

Communication from Public

Name:

Date Submitted: 04/14/2026 11:30 AM

Council File No: 25-1518

Comments for Public Posting: This submission is made in support of the Appeal by Angelenos for Historic Preservation (AHP) regarding the decision made by the Board of Building and Safety Commissioners (BBSC) to issue a demolition permit for the Barry Building, Historic-Cultural Monument #887. The following documentation is hereby submitted and formally requested to be incorporated into the administrative record for Council File No. 25-1518, pursuant to California Public Resources Code § 21167.6(e):

VIA ELECTRONIC SUBMISSION:

Council File No. 25-1518

Attn: Los Angeles City Council / Planning and Land Use Management (PLUM) Committee

Re: In Support of Appeal for the Proposed Barry Building Demolition (Opposing Demolition)

Project Location: 11973 San Vicente Blvd (HCM #887)

To the PLUM Committee Members and the Los Angeles City Council,

This submission is made in support of the Appeal by Angelenos for Historic Preservation (AHP) regarding the decision made by the Board of Building and Safety Commissioners (BBSC) to issue a demolition permit for the Barry Building, Historic-Cultural Monument #887.

The following documentation is hereby submitted and formally requested to be incorporated into the administrative record for Council File No. 25-1518, pursuant to **California Public Resources Code § 21167.6(e)**:

1. CityWatchLA Article (PDF Attached)

- **Title:** *The Barry Building Do-Over at City Hall: Why AHP is Attending the April 14 PLUM Hearing Under Protest*
- **URL:** <https://www.citywatchla.com/neighborhood-politics/32534-the-barry-building-do-over-at-city-hall-why-ahp-is-attending-the-april-14-plum-hearing-under-protest>

2. Supplemental Evidence: Video of February 24, 2026, PLUM Hearing

The entire video recording of the PLUM meeting hearing is being incorporated into the record to document procedural testimony and the technical discussion regarding the proposed demolition.

- **URL:** <https://youtu.be/AWULjrfpSgM?si=Tj6OTewEYTJJmkgW>

Thank you.

The Barry Building Do-Over at City Hall: Why AHP is Attending the April 14 PLUM Hearing Under Protest

ZIGGY KRUSE BLUE AND BOB BLUE / APRIL 09 2026



Comments

PERSPECTIVE - In the world of Los Angeles land use, there is the law, and then there is City Hall Logic.

On Tuesday, April 14, 2026 the Planning and Land Use Management (PLUM) Committee has scheduled yet another hearing for the appeal filed by the Angeleno's for Historic Preservation (AHP) to prevent the demolition of the Barry Building (HCM #887). AHP will be in attendance, but let's be clear: they are appearing strictly under protest.

This hearing isn't a routine meeting; it is a desperate attempt by the City to cure the egregious procedural and legal violations that occurred during the February 24, 2026 PLUM hearing. While the City tries to hit the reset button on its own misconduct, AHP is showing up only to ensure their right to seek judicial relief remains firmly preserved.

The reason for AHP's protest is a matter of law, not just opinion. According to the City's own appeal form CP13-7840, which explicitly cites the Los Angeles Municipal Code (LAMC), the authority to act on this CEQA appeal officially expired on March 6th. By failing to hold a valid, lawful hearing before that deadline, the City allowed the clock to run out. Under the law, the appeal is now deemed denied.

This is what it reads on form CP13-7840:

"The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant."

The only reason the public is being summoned to this legislative séance is that the City is desperate to resurrect a process they killed themselves. The original February 24, 2026 hearing was such a blatant violation of the Brown Act that it rendered the entire proceeding a nullity.

AHP is only participating to prevent the City from later claiming AHP failed to exhaust their administrative remedies when it inevitably takes this matter to a real court - one that actually respects both the public's right to be heard and the statutory deadlines on the calendar.

The Quorum That Wasn't

This do-over hearing is only happening because of the City's own procedural stumbles, and by holding it the City confirms the Brown Act violations asserted by AHP.

This legal mess was born of a "show must go on" attitude that prioritized optics over the law. During the February 24th hearing, the Committee lost its quorum, the minimum number of members required to legally conduct business. Instead of stopping or pausing the meeting as the law requires, Councilmembers Blumenfield and Raman simply decided to keep up the appearance of a meeting, ushering the proceedings forward as if their lack of legal authority were a mere technicality. By treating the City Charter and the Brown Act as optional suggestions, they effectively turned a government hearing into a hollow performance.

