

Communication from Public

Name: Ziggy Kruse Blue and Bob Blue
Date Submitted: 04/20/2026 09:09 PM
Council File No: 25-1518
Comments for Public Posting: Please include document "2026-04-20_Ltr. re. Lost Jurisdiction, etc._CF 25-15-2026_City Council Meeting 04-21-2026, Item 29" in Council File 25-1518. Thank you.

**Robert Blue & Sieglinde Kruse Blue
Los Angeles, CA 90049**

bob.blue@live.com

ziggykruse2005@yahoo.com

April 20, 2026

VIA Online Portal Only

Los Angeles City Council
c/o Office of the City Clerk
Los Angeles City Hall
200 North Spring Street, Room 395
Los Angeles, CA 90012

**Re: Expired Jurisdiction Deadlines; 11973-11975 West San
Vicente Blvd. (Demolition of the Barry Building, HCM
#887), Council File No. 25-1518, ENV-2019-6645-EIR
("Project"); Item 29 (April 21, 2026 Agenda) -
OBJECTION AND PROTEST**

Honorable Councilmembers,

We are writing to formally object to the Planning and Land Use Management (PLUM) Committee's recommendation to deny the appeal filed by Angelenos for Historic Preservation (AHP). This letter is submitted strictly under protest to preserve all administrative and legal remedies.

The City Council must approve the appeal and decline to certify the Environmental Impact Report (EIR) and Statement of Overriding Considerations (SOC) for the following reasons:

1. Lack of Jurisdiction

The City Council's legal authority to act on this matter expired on March 6, 2026. As of that date, the Council lost jurisdiction to certify the EIR or adopt the SOC. Any action taken during the April 21, 2026, meeting is void as a matter of law. Proceeding with this item constitutes a fundamental procedural failure.

2. Absence of Independent Financial Analysis

The PLUM Committee Report dated April 14, 2026, explicitly states: *"Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst (CLA) has completed a financial analysis of this report."*

The City is being asked to approve the permanent destruction of a designated Historic-Cultural Monument (HCM) based on the applicant's claim of financial infeasibility regarding mandatory soft-story retrofitting. However, the City has failed to independently verify the applicant's financial claims. Relying solely on the applicant's self-serving experts without an audit by the CAO or CLA violates the City's duty to provide an independent and objective review under CEQA.

3. Speculative Demolition Without a Replacement Project

A Statement of Overriding Considerations (SOC) requires the City to find that the benefits of a project outweigh the significant environmental loss, in this case, the total demolition of a protected landmark.

Currently, there is no approved or funded replacement project for this site. Certifying an SOC in a vacuum is legally indefensible. The City is essentially granting a license to destroy based on speculative future benefits that may never materialize. This creates the risk of a permanent hole in the neighborhood, where a community loses a vital historic resource and is left with a fenced-off, vacant lot and no public benefit.

4. Failure of Public Duty

The Barry Building is a designated HCM. Its preservation is a matter of public interest. To allow its demolition based on unverified financial claims and without an approved replacement project is a failure of this Council's duty to protect the City's cultural heritage.

Therefore, we urge the City Council to recognize its lack of jurisdiction, approve AHP's appeal, and protect the Barry Building, HCM #887. The administrative record lacks the substantial evidence required to justify the irreversible destruction of this landmark.

Sincerely,

Robert Blue
Robert Blue

Sieglinde Kruse Blue
Sieglinde Kruse Blue

Communication from Public

Name: Appellant Representative - Channel Law Group, LLP
Date Submitted: 04/20/2026 10:27 AM
Council File No: 25-1518
Comments for Public Posting: Correction of Oral Testimony at April 14, 2026, PLUM Committee Hearing for Agenda Item No. 13; Barry Building (Historic-Cultural Monument #887); CEQA Appeal; Council File no. 25-1518; Case Nos. ENV-2019-6645-EIR-1A; CHC-2007-1585-HCM • This document has also been submitted via email to clerk.plumcommittee@lacity.org and clerk.cps@lacity.org

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN
GREGORY T. WITTMANN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

April 20, 2026

VIA EMAIL AND
ELECTRONIC UPLOAD

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012
clerk.plumcommittee@lacity.org
clerk.cps@lacity.org

**RE: Correction of Oral Testimony at April 14, 2026, PLUM Committee Hearing
for Agenda Item No. 13; Barry Building (Historic-Cultural Monument #887);
CEQA Appeal; Council File no. 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 ("Project").

This letter is submitted on behalf of the Appellant to formally correct an inadvertent misstatement in my oral testimony during the PLUM Committee hearing on April 14, 2026.

During the concluding portion of my testimony, I inadvertently stated:

"...there is substantial evidence to support demolishing the Barry Building."

This was an unintended transposition of words which stands in direct contradiction to the entirety of my oral testimony, my client's written submissions, and the administrative record. The record should be corrected to reflect my intended statement:

"...there is **NO** substantial evidence to support demolishing the Barry Building."

