



RE: CF 25-1518 ... Notice of Legal and Procedural Flaws in Final EIR (ENV-2019-6645-EIR) — Inadequate AB 52 Consultation and Non-Compliance with Koi Nation v. City of Clearlake ... Please see email for details ...

1 message

Ziggy Kruse <ziggykruse2005@yahoo.com>

Mon, Jan 5, 2026 at 7:12 PM

Reply-To: Ziggy Kruse <ziggykruse2005@yahoo.com>

To: Candy Rosales <candy.rosales@lacity.org>

Cc: Hyde Feldstein-Soto <hydee.feldsteinsoto@lacity.org>, "kenneth.fong@lacity.org" <kenneth.fong@lacity.org>, "councilmember.blumenfield@lacity.org" <councilmember.blumenfield@lacity.org>, "cd10@lacity.org" <cd10@lacity.org>, "adrian.nazarian@lacity.org" <adrian.nazarian@lacity.org>, "councilmember.nazarian@lacity.org" <councilmember.nazarian@lacity.org>, "councilmember.lee@lacity.org" <councilmember.lee@lacity.org>, Councilmember Nithya Raman <contactcd4@lacity.org>, Bob Blue <bob.blue@live.com>, Ziggy Kruse <ziggykruse2005@yahoo.com>

Dear Ms. Rosales:

We have tried to upload the attached file to the City's web portal by means of the Office of the City Clerk Public Comment Form, but received an error message starting with "coldfusion.tagext.sql.QueryParamTag\$InvalidDataException".

Due to the above referenced issue, we are sending this email and the attachment to you directly.

Please add this email and the attached PDF document "2026-01-05_Comment Ltr. to LA City Council & PLUM Cmte_re. FEIR legally flawed_Final" to Council File 25-1518.

Also, please confirm receipt of this email and attachment. Thank you.

Sincerely,
Ziggy Kruse Blue



2026-01-05_Comment Ltr. to LA City Council & PLUM Cmte_re. FEIR legally flawed_Final.pdf
1746K

Robert Blue & Sieglinde Kruse Blue
Los Angeles, CA 90049

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ziggykruse2005@yahoo.com

January 5, 2026

VIA EMAIL ONLY

Los Angeles City Planning and
Land Use Committee
City Clerk's Office
Los Angeles City Hall
200 N. Spring Street, Room 340
Los Angeles, CA 90012

City Council File#: 25-1518

LADBS NO.: BF 250851
CASE NO.: CHC-2007-1585-HCM
RELATED CASE NO: ENV-2019-6645-EIR
CEQA: SCH#2020110210 (EIR)
Location: 11973-11975 W. San Vicente Boulevard
Applicant: 11973 San Vicente, LLC
Council District: 11 - Park
Community Plan Area: Brentwood - Pacific Palisades

Subject: Notice of Legal and Procedural Flaws in Final EIR (ENV-2019-6645-EIR) – Inadequate AB 52 Consultation and Non-Compliance with *Koi Nation v. City of Clearlake*; Comments in Support of the December 1, 2025 Appeal regarding the June 6, 2025 Letter of Determination for the Demolition of the Building located at 11973 San Vicente Boulevard (Historic-Cultural Monument No. LA-887); and Comments regarding the FEIR and its failure to implement AB 52

Dear Members of the LA City PLUM Committee:

This letter is submitted to formally contest the Final Environmental Impact Report (FEIR) for the Barry Building demolition project. We contend that the FEIR is legally inadequate under the California Environmental Quality Act (CEQA) and Assembly Bill 52 (AB 52). Specifically, the City's consultation record with the Gabrieleño Band of Mission Indians - Kizh Nation demonstrates a "perfunctory" process that fails the heightened legal standards established by the California Court of Appeal in *Koi Nation of Northern California v. City of Clearlake* (2025) Cal. Ct. App., No. A169438, A169805(2025).