The most surreal—and shameful—moment of this performance occurred when a public speaker identified himself as an indigenous person to provide testimony on the City's violation of AB 52 (the law governing Tribal Consultation). As he spoke about the protection of his community's cultural resources, Councilmembers Blumenfield and Raman didn't just ignore the legal weight of the testimony; they engaged in a casual personal conversation right over his voice. It was a masterclass in institutional disrespect. By treating an indigenous person's formal testimony as public background noise while simultaneously violating the Brown Act, the Committee made it clear that they aren't just ignoring the law—they are ignoring the very people the law is meant to protect.

Barry Building (HCM #887) Appeal - LA City Council PLUM Com

Ziggy Kruse



Watch on

The Empty Lot Fairy Tale

The core of AHP's latest supplemental letter exposes a logic gap you could drive a bulldozer through. The applicant has claimed, under penalty of perjury, that there is no future project planned—only the demolition of a Historic-Cultural Monument, with no replacement project whatsoever. Yet, in a classic case of double-speak, the City justifies destroying the Barry Building by citing future housing benefits. You cannot legally claim housing credits while simultaneously refusing to analyze the environmental impacts of that very development.

The reality is far less noble: the property owner intends to sell the site. Rather than selling it with the Historic-Cultural Monument in place, they are attempting to use the power of city government to clear the land and generate a higher sale price at the expense of our heritage. The public is expected to believe that a property owner is enduring years of litigation and EIR expenses just to leave behind a vacant dirt lot in Brentwood. It's a fairy tale, and a legally defective one at that.

What's at Stake

Beyond the piecemealing of the project, the City continues to dismiss expert evidence while the applicant has obstructed building access. Additionally, the City prematurely closed consultations with the Gabrieleño Band of Mission Indians - Kizh Nation, ignoring evidence of tribal cultural resources on the site.

How the Public Can Help

AHP and Barry Building supporters are not going away. This is an election year, and it is time to remind your representatives that the law applies to them, too.

1. Show Up: Join AHP at City Hall on April 14, 2026 at 2:00 PM in City Hall Council Chamber, Room 340. Let the PLUM Committee members see that the public is watching this process with a very critical eye.
2. Email the Committee members: Reach out to Councilmembers Blumenfield, Nazarian, Raman, Hutt, and Lee. Tell them to grant the appeal based on the evidence in Council File 25-1518.
3. Remind the Mayor: Voters care about this city's heritage and the integrity of the law. Let them know your vote depends on them upholding both.

AHP and Barry Building supporters are asking the City to do the right thing: reverse the demolition approval, rescind the EIR certification, and deny the permit. It shouldn't take a do-over to follow the law, but here we are.

(Ziggy Kruse Blue and Bob Blue are frequent contributors to CityWatchLA. They can be reached at ziggykruse@gmail.com)

Communication from Public

Name: Appellant Representative - Channel Law Group, LLP
Date Submitted: 04/14/2026 11:48 AM
Council File No: 25-1518
Comments for Public Posting: Response to Applicant's April 10, 2026, Letter Appearance Under Protest; As-Applied Constitutional Challenge; Barry Building Project; Historic-Cultural Monument #887); Council File 25-1518; Case Nos.: ENV-2019-6645-EIR-1A; CHC-2007-1585-HCM • Enclosed letter has also been submitted via email to clerk.plumcommittee@lacity.org and clerk.cps@lacity.org for consideration at today's, April 14, 2026, PLUM Committee hearing and inclusion in the Record.

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VIA EMAIL AND ELECTRONIC UPLOAD

April 14, 2026

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
200 N. Spring Street, Room 395
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**RE: Response to Applicant's April 10, 2026, Letter
Appearance Under Protest; As-Applied Constitutional Challenge; Barry
Building Project; Historic-Cultural Monument #887; Council File 25-1518;
Case Nos.: ENV-2019-6645-EIR-1A; CHC-2007-1585-HCM**

Dear Honorable Members of the PLUM Committee:

This firm represents Angelenos for Historic Preservation ("AHP" or "Appellant") regarding the pending CEQA appeal for the proposed demolition of the Barry Building at 11973-11975 W. San Vicente Boulevard. We are in receipt of the letter submitted to the Project Council File by Alston & Bird on April 10, 2026, on behalf of the Applicant. AHP submits this formal, supplemental response to address the claims made in that correspondence¹. This letter cross-references and incorporates by reference the extensive administrative record already established by Appellant - including, without limitation, the Appeal Justification Letter (July 8, 2025), the Supplemental Appeal Justification Letter (February 17, 2026), and associated expert reports - all of which the Applicant's April 10 letter fails to adequately address.