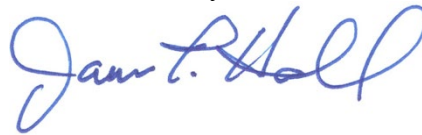
As noted throughout our filings, the Cultural Heritage Commission (CHC) specifically and unanimously recommended against adopting the Statement of Overriding Considerations precisely because the building is a designated Historic-Cultural Monument (HCM #887) and viable alternatives to demolition exist.

I respectfully request that this correction be noted in the official minutes and/or journal of the April 14, 2026, PLUM meeting and that this letter be added to the administrative record and Council File No. 25-1518 to ensure there is no ambiguity regarding the Appellant's position before the matter proceeds to the full City Council.

Nothing in this correction letter shall be construed as a waiver of any of the Appellant's rights, arguments, or objections, including the jurisdictional and due process objections previously raised and expressly preserved on the record. The Appellant's participation in these proceedings continues to be under protest.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being more prominent than the last name "Hall".

Jamie T. Hall

Communication from Public

Name: Channel Law Group, LLP - Appellant Representative
Date Submitted: 04/20/2026 12:56 PM
Council File No: 25-1518
Comments for Public Posting: Please see the attached letter.

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN
GREGORY T. WITTMANN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

April 20, 2026

VIA EMAIL AND ELECTRONIC UPLOAD

Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012
clerk.cps@lacity.org

Re: Supplemental Objections of Appellant Angelenos for Historic Preservation in Advance of April 21, 2026 Council Hearing; Council File No. 25-1518; Appeal from November 18, 2025 LADBS BBSC Certification of Environmental Impact Report, Adoption of Statement of Overriding Considerations, and Approval of Demolition Permit for the Barry Building (HCM #887), 11973–11975 West San Vicente Boulevard; Response to Alston & Bird Letter Dated April 17, 2026; Submitted Under Protest and Without Waiver of Any Rights

Dear Honorable Council Members:

This firm represents Appellant Angelenos for Historic Preservation (“Appellant”) in the above-referenced appeal from the Board of Building and Safety Commissioners’ denial of Appellant’s administrative appeal and the underlying LADBS certification of the Environmental Impact Report (“EIR”), adoption of a Statement of Overriding Considerations (“SOC”), and approval of the demolition permit for the Barry Building. This letter supplements Appellant’s prior submissions, including the April 7, 13, and 14, 2026 letters, and responds specifically to the letter from Alston & Bird dated April 17, 2026 (the “Alston and Bird Letter”), which was sent to the Council three days after the April 14, 2026 Planning and Land Use Management (“PLUM”) Committee hearing and which, for the first time, placed in the record email correspondence between City staff and the Gabrieleno Band of Mission Indians — Kizh Nation (the “Kizh Nation” or “Tribe”) bearing directly on the tribal-cultural-resources (“TCR”) issues on appeal.

Appellant submits this letter, and participates in the April 21, 2026 Council hearing, ***under protest***. Appellant’s continued engagement with the process is compelled by the City’s refusal to recirculate the EIR or to defer Council action despite substantial new information bearing on Tribal Cultural Resources, and by the City’s election to proceed to a decision despite

the fact that the time to act on this appeal has expired. Nothing in this letter, or in Appellant's continued participation, should be construed as a waiver of any argument, objection, or right, including without limitation any right to judicial review under the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 et seq., the Code of Civil Procedure, or any other applicable law. Appellant expressly preserves and reserves all such rights.

The Alston and Bird Letter, and the record it selectively discloses, *confirm*, rather than refute, each of the principal defects Appellant has identified. Specifically, the record now shows: (1) that the administrative record contains no documentation of the City's analysis of, or reasons for rejecting, the Kizh Nation's 2020 proposed mitigation measures, and the Tribe's own contemporaneous April 13, 2026 letter confirms that consultation was not concluded on terms the Tribe identified as essential to meaningful consultation; (2) that, independently of the consultation-process defect, the City and the Applicant added substantive tribal-resource protections to the project only after the Final EIR, after certification, and in direct response to consultation objections, yet mislabeled those measures as "voluntary project design features" to avoid recirculation; (3) that the Tribe's April 13, 2026 letter, which characterizes the site as within the Tribe's "ancestral territory" and describes the Tribal Cultural Resources there as holding "irreplaceable cultural and spiritual significance," and which conditions "meaningful consultation" on the inclusion of a permanent cultural acknowledgment not adopted in the April 8, 2026 Revised Mitigation Monitoring Program ("MMP"), independently constitutes significant new information triggering the recirculation obligation under CEQA Guidelines § 15088.5 and the subsequent-review obligation under PRC § 21166; and (4) that neither the PLUM Committee nor the public saw this correspondence before the April 14 vote, in violation of the Los Angeles Municipal Code and general principles of administrative due process.

