

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

PRISCILLA CHAVEZ
MARTINA DIAZ
SARAH JOHNSON
PHYLLIS KLEIN
BRIAN ROSENSTEIN
JACOB SAITMAN
ELIZABETH ZAMORA

CITY OF LOS ANGELES
CALIFORNIA



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

CRAIG R. WEBER
DEPUTY DIRECTOR

February 19, 2026

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: Council Members

Dear Honorable Members:

11973 SAN VICENTE BOULEVARD PROJECT; BARRY BUILDING HCM #887, CASE NO. ENV-2019-6645-EIR-1A; CF 25-1518

On October 2, 2007, City Council adopted Historic Cultural Monument (HCM) #887, located at 11973 San Vicente Boulevard (Project Site), and otherwise known as the Barry Building, extending protections in the City's HCM Ordinance to the structure. On March 1, 2018, the Los Angeles Department of Building and Safety (LADBS) issued a notice to the property owner that the property was subject to the Soft-Story Retrofit Ordinance, compliance with which would require seismic retrofitting or demolition. On September 18, 2019, the Applicant applied for a demolition permit (PCIS No 19019-100000-05593). The process by which demolition permits for historic resources may be granted is outlined in Los Angeles Municipal Code (LAMC) Section 91.106.4.5 (Building Regulations), which states as follows:

Permits for Historical and Cultural Buildings. *The department shall not issue a permit to demolish, alter or remove a building or structure of historical, archaeological or architectural consequence if such building or structure [...] has been included on the City of Los Angeles list of historic cultural monuments, without the department having first determined whether the demolition, alteration or removal may result in the loss of or serious damage to a significant historical or cultural asset. If the department determines that such loss or damage may occur, the applicant shall file an application and pay all fees for the California Environmental Quality Act Initial Study and Check List, as specified in Section 19.05 of the Los Angeles Municipal Code. If the Initial Study and Check List identifies the historical or cultural asset as significant, the permit shall not be issued without the department first finding that specific economic, social or other considerations make infeasible the preservation of the building or structure.*

As stated above, the Applicant filed for a demolition permit with LADBS; however, no replacement project for the Project Site has been proposed to the City at this time.

On June 6, 2025, LADBS issued a determination certifying the Barry Building Project EIR pursuant to CEQA Guidelines Section 15090; adopting a Mitigation Monitoring Program (MMP), CEQA Findings, Statement of Overriding Considerations (SOCs) for the Project, and a finding under LAMC Section 91.106.4.5, that based upon the whole of the record, including the CEQA Findings (labeled EIR Findings) and the SOCs, a demolition permit may be issued because specific economic, social, or other considerations make infeasible the preservation of the Barry Building. (LADBS Determination)

The LADBS Determination, included in the Council File for the Project, was subsequently appealed by Brandt-Hawley Law Group, on behalf of the Angelenos for Historic Preservation (LADBS Determination Appeal); and on November 19, 2025, the LADBS Board of Building and Safety Commissioners (BBSC) denied the appeal. The Appeal Report responding to the LADBS Determination Appeal (Attachment 1) is linked at the end of this document.

On December 1, 2025, Channel Law Group, on behalf of the Angelenos for Historic Preservation, filed an Appeal of a CEQA determination, pursuant to LAMC Section 13B.11.F. of Chapter 1A.

The CEQA Appeal points are summarized and responded to below. However, it should be noted that many of the appeal points are similar to those submitted under the Appeal of the LADBS Determination, which were previously responded to in the BBSC Appeal Report (Attachment 1) and are referenced herein, where applicable. Additionally, the Appellant submitted a Supplemental Letter, dated January 5, 2026 (Appellant Supplemental Letter), a member of the public, associated with the Appellant, submitted a comment letter, dated February 5, 2026, and the Appellant's Representative submitted a Supplemental Letter on February 11, 2026 (Channel Law Supplemental Letter – 2.11.2026) and again on February 16, 2026 (Channel Law Supplemental Letter – 2.16.2026) all of which are also summarized and responded to following the Appeal Points and Staff Responses.

APPEAL POINTS AND STAFF RESPONSES

Appeal Point 1

The EIR is inadequate and should not be certified, and the SOC is not supported by substantial evidence.

Staff Response 1

The Appellant provides background information about the Appellant, the history of the Barry Building, and other introductory information, and argues generally that the EIR should not be certified because the SOC is not supported by substantial evidence. Please see the BBSC Appeal Report (Attachment 1) for detailed responses to background information and introductory statements provided by the Appellant. Specifically, LADBS Response to Issue 2 provides a discussion of Substantial Evidence and Public Resource Code (PRC) Sections 21002, 21002.1 and 21081; Response to Issue 3 provides a discussion of Alternatives and SOC; and Response to Issues 5 and 6 provide discussions of Substantial Evidence with respect to the SOC for the Project. As previously demonstrated, the Project EIR, Findings, and SOC are based on substantial evidence and were adopted in accordance with CEQA, and the appeal point should be denied.

Appeal Point 2

Evidence in EIR pertaining to economic infeasibility is unreliable.

Staff Response 2

The Appellant claims that the finding that preserving the Barry Building is economically infeasible is unsubstantiated, as they assert the legal basis for adopting the SOC and issuing the demolition permit, is based on “grossly overstated cost estimates provided by the Applicant”. The finding the Appellant references relates to the CEQA Findings for the Project, which includes Section VIII Alternatives, where a finding and rationale was provided rejecting each of the four studied alternatives and their feasibility, as well as Section XII Statement of Overriding Considerations.

