community-based police department. 13 That method of governance was a new method of governance 14 and took over control of making decisions for that department. 15 In the school bond, where we had a-billion-eight for I think there were 600 schools, and it was important that we 16 17 spend that money correctly, because it was a \$10 billion need 18 of dilapidated schools, so we need voters to say, You're doing 19 a good job, we'll vote again. 20 The system just couldn't handle it. The bureaucracy in 21 LAUSD was not -- the org charts and the way people were had 22 authorization couldn't -- it couldn't do it. 23 So the voters said, We're not giving you the money to

23 So the voters said, we're not giving you the money to 24 put into the system. We want an oversight committee, an 25 oversight committee of experts to go around that system and

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1	create the teeth to actually get it done, because a lot of
2	times they can spend half of the money and not do anything,
3	just in the planning and the this and all of the reports.
4	And I was a chair of that oversight committee. And I
5	didn't have a lot of construction expertise, but other people
6	on it did.
7	In the parks system, they were building two parks a
8	year. And we had an opportunity, and my opinion was to use it
9	or lose it money, and to do work at I don't know the exact
10	number, 75, 80 parks in areas that needed parks to heal, which
11	is like this, areas infested with gangs, to add programs to
12	where the gang guys eventually would come in there and have to
13	beat each other up, but to bring their kids there to play
14	baseball.
15	So, but the rules were we couldn't hire anybody else
16	without going through all of these appropriations and this and
17	that.
18	So we created Project 24 and Project 24 was to build
19	these parks in 24 months instead of 24 years without hiring one
20	new person.
21	So what we did is we gave authority, this was my portion
22	of it from the leadership perspective, I was parks commissioner
23	president.
24	Instead of one person just doing the roads and one
25	person doing the sprinklers on all of the parks, there were

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1	nine different people. I think I gave them each eight parks
2	and say, You are in charge of the whole park, go home tonight
3	and tell your kids you are building eight parks, and if you do
4	it, they get done, if you don't, they don't.
5	If you need any help in building those eight parks, you
6	know the other people here, we're going to meet every Monday
7	and we're going to talk about our problems.
8	We built all of those parks within 24 months. And it
9	was a 24-year schedule.
10	Q So in order to accomplish the placement of temporary
11	supportive housing on the VA campus in months not years, you
12	believe a governance change is needed?
13	A Beyond that. I don't believe that the infrastructure and
14	the sense of community and the connective tissue can be done
15	under the existing structure.
16	It takes a master plan developer. It takes some
17	authority to say "yes" quickly instead of going through
18	50 people who are discouraged from saying yes. They are afraid
19	to say yes.
20	Q All right. So in addition
21	A Yes. Special master, oversight committee, consent decree.
22	I don't know the terms, I just know that it's needed.
23	It's not fair to the good people in this system to make
24	them try and do this because it's not going to be done.
25	Because it hasn't already déjà vu all over again, Yogi

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1 Berra. 2 So in addition to a governance change, do you believe that Q a specific timeline needs to be established to complete certain 3 4 steps in order to achieve the goal of both temporary housing and the sense of community in a matter of months, not years? 5 Well, if you'd give me about 45 seconds, I will give it to 6 Α 7 you because we already did, yes. 8 Well, we can deal with the specific timeline at a later Q point --9 It's broken into achievable baby steps that can be done 10 11 concurrently and it doesn't have to be through one party. 12 Instead of one person doing infrastructure and the 13 roads, there can be four different contracts, et cetera. There's ways to get it done if you want to get it done. 14 15 What is the division of labor between you and Mr. Johnson, Q 16 how have you divided it up? 17 He does the work and I get the credit. Α 18 Okay. Beyond that? 0 I don't think there is anything. I don't know. I was the 19 А 20 face of the community. I tried to listen to the people who 21 were criticizing us, I tried to -- in fact, I spent -- that's 22 all been done here, it has been beautifully done by these organizations. Community meetings, architectural reports, all 23 24 kinds of studies, all kinds of -- and by "community," I mean 25 community of veterans.

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When I worked on the school bond issue, I didn't listen 1 2 to the administrators, I listened to the janitors, they told me what needed to be done at the schools. 3 4 And here I want to elicit -- and here, when I read it, 5 the beauty of what they did is they did ask the vets. I don't have to tell them what they need to do, they have already told 6 7 us what they need to do. 8 They have told us the uses that they need to heal. But there is no budget anywhere, there's no timeline anywhere, they 9 10 are not planned anywhere and that is a crime. 11 I know we're going to leave the details of how the 12 Enhanced Used Lease projects are financed to Mr. Johnson for the details. 13 14 А Yeah. 15 At a high level, Mr. Soboroff, do you have an opinion as Q 16 to whether or not the manner of financing using Low Income Housing Tax Credits works? 17 18 You have great -- they have selected great people to do Α 19 this work, and they are doing their work very slowly. 20 In no small part from a financing system, a stack, a 21 group of things, you have got to do to get financing to get a 22 building done. You have to be a savant to be able to figure it 23 out. 24 And, in addition to that, some of it is discriminatory or was discriminatory. So, yes, and I think that Mr. Johnson 25

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1
    will go into that because he understands it much better than I
 2
    do.
 3
            But that's one of the reasons, aka excuses, that things
 4
    are going so slow.
 5
    Q
          Right.
 6
               MR. SILBERFELD: Your Honor, I move Exhibit 230 into
 7
    evidence.
               MR. LOWENSTEIN: Objection, Your Honor. This
 8
 9
    exhibit -- proposed exhibit was provided to us just yesterday.
10
    This was not part of -- this was not supplemented as part of
11
    Mr. Soboroff's report, so we're going to object to its
12
    admission.
               THE COURT: Well, I will receive it subject to
13
    motion to strike.
14
            Why don't you look at it, if you've got a specific
15
    objection, lodge it.
16
17
            Subject to motion to strike, counsel.
18
                  (Exhibit 230 received into evidence,
19
                       subject to motion to strike.)
20
               THE WITNESS: What is it? Can I ask what it is?
    230.
21
22
               MR. SILBERFELD: It's the set of slides we just
23
    looked at.
24
               THE WITNESS: Oh, okay.
25
               MR. SILBERFELD: I have nothing further, thank you.
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1 THE COURT: Now, is he going to talk about permanent 2 supportive housing? 3 THE WITNESS: I will. 4 THE COURT: No, no, thank you. MR. SILBERFELD: Other than the numbers that we've 5 had testimony about, no. 6 7 THE COURT: So far he's put up a number of sites 8 concerning what I'm going to call temporary housing. 9 MR. SILBERFELD: Yes. THE COURT: Is he going to be talking about sites 10 11 concerning permanent supportive housing? 12 MR. SILBERFELD: No. 13 THE COURT: Will Mr. Johnson be talking about that? 14 MR. SILBERFELD: No. 15 THE COURT: Will anybody be talking about it? 16 MR. SILBERFELD: No. Other than the availability of 17 property to do it on. 18 THE WITNESS: I hate to correct everybody, but 19 didn't you talk to me about that already? 20 THE COURT: He started to, but then he didn't. 21 All right. Counsel, cross-examination? 22 THE WITNESS: I told you I didn't have any 23 experience. 24 THE COURT: Just my curiosity, is anybody going to 25 be talking about permanent supportive housing, since you are

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1 asking for 3- to 4,000 units? 2 I thought Mr. Soboroff was, or that was my impression, 3 or Mr. Johnson. 4 MR. SILBERFELD: Again, not explicitly as to a place 5 to put them, no. 6 THE COURT: All right. Counsel. 7 THE WITNESS: I can, if you want me to. 8 THE COURT: I may ask a couple questions. 9 THE WITNESS: You can. You have right to do that, 10 sir. 11 THE COURT: Yes. Cross-examination. 12 CROSS-EXAMINATION 13 BY MR. LOWENSTEIN: For the record, Jody Lowenstein for the federal 14 0 defendants. 15 16 Good afternoon, Mr. Soboroff. 17 Jody, sir. А 18 Nice to see you again. Q 19 Welcome to Los Angeles. А 20 Q Yeah. Thank you. It's home now. 21 Stay for the Olympics? Α 22 Hopefully not. Q 23 А It's up to him. 24 Q All right. Now, earlier today you testified regarding, I 25 think, in this Exhibit 230, test fits.

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1 I think the page is temporary supportive housing test 2 fits based on two housing types. 3 Do you recall that? 4 Yes, sir. Α 5 And there is various types of data in the chart provided 0 6 there. 7 There is data for eight of the sites you identified, max 8 single-level dwelling units. 9 Do you see that there on the screen? 10 Α Yes. 11 And you have it for each of those eight sites, and then 0 12 you have a total, 590. 13 Do you see that? 14 Α Yes, sir. 15 There is also single-level dwelling units per acre, max Q duplex dwelling units, and duplex dwelling units per acre for 16 17 each of those eight sites and then a total. 18 Do you recall testifying to those? 19 Yes, sir. А 20 You did not disclose any of this data in your expert Q 21 report; is that correct? 22 Yes, sir. I needed time to put it together. А 23 When were these test fits conducted? 0 24 Α I think it's -- that is a better question for -- where or 25 when?

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1 Q When. 2 Over the last two weeks, two and a half weeks. I mean, we Α were having calls every other day, modifying them. And the 3 4 densities on these are much different than 40 per acre in some cases. Some cases they are 20, and some cases they are 12. 5 I want to be clear, when I say 40 an acre doesn't mean 6 7 one size fits all. But this chart, which is important, otherwise we 8 9 wouldn't be talking about it, came together very quickly at the 10 end, as a result of the availability of Gensler and the rest of 11 us to get together just to keep working on it, keep looking at 12 the sites, revisiting -- excuse me, revisiting the sites, 13 looking at environmental reports, liquefaction reports, all 14 kinds of things. That's what we do. 15 So this chart and the data in it, you didn't supplement Q 16 your expert report to include this; is that correct? 17 I didn't. А 18 0 Okay. I haven't even read my deposition. I mean, all I do is 19 Α 20 what they ask me to do. But, no, I didn't. 21 Now, in the slides following this on Exhibit 230, there is 0 22 examples of different types of modular housing units, different 23 locations of those --24 Α Can we put that up? 25 0 Sure. Can you go to the next.