For the reasons set out below, the City Council must grant the appeal. At a minimum, the Council must remand the matter for recirculation of a revised TCR analysis and for the adoption of the TCR protections as enforceable CEQA mitigation measures supported by findings under Public Resources Code ("PRC") § 21081 and CEQA Guidelines § 15091.

I. The Alston and Bird Letter's "Late Submittal" Theory Is Both Meritless and Self-Defeating.

The Alston and Bird Letter opens by asserting that Appellant's April 13 and April 14, 2026 submittals were "late" under the Municipal Code and that the Committee and staff were therefore justified in disregarding them. That contention fails three ways.

First, the Council is not bound by any PLUM Committee filing deadline on the Council's own consideration of the appeal. CEQA, which is the substantive law at issue, requires the Council to consider the whole of the administrative record before taking final action. (PRC § 21167.6.) That duty necessarily extends to timely pre-hearing submissions made before the Council action deadline of April 22, 2026. A local filing deadline applicable to PLUM Committee submittals cannot be invoked to narrow the record on which the Council acts.

Second, Appellant’s April 13 and April 14 letters were not untimely. They responded, in real time, to the City’s April 8, 2026 Communication from the Department of City Planning (“DCP Appeal Response”) and to the Revised MMP, neither of which existed in final form when Appellant prepared its April 7 letter. CEQA obligates the decision-making body to consider the whole of the administrative record before acting, which necessarily includes responsive comments on post-hoc agency additions to the record. (PRC § 21167.6.)

Third, and most revealing, the Alston and Bird Letter itself was submitted on April 17, 2026, three days after the PLUM hearing, and was the vehicle by which the Applicant first disclosed the March 20 through April 13, 2026 email thread between City Planner Jason McCrea and Kizh Chairman Andrew Salas (Attachment 2 to the Alston and Bird Letter). The Applicant cannot simultaneously insist that Appellant’s prior-day filings were impermissibly late while introducing its own post-hearing evidence as if it belonged in the PLUM record. If the “late submittal” rule means anything, it cuts against the City and the Applicant, not the Appellant, because those are the parties that concealed the dispositive consultation correspondence until after the Committee voted.

II. The Record Now Affirmatively Confirms That AB 52 Consultation Was Not Lawfully Concluded.

Assembly Bill 52 requires that, before a project’s environmental review is certified, the lead agency engage in meaningful government-to-government consultation with any traditionally and culturally affiliated tribe that has requested it. (PRC §§ 21080.3.1, 21080.3.2; Gov. Code § 65352.4.) Consultation is not concluded until either (1) “[t]he parties agree to measures to mitigate or avoid a significant effect,” or (2) “[a] party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.” (PRC § 21080.3.2(b)(1), (2).) These are the exclusive statutory mechanisms for concluding AB 52 consultation. The Legislature has further made consultation-conclusion a prerequisite to certification: “the lead agency may certify an environmental impact report . . . for a project with a significant impact on an identified tribal cultural resource only if . . . [t]he consultation process . . . has occurred as provided in Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.” (PRC § 21082.3(d)(1).) And where mitigation measures identified in an EIR are rejected, the agency’s findings “shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.” (CEQA Guidelines § 15091(c).)

The First District’s 2025 decision in *Koi Nation of Northern California v. City of Clearlake* (2025) 109 Cal.App.5th 815 is controlling here. *Koi Nation* confirms that, for purposes of AB 52, “consultation” has the meaning given by Government Code § 65352.4, that is, “the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement.” (*Koi Nation*, 109 Cal.App.5th at p. 823.) The court held that “[m]eaningful” discussion is the hallmark of CEQA’s tribal consultation requirement,” that the agency must engage in a “meaningful and timely process of seeking, discussing, and considering carefully” the tribe’s views, and must “seek [] agreement” where feasible. (*Koi Nation*, 109 Cal.App.5th at pp. 841–842.) The court further held that an agency’s non-compliance with those procedures is a

basis for setting aside project approvals, even where the tribe has otherwise “presented information to the agency by some other means.” (*Koi Nation*, 109 Cal.App.5th at p. 842.) And the consultation process must be “documented in sufficient detail to permit both informed public participation and informed decisionmaking.” (*Koi Nation*, 109 Cal.App.5th at p. 843.)