1. Evidence of "Perfunctory" Consultation (The Koi Violation)

The *Koi Nation* ruling establishes that "meaningful" consultation requires an agency to engage in an ongoing, good-faith effort to reach a mutual agreement, rather than simply notifying a Tribe of its pre-determined conclusions. The project record reveals a clear violation of this standard:

- **Pre-Closure of Consultation:** On July 6, 2022, the City issued a "Pre-Closure of Consultation" letter despite ongoing concerns from the Tribe.
- **Dismissal of Tribal Expertise:** In a July 21, 2022, email, the City Planning department admitted it "recognize[s] the Tribe's concerns," yet concluded that "no evidence was found identifying any tribal cultural resources on the Project Site". (Attachment A)
- **The Flaw:** By prioritizing the absence of physical "scientific" evidence over the Tribe's identified concerns, the City committed the exact error identified in *Koi Nation*, which mandates that tribal expertise and values be weighed as substantial evidence regardless of archaeological findings.

2. Failure to Seek Mutual Agreement on Mitigation

Under AB 52 and the *Koi* precedent, a lead agency cannot unilaterally terminate consultation if a mutual agreement on mitigation has not been reached and the agency has not made a documented "reasonable effort" to achieve one.

- **The Project Flaw:** The City's July 21, 2022, communication explicitly notes that while the City discussed the Tribe's concerns from November 2020, it moved toward closing consultation based on its own Draft EIR analysis concluding no potential significant impact.
- **The Violation:** The *Koi* court ruled that a "sparse" record that fails to show how a Tribe's requested mitigation (such as tribal monitoring) was carefully considered and negotiated is a "prejudicial abuse of discretion." The City's decision to move toward closure while "recognizing" concerns but failing to address them through modified mitigation is legally indefensible under the 2025 standard.

3. Ignoring the "Kizh Nation" Foundation of Los Angeles

The Tribe has repeatedly emphasized that their culture is the "foundation of the early economy of the Los Angeles area" and that their labor built the very missions and ranchos that shaped the region.

- **The Flaw:** By treating the Barry Building site purely as a modern "historic monument" or a seismic risk, the FEIR ignores the underlying Tribal Cultural Landscape. The *Koi* ruling confirms that neglecting this broader cultural context in favor of narrow project-site surveys is a failure to proceed in the manner required by law.

4. Improper Segmentation (Piecemealing)

As previously stated, the FEIR analyzes demolition in a vacuum. This "piecemealing" prevents the City and the Tribe from ever reaching a meaningful agreement on the *true* impact of the project: the eventual deep excavation for redevelopment, which carries a much higher risk of disturbing the ancestral remains and cultural resources the Kizh Nation is sworn to protect.

Requested Action

In light of the **March 2025** *Koi Nation* ruling and the documented failure to reach a mutual agreement with the Kizh Nation as evidenced in the project's email record, the City shall rescind all actions taken by the Board of Building and Safety Commissioners regarding the above referenced project, and the City:

1. **Shall Not** Certify the current FEIR,
2. **Shall Not** Adopt the EIR Findings,
3. **Shall Not** Adopt the SOC;
4. **Shall Not** make Findings that, pursuant to Section 91.106.4.5, the demolition permit may be issued.

Thank you.

Sincerely,

Robert Blue
Robert Blue

Sieglinde Kruse Blue
Sieglinde Kruse Blue

01-05-2026 Comment Letter in
Support of 12/01/2025 Appeal
To LA City Council (CF 25-1518)

CC: Hydee Feldstein Soto, LA City Attorney,
hydee.feldsteinsoto@lacity.org
Kenneth Fong, LA Deputy City Attorney,
Kenneth.fong@lacity.org
Bob Blumenfield, councilmember.blumenfield@lacity.org
Heather Hutt, cd10@lacity.org
Adrin Nazarian, councilmember.nazarian@lacity.org
John S. Lee, councilmember.lee@lacity.org
Nithya Raman, contactCD4@lacity.org
Candy Rosales, Candy.rosales@lacity.org

Los Angeles City Clerk (via City's website portal)

Attachment A: 07-21-2022 Email communication between City Planner
Harris and Native Tribe