Appellants are wrong. The findings adopted by the BBSC were supported by a number of studies, which were updated for changing economic conditions prior to the certification of the EIR, these studies supported the EIR certification as discussed in the CEQA Findings. Please see LADBS Response to Issue 2 of the BBSC Appeal Report for a full explanation of what constitutes substantial evidence, Response to Issue 3 for a discussion of Alternatives and SOC, and Response to Issues 5 and 6 for a discussion of Substantial Evidence with respect to the SOC for the Project. The Project is supported by substantial evidence in the record, including the referenced economic studies. It may be noted, that at the time the BBSC Appeal Report was prepared, no evidence supporting the Appellant’s assertion or disputing the studies submitted for the Project had been received by the City, and no new information has been submitted as part of this appeal.

Each finding made rejecting each Alternative included a rationale supporting its rejection. In addition, each of the statements of overriding considerations (SOCs), as stated in the CEQA Findings, “separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.” A total of five SOC were made for the Project, which generally stated that the Project would: 1) demolish a seismically unsafe and vacant building to eliminate public safety and health hazards and comply with the Soft-Story Retrofit Ordinance, 2) remove an attractive nuisance, 3) enable an economically feasible improvement to the property, 4) create a vacant site would could accommodate housing or other commercially viable development in line with City goals and policies, 5) generate local construction jobs during demolition. Only one of these SOC findings (Finding 3) relates to economically feasibility. The Appellant provides no specifics or evidence supporting that the remaining findings were made in error or contested their rationale.

The Appellant also argues the Project’s economic feasibility studies included multiple scenarios, but did not consider the bare minimum costs for compliance with the Soft-Story Retrofit Ordinance, and that the economic feasibility studies purposefully inflated the costs of the minimum mandatory requirement for compliance and that this requirement was conflated with voluntary, non-required, full-scale rehabilitation scenarios that were analyzed, and that alternative compliance could have also been achieved under the California Historic Building Code. However, contrary to the Appellant’s assertions, the DEIR considered a total of four Alternatives, one of which was the bare minimum to comply with Code requirements, which was also analyzed in the structural and economic studies. In addition, the structural reports also support that more work is needed than just the bare minimum to be safe for use. Further, the economic reports address the cost of the work with different compliance scenarios, and also includes a market study that states that the space cannot be viably rented with even minimal investment.

The Appellant also submitted a document it characterizes as “Expert Evidence Rebutting the Applicant’s Claims” by way of an Observation Letter, prepared by Alpha Structural, dated November 15, 2025. The Observation Letter states (**emphasis added**):

“Rough estimates were requested for the various repair options. It should be noted that these estimates are given on a “plus or minus” basis and are not actual bids. In order to acquire an exact price, an option would need to be chosen, and an accurate bid undertaken in order to ascertain the price therein,” and critically, “At the time of observation, the building was enclosed with temporary fences and inaccessible and only visible from the location of the enclosure fences. As a result, visibility was limited, primarily at the courtyard and northerly rear of the building.”

The Observation Letter also identified a number of other limitations in preparing the estimate, as the author was limited to confirmation of mandatory retrofitting upgrades and preliminary potential costs, was not given permission to access the property, did not review plans, could not comment on foundation integrity, and caveats that no structural integrity was evaluated and did not analyze the overall ability of the structure to withstand future loading conditions. As discussed in the BBSC Appeal Report Response to Issue 2, substantial evidence are facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Further, the Applicant submitted a letter to the Council File, in response to the Appeal, dated January 14, 2026, from WSP (previously known as Englekirk Associates), outlining the above deficiencies, and describing the difference in materials available to the Applicant’s consultants and those afforded to Alpha Structural, as well as Alpha’s omission of other important structural studies prepared for the Project in their analysis. It should be further noted that the Appellant neither commented on the Project’s structural or economic reports, nor did they submit any evidence contrary to the findings, during the Draft EIR comment period, or at any point prior to the BBSC hearing.

Additionally, as discussed in the Project CEQA Findings and the BBSC Appeal Report Response to Issue 5, Appendices H-1 through H-16 of the DEIR included expert reports regarding the technical feasibility of preservation of the Barry Building. Supplemental information provided by the Applicant in their communication to the Planning Department, dated July 15, 2024, contained reports updated for current economic conditions including: Barry Building Renovations by Hill International, November 2022, Barry Building Land Residual Analysis by CBRE Brokerage, March 2023 (Pro forma), Revised Cost Estimate, Hill International, June 27, 2024, Revised Revenue Analysis, CBRE Valuation, July 2024.

Therefore, the Appellant’s statements related to the Project’s economic feasibility as they relate to the CEQA Findings for the EIR’s Alternatives and SOC’s are not supported with substantial evidence. The EIR Findings and SOC adopted by the BBSC and the subject of the CEQA Appeal as discussed herein and in the EIR and findings are supported by substantial evidence.

Appeal Point 3

The BBSC’s decision to adopt the SOC’s directly contradicts the unanimous recommendation the Cultural Heritage Commission.

Staff Response 3

The Appellant reiterates previous appeal points addressed in the BBSC Appeal Report Staff Response to Issues 2, relating to the Appellant's misapplication of substantial evidence, as defined by CEQA, and Response to Issue 6, which relates to documents prepared for and testimony during the Cultural Heritage Commission (CHC) hearing. The Appellant primarily relies on statements made by City staff and CHC Commissioners on the potential negative impacts of the Project and the viability of the retrofit. However, these statements from the public meeting do not address specific deficiencies in the EIR analysis and supporting expert technical studies and otherwise do not demonstrate why the EIR findings and SOC are not supported with substantial evidence. While LADBS opted to refer the case to CHC for their input on the adequacy of the EIR's analysis of the impacts to historical resources and for informational purposes on the SOC's, the CHC meeting and the CHC recommendation are not required by the LAMC, and are not binding decisions. Ultimately, CHC recommended certifying the EIR as adequate and although the CHC recommended to not support the SOC's for the Project, this does not demonstrate that the SOC's are not supported with substantial evidence.