¹ In footnote 1 of its April 10, 2026 letter, the Applicant asserts that the City has addressed Appellant's due process arguments and demonstrated them to be 'unsound.' Appellant expressly disputes this assertion and concedes nothing on this point. Appellant maintains that the City has engaged in activities that violate the Due Process Clause and has denied Appellant the right to a fair and impartial hearing.

I. APPEARANCE STRICTLY UNDER PROTEST: THE CITY HAS LOST JURISDICTION

AHP continues to participate in this April 14, 2026, hearing strictly under protest. As detailed in our March 31, 2026, Notice of Jurisdictional Loss, the City Council's jurisdiction to act on this CEQA appeal irrevocably expired on March 6, 2026.

The City had a mandatory, non-waivable 75-day final deadline to act on the appeal, as expressly stated in Los Angeles Municipal Code § 13B.11.1.F.7.a. The City failed to obtain timely, mutual written consent for an extension prior to this deadline, as that term is defined under LAMC 13B.1.11.1.F.7.a. The Council President's attempt to execute a consent 20 days after the deadline had passed cannot retroactively resuscitate a lapsed jurisdictional timeline. Where a statutory deadline for agency action expires without the required extension, the appeal is deemed denied by operation of law as of the date of expiration - here, March 6, 2026 - and the administrative process has concluded. Jurisdiction cannot be retroactively manufactured by a post-hoc consent. AHP expressly reserves all rights to seek judicial relief regarding this jurisdictional defect, and participation in today's hearing does not constitute consent to the City's exercise of jurisdiction or a waiver of any claim or right.

A. The Applicant's Argument Regarding the CEQA Appeal Form is Waived and Meritless

In its April 10, 2026 letter, the Applicant attempts to argue that the 75-day expiration deadline stated on the City's CEQA appeal application form does not apply. The Applicant claims the form is exclusively for projects related to determinations by Los Angeles City Planning, and therefore inapplicable to a LADBS determination. This argument is factually and legally meritless, and has been waived by the Applicant's own conduct.

First, the June 6, 2025, Letter of Determination issued by LADBS specifically directed Appellant to use this exact form to file the CEQA appeal. The Applicant cannot rely on LADBS's authority to approve the demolition permit while simultaneously disavowing the rules and procedures printed on the very appeal form LADBS mandated. Second, the City's own Council File management system explicitly assigned an expiration date to this appeal file, confirming the City's intent and policy that a strict deadline applied.

Finally, the Applicant has waived the right to argue that no expiration date exists. The Applicant actively engaged in requesting extensions of time for this appeal, to which the City consented. If there was truly no expiration date to begin with, the Applicant's repeated requests for extensions of time would have been entirely pointless. By seeking these extensions, the Applicant acknowledged the validity of the deadline and waived any argument to the contrary.

II. AS-APPLIED CONSTITUTIONAL CHALLENGE TO LAMC § 13B.11.1.F.8

To the extent the City maintains that it need not consider this rebuttal letter and attempts to exclude it under Chapter 1A of the Code, AHP hereby brings an as-applied challenge to the

constitutionality of LAMC § 13B.11.1.F.8 (*Travis v. County of Santa Cruz* (2004) 33 Cal.4th 757, 768-69).

A cornerstone principle of due process is the right to an opportunity to be heard at a meaningful time and in a meaningful manner. LAMC § 13B.11.1.F.8 creates an asymmetrical timeline, requiring the appellant to submit all documents “no later than five business days prior to the date set for the hearing,” while permitting the Applicant and City staff to file documents “no later than two business days prior to the date of the hearing.”

The prejudicial nature of this ordinance as applied to this specific case is clear. The Applicant’s counsel submitted a 9-page rebuttal letter with new exhibits on April 10, 2026, just two business days before the April 14 hearing. The strict application of LAMC § 13B.11.1.F.8 would effectively preclude AHP from submitting a formal, written rebuttal to the Applicant’s newly submitted evidence and claims. A quasi-judicial process that allows an applicant to introduce arguments just days before a final appellate hearing, while statutorily barring an appellant from responding in writing, violates the constitutional guarantee of a meaningful opportunity to be heard. (U.S. Const. amend. XIV, 1; Cal. Const. art. I, 7(a); see also *Mathews v. Eldridge* (1976) 424 U.S. 319, 333 [due process requires opportunity to be heard at a meaningful time and in a meaningful manner].) Furthermore, to the extent this proceeding is subject to writ review, the asymmetrical filing deadlines raise a cognizable question of “fair trial” within the meaning of Code of Civil Procedure § 1094.5, subdivision (b). The City must accept and consider this letter to satisfy minimum due process standards.