Attachment A

07-21-2022 Email communication between
City Planner Harris and Native Tribe



James Harris <james.harris@lacity.org>

Barry Building ENV-2019-6645-EIR

1 message

James Harris <james.harris@lacity.org>

Thu, Jul 21, 2022 at 9:59 AM

To: Gabrieleno Administration <admin@gabrielenoindians.org>

Chairman Salas:

Thank you for the opportunity to discuss the Barry Building Project located at 11973 San Vicente Blvd (Case No. ENV-2019-6645-EIR) on October 7, 2020, and for providing follow up information. We recognize that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleno Band of Mission Indians – Kizh Nation, and very much appreciate the Tribe's dedication to continued conversations and collaboration with the City regarding this Project.

As indicated in the AB 52 Pre-Closure of Consultation letter sent to you on July 6, 2022, the City's tribal cultural resources analysis for the Project is set forth in the Draft EIR Tribal Cultural Resources Section and associated Appendix. Although no evidence was found identifying any tribal cultural resources on the Project Site, and the analysis in the Project's Draft EIR concludes that there would not be a potential significant impact on tribal cultural resources, we recognize the Tribe's concerns noted in your November 2, 2020, email. As discussed and analyzed in the Tribal Cultural Resources Section of the Draft EIR, the City's *Condition of Approval – Tribal Cultural Resource Inadvertent Discovery* would be imposed under the City's police powers to protect any potential inadvertent discovery of tribal cultural resources during construction activities.

The Tribe may submit written comments on the adequacy of the Draft EIR, to be made public and incorporated in the Final EIR.

Sincerely and respectfully,

Jim Harris



Jim Harris
Major Projects
Los Angeles City Planning
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012
T: (213) 978-1241 | Planning4LA.org





James Harris <james.harris@lacity.org>

Barry Building ENV-2019-6645-EIR

Gabrieleno Administration <admin@gabrielenoindians.org>

Tue, Aug 30, 2022 at 10:06 AM

To: James Harris <JAMES.HARRIS@lacity.org>, Jane Choi <jane.choi@lacity.org>

Cc: "Dr. Christina Swindall Martinez" <christinaswindall@yahoo.com>, ICRM <indigenous.crm@gmail.com>, Kara Grant <kara@grant-law.net>, Lauren Arenson <larenson@gmail.com>, Mari Pritchard Parker <mapp@pacbell.net>, "Matt Teutimez.Kizh Gabrieleno" <matt.teutimez@gmail.com>, Silvia El Sereno <aljcruzmoreno@gmail.com>

Hello James

Thank you for your email . Could you please provide how you or your agency evaluated or analyzed our information that "No "evidence was found identifying any tribal cultural resources on the Project Site" . **Please note that our free information that we continuously provide to your agency during AB52 consultation " and that we know your consultants will eventually utilize" is in connection to the "traditionally" and "culturally affiliated" "geographic" area of where the project location is proposed. Consultation is also in regards to the current state law that provides a limited measure of protection for sites, features , places , objects , and " Landscapes with cultural value to California Native American Tribes such as ours . With that said we ask that you please provide a formal response along with your substantial findings on your final determination on how our oral and documented information was not substantial enough to protect our last remaining tribal cultural resources . Thank you for your time**

Handbook of North American Indians

WILLIAM C. STURTEVANT

General Editor

VOLUME 8

California

ROBERT F. HEIZER

Volume Editor



SMITHSONIAN INSTITUTION

WASHINGTON

1978

Gabrielino

LOWELL JOHN BEAN AND CHARLES R. SMITH

The Gabrielino (gäbréál'énō) are, in many ways, one of the most interesting—yet least known—of native California peoples. At the time of Spanish contact in 1769 they occupied the "most richly endowed coastal section in southern California" (Blackburn 1962-1963:6), which is most of present-day Los Angeles and Orange counties, plus several offshore islands (San Clemente, Santa Catalina, San Nicolas). With the possible exception of the Chumash, the Gabrielino were the wealthiest, most populous, and most powerful ethnic nationality in aboriginal southern California, their influence spreading as far north as the San Joaquin valley Yokuts, as far east as the Colorado River, and south into Baja California. Unfortunately, most if not all Gabrielinos were dead long before systematic ethnographic studies were instituted; and, as a result, knowledge of them and their lifeways is meager.