The newly-disclosed March – April 2026 email thread between Mr. McCrea and Chairman Salas makes the *Koi Nation* problem unmistakable:

- On March 20, 2026, Mr. McCrea asked Chairman Salas to schedule a discussion about the Project specifically “prior to the hearing,” while simultaneously representing that the conversation “would not be part of consultation.” The City thus sought the benefits of tribal concurrence while attempting to avoid AB 52’s procedural requirements, including formal notice, documentation, and the duty to analyze and respond to tribal mitigation proposals.
- On March 31, 2026, the parties held a telephonic meeting. The City thereafter circulated a draft mitigation framework and pushed for tribal concurrence in advance of the April 14, 2026 PLUM hearing, repeatedly emphasizing “limited time remaining” before the hearing.
- On April 13, 2026, one day before the PLUM hearing, the Tribe sent a letter “confirm[ing] that we are in agreement with the outlined mitigation framework” while simultaneously (a) reasserting that the Project site is within the Tribe’s ancestral territory and holds “irreplaceable cultural and spiritual significance,” (b) insisting that the protection of TCRs “must remain the priority within this process,” and (c) conditioning “meaningful consultation” on the inclusion of a “permanent cultural acknowledgment in the form of a plaque or interpretive feature to be placed at an appropriate location within or near the project site.”
- The City’s April 8, 2026 Revised MMP does not include the permanent cultural acknowledgment (plaque or interpretive feature) identified by the Tribe. As a matter of the Tribe’s own stated criterion for “meaningful consultation,” therefore, consultation was not concluded before the PLUM hearing or the Council hearing.

These are not stray communications; they are the City’s own contemporaneous statements of where the consultation record stood as of the PLUM vote. Appellant respectfully submits that they defeat the City’s AB 52 defense under either of the only two theories available to the City. **Primary:** If the City maintains that AB 52 consultation was concluded in 2022, the record must show either that the parties agreed on mitigation measures at that time or that a party, in good faith and after reasonable effort, concluded that mutual agreement could not be reached. (PRC § 21080.3.2(b)(1), (2).) The record reflects neither. The EIR and the LADBS Letter of Determination do not identify any agreed mitigation measures drawn from the Tribe’s November 2020 submissions, and the record contains no finding of impasse supported by the “good faith and reasonable effort” required by the statute. Nor do the City’s findings “describe the specific reasons for rejecting” the Tribe’s 2020 proposed mitigation measures, as CEQA

Guidelines § 15091(c) required. Under PRC § 21082.3(d)(1), the City therefore could not lawfully certify the EIR for this Project. ***Alternative:*** If the City maintains that the March – April 2026 communications were part of AB 52 consultation, the only way the City could now claim consultation concluded on mitigation-agreement terms, then two additional problems follow. First, that new chapter of consultation itself produced five new, substantively different protective measures that were added to the Revised MMP after the Final EIR was certified and after the appeal record closed; that is “significant new information” that independently requires recirculation under CEQA Guidelines § 15088.5(a)(3) and subsequent review under PRC § 21166, as discussed in Section IV below. Second, the Tribe’s own April 13, 2026 letter expressly conditioned “meaningful consultation” on a permanent cultural acknowledgment (a plaque or interpretive feature) that the Revised MMP does not include; by the Tribe’s own stated criterion, to which the City is obligated to give substantial weight under PRC § 21074(a)(2), consultation was not completed as of PLUM or Council action.

The City’s litigating position is also internally contradictory. On April 7, 2026, City staff expressly told Chairman Salas the discussions were “not part of consultation,” yet the measures that emerged from those discussions were adopted as the new PDF-TCR-1 through PDF-TCR-5 in the Revised MMP. The City cannot characterize the communications as outside AB 52 for purposes of avoiding recirculation and inside AB 52 for purposes of invoking the Tribe’s “concurrence.” Either theory independently defeats the City’s AB 52 defense.

The Alston and Bird Letter relegates the entire tribal-cultural-resources issue to a footnote and asserts that “[t]he tribe concurs with this approach.” (Alston & Bird Ltr. at 3 n.1.) The Tribe’s April 13, 2026 letter does not support that representation. It describes a still-open dialogue, conditions “meaningful consultation” on additional recognition not adopted by the City, and preserves the Tribe’s position that the site’s cultural significance is “irreplaceable.” On this record, the City cannot meet its burden of producing substantial evidence that AB 52 consultation was lawfully concluded before the EIR was certified or before Council action. (See PRC §§ 21080.3.2(b), 21082.3(d)(1); *Koi Nation*, 109 Cal.App.5th at pp. 841–843.)

III. The Project Design Features (PDF) in the Revised MMP Are Mitigation Measures in Substance, and the City’s Mislabeling Violates CEQA.