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1	A You mean, the pictures? Yes, sir.
2	Q Here is an example. And there is locations of these
3	modular housing units here across the country.
4	Do you recall testifying about these?
5	A Yes. These were given to us by Gensler.
6	Q But you didn't disclose this information in your expert
7	report, correct?
8	A No, sir. I just got it and no.
9	Q Let me ask you, you didn't collect this information on
10	this slide?
11	A Yes, but not until recently. We were looking at
12	talking to different manufacturers.
13	A member of the legal team went out and did a video chat
14	with a manufacturer of these kinds of housing, which I think
15	attorney that Roman showed, but it's much different looking.
16	This has been evolving. We have been I have been
17	asked to do stuff that hasn't been done here for decades, and
18	I'm asked to do it in a period of days and weeks.
19	And so, it changes. It fluctuates.
20	I would like to modify and add a couple more sites in.
21	And I could probably add a few more pictures in, but I'm not
22	this is not the end. This is the beginning.
23	Q To that point, you testified earlier I believe this is
24	a direct quote: I'm not done, you know, I didn't do all of the
25	work.

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1 And that was when you were discussing the various sites 2 that you have selected. 3 Do you recall testifying to that? 4 А Yes. So you would agree that your analysis of these sites is 5 0 6 incomplete, correct? 7 My definition of complete is working drawings permitted. Α 8 Yes. 9 And you don't have those, correct? Q 10 Α No. No, sir. 11 You can take down that exhibit. 0 12 Now, you also testified earlier about the cost of 13 temporary modular housing per square foot versus permanent 14 supportive housing per square foot. 15 Do you recall that? Yes, sir, and I made a clarification. 16 Α 17 Sure. You did not disclose that analysis anywhere in your Ο 18 expert report, did you? No, sir. Some of it I didn't get until the last couple of 19 А 20 days. 21 But once you got it, you did not supplement your expert 0 22 report, did you? 23 No. I don't know how to supplement an expert report. Α 24 How do you supplement an expert report? What do you do? 25 Well, I think that is a question for your counsel. 0

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1 А Okay. 2 So now let's talk about temporary modular housing. Q 3 You used the figure 1000 modular housing units for the 4 campus for the purpose of temporary housing. Is that your opinion that there should be 1,000 modular 5 housing units on the campus for temporary supportive housing? 6 7 It wasn't my opinion, it was what I was given when I read Α 8 through the records of the discussions, and what the Court was 9 talking about. And so I went out there with the idea in mind are there 10 11 places on which we could build 1,000 of these units and not 12 interfere with permanent supportive housing because there could need to be 2,800 units. 13 So -- also identified opportunities for those, but we 14 15 haven't talked about that yet. So, do you recall testifying earlier, and I believe this 16 0 is a direct quote: I don't know how that number -- referring 17 18 to the 1,000 units -- was arrived at. 19 Do you recall testifying to that? 20 Yeah, and I don't. It's not my job. Α 21 Now, earlier, you testified to a timeline for the 0 22 installation of temporary modular housing on the campus, and I 23 believe the timeline that you provided was, from today, 12 to 24 18 months. 25 Is that the timeline that you believe that 1,000
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1	temporary modular housing units could be installed on the
2	campus and ready for occupancy?
3	A On the bus to yes, yes.
4	Q Now, in coming up with that timeline, you did not account
5	for the time it would take VA to comply with the National
6	Environmental Policy Act's requirements; is that correct?
7	A I believe that I do anticipate that, site per site. I
8	didn't talk about that, but I have looked at the environmental
9	concerns in the EIS, in a lot of the in the 2016, 2022
10	master plans, and updates, and so I have factored in mitigation
11	on those.
12	But, again, these are not buildings that require
13	substantial interference with what is going on in the ground.
14	There are many methods of construction in much worse
15	environmental conditions than these.
16	I don't believe we would breach any of the environmental
17	issues that have been brought up in any of the reports that I
18	have seen.
19	So I have considered that.
20	Q I just want to be clear, the timeline of 12 to 18 months
21	for 1,000 temporary modular housing units, that is in your
22	expert report, correct?
23	A Yes, sir.
24	Q And I believe counsel said that that was provided to us in
25	April.

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1	Does that sound right to you?
2	A Yes, sir.
3	Q And you had a deposition after that, I believe in June.
4	Do you recall that?
5	A I do recall it.
6	Q And your testimony today is that in forming that opinion
7	about a 12 to 18-month timeline, you accounted for the
8	requirements for VA to comply with the requirements of the
9	National Environmental Policy Act.
10	You took that into account?
11	A Well, I'm not an expert in that act, but I do know the
12	environmental concerns brought up about each one of those
13	parcels.
14	I do know about the timing to get permits.
15	I do know about the timing to get the equipment to build
16	the utilities and the infrastructure.
17	I do know about the soil preparation, and I do there
18	is very little demolition, but I factored all that into that 12
19	to 18-month period, if we're all in the same bus, if we want to
20	help the vets.
21	Q Now, during your deposition, you testified under oath,
22	correct?
23	A Yes. Yes, sir.
24	Q And you understood that that deposition could be used in
25	this lawsuit?

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1 Α Yes. 2 MR. LOWENSTEIN: May we approach the witness, Your 3 Honor? 4 THE COURT: Certainly. You can do that at any time, 5 Thank you for your courtesy, though. counsel. 6 MR. LOWENSTEIN: Thank you. 7 We're going to hand you a copy of your deposition 8 transcript. 9 THE WITNESS: Okay. Good. Yeah. I haven't seen it. 10 11 MR. LOWENSTEIN: Thank you. 12 THE WITNESS: I did correct one error, I thought that I made in it. 13 MR. LOWENSTEIN: We're going to mark this as 14 15 Exhibit 1626, just for identification purposes. 16 THE COURT: That's fine. 17 THE WITNESS: Police Commission -- they never 18 allowed anybody to approach the commission. I'm not used to 19 this. Thank you. 20 THE COURT: Thank you. 21 THE WITNESS: Okay. 22 BY MR. LOWENSTEIN: 23 Now, the first page -- now, the first page of this 0 24 document says Deposition Transcript, at the top, and Steven 25 L. Soboroff in the middle of the page.

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1 That is you, correct? 2 Yes. Α 3 Do you see that it says "certified copy" on the right side Q 4 of the page? 5 I do. Α 6 All right. Let's take a look at page 52. Q 7 Okay. I'm there. Α And starting at lines -- at line 11, I will just read this 8 Q 9 into the record. 10 "QUESTION: Mr. Soboroff, have you been involved in 11 any projects that had to comply with the National Environmental 12 Policy Act? "ANSWER: I don't know what the National 13 Environmental Policy Act is." 14 15 And I'll skip to Line 21. MR. SILBERFELD: If we could read the entire answer, 16 17 Your Honor. 18 MR. LOWENSTEIN: Sure. I will restate that answer. 19 I don't know what the National "ANSWER: 20 Environmental Policy Act is. I have been involved with 21 projects that have been involved with major environmental 22 conditions and laws, but that one specifically, I don't know 23 what it is. So I don't -- maybe. 24 "QUESTION: Could you --25 "ANSWER: -- maybe not.

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"QUESTION: But you're not familiar with the 1 2 National Environmental Policy Act? "ANSWER: No, I'm not. As a legal -- as a legal 3 4 term or acronym or something, no, I'm not." 5 Did I read that correctly? Yes, sir. 6 Α 7 Now, Mr. Soboroff, do you recall testifying that, quote, a 0 8 lot of buildings that need to be demolished are on campus. 9 Do you recall testifying to that? 10 Α Yes, sir. I believe when in doubt, tear them out. 11 And specifically, it's your opinion, that somewhere 0 12 between 60 and 70 buildings should be demolished on the campus; 13 is that right? I believe that -- in looking at the -- they have taken all 14 Α 15 of the buildings and put them into different grades. 16 Certain buildings on the register, certain buildings are on another category, and another category. There are a number 17 18 of buildings that I would like to see removed, and there are a 19 number of buildings that they are planning on removing anyway. 20 I think that is in the 50s. 21 I would like to see that expanded because it limits the 22 number of permanent supportive housing units that can be built. 23 So you would like to see the number of 50 -- you would 24 like to see more buildings on the campus demolished than 50? 25 I'm having trouble, like, blazing through 50 different А