Appeal Point 4

LADBS is not qualified to perform the CEQA-related actions required to certify an EIR.

Staff Response 4

The Appellant reiterates previous appeal points addressed in the BBSC Appeal Report Staff Response to Issue 1 and Supplemental Response to Issue 1. As stated therein, LADBS is required to make the required finding per LAMC 91.106.4.5 for the demolition application on the subject project. That finding is a discretionary action requiring for which an EIR was prepared, and as such, LADBS is the decisionmaker as defined by CEQA and is required to certify the EIR prior to adopting the findings in LAMC Section 91.106.4.5.

Appeal Point 5

The EIR failed to analyze future development and engaged in improper project segmentation.

Staff Response 5

The Appellant reiterates their previous appeal point addressed in Staff Response to Issue 4 of the BBSC Appeal Report. As stated in the Staff Response to Issue 4, the Project does not include future development, and is not piecemealed or "segmented."

Appeal Point 6

The Statement of Overriding Considerations is not supported by substantial evidence.

Staff Response 6

The Appellant asserts, primarily relying on the Observation Letter discussed above as support for their arguments, that three of the five Project SOC's fail to override the impacts of the Project. Those contentions are, (1) a "feasible, low-cost Soft Story Retrofit" Project is feasible to remove a safety hazard, (2) that LAPD records suggest that the structure is not an attractive nuisance, and (3) that an economically feasible improvement is possible with the "preservation alternative."

As discussed in the CEQA Findings, each of the overriding considerations were found to separately and independently (i) outweigh the adverse environmental impacts of the Project, and (ii) justify adoption of the Project and certification of the completed EIR. The Project SOC includes five statements, so even if the three SOC identified were to be found invalid, two of the five SOC would be sufficient to override the Project's impacts.

The Appellant asserts the first SOC related to "remov(ing) an existing safety hazard and seismically unsafe structure, which includes significantly seismically overstressed building portions" could be met by a "feasible, low-cost Soft Story Retrofit." As discussed in Staff Response 2 of the BBSC Appeal Report, the Appellant's assertions that there is substantial evidence to support a "feasible, low-cost Soft Story Retrofit" has not been provided, as opinion that is deemed speculation or not supported by facts does not constitute substantial evidence. While the Alpha Structural report provides general estimates for a Soft-Story Retrofit, the Appellant does not address the structural issues identified in the SOC related to structural stability that is not strictly related to the Soft-Story Retrofit Ordinance, nor the economic feasibility and market studies that would determine that a minimal low-cost, Soft-Story Retrofit of the building could be feasibly leased and operated.

The Appellant continues to claim that the Los Angeles Police Department (LAPD) calls for service do not reflect the building as an attractive nuisance. The SOC related to attractive nuisance reads: "The Project would remove an attractive nuisance, namely a building known to be vacant, that may give rise to break-ins and other unlawful behavior, and which could pose safety and other risks to the surrounding community and adjacent properties for unlawful behavior within a structurally unsound building." The SOC is adopted as a public safety matter to both reduce potential calls for service and unlawful behavior as well as reduce risks related to a structurally unsound building. An attractive nuisance is defined by the inherent condition of the property, not by whether law enforcement has already documented repeated incidents. A vacant, unsecured, and structurally unsound building presents a foreseeable risk of trespass, break-ins, vandalism, fire hazards, and injury. The standard is preventive in nature. It addresses the likelihood of harm, not merely documented past harm. The SOC properly recognizes that the removal of a known vacant structure reduces foreseeable risk to the surrounding community. In addition, no evidence has been provided to support that the building is structurally stable, which is also a component of the SOC statement.

Finally, the Appellant asserts that a preservation alternative is economically feasible, contrary to the SOC, based on their Observation Letter's conclusions for a "feasible, low-cost Soft Story Retrofit." However, the Appellant does not fully acknowledge or address the rationale provided in rejecting the Preservation Alternative, which includes not only economic considerations, but also legal and safety considerations related to an uninhabitable structurally unsound structure. Even with the Appellant's "feasible, low-cost Soft Story Retrofit," other structural, legal, and safety issues would persist. Further, the Observation Letter's conclusions are not credible and do not constitute substantial evidence as discussed in Staff Response 2 above, Staff Response 7 below, and in the Additional Findings section below.

Please also see Staff Response to Issue 2 in the BBSC Appeal Report for a discussion of Substantial Evidence and Public Resource Code (PRC) Sections 21002, 21002.1 and 21081; Response to Issue 3 for a discussion of Alternatives and SOC; Response to Issue 5 and 6 for a discussion of Substantial Evidence with respect to the SOC for the Project.

Therefore, the Project SOC's are based on substantial evidence and were adopted in accordance with CEQA.

Appeal Point 7

The BBSC failed to review and consider the information in the EIR and exercise independent judgment.

Staff Response 7

As an initial matter, in acting on this appeal, the BBSC decision on the EIR, the EIR findings and SOC's, are set aside, and the City Council is required to exercise its independent judgment and consider the whole of the record prior to it acting to adopt the EIR findings and SOC. (CEQA Guidelines Section 15185).