The City’s April 8, 2026 Revised MMP adds PDF-TCR-1 through PDF-TCR-5, which collectively require: retention of a qualified Kizh Nation tribal monitor and a qualified archaeological monitor prior to ground-disturbance activities; a Worker Environmental Awareness Program (“WEAP”) training; full-time monitoring during all ground-disturbance activities; a stop-work protocol and treatment procedures for inadvertent discoveries; and handling procedures for human remains and funerary items. The City characterizes each of those new requirements as “voluntarily agreed to by the Applicant and . . . not imposed as mitigation measures for the purpose of mitigating any potentially significant impacts.” (Revised MMP, Apr. 8, 2026, at 2.) That labeling is legally indefensible for three independent reasons.

a. *The PDFs Are Mitigation Under Lotus v. Department of Transportation.*

In *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, the First District squarely held that an agency may not circumvent CEQA's mitigation framework by incorporating mitigation into the description of the project and then concluding that impacts are less than significant. The court explained that by "compounds [the] omission by incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant," an agency "disregards the requirements of CEQA." (*Lotus*, 223 Cal.App.4th at p. 656.) The court continued: the "'avoidance, minimization and/or mitigation measures,' as they are characterized in the EIR, are not 'part of the project.' They are mitigation measures designed to reduce or eliminate" environmental impacts. (*Lotus*, 223 Cal.App.4th at p. 656.) The court further held that "[s]imply stating that there will be no significant impacts because the project incorporates 'special construction techniques' is not adequate or permissible." (*Lotus*, 223 Cal.App.4th at p. 657.)

b. *The "Voluntary" Label Is Internally Inconsistent With the City's Own Findings and Enforcement Scheme.*

The Revised MMP is, by statutory definition, a "reporting or monitoring program" that a public agency adopts for "changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." (PRC § 21081.6(a)(1); CEQA Guidelines § 15097(a).) The City cannot on the one hand fold PDF-TCR-1 through PDF-TCR-5 into the MMP and make them enforceable through Building & Safety, Planning, and an independent Construction Monitor, and on the other hand claim the measures are not mitigation. An enforceable measure that the agency has affirmatively incorporated into the MMP belongs there because it *is* mitigation, not because it is a volunteer's gift.

The City's own words demonstrate the contradiction. The April 8, 2026 staff communication describes the revisions as additions to the MMP adopted "in the abundance of caution" to "augment the measure for the inadvertent discovery of resources with more robust and protective measures." An agency that has concluded there is no significant impact has no need to adopt "more robust and protective measures"; the invocation of those words is an admission that the City perceives a potentially significant impact requiring mitigation. (See *Lotus*, 223 Cal.App.4th at p. 656.)

c. *The "Discovery" Measures Are Impermissibly Deferred and Lack Enforceable Performance Standards.*

Even if the TCR measures were properly labeled as mitigation (they are not), they do not satisfy CEQA's substantive standards for enforceable mitigation. CEQA Guidelines § 15126.4(a)(1)(B) prohibits deferral of mitigation to a future, unspecified point unless the agency "[c]ommits itself to the mitigation," "[a]dopts specific performance standards the mitigation will achieve," and "[i]dentifies the type(s) of potential action(s) that can feasibly achieve that performance standard." California courts enforce that prohibition strictly. In *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, the Fifth District held that an

agency “goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report,” and that deferral of mitigation is permissible only “where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan.” (*San Joaquin Raptor*, 149 Cal.App.4th at p. 670.) Similarly, in *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, the First District held that deferral is permissible only where the agency “commits itself to the mitigation,” identifies specific performance standards, and lists feasible alternatives, and it invalidated a mitigation program that merely listed categories of “potential mitigation strategies” without specifying which measures would be adopted or how the selected measures would achieve the stated standard. (*Communities for a Better Environment*, 184 Cal.App.4th at pp. 92–95.)

PDF-TCR-4 is precisely the sort of unenforceable placeholder *San Joaquin Raptor* and *Communities for a Better Environment* condemn. It defers both the definition of a “tribal cultural resource” requiring stop-work and the manner of “respectful treatment” to ad hoc, post-discovery judgment, with no performance standards tied to identifiable impacts to the Village of Kuruvungna cultural landscape described by the Tribe. The measure commits the City to nothing more than a promise to decide how to proceed once a resource is already in peril. That is impermissible deferred mitigation.

IV. Recirculation Is Required Under CEQA Guidelines § 15088.5.

CEQA Guidelines § 15088.5 requires recirculation when “significant new information” is added to the EIR after the draft EIR has been circulated for public comment but before certification. After certification, PRC § 21166 and CEQA Guidelines § 15162 require subsequent environmental review when substantial changes occur in the project, in the circumstances surrounding the project, or when new information of substantial importance becomes available that was not known and could not have been known with reasonable diligence at the time of certification. In *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112 (“*Laurel Heights II*”), the California Supreme Court set out four categories of information that qualify as “significant” and require recirculation: “(1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented ... ; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance ... ; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project’s proponents decline to adopt ... ; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” (*Laurel Heights II*, 6 Cal.4th at p. 1130; *see also* CEQA Guidelines § 15088.5(a) [codifying the *Laurel Heights II* categories].) “Not recirculating such information deprives the public of a meaningful opportunity to comment on the new information.” (*Save Our Capitol!*, 87 Cal.App.5th at pp. 705–706.) The agency’s decision not to recirculate must be supported by substantial evidence. (*East Oakland Stadium Alliance*, 89 Cal.App.5th at p. 1265.)