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```
1
    buildings, but I would to look at the specifics. But I would
 2
    like as many as possible.
 3
            Knowing they could be replaced, and keep the
 4
    architectural thread, the historic thread, it doesn't mean they
 5
    need to be torn down. You have the same issue of the Howard
 6
    Hughes properties at Playa Vista.
 7
          Do you recall testifying during your deposition that you
    0
 8
    would like to see 60 to 70 buildings demolished on the campus?
 9
          Possibly. I mean, if -- what page is it on?
    А
10
          Well, we can look at it. Go ahead and turn to page 133.
    Ο
11
            You can look at line 25.
12
          Okay. I'm there.
    Α
13
    Q
          I will go ahead and read that into the record.
                "Approximately how many buildings should be
14
15
    demolished, in your opinion?
16
                          60, 70, out of 90."
                "ANSWER:
17
            And then why don't you turn to page 137 and look at --
18
    starting on line 18, and I will read that into the record.
                "You suggested demolishing between 60 and 70. That
19
20
    is your opinion, correct?
21
                "ANSWER: Yes, sir."
22
            Did I read both of those correctly?
23
          Yes, you did.
    Α
24
    Q
          Now -- we can take that down. Thank you.
25
            Now, 60 to 70 buildings is roughly two-thirds of the
```

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1 buildings on the campus, correct? 2 I believe so. А And in forming that opinion of the number of buildings 3 Ο 4 that you would like to see demolished, it was your understanding that 30 buildings on the North Campus could be 5 6 demolished without having to satisfy any historical 7 preservation requirements; is that correct? 8 That was -- yes, that is correct, based on my reading --Α 9 which may be incorrect -- of the grades that were given about 10 the historical significance of the buildings. 11 Now, you just said that that could be incorrect? 0 12 Α I said it was based on my reading of that document. 13 Q And you just testified that your reading could be 14 incorrect? 15 I have read a lot of things that have been Α Yes. incorrect. 16 17 Now, in forming your opinion that 60 to 70 buildings on Ο 18 the North Campus -- or on the campus should be demolished, you 19 were unaware whether any portion of the campus is a historical 20 district listed on the national register; is that correct? 21 А No. 22 All right. Could you please turn to page 139 of your Q 23 deposition transcript. Please start at line 1, and I will read this into the 24 25 record. So start at line 1:

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1 "QUESTION: Do you know whether any portion of the 2 West LA Campus is a historic district? 3 "ANSWER: Not specifically. I would have to look and see" --4 5 Can I respond to that? Α 6 I'm not finished, Mr. Soboroff. Q No. 7 Α Okay. I will restart this for clarity of the record. 8 Q 9 Okay. А 10 On line 1: Ο 11 "QUESTION: Do you know whether any portion of the 12 West LA Campus is a historic district? 13 "ANSWER: Not specifically. I would have to look 14 and see, but I mean, I think, to me, the whole -- the whole VA 15 campus is a historic district because I believe that that is 16 what the veterans deserve. Some needs to be preserved, remodelled, and celebrated. There may be some that is more 17 18 than others." 19 Did I read that correctly? 20 А You did. 21 Now, in forming your opinion that 60 to 70 buildings on a 0 22 campus should be demolished, you were also unaware what the 23 implications would be if any portion of the campus were a 24 historical district; is that correct? 25 No. А

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1 Q All right. Let me direct you to page 139 that same page. 2 And we will start at line -- at line 9. I will read it into 3 the record. 4 "QUESTION: Do you know what the implications are of 5 being a historical district? 6 "ANSWER: The implications or the restrictions? I 7 would imagine there are some -- no, I don't specifically, but I 8 would imagine that there are some architectural threads, some 9 conditions, and -- and some guidelines which may go all the way to restrictions. I don't believe that those are significant 10 11 here in relation to the master plan of 2016 or 2022 or the ULI 12 report." 13 Did I read that correctly? 14 А Yes, sir. 15 You are not giving me a chance to respond. 16 Mr. Soboroff, I'm going to ask one final round of 0 17 questions before I confer with my colleagues. 18 You have a series of documents up there, some of which you have read during your direct testimony. 19 20 Can you please identify each of those documents for us? 21 Can I just give them to you? Α 22 I would ask that they each be marked for identification Q purposes, and copies be provided to counsel. 23 24 MR. LOWENSTEIN: We can do that. 25 MR. SILBERFELD: No problem. We will do it right

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1 after this. 2 MR. LOWENSTEIN: Your Honor, may I have one second to confer with my counsel? 3 4 THE COURT: Yes. 5 THE WITNESS: I don't have to give them my 6 daughter's birthday card, right, because that's in here. 7 MR. LOWENSTEIN: Your Honor, before I wrap up, I 8 just want to put on the record that we do intend to file with 9 the Court, on the record, a motion to strike Exhibit 230, but 10 no further questions from me, Your Honor. 11 THE COURT: Okay. I have a number of questions for 12 the witness, but I want to be courteous if you would like to have redirect and recross. 13 I can ask him after each of you are done, or ask him now 14 15 and you can follow up. 16 MR. SILBERFELD: I'm happy to defer to the Court. I just have one short subject. 17 18 THE COURT: Go ahead. REDIRECT EXAMINATION 19 20 BY MR. SILBERFELD: 21 Mr. Soboroff, with regard to the subject of additional 0 22 permanent supportive housing units on the West LA Campus --23 Yes, sir. Α 24 -- based upon your study of the property, do you believe Q 25 there is room on the campus to accomplish that goal?

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1 Yes, sir. А 2 THE COURT: And you know I'm going to ask where, counsel, so you might as well ask where before I ask where. 3 BY MR. SILBERFELD: 4 5 All right. Can you name some of the sites where you think 0 6 permanent supportive housing -- not temporary now -- permanent 7 supportive housing can be placed? 8 THE COURT: Put up that map showing the temporary 9 housing. 10 MR. SILBERFELD: The first page of 230. 11 THE COURT: Okay. And also, you might refer back to 12 page 132, et al, of his deposition where he talks about this. 13 Now, I'm curious, let me just speak to plaintiff's 14 counsel for a moment. 15 Initially, in your opening statement, you mentioned 4,000 housing units, permanent supportive housing, 1,000, 16 17 temporary. That could be an increase of 2,800 over the 1,200 18 now. 19 MR. SILBERFELD: Correct. 20 THE COURT: Are you going to be arguing and asking 21 later on for permanent supportive housing units? 22 MR. SILBERFELD: Yes. 23 THE COURT: Okay. Do you have any indication or an 24 indication to the Court about how many you will be asking for? 25 I won't hold you specifically to it, but it depends on

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1 what I ask the gentleman. 2 MR. SILBERFELD: I think it depends on what the rest 3 of the evidence evidence shows about the meaning of the point-in-time count that came out in a last few weeks. 4 THE COURT: Okay. Why don't you ask your questions, 5 and then I don't want you to leave because we're enjoying your 6 7 company. 8 I have a couple questions of you, okay? 9 THE WITNESS: What do I do with all of this stuff? MR. SILBERFELD: Put that to the side and we will 10 11 make marks and copies and provide them to you. 12 BY MR. SILBERFELD: 13 Q So, starting with the area that is between Parcels 8 and 9 14 in the upper left-hand corner. 15 Do you see that, sir? 16 Yes, sir. Α 17 That is the two baseball diamonds, and that's about, Ο 18 between the baseball diamonds and the dog park, approximately 12 acres. 19 20 Is that your recollection? 21 Yes, sir. А 22 THE COURT: Now, just one moment. Would that 23 include the parking lot as well as that -- what I'm going to 24 call the grass area that the City is supposedly caring for? 25 MR. SILBERFELD: It is limited to the grassy area

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1	that the City is caring for and the dog park, for the moment.
2	THE COURT: Okay. About 12 acres, okay.
3	BY MR. SILBERFELD:
4	Q Is that an area where, in your judgment, permanent
5	supportive housing can be placed?
6	A Yes, reluctantly.
7	Q Okay. Have you considered whether any portion of the
8	Brentwood property, the 22 acres that Brentwood has, it would
9	be, in your judgment, suitable for permanent supportive
10	housing?
11	A Yes, eventually. I mean, they have a lease with a 10-year
12	option, and I don't see an urgent need for that to be used for
13	permanent supportive housing.
14	I think there are alternate sites available. Some of
15	which
16	Q Like what?
17	A The two parking lots up on Barrington for multi-story.
18	And then I can start going through other parcels. I
19	believe that adaptive reuse and creates an inefficiency for
20	density because you are using the same building and the same
21	footprint.
22	I also believe that a number of these sites, whether
23	it's 70 or 30 that would be demolished, would have a great
24	opportunity for permanent supportive housing of substantial
25	density.

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1	Q If buildings were demolished?
2	A Yes.
3	Q Okay. What about the UCLA baseball property, which is
4	about 10 acres?
5	A Yes. I mean, what I envision there because I see some
6	of the benefits, if they were following whatever rules there
7	are of the lease of building on top of the parking lot,
8	multi-family, without disturbing the parking.
9	Q Without disturbing the stadium itself?
10	A Sure. But if you're going to if the stadium were to
11	move or be tossed out, of course, it's a great location.
12	Q You just mentioned the concept of building permanent
13	supportive housing over existing parking.
14	Is that something you are familiar with?
15	A Yes, sir.
16	Q How does that work?
17	A Well, I think if you look at almost every apartment
18	building or condo building in Los Angeles, you will see that
19	the first two floors or underground is parking, and I believe
20	that that could be done without impacting the number of spaces
21	used at Jackie Robinson Stadium if that lease were something
22	that the VA and UCLA were to use in a legal manner.
23	Q And the UCLA property aside, if there are open parking lot
24	places on the VA campus, do you believe those could be used for
25	permanent supportive housing without disrupting the parking

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that is needed by those surface lots? 1 2 I would say not could be, but they should be. Α Los Angeles is a very horizontal city, New York is a 3 4 very vertical city. There is a hybrid here and that's what is happening in 5 Los Angeles now, we're on transportation corridors. 6 7 To take these parking lots, all you do is you replace 8 the parking that is there and then you add the permanent 9 supportive housing, plus the parking required for the permanent supportive housing on the same piece of real estate. 10 11 Okay. Are there any other specific examples you can think 0 12 of -- I'm sorry, to make this a pop quiz -- about where 13 permanent supportive housing could be placed based upon your 14 understanding of the campus? 15 Yes. And other than that, it is a pop quiz. So, I mean, Α it's just not fair, we're talking about people's lives and all 16 17 kinds of things. 18 Between the Metro -- between where the Metro station is 19 being built, and the ring road, there is a large wall built, 20 which is on the end of the Metro property. 21 Between that property and the street, which is right 22 across from the entrance to the hospital --23 Yes. 0 24 Α -- is a parcel on which I think it would be a great use 25 for permanent supportive housing.

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1 Q Okay. Any others come to mind? 2 Pop quiz. А 3 Q Okay. 4 MR. SILBERFELD: That's all of the questions I have, 5 Your Honor. 6 MR. LOWENSTEIN: Your Honor, may I recross with just 7 one question? 8 THE COURT: Sure. If you could keep this map up, I 9 would appreciate it. 10 RECROSS EXAMINATION 11 BY MR. LOWENSTEIN: 12 Mr. Soboroff, the opinions you just testified to regarding Q 13 possible locations of permanent supportive housing on the campus, those were not disclosed in your expert report, were 14 15 they? A I don't believe so. 16 17 MR. LOWENSTEIN: Okay. Thank You. No further 18 questions. 19 THE COURT: I'm going to go back to temporary 20 housing for just a moment, okay? 21 And, counsel, I'm going to ask one of you to get 22 this easel for just a moment. Because eventually, I'm going to have to decide 23 24 if we get to increased housing of some type, Mr. Soboroff, what 25 is reasonable, what is feasible. Okay?

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1 THE WITNESS: Correct. 2 THE COURT: Okay. One of you get the blank easel, see that paper over there, turn it towards me. Bring it down 3 4 here because one of you are going to write, and also get that 5 map up there so he can see it. Either one, it doesn't matter. 6 All right. 7 Mr. Soboroff, I'm going to take your figures for a moment and I want you to correct me, sir, anytime I'm wrong. 8 9 Okay? 10 You stated to me that you thought that temporary units 11 might be approximately 40 per acre; is that correct? 12 THE WITNESS: Yes, sir. And Mr. Johnson reminded me of Gensler's discussion of the inefficiencies of a number of 13 14 these sites, so the density could go down to 20 an acre, 25 an 15 acre, depending on the different sites. You also stated in your opinion it would 16 THE COURT: be a much better community atmosphere if these were what I'm 17 18 going to call single-story and not double-story, correct? 19 THE WITNESS: Yes, sir. 20 THE COURT: All right. I want to take Parcel Number 21 1. 22 And would one of you point to Parcel Number 1 on 23 the -- that's the... 24 MR. SILBERFELD: That's the solar field. 25 THE COURT: Yeah, they're going to help us by

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1 pointing out Parcel Number 1 to us with some arrow or mouse or 2 something. That's 15.85 acres. 3 Can one of you put a finger on that or something. 4 Okay. Part of that is an existing parking lot, I 5 believe. 6 THE WITNESS: Yes, sir. 7 THE COURT: And that has what I'm going to call 8 these linear lines which show solar panels on top of the 9 roofing; is that your memory? 10 THE WITNESS: Yes, sir. 11 THE COURT: Okay. 12 THE WITNESS: You are talking about the solar 13 parking over the parking lot, because there is also solar 14 panels over the other parcels on the other side of the ring 15 road. THE COURT: Right. Is that the site that was traded 16 out by Metro? 17 18 THE WITNESS: I don't know. THE COURT: Counsel, do you recall? Can either one 19 20 of you help me? That wasn't. 21 THE WITNESS: It's nowhere near the Metro line. 22 THE COURT: It isn't? And so if this was used for 23 temporary or intermediate housing, we would have at best about 24 600 temporary housing units according to your math? I'm going 25 to say as little as 20, because you modified it.

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1 THE WITNESS: Yeah, I just don't like the word 2 "best" because I don't believe if it was all housing that that 3 would be right. You can spread it out --4 THE COURT: You give me the correct analogy so I 5 won't quibble with your words, it's basic stupid math. 6 THE WITNESS: Okay. 7 THE COURT: Okay. So I don't want to quibble with 8 you, I will call it anything you want to. 9 THE WITNESS: Okay. I would say between 200. THE COURT: 200 and 600? 10 11 THE WITNESS: Yes. Also the ring road that you see 12 there --13 THE COURT: I'm going to have you wait now, I've got 14 some questions for you. 15 You can add all you want to in a minute. 16 THE WITNESS: Okay. 17 THE COURT: I know that there are various substance 18 abuse programs on this campus in varying degrees. And I 19 imagine that there's an acute, either psychiatric or 20 psychological center in the main hospital, which you can see in 21 the southern campus. 22 So I'm going to make an assumption that the Court might 23 want, if it agreed with your position, the more acute veterans 24 going through trauma closest to the southern campus and that 25 hospital which offers acute services.

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1 THE WITNESS: That subject came up during the bus to 2 yes tour and the answer is absolutely. 3 THE COURT: Okay. Well, you didn't invite me on the 4 tour, so I don't know. THE WITNESS: You didn't invite me on the walk 5 6 either. 7 THE COURT: You wouldn't have liked it. 8 THE WITNESS: No, I need steps. 9 Okay. Now, you also mentioned that if THE COURT: 10 the Court was involved in some equity involving an injunction, 11 that there might be a valid reason for a higher number because 12 even if I didn't have 200 to 600 veterans with the need for 13 temporary housing, that that could later be used or could be 14 used for staff which has a difficult time obtaining housing in 15 this area. 16 Is that what I heard? 17 THE WITNESS: Absolutely. This is Field of Dreams. 18 If you build it, they will come. 19 THE COURT: Now, we're going to dream. 20 How does the VA approach Congress, in your opinion, not 21 with the Preservation Act, forget that for a moment, but how 22 does the VA approach Congress and say we have the need for, you 23 know, 200 acute intermediate housing and, by the way, we're 24 quessing because it could be another 200 to 400 units, so we're 25 asking for 600 and maybe there is some carryover to staffing.

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1 I don't know what Congress is going to say to that. 2 They might react to the need for acute veterans being treated 3 near the hospital. I'm not sure how they would react to housing, even if we 4 5 all agree it's a good idea so that the staff has some ability 6 to live in the area. 7 How would we approach that? Because you're the expert, you put together 10,000 people in Playa del Rey, tell me how 8 9 you do that? 10 THE WITNESS: I have the answer. 11 THE COURT: What's the answer? 12 THE WITNESS: I need to think before I talk. 13 THE COURT: Okay. THE WITNESS: First of all, doing it piecemeal will 14 15 not make people healthy. 16 THE COURT: Understood. 17 THE WITNESS: So I need a sheet -- in fact, the 18 sheet is in here, that does everything. Not the permanent 19 supportive housing, everything except the permanent supportive 20 housing. 21 The infrastructure, the connective tissue, the temporary 22 supportive housing, they're line items and that number may be 23 \$700 million it might be a billion dollars, it might be 24 \$500 million, but I believe that going at this piecemeal just 25 for these is not --

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1 THE COURT: But you understand that in the VA making 2 this presentation or HUD on an appropriation of some type, has 3 to have some reality behind the request. 4 That they just can't come up with an arbitrary number 5 that they can't justify, and right now, we're struggling with 6 that number. 7 THE WITNESS: You are telling me or asking me? 8 THE COURT: I'm telling you. 9 THE WITNESS: Okay. 10 THE COURT: So I want to assume that this is 200 to 11 600. 12 What number am I going to land on on that Parcel Number 1 on the 15.83 acres? 13 14 THE WITNESS: Based on the use that you are 15 describing that we talked about on the bus to yes, because it's 16 proximate to the hospital --17 THE COURT: And I'm going to assume minimum 18 400 square feet. Minimum. 19 THE WITNESS: The units. 20 THE COURT: That's right. 21 THE WITNESS: That's correct. I'm going to assume 22 there will also be some other amenities within that parcel. Ι 23 also assume that the ring road is -- oh, I just did that, it 24 doesn't need to be there -- this connection and this connection 25 are already there and it's a nice wide road, that ring road

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```
1
    makes it look --
 2
               THE COURT: Give me a number. I'm going to tie you
 3
    down now.
 4
               THE WITNESS: If my sister were living there, 300.
               THE COURT: 300. Fair enough.
 5
                  Write down 300 Parcel Number 1.
 6
 7
               THE WITNESS: Can I say something about Congress?
 8
               THE COURT: No, no. Spare me, give me the rest of
 9
    the day and the night.
                  All right. Parcel Number 2. That is 4.3 acres
10
11
    and it loops around what counsel has described to the Court to
12
    be a -- I'm going to call it some kind of Internet module of
13
    some kind, some building.
               THE WITNESS: Patriot House.
14
15
               THE COURT: Now, in the back of that, there is a
16
    bunch of apartments, and if you walk that route you will see
17
    some apartments that are going to cause just as much a concern
18
    to those apartment or home owners as eventually Parcel
19
    Number 7.
20
                  How far would my setback be from the apartment
    dwellers?
21
22
               THE WITNESS: Probably the City -- even though it's
23
    County, probably the City code.
24
               THE COURT: What is that?
25
               THE WITNESS: It might be -- I'm not sure.
```