In any case, the Appellant claims BBSC failed to comply with CEQA Guidelines Section 15090 when it denied the appeal because they did not "review and consider the information contained in the final EIR prior to approving the project." Appellant does not have proof that the Board failed to review and consider the information in the final EIR. The certification adopted by the Board expressly provide the BBSC exercised its independent judgment and reviewed and considered the information contained in the EIR and adopted findings that it considered the whole of the record. Appellants point to nothing to demonstrate that the Board failed to comply with their legal obligation under CEQA. The Appellant makes a claim of a bias based on comments that the BBSC Commissioners made about the Appellant's appeal materials. This does not demonstrate that the Board did not consider the EIR or other matters outside of their comments. As such, the claims that the BBSC violated CEQA by failing to consider information in the EIR or in the record, are unfounded. The BBSC was clear during the hearing that the appeal hearing was based on the de novo standard, or the whole of decision, and that the facts of the case were before the BBSC. The BBSC was presented with written comments submitted prior to the hearing, including Appellant's Observation Letter, before it and took comments from every party that requested to speak at the hearing.

The Appellant next makes assertions that they were denied "a fair and impartial hearing" by the BBSC due to hostility and procedural bias exhibited by a Commissioner, resulting in the dismissal of key, credible evidence. The basis for this assertion is that: the BBSC improperly disregarded the Observation Letter; during the hearing, the Commissioner questioned the credibility of the report based on speculation rather than technical merits, demonstrating a bias based on personal conjecture; the Commissioners referred to the Observation Letter as being a "day of" submission when it was submitted two days prior to the hearing on a weekend; a Commissioner referred to Project Site as in the "City of Brentwood" which the Appellant suggests implies a "fundamental jurisdictional error that undermines the relevance of his personal opinion on cost," rather than a colloquial reference made extemporaneously; the "BBSC's subsequent decision to uphold the finding of infeasibility, despite this clear bias and the existence of compelling counter-evidence, constitutes a fundamental violation of due process and an abuse of discretion, thereby requiring the City Council to void the BBSC's action"; and the BBSC did not review the record in totality, and did not exercise independent judgment, citing case law.

In response to these assertions, it should be noted that the BBSC first discussed their role as focused on structural safety before discussing the overall record, then stated that sufficient evidence had been submitted into the record by the Applicant, and began deliberations on the appeal, which included the Observation Letter. During the deliberations, Commissioner Rosales,

the Commissioner to which the Appellant is referring to, made comments related to the technical merit of the Observation Letter, expressing that it is “an estimate” and that the cost was grossly underestimated in their opinion and experience, which includes 18 years of experience in the general construction industry, specializing in electrical engineering and project management.¹ Further, the Observation Letter’s conclusions are not credible and do not constitute substantial evidence as discussed in Staff Response 2 above and in the Additional Findings section below.

Regarding the references to the “day of” submissions and “City of Brentwood” (rather than the more accurate description of “community of Brentwood”), neither of these points are relevant to the appeal or discussion held by the BBSC, as the BBSC did consider the Alpha Structural report, and an error in reference to “city of” or “community of” did not prejudice the action. Regarding due process rights, the Appellant does not support this assertion beyond interpretations of BBSC deliberations. The Appellant also states that the BBSC should not substitute professional estimates with personal, irrelevant, or biased speculation. The BBSC considered the substantial evidence in the record, including multiple structural and economic technical reports, consistent with CEQA.

Therefore, the BBSC acted based on the whole of the administrative record in making their determination, and the Appellant’s assertions of bias and incomplete review of evidence are not supported.

Supplemental Materials Incorporated by Reference in the Appeal Justification

The Appellant incorporates the following documents into their Appeal by reference:

- (1) Appeal Justification letter, dated July 8, 2025
- (2) A Supplemental Letter, dated November 17, 2025
- (3) An “Objection Letter”, dated November 29, 2023, submitted to City Planning by Robert Blue, and
- (4) A collection of eight letters ranging from 2009 to 2025 submitted by the LA Conservancy

It should be noted that each of the incorporated documents have each been addressed previously, as specified below:

- Reference documents (1) and (2) were addressed as part of the BBSC Appeal Report (Attachment 1), included as a link at the end of this document, and available in the Council File for the Project.
- Reference document (3) is a letter submitted after the publication of the FEIR objecting to an expert response to a DEIR comment submitted by the Appellant. The document presents irrelevant information, inappropriate and unprecedented methodology arguing against the response in the FEIR. The arguments have been fully addressed by a memo prepared to the FEIR.
- Fourth, the Appellant included eight letters submitted by the LA Conservancy including:
 - Letters from 2011, 2010, and 2009 on a previous Project proposed on the Project Site that was withdrawn;
 - A 2020 NOP comment letter and 2023 DEIR comment letter, which were responded to in subsequent EIR documents;
 - A September 3, 2024, letter to CHC, which supports the Staff Recommendation to the CHC, but raises no substantive points;

¹ <https://dbs.lacity.gov/our-organization/building-and-safety-comissioners>

- An October 2024 letter to LADBS, urging denial of the demolition permit, reiterating the September 2024 letter in content;
- A November 12, 2025 letter submitted to the BBSC in support of the Appeal that did not raise any new points, but supportive of the appeal points made by the Appellant.

APPELLANT SUPPLEMENTAL LETTER DATED JANUARY 5, 2026

The Appellant submitted a Supplemental Letter in support of the CEQA Appeal on January 5, 2026. The supplemental points are summarized and addressed below.

Supplemental Point 1-1

Evidence in the record shows that the City conducted perfunctory tribal consultation, violating State law and the *Koi Nation* decision.