Each of the *Laurel Heights II* categories is independently met here.

a. *The Kizh Nation’s April 13, 2026 Letter Is New Expert Evidence That Contradicts the EIR’s “Low Likelihood” Finding.*

The Final EIR and the DCP Appeal Response relied on an archaeological-consultant prediction of a “low likelihood” of subsurface resources to conclude that impacts to TCRs were less than significant. (DCP Appeal Response, Apr. 8, 2026, at 2.) On April 13, 2026, however, Chairman Salas, on behalf of the Tribe, expressly stated that the Project area is part of the Tribe’s ancestral territory and that its resources hold “irreplaceable cultural and spiritual significance.” That statement constitutes substantial evidence under CEQA. “Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence” for a fair argument of significant effect (*Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, at p. 192; accord *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, at pp. 1138–1139), and those observations “may constitute substantial evidence even if they contradict the conclusions of a professional ... study” (*Protect Niles*, 25 Cal.App.5th at pp. 1151–1152). *A fortiori*, testimony from the Tribe’s Hereditary Chairman, on a matter on which the Tribe has constitutionally and statutorily recognized expertise, is substantial evidence; the Legislature has specifically directed lead agencies to consider “the significance of the resource to a California Native American tribe.” (PRC § 21074(a)(2); *see also* PRC § 21080(e); CEQA Guidelines § 15384.) That evidence builds on the Tribe’s prior February 24, 2026 letter from Tribal General Counsel Kara E. Grant, which set out in detail the 2020 consultation record, historical maps from 1871–1938, CHRIS archaeological-sensitivity materials, and elder testimony regarding the Village of Kuruvungna. Under *Koi Nation*, the City may not displace that tribal expertise with an archaeological prediction and then declare consultation concluded.

b. *The Addition of Five New TCR Protective Measures Post-Certification Is Itself a Trigger.*

CEQA Guidelines § 15088.5(a)(3) provides that “[a] feasible . . . mitigation measure considerably different from others previously analyzed” qualifies as significant new information. That is precisely what PDF-TCR-1 through PDF-TCR-5 are. The Draft and Final EIR contained only a generic inadvertent-discovery protocol. The Revised MMP now requires mandatory Kizh Nation tribal monitoring for all ground disturbance, WEAP training, a stop-work radius and treatment protocol, and confidential handling of Tribal Cultural Resources. These measures were developed in direct response to, and in acknowledgment of, environmental risks to TCRs not analyzed in the Final EIR. Adding five new, substantively different protective measures after certification is textbook “significant new information,” and the City cannot avoid recirculation by relabeling the additions as “voluntary.” (CEQA Guidelines § 15088.5(a)(3); *Save Our Capitol!; East Oakland Stadium Alliance*.)

c. *The EIR’s Tribal-Cultural-Resources Analysis Is Fundamentally Inadequate.*

The Kizh Nation’s February 24, 2026 letter describes, in detail, the 2020 consultation record, including the Tribe’s submission of historical maps (1871–1938), CHRIS archaeological-sensitivity materials, and elder testimony regarding the Village of Kuruvungna, trade routes, and burial areas. The Final EIR does not meaningfully engage with that evidence, does not analyze

the site as a component of a cultural landscape under PRC § 21074(a), and does not explain why the Tribe's proposed mitigation measures were rejected, duties CEQA independently imposes. (PRC § 21082.3.) Where an agency's analysis of a significant issue is omitted or cursory, recirculation is required. (CEQA Guidelines § 15088.5(a)(4).)

V. The April 17 Post-Hearing Disclosure of the Salas–McCrea Email Thread Deprived the Public and the PLUM Committee of a Fair Hearing.

The PLUM Committee voted on April 14, 2026 on a record that materially omitted the Salas–McCrea email thread and the Tribe's April 13, 2026 letter disclosing the still-ongoing-consultation posture and the Tribe's request for a permanent cultural acknowledgment. That correspondence was not placed in the Council File until the Applicant attached it to the Alston and Bird Letter on April 17, 2026. The public was therefore denied the opportunity to comment on material evidence, the single most important piece of tribal evidence disclosed in the past year, before the legislative body acted. That is fundamental error under the public-participation principles at the core of CEQA. The California Supreme Court has held that "[t]he failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation. Case law is clear that, in such cases, the error is prejudicial." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, at p. 515.) As the Supreme Court has further emphasized, "in order to serve the important purpose of providing other agencies and the public with an informed discussion of impacts, mitigation measures, and alternatives, an EIR must lay out any competing views put forward by the lead agency and other interested agencies." (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, at p. 940.) The Council File that went before the PLUM Committee omitted precisely the competing views the Tribe had placed before City staff on April 13.