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1 THE COURT: That's fair enough. 2 THE WITNESS: 15 feet. It's no biggie. No big 3 deal. 4 THE COURT: Now, you can imagine the pushback of an 5 apartment having, you know, a group of apartments, seeing a 6 temporary modular construction 15 feet away from their line. 7 THE WITNESS: No, I can't. I think it would be beautiful. 8 9 THE COURT: Okay. We could have a community meeting 10 and see how they feel about it. 11 THE WITNESS: Yeah. But, I mean, there will be 12 NIMBYs, they don't want anything. So yes, but you --13 THE COURT: How many parcels could I -- or, I'm 14 sorry, temporary units can I put in Parcel Number -- and my 15 apologies, I think --16 THE WITNESS: Parcel Number 2? 17 THE COURT: Yeah. No, no, my apologies, just a 18 minute, it wraps around. Yeah. No, it's Parcel Number 2, my 19 apologies, Parcel Number 2. 6.3 is reduced to 4.35. 20 THE WITNESS: 80, plus or minus 10. 21 THE COURT: 80 plus or minus. Just a moment. 22 Would you write down Parcel 2, 80. 23 Parcel Number 3 that we viewed is what I'm going to call 24 overnight parking, and it's listed as 1.6 acres. 25 Do we know or do you know the amount of usage, in other

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1 words, if we're getting three cars per night, the highest and 2 best use might be converting this to temporary or intermediate 3 housing. THE WITNESS: I believe it is. 4 5 THE COURT: Why? Why do you believe that? THE WITNESS: Because it's underutilized. 6 7 THE COURT: Not utilized? THE WITNESS: It's underutilized. 8 9 THE COURT: How do I know that? 10 THE WITNESS: Go out there tonight and look. 11 THE COURT: Okay. 12 THE WITNESS: You are asking me to go out there and look? 13 THE COURT: Yeah. After work, that's where we're 14 15 qoing. 16 THE WITNESS: It's my daughter's birthday. 17 THE COURT: So you are not going there then? I'11 18 go with counsel again. We will go out and look and see how 19 it's utilized, because I have a feeling nobody really knows. 20 I haven't had any records yet. So if it's three cars 21 per night you might be absolutely right. If it's 20 cars per 22 night, then it may have some value. 23 THE WITNESS: Well, I think there are people in this 24 room who do know --25 THE COURT: Who knows that answer for me?

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1 THE WITNESS: Any of the veterans? You guys have 2 been around there a lot. 3 THE COURT: I will call them later on then and find out what the utilization is. 4 5 All right. Now I want to go to Parcel --THE WITNESS: Do you want to know how many homes I 6 7 want in there? 8 THE COURT: No. I want you to bear with me now. Ι 9 want you to answer my questions. 10 THE WITNESS: Okay. 11 THE COURT: I want you to go to Parcel Number 6. 12 Do you see it at the top, the 6.3 acres? 13 THE WITNESS: Yes. 14 THE COURT: Is that a freeway -- is that the 405 15 Freeway? 16 THE WITNESS: Yes, sir. 17 THE COURT: Now, I've had a number of settlements 18 with the City and the County, and the advocates on behalf of 19 homeless have stated to me that there is a 23 year life 20 decrease for homeless and they've attached much of that to the 21 inherent health issues of living near roadways. 22 The first and highest cause of death, when I first got 23 this case, was heart attack. 24 The second was narcotics. 25 And the third was simply getting hit by a car.

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1 Now, that has changed somewhat with Fentanyl, that's not 2 heart attack anymore. 3 THE WITNESS: Columbian prime. 4 THE COURT: Now, the State of California came out 5 with a criteria and so did the City, and all of the settlements 6 thus far have not allowed any construction of temporary or 7 permanent supposedly within 500 feet of a freeway. 8 I want you to look at Parcel Number 6, and I'm a little 9 concerned about where that 500 feet would be. Right there? THE WITNESS: Approximately. And that also is the 10 11 main expansion area for the columbarium, the other isn't. 12 THE COURT: All right. There was a par -- Parcel 13 Number 7. Do you see that? 14 THE WITNESS: Yes, sir. 15 THE COURT: On one side there is a housing -- rather nice homes, nice homes. 16 17 On the other side if you look at it there is a rather 18 steep bank. 19 What would you recommend the setback be of temporary 20 housing was placed in that location? 21 THE WITNESS: Judge, are you saying that is 22 contiguous to the housing, contiguous on these houses --23 THE COURT: Exactly. 24 THE WITNESS: -- is a bank going down? 25 THE COURT: Yes. What I'm trying to do is find a

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	100
1	code or some reasonable assumption on all of our parts that
2	would also take into consideration the residents there and the
3	outcry that is likely to ensue if it's right up on the fence.
4	I don't know how far that setback needs to be, and then I don't
5	know how much land would be left.
6	THE WITNESS: Again, I would say that the slope
7	probably would take care of the setback in that specific case.
8	In other words, when you get to the bottom of the slope
9	you'll have enough setback towards
10	THE COURT: I'm sorry. The slope is away from the
11	house. It's on the opposite side. That's where the bank is.
12	THE WITNESS: Okay.
13	THE COURT: It's level near the houses. What I'm
14	trying to do, I would expect pushback to come from the
15	homeowners in Parcel Number 7, I would expect pushback to come
16	from the apartment owners, probably in Parcel Number 2.
17	What I'm trying to figure out is what would be a
18	reasonable position for Court to take in terms of those
19	setbacks and then find out how much is left for temporary
20	housing?
21	THE WITNESS: 15 feet.
22	THE COURT: 15 feet.
23	THE WITNESS: 15 foot setback. These people have
24	bought houses that leave out this parcel that are right next to
25	each other and right behind each other already.