III. THE APPLICANT MISCHARACTERIZES THE APPLICABLE STANDARD OF REVIEW

In its April 10, 2026 letter, the Applicant mischaracterizes the applicable legal standard by claiming that Appellant’s appeal is “undisputably governed by the substantial evidence test.” As thoroughly briefed in our Supplemental Appeal Justification letter dated February 17, 2026, this is an oversimplification and legally incorrect.

While an agency’s factual determinations are reviewed for substantial evidence, certain critical issues raised in this appeal are subject to the independent judgment (or de novo) standard of review. Under CEQA, a prejudicial abuse of discretion is established if an agency has not proceeded in a manner required by law (Pub. Resources Code, § 21168.5). Claims of improper procedure - including claims that an agency failed to include a reasonable range of feasible alternatives, failed to properly consult under AB 52, or failed to disclose essential information, are questions of law subject to independent review (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 512).

Furthermore, under LAMC Section 13B.11.1.F.9.a, the City Council itself is legally required to conduct a de novo review of the CEQA Clearance and exercise its own independent judgment. The Applicant’s attempt to box this appeal exclusively into the deferential substantial

evidence standard improperly limits the scope of the EIR's procedural and informational defects from proper scrutiny.

IV. REBUTTAL TO THE APPLICANT'S SPECIFIC CLAIMS

The Applicant's letter attempts to dismantle AHP's arguments across five specific subject areas. However, as previously documented in the record, the Applicant relies on flawed assumptions, inflated costs, and an improper reading of CEQA.

A. Seismic Evaluation of the Barry Building

The Applicant argues that AHP's structural experts are invalid because they allegedly failed to address all seismic deficiencies in the building, pointing instead to the Applicant's own expert, Englekirk, who found the building to be overstressed.

This argument rests on a misrepresentation of the City's Soft-Story Ordinance, a fact we explicitly placed into the record via the Structural Focus report submitted on February 16, 2026. As Structural Focus detailed, the explicit intent of the Soft-Story Ordinance is to provide a minimum standard of strength to a deficient wall line to reduce risk, not to mandate a voluntary upgrade of the entire building. Additionally, the Alpha Structural Observation Letter dated November 15, 2025, provided a feasible phase-one soft-story retrofit estimate of approximately \$379,000. The Applicant's cost estimates conflated this mandatory minimum retrofit with a highly expensive, entirely voluntary whole-building upgrade. A lead agency cannot rely on voluntary, worst-case-scenario cost estimates to dismiss a preservation alternative as economically infeasible.

B. Coral Trees

The Applicant claims there is no historic association between the Barry Building and the Coral Trees (HCM No. 148), asserting they are "two separate historical resources."

This contention is factually inaccurate and ignores substantial evidence already placed in the record by Appellant. As meticulously documented in the November 29, 2023, letter submitted by Robert Blue and Sieglinde Kruse Blue, David Barry Jr. was not merely the owner of the Barry Building; City records confirm he was also the licensed contractor who constructed it. During the same period, Mr. Barry was heavily involved in the "Los Angeles Beautiful" project, serving as the director responsible for planting the coral trees in the abandoned streetcar right-of-way. Appellant has already submitted an L.A. Times article from July 1967 expressly detailing Mr. Barry's leadership in this beautification project. The Barry Building and the Coral Trees share a direct, undeniable historical genesis rooted in David Barry's vision for the San Vicente corridor. Alston & Bird's attempt to sever the historical association between these two monuments is directly contradicted by the historical record.

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C. Alternatives

The Applicant makes two arguments regarding alternatives: first, that AHP failed to exhaust administrative remedies; and second, that because the Applicant's stated objective is solely to demolish the building, the City is not required to evaluate alternatives involving new development on the adjacent parcels.

Both arguments fail. First, as stated in our February 16, 2026, letter, AHP's original Appeal Justification Letter dated July 8, 2025, clearly objected to the certification of the EIR and the adequacy of the CEQA documents. A challenge to the Statement of Overriding Considerations inherently requires a challenge to the alternatives it attempts to override.

Second, the Applicant's position regarding the scope of alternatives is overly narrow and fails to comply with CEQA's mandatory requirements. The Applicant argues that the City need only evaluate alternatives that further its singular objective, which is strictly to demolish the building, and that analyzing a preservation project utilizing the adjacent parcels constitutes speculation. However, under CEQA, a lead agency may not give a project's purpose an artificially narrow definition in order to intentionally preclude the analysis of reasonable alternatives.