The procedural failure is also independently problematic under the Ralph M. Brown Act's requirement that writings distributed to a majority of the legislative body in connection with an agenda item be made available to the public. (Gov. Code § 54957.5(b).) The March – April 2026 correspondence was plainly material to the PLUM agenda item; its exclusion from the public record before the hearing, followed by its post-hearing introduction by the Applicant, cannot be squared with the Brown Act's public-access guarantees.

The only lawful cure now is (a) recirculation of the TCR section of the EIR, (b) full and advance disclosure of all tribal correspondence in the Council File, (c) adoption of the TCR protections as enforceable mitigation supported by findings, and (d) a renewed opportunity for the Tribe, Appellant, and the public to comment on that record before the Council acts. Anything less would compound the April 14 procedural error.

VI. The Alston and Bird Letter's Representations Concerning Non-TCR Record Points Do Not Cure the CEQA Deficiencies.

Appellant's April 7, April 13, and April 14, 2026 letters set out in detail the bases for Appellant's objections to the EIR's historic-resources, cost and feasibility, seismic/soft-story, HVAC/abatement, and coral-tree analyses, among others. The Alston and Bird Letter's recital

that particular Englekirk, Hill International, Historic Resources Group, and CBRE reports were “previously provided” does not respond to Appellant’s actual arguments, which go to the analytical adequacy and the substantive conclusions drawn from those reports, not to chain-of-custody questions. Appellant incorporates its prior submissions by reference and reserves the right to address the Alston and Bird Letter’s non-TCR representations in supplemental filings before Council action. The focus of this letter is the TCR record, which the April 17, 2026 disclosures have materially changed.

VII. Reservation of Rights; Appellant Continues to Participate Under Protest.

As noted at the outset, Appellant submits this letter, and participates in the April 21, 2026 Council hearing, *under protest*. Appellant objects to (i) the City’s refusal to recirculate the EIR, or in the alternative to defer Council action, in light of significant new information bearing on Tribal Cultural Resources; (ii) the City’s and Applicant’s late, post-hearing disclosure of the Salas–McCrea email thread and the Tribe’s April 13, 2026 letter; (iii) the City’s mischaracterization of post-certification mitigation as “voluntary project design features”; and (iv) any refusal by City staff or the Council to place the full tribal correspondence in the Council File before acting. Appellant’s continued engagement with the hearing process, its submission of written argument, and its participation in oral testimony do not constitute a waiver of, or stop Appellant from asserting, any procedural or substantive right, including any right to judicial review. Appellant expressly preserves all such rights and requests that this protest be reflected in the administrative record and in any subsequent Council action.

VIII. Conclusion and Requested Relief.

For the reasons set out above and in Appellant’s prior submissions, substantial evidence in the record, much of it only recently disclosed, demonstrates that the City has not complied with AB 52’s consultation requirements, has mislabeled post-certification mitigation as “voluntary project design features” to avoid recirculation, has withheld dispositive tribal correspondence from the public record until after the PLUM vote, and has failed to provide substantial-evidence support for its “less than significant” conclusion for Tribal Cultural Resources. Appellant respectfully requests that the City Council:

1. Grant the appeal and set aside the certification of the EIR, the SOC, and the approval of the demolition permit; or
2. In the alternative, remand the matter with direction that the Department of City Planning (a) recirculate a revised tribal-cultural-resources analysis under CEQA Guidelines § 15088.5 and, to the extent necessary, prepare a subsequent or supplemental EIR under PRC § 21166 and CEQA Guidelines § 15162; (b) complete AB 52 consultation in accordance with PRC §§ 21080.3.1 and 21080.3.2, including written documentation of any rejected tribal mitigation proposal and express findings regarding the Tribe’s April 13, 2026 request for a permanent cultural acknowledgment; (c) re-designate PDF-TCR-1 through PDF-TCR-5 as enforceable mitigation measures supported by findings under PRC § 21081 and adopt specific

performance standards for the “discovery” measures consistent with CEQA Guidelines § 15126.4(a)(1)(B); and (d) place in the Council File, in advance of any renewed public hearing, the complete Salas–McCrea email thread, the Tribe’s April 13, 2026 letter, and any other tribal correspondence bearing on consultation.

Appellant expressly reserves the right to submit additional evidence and legal argument prior to the Council hearing on April 21, 2026, and reserves all rights under CEQA, the Ralph M. Brown Act, the Los Angeles City Charter, the Los Angeles Municipal Code, and any other applicable law. This letter is submitted under protest and without waiver of any rights.

Thank you for your attention to this matter.