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1 So unless they are just trying to throw up hurdles, in 2 other words, that's what you do when you're on the bus to no, yeah, they're going to come up with all kinds of things. 3 4 THE COURT: I want you to look at Parcel Number 8 and 9. 5 6 THE WITNESS: Okay. Judge, may I make a statement 7 about Parcel 7, one other statement? 8 THE COURT: Certainly. 9 THE WITNESS: I believe you could go a little bit 10 further north than the green. 11 We were told that on a bus to yes. 12 THE COURT: I want you to look at Parcel 8 and 9. 13 THE WITNESS: Okay. 14 THE COURT: Now, on Barrington there is a parking 15 lot that you walk through and then you will see -- I apologize 16 to you, you are absolutely right about the dog park. You will see this brown area. 17 18 If you walk into that brown area you will see about nine acres of field, flat level, the City supposedly 19 20 maintains it, but I think if you walk it, you would agree that 21 it's about as poorly maintained as you can imagine. It's full 22 of chuckholes and whoever is playing out there is going to 23 break their toe. 24 THE WITNESS: Don't allow your kids to play 25 football.

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1 THE COURT: So let's take a look at this parcel of 2 nine acres. 3 You said that there would be community be pushback. Why 4 would there be significant pushback along Barrington when I have a parking lot in depth before I get to my nine acres 5 versus the pushback that I think we might get on Parcel Number 6 7 2 and Parcel Number 7, when they abut 15 feet from a homeowner 8 with a couple of million dollar home. 9 THE WITNESS: Judge, I'm a parks commissioner, I 10 believe when you go to take parks away from people, they go 11 nuts, and you can't sell parks. 12 You can't lease them out for other uses. This is a 13 park. 14 THE COURT: We have a dog park there. Why are the 15 dogs using the public park that, you know, we're supposed to play in? 16 We have a dog park set aside, and yet in your testimony, 17 18 you seemed to indicate that this was a dog poop park all the 19 way through it. 20 THE WITNESS: I believe that some people don't follow the rules. 21 22 THE COURT: Okay. Now, this is on a one-year, I 23 understood, to be a revocable lease. 24 If we were going to construct intermediate housing or 25 temporary housing, why wouldn't it be put there?

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1 THE WITNESS: I believe that we can hit your number 2 without creating a firestorm of taking a park away. I prefer 3 it to do the easy way. 4 THE COURT: I'm going to disagree with you. I think there is more of a firestorm with people -- and 5 we can disagree professionally -- I believe there is more of a 6 7 firestorm coming from people with a 15-foot setback with Parcel Number 7 with these homes, and more of a firestorm with 8 9 apartments in Parcel Number 2 than having a street, Barrington, 10 a parking lot and the nine acres setback. 11 So we just respectfully disagree. 12 I'm going to assume --THE WITNESS: But that nine acres --13 14 THE COURT: I'm going to assume that that nine 15 acres, now belongs to you and me. 16 How many units can I put in there? 17 THE WITNESS: That is very efficient. 250. 270. 18 THE COURT: That assumes 40 times 9, but let's reduce that. 19 20 THE WITNESS: Wait a minute, how many acres is it? 21 THE COURT: Nine. 22 THE WITNESS: Yeah, nine acres. THE COURT: Better yet, we're going to take the --23 24 THE WITNESS: Would be 360 --25 THE COURT: We're going to take the parking lot