Supplemental Staff Response 1-1

The Appellant asserts the City did not conduct consultation in accordance with State law and that this perfunctory consultation matches the fact pattern in the *Koi Nation of Northern California v. City of Clearlake* (2025) decision (Koi Decision), which held consultation was not conducted properly. The Appellant provides only one email sent by the City, and a response provided by the Tribe.

State law requires meaningful, “good faith” government-to-government consultation on actions taken by local and state governments that affect Tribal Cultural Resources. This process is often referred to as an AB 52 tribal consultation. Various state laws establish the consultation process, specifically PRC Section 21080.3.2, which establishes the standards by which consultation may be concluded if mutual agreement is not reached, and which provides for two methods to conclude consultation, one of which being that a single party “acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached”.

State law requires local governments notify Tribal representatives of proposed projects early in the environmental review process, that good faith consultation is conducted, and when resources are present, mitigation measures are developed with Tribal input. The record for this Project shows that Tribal representatives were sent notices related to preparation of the Initial Study via certified mail on July 27, 2020. On July 31, 2020, the Gabrieleño Band of Mission Indians – Kizh Nation responded and requested consultation in a letter dated July 31, 2020. Prior to the consultation, Staff provided the Tribe with an aerial image of the Project Site, the Site addresses, existing Project Site conditions (including soil conditions), the proposed depth of excavation (approximately five feet below grade to remove existing utilities), and confirmation that the Sacred Lands File (SLF) search completed by the Native American Heritage Committee (NAHC) yielded negative results. On October 7, 2020, the City conducted consultation via phone with the Tribe. In addition, after the call, Staff emailed the Tribe to memorialize the Tribe’s request regarding the origin of the on-site soil from grade to five feet and that the Tribe would provide Staff with information pertaining to the Site’s history. On November 2, 2020, the Tribe submitted, via email, further documentation supporting their discussion during the phone consultation. In summary, as explained by the Tribe, the Project Site is located within and around the Village of Kuruvungna, adjacent to sacred waterways and trade routes which would qualify as “cultural landscapes” as defined in the PRC, resulting in a high potential to impact tribal cultural resources as the soil is “from the thousands of years of prehistoric activities that occurred within and around these Tribal

Cultural landscapes.” On July 6, 2022, the City issued a “pre-closure” letter explaining the City’s position on a number of topics discussed during consultation, as well as addressing the documents submitted by the Tribe in the context of the PRC definitions and standards for determining what constitutes a Tribal Cultural Resource. As mentioned in the Pre-Closure Letter, the City found no substantial evidence of an existing Tribal Cultural Resource within the project area and that the City is not aware of any tribal cultural landscapes in the Project area that are included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historic resources. An administrative draft of the Tribal Cultural Report, with additional information and analysis, was also provided to the Tribe for review. The letter also included a commitment that an Inadvertent Discovery standard Condition of Approval would be imposed for the Project, a standard condition the City imposes on development Projects. On July 21, 2022, without a response from the Tribe, the City formally concluded consultation, noting that the City, in acting in good faith and after reasonable effort, concluded that mutual agreement cannot be reached. On August 30, 2022, the Tribe responded via email, seeking further information on closure of consultation.

As shown by evidence in the record, the City engaged in good faith consultation on the Project. It should also be noted that subsequent to the closure of consultation, the DEIR was published with extensive details and analysis on the evidence available from the Tribe and other sources. The information provided to the Tribe, as well as the DEIR, are clear that the Project includes minimal excavation, five feet depth of excavation to remove the existing structures which were built over previously disturbed soil. While there was a lack of evidence to demonstrate that tribal cultural resources (as defined by CEQA) were located on-site, and that the potential for the Project to disturb any inadvertent resources in the soil would be very low, nonetheless, the City conducted consultation with the Tribe and shared the language of a standard Condition of Approval for the Inadvertent Discovery of tribal cultural resources.

The Appellant further contends the content and manner by which the City conducted consultation was perfunctory and not meaningful. In addition to the good faith efforts detailed above to meet and discuss with the Tribe, the City acted in good faith in evaluating the record and concluding consultation. The Appellant cites the Pre-Closure Letter as being issued “despite “ongoing concerns from the Tribe”, but provides no specifics and suggests City Planning “admitted it “recognize[s] the Tribe’s concerns,” yet concluded that “no evidence was found identifying any tribal cultural resources on the Project Site.” The Appellant cites a subsequent email, received August 30, 2022, from the Tribe following closure of consultation, in which the Tribe requested “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.” However, as explained in the pre-closure letter, the provided oral statements and documented information did not provide substantial evidence to support the standards identified in PRC Sections which establish what constitutes a Tribal Cultural Resources. The letter also explained the basis to conclude consultation without mitigation and explained the reason for imposing an attached standard Condition of Approval. The documents addressed in the pre-closure letter included comments and maps/documents that had been regularly submitted across numerous projects by the Tribe (which were consistently not specific to a particular Project Site), identifying broad geographies within the City by the Tribe as “cultural landscapes” related to the cited PRC Sections concerning substantial evidence and Tribal Cultural Resources. The August 30, 2022 email cited by the Appellant continues to primarily cite the same general issues and does not raise specifics or new information regarding the Project.

Further, the Appellant misapplies the ruling in the *Koi Decision* as the court primarily found that the City of Clearlake (herein referred to as Clearlake) did not clearly show when consultation was

conducted, and that after a Tribe had submitted a proposed treatment protocol, Clearlake did not clearly document nor justify the adoption of select mitigation measures, despite the use of an archeological study that conceded that a Tribe would be a more appropriate source of information, and failed to consult with the Tribe after considering mitigation measures from the archeological study. Critically, the *Koi Decision* did not rule on when consultation can be concluded. As shown above, the City engaged in good faith with the Tribe that requested consultation, documented its decisions and what measures would be imposed, shared those with the Tribe, and concluded consultation pursuant to PRC Section 21080.3.2.