Sincerely,



Jamie T. Hall

Cc: Kathryn C. Phelan, Supervising Assistant City Attorney (kathryn.phelan@lacity.org)
Vincent P. Bertoni, AICP, Director of Planning (vince.bertoni@lacity.org)
Craig Bullock, Planning Director, Council District 11 (craig.bullock@lacity.org)
Jason McCrea, City Planner, Department of City Planning (jason.mccrea@lacity.org)

Communication from Public

Name: Ziggy Kruse Blue

Date Submitted: 04/20/2026 04:35 PM

Council File No: 25-1518

Comments for Public Posting: Please include the attached Email communication in CF 25-1518. Background: On April 1, 2026, a formal inquiry was sent to Melissa Jones, Lambert Giessinger, and Ken Bernstein of the Office of Historic Resources. The purpose was to confirm the following regarding the Barry Building (HCM #887): a) Whether OHR still intends to place this item on the Cultural Heritage Commission (CHC) agenda within 30 days of the final appeal vote; b) Whether OHR is maintaining its standing position to oppose the demolition; and c) A request for a clear sequence of events and milestones handled by OHR following the final Council vote. – Following a lack of response, a second communication was sent on April 16, 2026, noting that the continued silence from OHR was deeply concerning given that the Barry Building was scheduled for a City Council hearing the following week. We requested a response by April 17, 2026, to ensure the administrative record was accurate before the Council convened. – Finally, on April 20, 2026, Ken Bernstein provided a response stating that the Barry Building had been discussed during the Cultural Heritage Commission meeting on Thursday, April 16, 2026. – According to Mr. Bernstein: 1) The Commission addressed questions regarding the "next steps" publicly during the General Public Comment portion of that meeting, and 2) A recording of this discussion is available via the Los Angeles City Planning website at the following link: <https://planning.lacity.gov/dcpapi2/meetings/document/80655> (referenced under Item 3, General Public Comment). – Therefore: We submit this summary and the attached email correspondence to ensure the City Council and the public record reflect the recent communications regarding the procedural status and preservation of this Historic-Cultural Monument. – The audio recording from the 04-16-2026 CHC hearing is included in CF 25-1518 by reference and by URL link. Attachment: 2026-04-20_Ken Bernstein_Response to Email re. CF 25-1518.pdf

Re: TIME SENSITIVE MATTER ... Follow up re. Barry Building Demolition Project ... CF 25-1518 (ENV-2019-6645-EIR-1A) ... Questions for OHR Please see email for details ...

From: Ken Bernstein (ken.bernstein@lacity.org)
To: ziggykruse2005@yahoo.com; bob.blue@live.com
Cc: melissa.jones@lacity.org; lambert.giessinger@lacity.org
Date: Monday, April 20, 2026 at 10:55 AM PDT

Hi Ziggy and Bob,

I wanted to let you know that the Barry Building came up at our Cultural Heritage Commission meeting last Thursday during general public comment and we addressed the Commission's questions on next steps publicly during that discussion. You may find the recording of the Commission meeting at <https://planning.lacity.gov/dcpapi2/meetings/document/80655> (click on Item 3, General Public Comment).

Ken

On Thu, Apr 16, 2026 at 8:09 PM Ziggy Kruse <ziggykruse2005@yahoo.com> wrote:

Hello Melissa and the OHR Team,

This is a follow-up to our April 1, 2026, email (see below). To date, we have received no response or acknowledgement from your office regarding our questions.

As the Barry Building is scheduled to go before the City Council next week, the continued silence from the Office of Historic Resources is deeply concerning to us. Given the time-sensitive nature of this matter and its impact on a designated Historic-Cultural Monument, a lack of transparency at this stage is unacceptable.

We require a response to our questions regarding the process and next steps by the end of business tomorrow, Friday, April 17, 2026, to ensure the record is accurate before the Council convenes.

Thank you for your immediate attention to this matter.

Sincerely,
Ziggy and Bob

----- Forwarded Message -----

From: Ziggy Kruse <ziggykruse2005@yahoo.com>
To: Melissa Jones <melissa.jones@lacity.org>; Lambert Giessinger <lambert.giessinger@lacity.org>; ken.bernstein@lacity.org <ken.bernstein@lacity.org>
Cc: Bob Blue <bob.blue@live.com>; Ziggy Kruse <ziggykruse2005@yahoo.com>
Sent: Wednesday, April 1, 2026 at 06:59:44 PM PDT
Subject: RE: Barry Building Demolition Project ... CF 25-1518 (ENV-2019-6645-EIR-1A) ... Questions for OHR Please see email for details ...

Hello Melissa and the OHR Team:

We hope you are all doing well and enjoying this cooler weather as we head into the Easter weekend.

As the Barry Building case returns to PLUM—with a final City Council vote expected shortly thereafter—we are writing to confirm the next steps for your office. Specifically:

- **CHC Agenda:** Does OHR still intend to place this item on the Cultural Heritage Commission agenda within 30 days of the final appeal vote?
- **Demolition Position:** Is the office maintaining its position to oppose the demolition?

Additionally, could you please refresh our memories on the exact procedure following the Council's final vote? We want to ensure we have a clear understanding of the sequence of events and the specific milestones OHR handles during this transition.

We appreciate your continued attention to this matter and look forward to your response.

Sincerely,
Ziggy and Bob