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```
1
    also, 12.
 2
               THE WITNESS: Both parking lots?
 3
               THE COURT: No, just that parking lot just for the
 4
    time being.
               THE WITNESS: Close to 400.
 5
               THE COURT: Okay. 400.
 6
 7
               THE WITNESS: Because it's pretty --
 8
               THE COURT: Would you write down 400 for a moment in
 9
    parcel number -- well, it's not labeled Parcel Number 9 is 1.6,
10
    Parcel 8, what do you want to call that field that we walked,
11
    counsel?
12
               MR. SILBERFELD: I wrote down parking lot and
    baseball fields.
13
14
               THE COURT: We're getting there, Mr. Soboroff, we
15
    have about 780 temporary spaces and haven't had to have a
    15-foot setback on Parcel Number 7 and haven't had to contend
16
17
    with renters or owners in Parcel Number 2.
18
               THE WITNESS: I want to do the easiest ones, but I
19
    want to be clear that I disagree with you regarding these
20
    parcels with a 15-foot setback.
21
            Because noise walls can be built, beautiful landscaping
22
    can be put in.
23
               THE COURT: Why are you so resistant to this nine
24
    acres and the parking lot on Barrington?
25
               THE WITNESS: Because I want to get this done
```

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1 without all of these privileged people going to their 2 privileged lawyers, going to their privileged Senators, going to their privileged council members, going to the Congress. 3 4 THE COURT: Let's say we agree with that. 5 THE WITNESS: Thank you. THE COURT: And it seems to me that the nine acres 6 7 with nobody around it, there's no -- have you been out there and seen those nine acres? 8 9 THE WITNESS: I was parks commissioner, those are 10 our acres, I complained about the -- yes, but it's a park. 11 Taking away parks is like Bobby Shiver said, you are going to 12 build on columbarium land, you don't do that. 13 THE COURT: And that park is actually VA land, isn't 14 it? 15 THE WITNESS: Yes, sir. 16 THE COURT: On a revocable lease to the City? 17 THE WITNESS: I'm not saying you don't have the 18 right, I'm talking about the Pandora's box. The political Pandora's box. 19 20 I can get you what you want as long as you -- as 21 long as the bus -- as long as you let us go south of Wilshire 22 near the hospital. 23 If you take out south of Wilshire for some reason or 24 whatever, that throws a real monkey wrench in trying to reach 25 your numbers.

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1 THE COURT: And we might agree that the Court, if it 2 gets to that stage, would prefer south of Wilshire. 3 THE WITNESS: I hope so. 4 THE COURT: Because it's closer to the hospital with 5 people coming in with substance abuse or acute mental disorder 6 needing that treatment from the hospital. 7 We may not want them in the north, I'm just testing how 8 quickly we get to the thousand that counsel was arguing that he 9 wanted. 10 THE WITNESS: We get there by taking the path of 11 least resistance and that's why I'm picking these parcels. 12 THE COURT: All right. I'm going to tell you a 13 horror story, that has nothing to do with you but a lot to do 14 with the City and that is --15 THE WITNESS: Did you say horse story? 16 THE COURT: A horror story. 17 THE WITNESS: Okay, not a horse story. 18 THE COURT: No, not a horse story. 19 Many years ago there was an effort to put in, I 20 will call them, tiny homes or modular homes in -- I forget if 21 it was Paul Krekorian's district or somebody else. 22 And the modulars at that time were 28 to 25 to \$30,000, 23 and they were about 400 square feet. But the City came back 24 with a bill of 180,000 for modular homes. 25 You can't make that up.

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1 What's my cost of putting in this modular home, not just 2 the purchase of the modular home but the infrastructure that 3 goes with it in terms of electricity and sewer? THE WITNESS: We believe -- and Mr. Johnson will be 4 better suited, but I would say as an outside 130,000 a unit. 5 6 THE COURT: Okay. And you think it might have a 15-7 to 20-year life expectancy? THE WITNESS: It could go up to 50. All depends on 8 9 how people take care of it. I didn't answer your question 10 about the Congress the --11 THE COURT: That's okay. Just delay it for a 12 moment. I'll be right back with you. 13 THE WITNESS: It's about the money. 14 THE COURT: I'll be back with you in a moment, I 15 want you to answer my questions now. 16 With your knowledge, which is immense, you know that there is a difference if the Court ever got to injunctive 17 18 relief between what I call the traditional negative injunctive 19 relief, where the Court in equity states to a party you should 20 not do something, versus what is called affirmative injunctive 21 relief. 22 The best case would be desegregation of the south where 23 Judge Johnson placed an affirmative injunctive. 24 And when a Court gets into an affirmative injunction, 25 it's dealing on tricky ground. It's one thing to tell a party

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1 you've gone too far, it's another thing to tell the party 2 you're ordered to do the following. And -- before I get to that question, have you been down 3 4 to San Pedro and the Century Project that Judge Pregerson put 5 together. Have you seen that? Well, he didn't put it together, but he was intimately 6 7 involved. 8 THE WITNESS: Are you talking about AltaSea or the 9 housing project? 10 THE COURT: The housing project. Housing project is 11 a bad word. It was put together by Century, Peck was involved. 12 THE WITNESS: Yes, I haven't, because I haven't been 13 harbor commissioner long, but I have seen pictures and I like 14 it. 15 THE COURT: Okay. 16 THE WITNESS: Are you talking about Dean Pregerson? 17 THE COURT: No, Harry. 18 THE WITNESS: Oh. Before he died, okay. THE COURT: What will entice, in your expert 19 20 opinion, a veteran who has a supportive network, let's say 21 living on the street, but that supportive network for the 22 veteran is one that he or she has chosen out of safety, 23 comfort, or like veterans. 24 And although they are in miserable conditions, now we're 25 going to persuade them to come over to something called West LA
1 VA. 2 And let's assume they are distrustful of the VA, and 3 also we have the complexity of this veterans support group, and 4 there are veterans talking to each other. What entices them 5 over? A 400-foot modular home? 6 THE WITNESS: A community. And during the break, one of the veterans who is here -- I can't see that far 7 8 anymore -- said to me that -- "I got to get out of there. But 9 if they do what you are talking about doing, I want to stay." 10 THE COURT: So we obviously need community? 11 THE WITNESS: Yes, sir. 12 THE COURT: Let's say we all agree about that. In 13 fact, it's in the master plan. 14 THE WITNESS: Not the way I like it. Well, okay, 15 it's in the master plan, it just isn't funded. And nobody is 16 paying attention to it and nobody knows how to do it. And 17 nobody is complaining about it, so it ain't going to get done. 18 And it's the most important thing. 19 THE COURT: You have talked about a governance 20 change. 21 Now, how would you advise this Court that it would be 22 helpful in some kind of governance change -- remember my power 23 is a negative power, in a sense, and sometimes it can be an 24 affirmative power. 25 THE WITNESS: I hope so.

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1 THE COURT: But if it's affirmative power, then the 2 risk goes up of appeal, quite frankly, and being overturned. 3 It's a little bit more risky, quite frankly. THE WITNESS: I'm sure. But it's worth it. 4 5 THE COURT: Yeah. But let's assume that you have an agency or agencies that decide that they want to fight this --6 7 THE WITNESS: They will. THE COURT: -- because they don't like the Court's 8 9 order at all. 10 THE WITNESS: Nobody wants to give up power. They 11 are all going to want to fight it. 12 THE COURT: This, then, can take years in the appeal 13 process unless we get that agency or agencies on board. How do we do that with your wisdom in building this 14 15 incredible community, because it didn't take a negative from you, I have the impression you were extraordinary in the 16 17 community bringing people together. 18 How does FEMA do it? How does the Army Corp of Engineers А do it? 19 20 What happens during a hurricane, fire, flood, tornado --21 that is what is happening here now. It's a national emergency, 22 just like those weather events are. 23 THE COURT: I want you to look at this map again, 24 and now I want you to tell me -- because I don't have a number 25 yet, I had a number of 2,800 permanent supportive housing

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1 units. 2 THE WITNESS: Uh-huh. 3 THE COURT: Where are you going to put them? Where 4 are you going to put them? THE WITNESS: I thought we just talked about that. 5 6 I would put some on parcel --7 THE COURT: No. We have used up all of these 8 parcels. This is our temporary now. And I think what we got 9 is an 800-pound elephant in the room about the UCLA baseball stadium that we're dodging, the oil that we're dodging right 10 11 now, and I think we're all dancing around a little bit about 12 Brentwood School. Now, there is 22 acres of Brentwood School, is that 13 14 going to be viable in terms of putting permanent supportive 15 housing on those fields? 16 THE WITNESS: Yes. At the appropriate -- and I 17 would recommend that when it's needed and time that according 18 to their lease expiration, so they don't have the --19 THE COURT: That is in 2026? 20 THE WITNESS: Plus they have a 10-year option unless 21 they are saying they are in default. 22 THE COURT: Well, I'm assuming that if there was 23 injunctive relief, it wouldn't include a 10-year option. 24 THE WITNESS: I don't know the legal terms. 25 THE COURT: So their lease runs in 2026.

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1 THE WITNESS: I understand that, but they have a 2 10-year option that can be rejected by the VA if they're in 3 default. 4 And I think you believe they are in default. THE COURT: No, I don't believe anything. I'm 5 6 exploring where I'm going. 7 THE WITNESS: Okay. I don't know the answer to that. 8 9 THE COURT: Who would? Because what I'm not going to do is hear from plaintiff's counsel that they want some 10 11 number without reason to it, and you are the expert or 12 Mr. Johnson is. 13 THE WITNESS: I could tell you why they are not in 14 compliance. 15 THE COURT: No, I'm not interested in that. I'm 16 interested in where would you put these. And are you ruling 17 out Brentwood or are you ruling them in? 18 THE WITNESS: I don't believe they need to be in the 19 first tranche. 20 THE COURT: Okay. 21 THE WITNESS: I think there is more downside. 22 THE COURT: Where would my first tranche be? 23 THE WITNESS: Your first tranche would be on -- I 24 think. 25 THE COURT: Take your time with this.

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1 THE WITNESS: Okay. I got it. And I'm talking 2 about dense housing. 3 THE COURT: Where would my first tranche be? 4 THE WITNESS: On Barrington. Those two lots up on 5 Barrington, the parking lots. 6 THE COURT: Just a minute. 7 THE WITNESS: Do you know what I'm talking about? 8 THE COURT: Absolutely. I know those parking lots 9 well. Now, one of those parking lots is close to one of the --10 11 is the main entrance to the Brentwood School. Yes, it is. 12 And the other one --13 THE WITNESS: Are you talking about the one that's 14 north of the post office? 15 THE COURT: Yes. And you enter the Brentwood School 16 on a road, and there is a guard shack there. And then as you 17 move south on Barrington, you will see the post office. 18 THE WITNESS: Correct. 19 THE COURT: Then you will see another parking lot. 20 THE WITNESS: Correct. 21 THE COURT: Now, there is some quibbling over 22 whether one is three acres, or two acres, or two and a half 23 acres -- don't worry about that. The top parking lot, it's 24 going to be argued to me by one party, doesn't serve --25 principally doesn't serve veterans; that it's used by the

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1 merchants. 2 THE WITNESS: Well, you can --3 THE COURT: No. I'm not done with my question yet. 4 I listened to you, now you get to listen to me. 5 THE WITNESS: I have got the answer though. THE COURT: No, you don't because you haven't heard 6 7 my question yet. 8 THE WITNESS: Okay. You're right. 9 THE COURT: Am I going to take both of those parking lots? 10 11 THE WITNESS: Yes, sir. 12 THE COURT: Okay. Then I have got, let's say five 13 acres. 14 How much permanent supportive housing can I put in 15 there? 16 THE WITNESS: You have to ask Mr. Johnson that, because that's what he did at Playa Vista. I think we're 17 18 getting densities of 40 and 50 per acre. 19 THE COURT: I'm going to stick with that for just a 20 moment. Now, that, remember that is single-story. 21 THE WITNESS: No. 22 THE COURT: No, just a moment. I want to be certain 23 to write this down. If it's 40 or 50 single-story per acre --24 THE WITNESS: Well, those are only 400 square feet. 25 THE COURT: No. We're talking about permanent

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1 supportive housing now. We're done with temporary. 2 THE WITNESS: Which would be larger. THE COURT: How large? 3 4 THE WITNESS: Double the size. THE COURT: Okay. 800 square feet? 5 THE WITNESS: I would think so. 6 7 THE COURT: I'm going to write down 800 square feet. 8 Now, how much per acre? And I will ask Mr. Johnson 9 also, and I will ask the expert on the other side. 10 THE WITNESS: Can I just ask him so I don't make a 11 fool of myself? 12 THE COURT: Come on up here for a moment. Help him. So, 800. 13 MR. JOHNSON: Well, you are trying to solve for 14 15 another 2,800 units, correct? 16 THE COURT: No. I'm waiting for plaintiffs to tell 17 me how many they want. 18 They opened up with 2,800, but it may be less. MR. JOHNSON: It's 1,200 on the board, and he's 19 20 trying to get to 4,000. 21 THE COURT: Yes. 22 MR. JOHNSON: So what you have to take into account 23 -- because the original 2016 plan --THE COURT: No. Just a moment. I'm going to make 24 25 this really simple.

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1
               MR. JOHNSON: Hold on.
                                       Buildings --
 2
               THE COURT: No. 800 on these two parcels, how many
 3
    can I --
 4
               MR. JOHNSON: ADU per acre, 80. And the average
 5
    square footage, because they are studios and ones, it's
 6
    probably about 500 square feet.
 7
               THE COURT: Perfect. Now, hold on. I'm going to
 8
    repeat that back to you.
 9
               MR. JOHNSON: Yes.
               THE COURT: Judge, about 800 square feet, I can put
10
11
    in about 80 per acre?
12
               MR. JOHNSON: Uh-huh.
13
               THE COURT: Is that single-story?
14
               MR. JOHNSON: No. It's going to be four stories.
15
               THE COURT: Four stories.
16
               MR. JOHNSON: Yes. The rest of the campus is three
    stories.
17
18
               THE COURT: Yes. Hold on. So here we are talking
    about four stories.
19
20
            If it was two stories, would it be 400?
21
               MR. JOHNSON: Two stories, could you get to 40, is
22
    your question, per acre?
23
               THE COURT: Correct.
24
               MR. JOHNSON: You probably could.
25
               THE COURT: If it was one-story?
```

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1 MR. JOHNSON: 20. 2 THE COURT: Just a moment. Okay. Sir, I will be 3 back with you. Thank you very much, very helpful. 4 I'm going to be conservative, counsel. Where is my 5 counsel? I'm going to be conservative. 6 I'm not going to go four stories. I'm going to say at 7 the most two stories. 8 THE WITNESS: Why? 9 THE COURT: Because it would be unreasonable. I'm compromising right now. Put down 200. 10 11 Now, I know that you may say 100 or less, because you 12 like single stories, right? 13 THE WITNESS: Not for permanent supportive housing. 14 THE COURT: So permanent supportive housing, you 15 would go higher? 16 THE WITNESS: Go down the same street. The 17 apartment buildings are three or four stories. 18 THE COURT: Permanent supportive housing you would 19 go higher? 20 THE WITNESS: Yes, sir. THE COURT: Put down 400. 21 22 MR. SILBERFELD: Four stories? 23 THE COURT: Yes. In fact, put down 800. 800. 24 There we go. 25 Okay. So that takes care of 800.

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Where is the next location I'm going to put them? 1 THE WITNESS: On Parcel 8. 2 3 THE COURT: Okay. Just a moment. 4 THE WITNESS: Which is going to be expensive, but 5 great quality. 6 THE COURT: It's not suitable for temporary, but 7 suitable for permanent? 8 THE WITNESS: Because you can build permanent, 9 multi-story, into a hillside. 10 In temporary, you have got to level it. THE COURT: And, counsel, that green area again, 11 12 what do we call that? 13 That green area -- that darker green area is what you 14 are referring to, right? 15 THE WITNESS: Yes. THE COURT: What do we call that? Is that the dog 16 17 park? 18 MR. SILBERFELD: South of the dog park. 19 THE COURT: Is that the Japanese gardens? 20 THE WITNESS: No. THE COURT: What do we call it? 21 22 MR. SILBERFELD: It's just raw land south of the dog 23 park. 24 THE COURT: Okay. So you believe that we could 25 put --

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1 THE WITNESS: There is an environmental issue in a 2 small portion of that which would have to be dealt with. 3 THE COURT: Tell me that environmental issue. THE WITNESS: I believe it's in the soil. I don't 4 believe it's in the groundwater. 5 6 THE COURT: Okay. 7 THE WITNESS: I think it can be remediated. THE COURT: Because what we don't run into is what 8 9 we heard earlier, and that is something about a problem with 10 some units that are supposed to come online. 11 THE WITNESS: That was unbelievable. 12 THE COURT: Okay. 13 So how many units can I write down in that location? 14 Am I going to go four stories, two stories, or what? 15 See, I'm going to need you in the future. 16 THE WITNESS: I know, but I have got to get an architect to look at that and ask him that question, how you 17 18 tier them. THE COURT: How am I going to make a decision 19 20 without experts? 21 THE WITNESS: Ask him. Ask Randy. That one, I 22 don't know, but I would like to live there. 23 THE COURT: All right. Where's the next -- I'm 24 going to put down just an arbitrary number. I'm going to put 25 down 400 just to be safe.