More importantly, the alternatives must be evaluated in light of the specific legal findings the City is required to make. Under Los Angeles Municipal Code Section 91.106.4.5, the City cannot issue a demolition permit for a Historic-Cultural Monument without first finding that "specific economic, social, or other considerations make infeasible the preservation of the building." Because the City must definitively conclude that preservation is infeasible, the alternatives cannot be analyzed exclusively through the narrow lens of demolition only. If preservation can be achieved by incorporating the Barry Building into a new, larger project utilizing the adjacent parcels - which, as established in the administrative record, are under common ownership with the subject property - CEQA mandates that this alternative be evaluated. CEQA Guidelines Section 15126.6 expressly requires the discussion to focus on alternatives capable of avoiding significant effects "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The Applicant's refusal to evaluate a preservation alternative that incorporates the adjacent commonly-owned parcels impermissibly limits the environmental review and prevents the City from making the fully informed feasibility findings required by law.

D. Historic Impacts

The Applicant argues that the imposition of the Historic American Building Survey (HABS) was proper and that Mills Act tax credits were fully accounted for in their economic reports by CBRE.

As AHP and the LA Conservancy have repeatedly noted in their correspondence, archival documentation like HABS does not reduce the impact of demolition to a less-than-significant level. Furthermore, as we established in our February 16, 2026 letter, the Applicant's assertion

that the CBRE economic report accounted for Mills Act credits is rendered moot because the Applicant withheld underlying reports (such as hazardous material abatement and HVAC estimates) from public review. Because the Applicant provided CBRE with vastly inflated construction estimates, which included voluntary, non-mandatory upgrades, the resulting appraisal naturally returned a “negative value.” Tax credits cannot salvage an economic feasibility model that is built on exaggerated and withheld baseline costs.

E. Tribal Resources

To resolve the issue of tribal impacts, the Applicant offers to accept a voluntary condition to retain a tribal monitor.

This offer demonstrates a fundamental misapprehension of CEQA and Assembly Bill 52. As fully briefed in the January 5, 2026, letter submitted by Ziggy Kruse Blue, the *Koi Nation of Northern California v. City of Clearlake* (2025) decision makes clear that AB 52 requires a good-faith effort to reach mutual agreement on mitigation, and that an agency cannot substitute an archaeological consultant’s judgment for the expertise of the Tribe. Specifically, under Public Resources Code Section 21080.3.2(b), consultation shall continue until the parties either reach mutual agreement or a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. The City’s unilateral termination of consultation - without a good-faith determination that mutual agreement was unachievable - constitutes a procedural violation of AB 52 independent of any substantive mitigation dispute.

Furthermore, as extensively detailed in Appellant’s separate Supplemental Objections letter submitted on April 13, 2026, the Applicant’s attempt to introduce new, impact-reducing measures as voluntary project design features violates CEQA. Under *Lotus v. Department of Transportation* (2014), when an agency relies on an impact-reducing measure to conclude that no significant effect will occur, it must treat that measure as required mitigation. The Applicant cannot unilaterally impose tribal monitoring as an optional voluntary condition to bypass a formal finding of significance and avoid the rigorous enforceability, findings, and mitigation monitoring requirements of CEQA. Offering a tribal monitor now as a voluntary condition rather than a mandatory, mutually agreed-upon CEQA mitigation measure deprives the public and the Gabrieleno Band of Mission Indians - Kizh Nation of an enforceable framework and improperly attempts to bypass formal environmental review.

V. REBUTTAL TO THE SOFT-STORY JUSTIFICATION AND PRETEXTUAL EVICTION

The Applicant’s letter relies on a May 2016 notice sent to the Barry Building’s tenants as justification for vacating the property, claiming the building had to be closed because it was a “soft structure.”

As the LA Conservancy articulated in their October 4, 2024, and November 12, 2025 letters, this argument is an attempt to utilize the Soft-Story Ordinance to achieve demolition by neglect. The 2016 notice was used as a basis to evict tenants. The soft-story designation does not

mandate demolition; City law provides for mandatory structural retrofit. The fact that the Applicant chose to vacate the building in 2016, erect fences, and intentionally allow it to deteriorate rather than undertake a standard, feasible seismic retrofit illustrates a calculated strategy of demolition by neglect. The City should not sanction the demolition of a designated Historic-Cultural Monument under these manufactured circumstances.

VI. NEGOTIATING MITIGATION BEHIND CLOSED DOORS VIOLATES CEQA

The Applicant's counsel attempts to defend discussions with Council District 11 by characterizing them merely as negotiations over a "voluntary public benefit concerning preservation of the two staircases at the building."

