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Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring St., Room 340
Los Angeles, CA 90012
Attn: Candy Rosales – PLUM Legislative Assistant
Email: clerk.plumcommittee@lacity.org

Re: Council File No.: 25-1518 - Appeal of Building and Safety Commission's Approval of Demolition Permit for Barry Building Located at 11973 San Vicente Boulevard

Dear Committee Members:

As land use counsel for the owner of the subject property located at 11973 San Vicente Boulevard (“Subject Property”) and applicant (“Applicant”) for a permit to demolish (the “Demo Permit”) the two-story former commercial building on the Subject Property commonly referred to as the “Barry Building.” I am sending this letter to respond to the letter submitted by the legal counsel for the appellant Angelenos for Historic Preservation (“Appellant”) dated February 11, 2026 (“Appellant’s February 11th Submittal”) made in support of Appellants’ appeal (“Appeal”) of the Board of Building and Safety Commissioners’ approval of the Demo Permit.

At the outset, it is important to note the legal test that governs this appeal. This appeal challenges the certification of an environmental impact report and adoption of a statement of overriding considerations under the California Environmental Quality Act (“CEQA”). It is beyond dispute that legal challenges brought under CEQA are governed by the “substantial evidence” test. CEQA has a very clear definition of “substantial evidence.” CEQA Guideline 15384 defines substantial evidence as follows: “‘Substantial evidence’ as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. ... Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” The “highly deferential” substantial evidence standard applies because administrative agencies have discretion to resolve questions of fact and make policy decisions. (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 984.) Under this standard, an agency must certify an environmental review document under CEQA if there is substantial evidence supporting its conclusions even if there is evidence

of some type to the contrary. (*San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 11–12.)

In his February 11th submittal, Appellant’s counsel ignores this legal test and instead treats this matter like it were a traditional civil lawsuit in which a party can seek discovery. Not only does CEQA not countenance such dilatory tactic,¹ but the information that Appellant seeks is already in the record, evidence that Appellant continues to ignore.

For example, Appellant’s February 11th Submittal seeks photographic evidence of the Barry Building. Such photographs are provided in the following Technical Appendices in the Draft EIR—Appendix C-1 (at pages 28 to 32 and 43-48), Appendix H-1 (at pages 9 to 20) and Appendix H-4 (at pages 6 to 17). Appellant asks for plans or drawings as to the building. Such figures and diagrams are reproduced in the following structural engineering reports attached as Technical Appendices to the Draft EIR—Appendix G (Figures 3.1 and 7.1) and Appendix H-2 (at pages 3 to 8).

These are just examples of the unsupportable nature of Appellant’s claim of “the City’s failure to provide the foundational evidence on which the Applicant’s conclusions are based.” The evidence supporting the City’s evaluation and determination of the environmental impacts associated with the demolition of a two-story vacant retail building is overwhelming in this case, as established by the City’s careful compliance with requirements under CEQA—

--At the outset of the CEQA process, the City prepared a detailed Initial Study that evaluated all of the potential impacts identified in the Appendix G of the CEQA guidelines. That Initial Study was supported by three technical reports prepared by third party experts.

--The Draft EIR prepared by the City evaluated seven environmental impact areas. The Draft EIR included seven technical reports prepared by third party experts in support of its impact analyses, and an additional sixteen expert reports in support of the preservation alternatives evaluated in the Draft EIR.

--The Final EIR addressed each and every comment received from the public on the Draft EIR, including detailed comments submitted by members of the Appellant. The evaluation in the Final EIR was supported by four additional technical reports prepared by third party experts.

The evidence supporting the City’s determination on the two key issues in this appeal—the structural deficiencies in the Barry Building and the costs to rehabilitate the

¹ While discovery (e.g., depositions, written interrogatories, etc.) is permitted under California Code of Civil Procedure Section 2017 et seq. for traditional litigation, discovery is generally not permitted in CEQA lawsuits because such lawsuits are brought under C.C.P. Section 1094.5 (mandamus actions) and Section 1094.5 does not permit such discovery.

building—is also overwhelming. As to the first issue, DBS itself determined, upon inspection of the site, that the Barry Building is subject to the Soft Story Ordinance as it has a “soft story” likely to suffer significant damage during or after an earthquake. As a result, the building must comply with the Soft Story Ordinance or face penalties, specifically the Barry Building must either undergo seismic retrofitting or demolition to meet the minimum seismic standards outlined in the Soft Story Ordinance. After that determination by DBS, numerous technical reports were prepared evaluating the seismic instability of the Barry Building. Those reports included the following:

--Seismic Assessment, Englekirk Structural Engineers, June 6, 2022 (DEIR Appendix G)

--Letter from Englekirk Structural Engineers regarding Two Phases of Structural Work Required by Barry Building, June 1, 2021 (DEIR Appendix H-2)

--Letter from Englekirk Structural Engineers clarifying Application of Soft Story Ordinance to Barry Building Wings, June 3, 2022 (DEIR Appendix H-3)