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1 THE WITNESS: How many acres is it? 2 THE COURT: I don't know. You have to tell me. 3 THE WITNESS: Parcel 8 is --4 THE COURT: Parcel 8, not suitable, zero acres. 5 THE WITNESS: But we have the gross. The gross is 6 8.45. 7 THE COURT: That is the acreage? 8 THE WITNESS: Yes, sir. 9 THE COURT: Okay. So, how many units? THE WITNESS: 200. 10 11 THE COURT: 200. So now we have got 1,000. 12 Counsel, put down 200, not 2,400. MR. SILBERFELD: I crossed it out. 13 14 THE COURT: Okay. So we have 1,800 units to go, 15 hypothetically. 16 Where am I going to put the next? 17 THE WITNESS: Parking lot. And some of the 18 buildings that are going to be torn down. 19 THE COURT: Just a moment. Show me the parking 20 lots. 21 THE WITNESS: I can't. There is an exhibit to one 22 of the master plans that shows the parking lots at the VA. 23 And each one of those can be in play for permanent 24 supportive housing as described by Mr. Johnson, which --25 THE COURT: Well, we have already used,

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1 hypothetically, Parcel 3 --2 THE WITNESS: Yes. 3 THE COURT: -- Parcel 2. We have hypothetically looked at Parcel 7 and 6. 4 5 We have looked at Parcel Number 1 for our temporary housing. 6 7 In other words, we're considering all of those. 8 Now, I'm back to permanent housing. 9 THE WITNESS: Wadsworth parking lot is huge. THE COURT: Which one? 10 11 THE WITNESS: Wadsworth. Not the chapel, but the 12 theater. Large parcel. THE COURT: Near the Wadsworth theater? 13 14 THE WITNESS: Yes, sir. 15 THE COURT: I know exactly where that is. THE WITNESS: I used to go to temple there for 16 services. 17 18 THE COURT: Okay. So, we would be developing a --THE WITNESS: We could service the Wadsworth and 19 20 build permanent supportive housing and have parking for that 21 permanent supportive housing. And the needs here are not the 22 normal needs; they are less. 23 The people don't have as many cars. 24 THE COURT: How many units? THE WITNESS: I don't know how many acres that is, 25

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1 Judge. That is big parcel. 2 Can someone help? I just don't know how big it is. And 3 you would want setbacks. 4 Does anybody know? THE COURT: Right now I will put down zero until we 5 come up with the number. 6 7 THE WITNESS: I could say greater than five. We could use five. 8 9 THE COURT: Okay. THE WITNESS: I don't want you to have a zero. 10 11 There would be very efficient. You could go four 12 stories. THE COURT: Now, remember, everything else seems to 13 14 be two stories in that area. The existing structures are 15 two-story. THE WITNESS: I wouldn't -- yeah, okay. So it's a 16 little taller than the Wadsworth, because that building is not 17 18 -- I mean, it's high. I think it's 35-feet, so that's almost four stories. 19 20 THE COURT: I might accept the four-story concept on 21 Barrington. 22 I'm a little concerned about the preservation, et 23 cetera, with two stories that they're trying to rehab and the 24 campus itself. 25 So I'm going to say two stories, okay.

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```
1
               THE WITNESS: Can I convince you to go to three with
 2
    subterranean parking?
 3
               THE COURT: No, too costly. Two stories. How many
    units?
 4
 5
               THE WITNESS: 40.
               THE COURT: 40. Put down 40.
 6
 7
               THE WITNESS: Well, wait. 40 an acre -- 40 an acre
 8
    times five, 200.
 9
               THE COURT: 200. You have got five acres there.
10
               THE WITNESS: Yes. And I'm trying to be
11
    sensitive --
12
               THE COURT: I'm not holding you to it.
13
               THE WITNESS: I am trying to be sensitive to
14
    Wilshire because what you are saying is you don't want a big
15
    housing project.
               THE COURT: 200.
16
17
               THE WITNESS: Yes.
18
               THE COURT: Where is the next group going to go?
19
               THE WITNESS: Judge, and --
20
               THE COURT: No. Just a moment. You are my expert,
21
    and I'm depending upon you.
22
               THE WITNESS: Don't.
23
               THE COURT: Yes, I am.
24
               THE WITNESS: I mean, because some of these
25
    industrial buildings --
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1 THE COURT: Listen to me now. I'm going to make a 2 tough decision in a while. You are going to help me with that, 3 as well as the other experts. And they are not going to argue 4 X number of units without where they are going. 5 Where is the next group going? THE WITNESS: Well, I believe that there should be 6 7 some units in the area between Constitution and that -- in that 8 ring road. 9 The oil field company, in their settlement, is willing to give back an acre and a half, so that's additional land. 10 11 THE COURT: Let's hypothetically assume that that 12 oil field is not usable at the present time because it's within 13 500 feet of the freeway. 14 THE WITNESS: I would agree. 15 THE COURT: Okay. So I'm --THE WITNESS: I would take it out for a number of 16 17 reasons. 18 THE COURT: Hypothetically, I'm taking that out. THE WITNESS: I would take it out for a number of 19 20 reasons. 21 THE COURT: Counsel, I'm still open to that. But, 22 hypothetically, where is it going to go after our oil field has 23 been rejected? 24 THE WITNESS: Where is it going to go? 25 THE COURT: Counsel, flip the chart over. I think

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1 we're up to, what, 1,000? Maybe we're up to 1,200. 800? 2 We're up to 1,200. MR. SILBERFELD: 1,200. 3 THE COURT: You have got 1,600 more to go. 4 5 THE WITNESS: Look at the groups. And I don't want 6 to be criticized for saying, well, you don't know what you're 7 talking about for this building and that building. But the area around 297 --8 9 THE COURT: Just a moment. 297, the oil is right 10 across from Building 297. 11 THE WITNESS: That's correct. 12 THE COURT: Right across the street. 13 THE WITNESS: That's correct. But take a portion of 14 -- in that area -- in that area are these industrial-type 15 facilities. 16 THE COURT: Okay. 17 THE WITNESS: That are inefficient in that they are 18 not being completely used. 19 THE COURT: Let's hypothetically assume that the 20 Court is concerned, but hasn't made a ruling. It might be 21 reluctant to put veterans, especially in Iraq and Afghanistan, 22 subject to burn pits, subject to high munitions, noxious fumes 23 next to an oil well. 24 So I'm going to hypothetically reject that location. 25 THE WITNESS: Okay.

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1 THE COURT: Where is the next location? THE WITNESS: Okay. Well, I would say on the other 2 3 side of it. You know, in other words, between Bonsall and that. 4 So 5 they show up -- again, this is very difficult. 6 Buildings 508 -- I don't know what is in those -- what 7 is in those buildings, but if that is your concern and you want 8 to get away from that, just start moving towards Bonsall 9 because those buildings need to come down. They are 10 inefficient. They are hardly used at all. 11 THE COURT: I'm going to assume it's still close to 12 oil for me. 13 THE WITNESS: You don't want anything. You want to 14 keep all of that industrial. 15 THE COURT: I want to keep my veterans healthy. 16 THE WITNESS: Well, me too. 17 THE COURT: Good. 18 THE WITNESS: I would have to start pointing to --19 pointing to increasing density that the permanent supportive 20 housing builders have identified in the future for adaptive 21 reuse, because I believe adaptive reuse is expensive and 22 inefficient. 23 THE COURT: Okay. In your deposition, you stated at 24 page 132: 25 "ANSWER: I would say that there are 80 percent

### UNITED STATES DISTRICT COURT

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1 identified. I believe that there are a couple that aren't 2 identified are on oil property which is an incredible site for 3 residential. 4 Now you know I have rejected that. 5 THE WITNESS: I agree with you. It should be versus pumping oil there THE COURT: 6 7 are possibly areas around the Brentwood School. 8 THE WITNESS: Yes. I got it. Yes. 9 THE COURT: What were you referring to? 10 In other words, we have 22 acres there, we have run into 11 a problem seismologically already throughout this 388 acres 12 where we may have built on some kind of rift or fault. 13 Why wouldn't we have the most acreage to choose from, whether it's UCLA baseball stadium or Brentwood School or 14 15 portions there of? THE WITNESS: You would. I would like to see them 16 17 in second tranches, because I'm afraid they are going to hold 18 up everything. THE COURT: By suing, correct? 19 20 THE WITNESS: Yes. 21 They are going to sue the VA? THE COURT: 22 THE WITNESS: They are going to sue everybody, every 23 Senator and Congressman is going to be against it. 24 THE COURT: There is going to be a lobby, et cetera? 25 THE WITNESS: Yes. So back up to the park, I would