As documented in AHP's February 17, 2026, letter, which provided the October 15, 2024, and November 15, 2024, emails obtained via CPRA, these back-channel communications functioned as an improper conduit for the negotiation of environmental mitigation outside of a duly noticed public forum. Under the Ralph M. Brown Act (Gov. Code, Section 54950 et seq.) and CEQA, the negotiation of mitigation measures affecting a designated Historic-Cultural Monument - conducted outside a properly noticed public meeting - undermines the public's right to participate in the environmental review process and contravenes the transparency requirements of Government Code Section 54952.2. Characterizing the negotiation of what remains of a historic building as a mere voluntary benefit ignores the City's legal obligation to prioritize feasible preservation alternatives over the Applicant's preferences.

VII. REBUTTAL TO APPLICANT'S CLAIMS REGARDING ECONOMIC INFEASIBILITY

In Section III of its April 10, 2026, letter, the Applicant argues that the City's determination of economic infeasibility is supported by substantial evidence. It claims that the costs to rehabilitate the Barry Building range from \$12.8 million to \$17.1 million, resulting in a negative property value. To bolster this claim, the Applicant boasts in the third paragraph of its letter that it has provided "seven separate expert reports" to justify its position.

In Section III of its April 10, 2026 letter, the Applicant argues that the City's determination of economic infeasibility is supported by substantial evidence. It claims that the costs to rehabilitate the Barry Building range from \$12.8 million to \$17.1 million, resulting in a negative property value. To bolster this claim, the Applicant notes that it has provided seven separate expert reports to justify its position.

A. The Applicant Conflates Mandatory Retrofits with Voluntary Upgrades

The volume of expert reports does not cure a fundamental methodological defect shared by all of them. Under CEQA, substantial evidence must be based on accurate and complete underlying data. (CEQA Guidelines, Section 15151.) Where each expert in a series receives the same legally incorrect baseline assumptions - here, that a voluntary full-building seismic upgrade is required rather than only the mandatory Phase I Soft-Story retrofit - each resulting report reproduces the same foundational error. The weight of a chain of expert reports is only as strong

as the accuracy of the underlying scope of work on which those reports are premised. Here, the Applicant's entire economic infeasibility argument relies on a flawed baseline scope of work, withheld foundational data, and a misrepresentation of the City's municipal codes. These are legal and procedural defects under CEQA, not mere differences of expert opinion. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 512.)

The core of the Applicant's economic infeasibility argument rests on the assertion that the building's seismic deficiencies beyond the south wing must be fully corrected, leading to astronomical costs. It argues that even if the Appellant's structural engineer is correct about the limited scope of the Soft-Story Ordinance, the additional work is practically required because the building is "overstressed."

This argument misrepresents the law and manufactures infeasibility. As detailed in the Structural Focus report submitted with AHP's February 17, 2026, letter, the explicit intent of the Los Angeles Soft-Story Ordinance is to "provide a minimum standard of strength to a deficient wall line," not to mandate a voluntary upgrade of the entire building to modern code. The Applicant's own structural expert, Englekirk, admitted that their proposed retrofit addressed "overall structural deficiencies in the lateral system of the existing structure and not just the Soft-Story retrofit ordinance."

Under CEQA, a lead agency cannot rely on an applicant's voluntary, worst-case-scenario construction estimates to deem a preservation alternative economically infeasible. Alpha Structural correctly estimated the mandatory Phase I Soft-Story retrofit at approximately \$379,000. By inflating the baseline cost with millions of dollars in non-mandated, full-scale structural upgrades, the Applicant set the preservation alternatives up to fail. Each of the "seven expert reports" touted by the Applicant relies on this initial, fatal inflation of the project's required scope.

B. The CBRE and Hill International Reports are Methodologically Flawed

The Applicant attempts to salvage the inflated cost estimates by noting that it asked Hill International and CBRE to revise their appraisals to exclude ADA upgrade costs, which purportedly still left a \$15 million rehabilitation cost and a resulting value of zero.

Removing ADA costs does not cure the underlying methodological defect: the \$15 million estimate still incorporates the massive, voluntary Phase II seismic upgrades. As the Offenhauser/Mekeel Architects Report (submitted February 17, 2026) demonstrates, the Hill International and CBRE estimates are flawed because they present updates equivalent to new construction as strictly required. Furthermore, as detailed in AHP's February 11, 2026, and February 16, 2026 letters, the Applicant has consistently withheld the underlying architectural drawings, HVAC estimates, and comprehensive hazardous material abatement reports necessary to independently verify these multi-million-dollar figures. The Applicant's reliance on these reports cannot constitute substantial evidence when the foundational data is shielded from independent scrutiny.