The Appellant contends, based on their misapplication of the *Koi Decision*, that “by prioritizing the absence of physical ‘scientific’ evidence over the Tribe’s identified concerns, the City committed the exact error identified in the *Koi Decision*, which mandates that tribal expertise and values be weighed as substantial evidence regardless of archaeological findings.” The Appellant fails to clearly enumerate or specify the Tribe’s “identified concerns” which, as discussed above, were general in nature and not specifically related to the Project. The City clearly explained in the Pre-Closure Letter that PRC Section 21074(a) establishes criteria for identifying Tribal Cultural Resources, and provides a clear justification for the City’s conclusion that no substantial evidence was provided that such resources exist on the Project Site.

Therefore, the City properly conducted and closed the Tribal consultation required by CEQA.

Supplemental Point 1-2

The City failed to seek Mutual Agreement on Mitigation with the Tribe

Supplemental Staff Response 1-2

The Appellant asserts the City did not conduct consultation properly by dismissing the Tribe’s concerns and by the City’s decision to close consultation while recognizing concerns but failing to address them through modified mitigation. In addition, the Appellant states that there is a sparse record, showing that the City did not carefully consider Tribal input and this prejudicial abuse of discretion, leads to a “legally indefensible” Project.

However, as discussed above, the City clearly identified the Tribe’s concerns; evaluated the available evidence, which included oral testimony and maps identifying general locations of villages, waterways, and trade routes; conducted and concluded consultation with proper noticing and communications, and imposed a Condition of Approval, in accordance with State law.

Supplemental Point 1-3

The EIR ignores the acknowledgement that the Kith Nation is a foundation of the early economy of Los Angeles.

Supplemental Staff Response 1-3

The Appellant argues that the Final EIR ignores the underlying Tribal Cultural landscape by treating the Barry Building site as a modern historic monument or a seismic risk, and claims the decision in the *Koi Decision* prohibits the City from “neglecting this broader cultural context in favor of narrow project-site surveys.” However, there is no connection between the historic designation of the Barry Building and identification of Tribal Cultural Resources. As discussed in Supplemental Staff Responses 1 and 2, consultation was concluded appropriately.

Supplemental Point 1-4

The EIR improperly segments the Project and fails to disclose full Tribal Cultural Resource impacts.

Supplemental Staff Response 1-4

The Appellant claims that the Project is improperly piecemealed and obscures the “true impact of the project: the eventual deep excavation for redevelopment.” As discussed in BBSC Appeal Report Staff Response to Issue 4, and reiterated above in Appeal Staff Response 5, the Project is for demolition only, there is no development project proposed at this time. The Appellant’s claims of “true impacts” and “deep excavation” are pure speculation without any evidence.

SIEGLINDE KRUSE COMMENT LETTER DATED FEBRUARY 5, 2026

On February 5, 2026, Sieglinde Kruse submitted a comment letter rebutting an Applicant submitted letter dated January 20, 2026. The letter generally builds on the arguments addressed in the Appellant Supplemental Letter, dated January 5, 2026, related to tribal cultural resources, purported new evidence in the record, soil conditions, and public participation. These supplemental points are summarized and addressed below.

Supplemental Point 2-1

“Newly discovered” evidence regarding Tribal Cultural Resources has been revealed

Supplemental Staff Response 2-1

The commenter claims that “newly discovered” evidence undermines the EIR. This “new” evidence relates to technical expert statements in technical reports to the DEIR, purported discrepancies in soil excavation, a purported breach of confidentiality during tribal consultation, a lack of “meaningful” consultation in violation of the *Koi Decision*, and how this information relates to the CEQA appeal consideration.

First, the commenter claims SCWA Environmental Consultants, who prepared the technical report on Tribal Cultural Resources, “formally deferred the assessment of TCR impacts to the expertise of the Tribe(s).” However, the commenter provides no support for that assertion. Further, in their report dated November 2022, Appendix F-3 of the Draft EIR, SCWA details the information they consulted to reach a conclusion related to sensitivity for Tribal Cultural Resources on the Project Site. Per State Law, Tribes are given deference as experts on their resources. The City acknowledges this expertise in addition to other experts on the subject matter. As discussed above in Supplemental Response 1-3, the Pre-Closure Letter, and communication concluding consultation, the City made a determination, based on the evidence in the record, that there was not sufficient evidence in the record to impose a Mitigation Measure and concluded consultation per State Law. While SCWA may have deferred to the Tribes, it was determined that the evidence presented by the Tribes did not merit imposition of a mitigation measure.

Next, the commenter claims that discrepancies in soil depth exist in the record, citing the EIR. The technical report prepared by SCWA expressly recognized that the proposed demolition of the Barry Building may go to five feet below grade, on page 6 of Appendix F-3 of the EIR, but that the known artificial fill at the site may only go to two feet below grade, on page 13. Recognizing that

difference, SCWA accounted for the potential of tribal cultural resources in alluvial soil below the artificial fill. The nature of the soil at the subject property was expressly recognized on page IV.G-11 of the Draft EIR. This was also disclosed in a geotechnical report, dated June 2020, by Geocon, provided in Appendix C of the Initial Study and Appendix A of the DEIR. As discussed above in Supplemental Response 1-3, these reports were shared with the Tribes during consultation; and as detailed in the Pre-Closure Letter and Closure Letter, the City made a determination, based on the evidence in the record, that there was not sufficient evidence in the record to impose a Mitigation Measure, and concluded consultation per State Law.