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1
    rather use the park.
 2
                THE COURT: With your wisdom, then, what would the
 3
    Court do with the 2026 lease, when it comes due?
 4
               THE WITNESS: With --
               THE COURT: In other words, 2026, if it's
 5
    reinvigorated, we're over to 2036.
 6
 7
               THE WITNESS: That's correct.
               THE COURT: So what would I do with that lease?
 8
 9
               THE WITNESS: You are asking me if ...
               THE COURT: In other words, if it's going to be in a
10
11
    second tranche.
12
               THE WITNESS: Yes.
13
               THE COURT: Are we going to have that lease renewed
    so we're clear out to 2036?
14
15
                  No, I'm asking a tough questions because I'm
16
    going to make a tough decision.
17
                THE WITNESS: Well, I will tell you, the tough
18
    decision is that nothing gets done, like it hasn't gotten done
19
    in 50 damn years.
20
               THE COURT: Right.
21
               THE WITNESS: And if I got to negotiate with
22
    Brentwood and give them four more years, because I would do
23
    that.
24
            If I have got --
25
               THE COURT: What I'm asking you is when that second
```

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1 tranche would appear? 2 In other words -- hold on. We might have, as counsel 3 argued, as you approach the Brentwood School, a field on the outside of the fence. 4 5 Counsel, what is the acreage there? MR. SILBERFELD: 6 One. 7 THE COURT: One acre. What did can you build there? 8 THE WITNESS: Well we have that for temporary. 9 THE COURT: What can you build there? 10 THE WITNESS: We think between for temporary, we 11 have --12 THE COURT: No, permanent. 13 THE WITNESS: For permanent, probably 40. THE COURT: Put down 40, right now, we're 1,240. 14 15 MR. SILBERFELD: I forget what parcel. 16 THE WITNESS: That is nine. It's a very efficient 17 parcel and a nice place to live. 18 THE COURT: In other words, it doesn't make any 19 difference that the Court makes a silly ruling that it can't 20 enforce or isn't reasonable, you are my expert now. So where 21 is my next parcel going to go? 22 THE WITNESS: I want to say anything. 23 THE COURT: No. I want to answer my next question. 24 What is my next --25 THE WITNESS: I will, but my answers aren't --

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1 THE COURT: Where is my next parcel going to go? 2 THE WITNESS: I believe four or five years from now we will be able to go right at UCLA and maybe back at Brentwood 3 4 School, because we will be finished making this a community with the infrastructure, with --5 THE COURT: Let's assume you are right that we want 6 7 to feed in and not necessarily harm a school. 8 THE WITNESS: I don't want that guy to move. 9 THE COURT: Hold on. Let's assume we don't want to add abruptly, let's 10 11 assuming we want to feed in. Let's assume it is the second. 12 That means we wouldn't be renegotiating a ten-year 13 lease. We would have to renegotiate with Brentwood School, 14 and/or UCLA, put them on notice their leases weren't being 15 extended, fairly, so they can start judging if they have to move or not. 16 17 I'm asking you, when that second tranche would come on 18 board. Because right now, I have heard this lawsuit ended I 19 20 think from 2030 to 2036, with some of these units, and 300 or 21 400 are already on the drawing board, and if they are, they are 22 a long ways off. 23 By the way I'm putting you as my excellent negotiator, 24 I'm just joking. 25 THE WITNESS: I am good at that.

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1 THE COURT: We're not going to let it go to 2036. 2 THE WITNESS: I understand, but both UCLA and 3 Brentwood, if given an opportunity to get five more years, 4 would work to give back enough without any hassles, because 5 even in the some of the documents that I have read, I can't say 6 which one. 7 It was talking about considering the lack of pushback, 8 and problems, and negotiate. 9 THE COURT: Where would the Brentwood School go, if these facilities were taken, even if they were wrongfully 10 11 acquired over a period of time. 12 Now, some of those may be taken, maybe we have got seven 13 baseball fields out there, and Brentwood has got three or four 14 and we can get some of that land. 15 But that swimming pool seems to be permanent. 16 THE WITNESS: I don't know we just moved our swimming pool at our house, my wife wanted to and I didn't. 17 18 Yeah, you can do it. And I think that -- I think that a space planner a site planner for Brentwood School or for Jackie 19 20 Robinson Stadium could look into the future and master plan 21 that stuff at the same time so you could use that in 22 negotiating. 23 THE COURT: So we can tranche it? 24 THE WITNESS: Yes, sir. 25 THE COURT: In other words, the threat would really

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be you are getting terminated in 2026, quite frankly, and let's 1 2 negotiate. That is really the threat. THE WITNESS: I mean, if I was them, I read it in 3 4 the paper, I would be calling to negotiate already. 5 THE COURT: I haven't heard that call yet. THE WITNESS: I think they did. 6 7 THE COURT: Counsel, are they negotiating with you? THE WITNESS: I heard that Brentwood. 8 9 THE COURT: Let's get transparency here. 10 MR. ROSENBERG: No. 11 THE COURT: Have you heard from them? 12 MR. SILBERFELD: I have, Your Honor. THE COURT: Where are they? 13 14 In other words, you may be right. We may need to crunch 15 that in, there is no necessity for that to come in the first tranche. 16 17 It's pretty interesting we would go another ten years if 18 this enhanced lease isn't appropriate, but it's awfully abrupt 19 to say to a school --20 THE WITNESS: It's not right. 21 THE COURT: You have got to value veterans over 22 school and make those arbitrary decisions. 23 THE WITNESS: Is it necessary? Can you do what you 24 need to do without fighting that fight now, and putting it out 25 for --

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1 THE COURT: That's what I'm asking you. 2 THE WITNESS: I believe you can. 3 Two to four years, five years, what? THE COURT: 4 In other words, counsel --THE WITNESS: Five. 5 THE COURT: Five. I'm going to write that down. 6 7 THE WITNESS: A lot of people would breathe better. 8 THE COURT: I think I'm almost done with my 9 questions. Just a moment. THE WITNESS: Ask me about Congress, though, please. 10 11 THE COURT: Ask me about what? 12 THE WITNESS: Congress. 13 THE COURT: No. Thank you. Congress might have 14 acted by now, and apparently the Court is going to have to make 15 a decision. 16 If Congress was going to act, they should have acted by 17 now. 18 This has been on the board since 2011, and before. 19 THE WITNESS: The budget is a joke, it ignores this 20 campus for what needs to happen here. 21 THE COURT: Okay. 22 THE WITNESS: So maybe --23 THE COURT: I don't think the Court is going to be waiting for Congress. 24 25 THE WITNESS: How about the president?

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1 THE COURT: The president? 2 THE WITNESS: Reallocation. 3 THE COURT: I invited the head of VA to come down 4 here to try to negotiate this. He didn't appear. 5 HUD's wide open, so now we're pressing a lawsuit. I don't see anybody beating down our door. 6 7 THE WITNESS: They are wrong. 8 THE COURT: Well, wrong or not, we're not getting 9 them down here. 10 THE WITNESS: Okay. 11 THE COURT: When you say Congress, that is a pie in 12 the sky. 13 THE WITNESS: I believe so. 14 THE COURT: President is pie in the sky. 15 THE WITNESS: I don't believe so. 16 THE COURT: Okay, then call him. 17 THE WITNESS: I don't have his number. I know 18 someone who does. 19 THE COURT: Well, call him. THE WITNESS: I have asked him to. 20 21 THE COURT: Good. 22 THE WITNESS: He said he has. 23 THE COURT: What is the response? 24 THE WITNESS: I haven't asked him again, because I 25 don't want to embarrass him, I believe when he gets a response

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1 he will call me back. 2 THE COURT: Okay. I'm not joking with you. 3 THE WITNESS: It's not funny. 4 THE COURT: At some point I have got competing 5 agencies, do you understand that? 6 THE WITNESS: Yes, you do. 7 THE COURT: In once sense I have got to decide if 8 the OIG is correct, when the VA said that is not their 9 interpretation. 10 I have got clashing agencies here. 11 I don't see anybody able to resolve that or willing to 12 in the administration or past administrations. 13 THE WITNESS: I don't believe that money is the 14 issue when you look at the VA budget, and see projects that are 15 budgeted that will not be complete in the next two or 16 three years. 17 THE COURT: But you understand I am done with 18 aspirational. 19 I'm done with what might occur, I want to see product 20 now. Milestones. Period. 21 THE WITNESS: Reallocation of existing of the same 22 budget to not ignore and abuse these veterans. Because that's 23 what the deed says, and that's what the veterans say. 24 THE COURT: First of all, I want to thank you for 25 attempting to answer those questions. You have been very

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1 polite. 2 Counsel, do you have any additional questions? MR. SILBERFELD: I do not. 3 THE COURT: Counsel. 4 MR. LOWENSTEIN: No, Your Honor. 5 THE COURT: I'm going to place you on call, and the 6 7 reason for that is if we get to the second stage, if we get 8 into injunctive relief, that is not on the table yet, then I 9 might want to call on you and Dr. Sherin, and some experts on 10 the defense side. 11 THE WITNESS: We haven't talked about how you do 12 this. 13 And you have to get a different -- you have to do an RFP for a master plan developer to do this, and leave everybody 14 15 else alone. Do what they are doing. We have bring in another 16 party. 17 THE COURT: Who would you bring in? 18 THE WITNESS: You have whoever the -- somebody on 19 the special master or whoever is making the decisions, 20 oversight board, whoever that is. 21 THE COURT: How long has this case been pending 22 since 2011? 23 THE WITNESS: Ridiculous. 24 THE COURT: Just a moment, 2011, correct? Long 25 time.

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1 THE WITNESS: You are asking me? 2 Somebody is going to have to make THE COURT: Yeah. 3 the decision. If the administration is not going to, the Court 4 is going to. 5 THE WITNESS: I hope so. THE COURT: Questions? Otherwise, I want to thank 6 7 the gentleman. I'm going to leave you on call, sir, if you have got 8 9 vacations planned, keep them, any personal, keep them. THE WITNESS: I will tell you that those guys and 10 11 those other veterans are much more important to me than taking 12 a vacation. 13 THE COURT: Okay. You may step down. 14 Now, counsel, do you want to get Johnson out and get 15 started tonight, out of courtesy. He's been waiting all day. 16 MR. SILBERFELD: If we could start Mr. Johnson, can we start tomorrow? 17 18 THE COURT: Mr. Johnson, apparently they like to 19 start with you tomorrow. 20 Can you come back tomorrow, though? 21 MR. JOHNSON: Yes. 22 THE COURT: Convenient for you? 23 MR. JOHNSON: Yes. 24 THE COURT: Counsel, what time do you want to start? 25 MR. ROSENBERG: Can I confer with other counsel?

### UNITED STATES DISTRICT COURT

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1 THE COURT: Sure. Talk to your counsel. 2 MR. ROSENBERG: That's what we're going to talk 3 about. 4 THE COURT: Okay. 5 MR. SILBERFELD: 8:00 a.m.? THE COURT: Karlen, have the criminal matter brought 6 7 up. Counsel, I will be right with you on the criminal 8 9 matter. 10 MR. SILBERFELD: 8:00 a.m. 11 THE COURT: Have a good evening. Thank you very 12 much for today. 13 Now, counsel guess who is joining me tonight? Where you 14 are going to be? What time do you want to be there? 8 o'clock. 8 o'clock. 15 MR. ROSENBERG: 8 o'clock in the parking lot 16 17 tonight. 18 THE COURT: I want to see the usage, I can't get a 19 straight answer, who is using it or not. 20 MR. ROSENBERG: One thing we're conferring, the 21 hours I want to make sure. 22 THE COURT: If you want to make it 9 or 10, but you 23 are going back out there. 24 Absolute pleasure meeting you, sir. 25 MR. ROSENBERG: Judge Carter, the parking lot you

### UNITED STATES DISTRICT COURT

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are referring to opens at 6:30 p.m.
 1
                THE COURT: Let's avoid the traffic, how about 8:00?
 2
 3
                MR. ROSENBERG: We are will meet you at the parking
    lot at 8 o'clock.
 4
 5
                 (The proceedings concluded at 4:53 p.m.)
                                    * * *
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1 CERTIFICATE OF OFFICIAL REPORTER 2 3 COUNTY OF LOS ANGELES ) ) STATE OF CALIFORNIA 4 ) 5 I, TERRI A. HOURIGAN, Federal Official Realtime 6 7 Court Reporter, in and for the United States District Court for 8 the Central District of California, do hereby certify that 9 pursuant to Section 753, Title 28, United States Code that the 10 foregoing is a true and correct transcript of the 11 stenographically reported proceedings held in the 12 above-entitled matter and that the transcript page format is in 13 conformance with the regulations of the judicial conference of 14 the United States. 15 16 Date: 22nd day of August, 2024. 17 18 19 /s/ TERRI A. HOURIGAN 20 TERRI A. HOURIGAN, CSR NO. 3838, RPR, CRR Federal Court Reporter 21 22 23 24 25

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