C. Disagreement of Experts vs. Methodological Error

The Applicant cites CEQA Guideline 15151 to argue that a “disagreement among experts does not render an EIR invalid.” However, the dispute here is not a simple disagreement over standard construction costs; it is a fundamental methodological error regarding the scope of the project. The Applicant’s experts priced an entirely different, voluntary scope of work than what the law requires to maintain the building’s use. Relying on an incorrect baseline scope of work is a legal and procedural defect under CEQA, not a mere difference of expert opinion.

D. The 2016 Evictions Were a Pretext for Demolition by Neglect

Finally, the Applicant attempts to rebut the well-documented claims of demolition by neglect by arguing the owner had no choice but to evict all tenants in 2016 upon receiving the City’s Soft-Story notice. It claims the eviction was solely to protect users from potential risk.

As the LA Conservancy noted in their Draft EIR comments and subsequent letters, this argument is an attempt to utilize the Soft-Story Ordinance as a means to an end. The City’s Soft-Story Ordinance does not mandate the immediate closure and vacation of a building; it provides a timeline for mandatory structural retrofits. The building was fully operational until the tenants were required to vacate. Using a standard seismic notice as a pretext to immediately empty the building, erect fencing, and allow it to deteriorate for nearly a decade is the definition of demolition by neglect. The City must not reward this intentional degradation by accepting the Applicant’s manufactured claims of economic infeasibility.

VIII. THE LATE SUBMITTAL OF EXPERT REPORTS IS PREJUDICIAL AND REQUIRES RECIRCULATION OF THE EIR

The Applicant submitted new expert reports attached as exhibits to its April 10, 2026, letter. This late submittal is highly prejudicial to the rights of Appellant and the members of the public, who have been denied the ability to fully analyze the statements and conclusions in the EIR due to a lack of access to this information. The public comment period required under CEQA has long since closed. When significant new information is added to an environmental review after the public comment period has closed, CEQA mandates that the lead agency recirculate the document for public review. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) The newly submitted expert reports constitute "significant new information" within the meaning of CEQA Guidelines 15088.5(a) because they disclose information that deprives the public of a meaningful opportunity to comment on a substantial adverse effect - specifically, the economic feasibility analysis underpinning the Statement of Overriding Considerations - and because the information was not previously available during the public comment period. (CEQA Guidelines, 15088.5(a)(1), (a)(4).) The only way this procedural and informational defect could potentially be resolved is if the City recirculates the EIR.

Furthermore, regardless of this late submittal, the Applicant still has not submitted all of the information that was used by its own experts to justify their reports and findings of infeasibility. These newly attached exhibits represent just a tiny subset of the reports that would be needed for independent verification. As outlined in detail in Channel Law Group’s prior

letters submitted on February 11, 2026, and February 16, 2026, the Applicant continues to withhold crucial information needed for a fair hearing, including architectural and structural drawings, HVAC estimates, and comprehensive hazardous material abatement reports. The City cannot lawfully base its findings on these expert reports while simultaneously allowing the Applicant to shield the foundational data from public and expert scrutiny.

IX. CONCLUSION

The Applicant's April 10, 2026, letter relies on unsupported assumptions, inflated costs, and an improper reading of CEQA to justify the demolition of the Barry Building. Because Appellant has already placed substantial evidence into the record refuting these claims, AHP urges the PLUM Committee to uphold the law, grant the appeal, and reject the certification of the EIR and the adoption of the Statement of Overriding Considerations.

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

Jamie T. Hall
Channel Law Group, LLP

Communication from Public

Name:

Date Submitted: 04/14/2026 12:11 PM

Council File No: 25-1518

Comments for Public Posting: I am writing to oppose the proposed demolition of the Barry Building, Historic-Cultural Monument (HCM) #887, and ask that you grant Angelenos for Historic Preservation's appeal. If the appeal is denied, this demolition would set a dangerous and harmful precedent for the City's historic preservation program and threaten the future of more than 1,300 designated HCM's. The project before your consideration will demolish a designated HCM solely to clear the property for a vacant dirt lot, with no replacement project proposed. Such action incentivizes property owners of other HCMs to pursue similar outcomes, as well as encouraging and rewarding intentional demolition by neglect of a designated historic place. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's long-held historic preservation program, and result in a clear circumvention and piecemeal approach of the California Environmental Quality Act (CEQA). For these reasons, I ask you to: Reverse the demolition approval (LOD). Rescind the certification of the EIR, the Statement of Overriding Considerations, and the Mitigation Monitoring Program. Deny the demolition permit application.