---Barry Building ADA Upgrade Requirements, Gruen Associates, June 2021 (DEIR Appendix H-5)

The economic infeasibility of rehabilitating the seismic deficiencies in the building is also supported by substantial evidence. The economic infeasibility of preserving the Barry Building as a local historic monument was studied in multiple reports authored by multiple experts. Specifically, those reports included, among others, a report prepared by Gruen Associates regarding necessary Barry Building ADA Update Requirements (June 2021); an analysis prepared by Hill International regarding cost of completing the identified Barry Building Renovations (November 2022); and pro formas prepared by CBRE, Inc. entitled Barry Building Land Residual Analysis (March 2023). These expert findings were attached to a detailed letter sent to the Los Angeles City Planning office on April 20, 2023. Those reports confirm that the projected costs associated with implementing the necessary upgrades to the Barry Building in 2022 (including seismic retrofitting and ADA and Building Code upgrades) would cost approximately \$12,818,000.

As the costs of construction and renovation work continued to rise since the initial analysis, additional analysis was conducted in 2024 to evaluate the updated cost of the renovation and seismic work. This updated expert analysis included a revised report prepared by Hill International regarding a Revised Cost Estimate (June 2024) and an analysis prepared by CBRE Valuation considering a Revised Revenue Analysis (July 2024) which were attached to a letter sent to the Office of Historic Resources along with additional materials on July 15, 2024. Further updated cost opinions were prepared by Hill International (November 2024) and CBRE prepared an additional Appraisal Report (November 2024). These were provided to the Planning Department on November 14, 2024. Experts opined that the cost to complete this rehabilitation work as of late 2024 was

\$17.1 million. (From June 1, 2021, to June 26, 2024, the cost per square foot for this renovation work rose from \$777 to \$1,108; in November 2024, the cost per square foot was estimated at \$970 to \$1,270.) This escalation is primarily driven by higher labor costs, increased material prices, and rising transportation and disposal fees.

In addition to estimating the total cost associated with renovating the Barry Building for occupancy, expert analysis was conducted by CBRE to determine the maximum revenue that would be generated from a rehabilitated Barry Building and compared that potential revenue against the costs of renovating and leasing the Barry Building. That expert analysis evaluated both Alternative 2 of the DEIR (the “Preservation Alternative”) and Alternative 3 of the DEIR (the “Partial Preservation with New Construction Alternative.”

Under the assumptions of Alternative 2, the annual gross rental income for the retrofitted Barry Building is estimated at approximately \$736,960; the total value of the retrofitted Building is \$11,361,308. Compared with the original cost estimate (plus additional expenses detailed in the proforma) resulted in a residual land value of **negative \$5,663,653**. Considering the updated cost figure, the value of preserving the Barry Building per Alternative 2 is now estimated at **negative \$9.9 million**. Alternative 3 also presented a negative land valuation despite the additional revenue opportunity with the expanded leasable space in this alternative. The expert’s initial analysis estimated a **negative valuation of \$3,733,908**, and their revised cost estimate results in a land valuation of **negative \$12 million**.

In response, neither the Appellant, any member of the Appellant’s association, nor any member of the public has submitted any third party expert report to rebut this wealth of technical analyses. The only exception is a short technical report submitted by the Appellant the day before the hearing held by the Board of Building and Safety Commissioners. That report from a structural engineer only addressed one aspect of the seismic deficiencies in the Barry Building and provided only conclusory opinions as to the cost to remedy that single deficiency. Further, that report stated that it reviewed *only one* of the technical reports provided in the EIR. The incompleteness of that expert’s evaluation was addressed in the Applicant’s structural expert’s response provided under cover of my letter to the City dated January 20, 2026.

Finally, faced with this mountain of technical evidence concerning the serious seismic deficiencies in the building and the substantial costs to remedy those deficiencies, the Appellant’s counsel engages in a misdirection and seeks a copy of a draft report documenting the historic character of the Barry Building. But that request falls flat for two reasons. First the historic character of the building has never been in dispute, and the City’s EIR recognizes that demolition of this local historic monument would be a significant environmental impact. The additional report now sought by the appellant would not change that conclusion or analysis. Second, the preparation of this draft report (which is called an Historic American Buildings Survey or HABS), was undertaken pursuant to a mitigation measure in the Mitigation and Monitoring Report prepared for the Final EIR. (Refer to

Mitigation Measure MM-CUL-1.) Nobody has ever objected to that mitigation measure during the entire CEQA process, and not even the Appellant identifies that mitigation measure as a basis for its CEQA appeal (whether in the Appellant's prior attorney's original appeal letter dated July 8, 2025, or the recent letters submitted by Appellant's new legal counsel.)

For all of these reasons, we urge the City Council to deny the Appeal.

Sincerely,



Edward J. Casey

cc: Craig Bullock, Planning Director, Council District 11
(craig.bullock@lacity.org) - *via email only*
Jason McCrea, City Planner at Department of City Planning
(jason.mccrea@lacity.org) – *via email only*