Language, Territory, and Environment

Gabrielino was one of the Cupan languages in the Uto-Aztecan linguistic stock (Bright 1975).^{*} Internal linguistic differences existed, Harrington (1962:viii) suggesting four dialects and Hrober (1925), six. Harrington's four-part division includes Gabrielino proper, spoken mainly in the Los Angeles basin area; Ferndeño, spoken by people north of the Los Angeles basin, mainly in the San Fernando valley region; Santa Catalina Island dialect; and San Nicolas Island dialect—although according to Bright (1975) insufficient data exist to be sure of the Cupan affiliation of the San Nicolas speech. There were probably dialectical differences also between many mainland villages, a result not only of geographical separation but also of social, cultural, and linguistic mixing with neighboring non-Gabrielino speakers.

The names Gabrielino and Ferndeño (terms 'dä-pnyó) refer to the two major Spanish missions established in Gabrielino territory—San Gabriel and San Fernando.

^{*} Indicated Gabrielino words have been written in a phonemic alphabet by Kenneth C. Hill on the basis of John Peabody Harrington's unpublished fieldnotes. The consonants are stops and fricatives: p, t, k, k', s, sh, ts, tsh, ch, m, n, ŋ (approximate), & l. Stressed vowels are i, e, é, a, u, o, ɔ, ɛ, which may occur long or short; in unstressed syllables the vowels are only i, é, a, and u [ɔ].

It was to these two missions that the majority of the Indians living on the coastal plains and valleys of southern California were removed.

Although the major outlines of Gabrielino territorial occupation are known, the fixing of definitive boundaries is difficult. Generally, Gabrielino territory included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers, several smaller intermittent streams in the Santa Monica and Santa Ana mountains, all of the Los Angeles basin, the coast from Aliso Creek in the south to Topanga Creek in the north, and the islands of San Clemente, San Nicolas, and Santa Catalina (fig. 1). The area thus bounded encompassed several biotic zones (such as Coast-Marsh, Coastal Strand, Prairie, Chaparral, Oak Woodland, Pine) and, following Hudson's (1973) studies, can be divided into four macro-environmental zones (excluding the islands): Interior Mountains/Adjacent Foothills, Prairie, Exposed Coast, and Sheltered Coast. Each area is characterized by a particular floral-faunal-geographical relationship that allows delineation of subsistence-settlement patterns "according to the macro-environmental setting." The interior mountains and foothills, according to Hudson, comprise an area of numerous resources including "many small animals, deer, acorns, sage, piñon nuts, and a variety of other plants and animal foods." Settlement-pattern studies

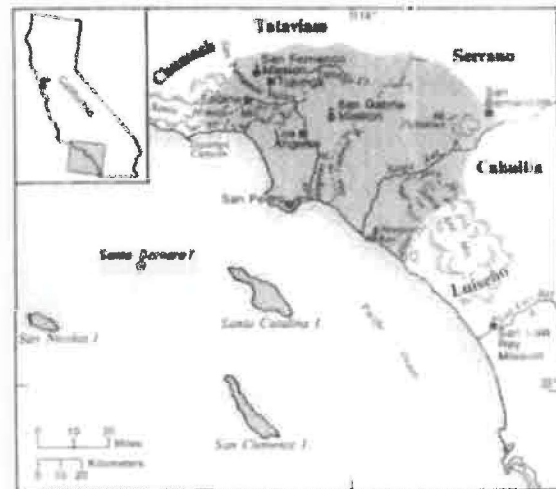


Fig. 1. Tribal territory.

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized—the fact that in its early decades, without the Gabrieleno, the community simply would not have survived."

[Quoted text hidden]

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