The commenter next claims that the City violated the *Koi Decision* and that the “City’s breach of confidentiality regarding sensitive tribal archives” constitute a failure of the AB 52 process, but provides no specifics or documentation of a breach of confidentiality. The *Koi Decision* as well as the tribal consultation process for the Project are discussed above in Supplemental Response 1-3, wherein the City conducted and concluded consultation in compliance with State Law.

Finally, the commenter claims their “new evidence” indicating an error should be presented to the PLUM Committee. As discussed above, the evidence provided is not new as it has been well documented in the record; however, the commenter’s claim has been uploaded to the Council File for the PLUM Committee’s review.

Supplemental Point 2-2

Contradictions regarding subsurface soil composition and dismissal of Tribal Evidence

Supplemental Staff Response 2-2

The commenter continues to make a number of claims related to soil depth and the implications for the analysis, including assertions related to Tribal statements during consultation. These assertions about soil depth are addressed above in Supplemental Staff Response 1-2. Further, the Commenter’s claims about specific arguments made by the Tribes are not reflected in the record. These arguments do not make specific claims about the EIR.

Supplemental Point 2-3

The City conducted inadequate consultation in violation of the *Koi* ruling.

Supplemental Staff Response 2-3

The commenter again argues that the City violated the *Koi Decision* based on the soil discrepancy mentioned previously in Supplemental Response 2-2; and that because the City could not provide any records demonstrating that they responded to the Tribe’s communication, that this results in inadequate consultation. As discussed above in Supplemental Staff Response 1-3, the consultation was conducted and concluded per State Law and no violation of the *Koi Decision* is present. As discussed above in Supplemental Staff Response 2-2 through 2-3, the depth of excavation was disclosed to the Tribes and evident in the record. The commenter concludes by asserting that a single party, in their view, effectively cannot conclude consultation on its own. As discussed above, in Supplemental Staff Response 1-3, consultation may be concluded by a single party. Therefore, the City conducted adequate and properly concluded consultation per State Law.

Supplemental Point 2-4

The City dismissed the quantifiable impact to native soils (0–5 foot depth).

Supplemental Staff Response 2-4

The commenter restates arguments made above in Supplemental Points 2-2 through 2-3 related to soil depth, concedes that the depth of excavation was in the record, and again claims the City dismissed the Tribe's evidence. The commenter also claims that disturbing virgin soil is a significant impact but does not provide evidence substantiating as such. As discussed above, the depth of excavation was disclosed, consultation was adequately conducted and concluded properly pursuant to State Law, and as outlined in the Pre-Closure and Closure Letters, a Condition of Approval for inadvertent discovery has been imposed on the Project in the unlikely event that any tribal cultural resources are found in the five feet of soil below the foundation. Therefore, the EIR was prepared correctly pursuant to CEQA.

CHANNEL LAW SUPPLEMENTAL LETTER DATED FEBRUARY 11, 2026

The Appellant's Representative submitted an additional Supplemental Letter on February 11, 2026. In general, the letter argues that the EIR's alternatives analysis, Findings, and Statement of Overriding Consideration are predicated on the economic infeasibility of the preservation of the Barry Building which cannot be independently analyzed or verified by the City or the public due to the points listed and addressed below. In addition, on February 17, 2026, the Applicant's Representative submitted a rebuttal to the February 11, 2026 letter to the Council File.

Supplemental Point 3-1

- Withholding of building drawings

Supplemental Staff Response 3-1

The Appellant contends that the City withheld building drawings or other information that precludes an expert, the public, or the City from analyzing or verifying the reports submitted by the Applicant. The Appellant's claims are directly contradicted by DEIR Appendices G and H-1 through H-7, which include photos, building plans, and other drawings used in the feasibility discussion. Specifically, Englekirk Associates discusses these plans and provides images of them in their Seismic Assessment (Appendix H), which lays out their expert opinion on the structural stability of the building and deficiencies under the Soft-Story Retrofit Ordinance. As discussed in the appeal responses above, the City complied with CEQA requirements in certifying the EIR, Findings, and adopting the SOC's.

Supplemental Point 3-2

- Lack of physical access has been provided to the site

Supplemental Staff Response 3-2

The Appellant continues the argument above by claiming that without physical access to the property, this precludes an expert, the public, or the City from analyzing or verifying the report submitted by the Applicant. The City cannot legally compel access to private property for

inspection by a third party. As discussed in Staff Response 2-1 above, adequate information has been disclosed in the structural studies for the public, a third-party expert, and the Appellant to evaluate the studies submitted for the Project. Further, the DEIR appendices included photos, an inspection report, and other materials beyond drawings that provide more information about the structure.

Supplemental Point 3-3

- The City has withheld HABS documentation submitted during the process

Supplemental Staff Response 3-3

The Appellant claims the City has withheld Historic American Building Survey (HABS) documentation, and that a draft HABS report was completed in 2025. The Department of City Planning has no record of any HABS documents being submitted to the City at the time of the preparation of this appeal report. However, the Project EIR includes a Mitigation Measure that requires a HABS survey be submitted prior to issuance of a demolition, during the permitting process.

Supplemental Point 3-4

- The Appellant's due process and right to a "Fair Hearing" has been violated

Supplemental Staff Response 3-4

The Appellant continues by claiming that by withholding the above information the City has violated the public's due process rights and prevented a fair hearing on the Project. As discussed in the appeal response above, the Appellant's claims are contradicted by the materials the Appellant claims are not present being present in the record.