Communication from Public

Name: Nathan Rightnour

Date Submitted: 04/12/2026 05:38 PM

Council File No: 25-1518

Comments for Public Posting: To Whom It May Concern, I'm a Brentwood resident writing in support of demolishing the Barry Building. The building has been vacant and fenced off for nearly a decade. It serves no one. It attracts no business, no community, no life — only police calls and fire risk. The neighborhood could use that space — a park, a gathering place, something that actually serves the people who live here. Residents have spoken clearly and repeatedly on this. The community survey showed broad support for replacement. Neighbors testified in person. The Building and Safety Commission voted unanimously. At what point does the will of the people who actually live here carry weight? Nostalgia is not a land use policy. The Barry Building's chapter is over. What comes next should belong to the neighborhood. Thank you for your continued advocacy. Nathan Rightnour

Communication from Public

Name: Brian Butler

Date Submitted: 04/14/2026 09:57 AM

Council File No: 25-1518

Comments for Public Posting: I am writing yet again to lend my unyielding support in protection of the Barry Building in Brentwood, California (Historic-Cultural Monument #887). The Barry Building is at 11973 San Vicente Boulevard and the project/case numbers CHC-2007-1585-HCM and ENV-2019-6645-EIR. It was commissioned by its owner David Barry and designed by architect Milton Caughey (1911-1958) and completed in 1951. It is one of the few mid-century modern commercial buildings to gain such status. It was identified by the Los Angeles Cultural Heritage Commission as being a well-preserved and notable example of the California-style modern design until the current owner has purposefully done everything in their power to neglect and thus damage this important part of Los Angeles cultural heritage. The Barry Building is a Historic-Cultural Monument (HCM) and it needs to be vehemently protected. You need to protect and support one of the few historical buildings we have on the westside of Los Angeles. The dubious owners have used demolition by neglect ever since evicting the tenants to circumvent historic preservation protections. There are viable preservation alternatives to demolition that must be fully required to not only preserve but now should be sensitively restored to its glory. If demolition is approved, the city will have awarded the owners for their bad behavior and set a precedent for future developers in the city. This kind of business practice is already happening around the city, and it needs to be stopped. You hold the cards here, let's not let ill-intentioned behavior win out. We need to send a message that the history of the city matters and that it is possible to have development and historical buildings at the same time. Saving this building will make Brentwood and other communities with historic buildings more interesting places to live in and visit. We have plenty of brand-new shopping developments, what we need is more education around why these buildings matter and how they will add to a sense of place. Please don't let this building be destroyed! Why do we save the Brady Bunch house which is about pop culture but not the Barry Building which has HCM standing but we don't hold the owner to respect the law? I'm saying this all again because once the building is demolished it will not be there to save, to admire, to enjoy by the community. There will be an empty lot, an eyesore, a

place for homeless encampment, for crime. A restored building would again be the gem it was for the community! Do not allow demolition! Do not set a precedent! Thank you!

Communication from Public

Name: Brianna Ortiz

Date Submitted: 04/15/2026 01:35 PM

Council File No: 25-1518

Comments for Public Posting: I am writing to oppose the proposed demolition of the Barry Building, Historic-Cultural Monument (HCM) #887, and ask that you grant Angelenos for Historic Preservation's appeal. If the appeal is denied, this demolition would set a dangerous and harmful precedent for the City's historic preservation program and threaten the future of more than 1,300 designated HCM's. The project before your consideration will demolish a designated HCM solely to clear the property for a vacant dirt lot, with no replacement project proposed. Such action incentivizes property owners of other HCMs to pursue similar outcomes, as well as encouraging and rewarding intentional demolition by neglect of a designated historic place. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's long-held historic preservation program, and result in a clear circumvention and piecemeal approach of the California Environmental Quality Act (CEQA). For these reasons, I ask you to: Reverse the demolition approval (LOD). Rescind the certification of the EIR, the Statement of Overriding Considerations, and the Mitigation Monitoring Program. Deny the demolition permit application.

Communication from Public

Name: Ann Gold

Date Submitted: 04/15/2026 01:41 PM

Council File No: 25-1518

Comments for Public Posting: The fact that you are still considering the demolition of the Barry Building is a mockery of the democratic process and an embarrassment to the neighborhood. It is a danger and an eyesore and this unending litigation is a huge waste of time. I walk by it every day. Anyone who sees it can't possibly believe that it is worth keeping. Enough! It's time to demolish it and make better use of the property and save the neighborhood from the danger and blight that it is at this time.

Communication from Public

Name: John Sherwood

Date Submitted: 04/14/2026 05:29 PM

Council File No: 25-1518

Comments for Public Posting: Born at 400 N. Barrington and having spent the intervening 80 years in Los Angeles City and County, I urge you to preserve the Barry building.