Supplemental Point 3-5

- Failure to disclose information violates CEQA

Supplemental Staff Response 3-5

The Appellant next argues that the lack of information identified in the above points renders the EIR invalid as an informational document because it lacks adequate documentary evidence from the record to allow the public to meaningfully scrutinize and verify the City's conclusions. As discussed in the appeal responses above, the record for the Project, including the EIR, includes adequate information, documentation, rationale, and justification for the City's conclusions.

CHANNEL LAW SUPPLEMENTAL LETTER DATED FEBRUARY 16, 2026

On February 16, 2026, the Appellant's Representative submitted a Supplemental Letter by countering statements made by the Applicant in their February 10, 2026 Letter. While no new appeal points are raised that were not previously addressed directly above in the Supplemental Staff Responses to the Appellant Supplemental Letter, dated January 5, 2026, these supplemental points are summarized and addressed below.

Supplemental Point 4-1

Additional reports used to generate cost estimates were not disclosed, precluding outside experts from commenting.

Supplemental Staff Response 4-1

The Appellant raises similar arguments addressed in Supplemental Staff Response 3-1 through 3-5, but includes unrelated studies such as HVAC and hazardous material abatement. The Appellant does not consider the information in the record which fully discloses the structural issues with the building necessitating work beyond minimum code compliance, from which further studies by economic experts substantiate the economic infeasibility of such work. Further, information related to HVAC or hazardous material costs does not change the structural stability findings outlined in DEIR Appendix G, Seismic Assessment by Englekirk Structural Engineers, nor would they dispute the additional work required. Therefore, as discussed in Supplemental Staff Responses 3-1 through 3-5, adequate information was disclosed related to the economic feasibility of preservation of the building.

ADDITIONAL FINDINGS

To aid the decision makers in balancing competing expert testimony submitted into the record related to 11973 San Vicente Boulevard Project; Barry Building HCM #887, Case Number ENV-2019-6645-EIR-1A; CF 25-1518, the following findings of fact have been prepared and are recommended to the City Council for adoption.

As part of the environmental review process a number of studies were prepared for the Project, a relevant list is provided here:

- 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)
- Barry Building Renovations by Hill International, November 2022,
- Barry Building Land Residual Analysis by CBRE Brokerage,
- March 2023 (Pro forma), Revised Cost Estimate, Hill International, June 27, 2024,
- Revised Revenue Analysis, CBRE Valuation, July 2024

Each of the reports were prepared by subject matter experts and include curriculum vitae demonstrating expertise in subject matter, as well as familiarity with their subject matter in the Los Angeles area. Based on this, the City finds the preparers of these studies to be experts.

Each of the above documents include copies, summaries of original materials, reports of site visits, methodologies, or otherwise document how the analysis was conducted. Based on a review of these materials, the City finds that the opinions expressed in those reports were based on facts and demonstrate an adequate foundation to be credible.

However, the opinions in the Observation Letter, submitted by the Appellants, lack credibility on the opinion for the realistic cost for a minimum retrofit. The Observation Letter outlines the scope

of work they were retained to conduct, what materials referenced, limitations in preparing the document, caveats, and finally provides an estimated dollar value for further work. All of these issues demonstrate the author of the Observation Letter lacked information to make the conclusion on the work necessary to complete a minimum retrofit. Additionally, BBSC Commissioner Rosales, an expert with 18 years of experience in the general construction industry, commented at the hearing that they found the report to be a gross underestimate the costs of retrofit work based on their experience of construction in the area of the City. (Commissioner Rosales experience at footnote 1).

Further flaws are summarized in this appeal report discussed in Staff Response numbers 2 and 7, above. Generally, as Alpha Structural notes, the letter contains “rough estimates” for repair options of the building, but are noted to be estimates not bids, further studies would be required to provide accurate or exact pricing, that the building was observed from a distance and no access to the site was available resulting in limited visibility, no plans were consulted as part of the process, no structural assessment of the foundation was conducted, and critically no structural integrity evaluation was provided.

As Alpha Structural did not have access to critical foundational material in preparing their analysis, the City finds the Observation Letter testimony to not be credible for the conclusion of the realistic cost to do a minimal retrofit for purposes of finding EIR alternatives feasible.

CONCLUSION

Per LAMC Section 13B.11.1.F.9.a, the City Council shall conduct a ***de novo review*** of the CEQA Clearance and shall consider the whole of the project, including any documents timely filed on the appeal. The EIR is comprehensive and has been completed in full compliance with CEQA; and the Appellant has failed to present any new evidence or testimony to demonstrate otherwise. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the supposed inadequacy of the EIR, mitigation measures, statements of overriding consideration, or the findings, have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that revision of the Draft EIR is warranted.

As discussed above, the BBSC acted in accordance with CEQA and other laws, and neither the Appellant nor any other person’s due process rights were infringed upon; and the BBSC decision adequately made findings of approval consistent with the LAMC and the provisions of CEQA. Therefore, in consideration of all the facts, Planning Staff recommends that the PLUM Committee and City Council deny the appeals and sustain the decisions of the BBSC and take all of the following actions:

RECOMMENDED ACTIONS

Based on the above, City Planning recommends that the City Council take the following actions:

1. Deny the Appeal
2. Find that the City Council has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2019-6645-EIR (SCH No. 2020110210) dated,

February 2023 and the Final EIR, dated September 2023 as well as the whole of the administrative record.

3. CERTIFY that:
 - a. The 11973 San Vicente Boulevard EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
 - b. The 11973 San Vicente Boulevard EIR was presented to the City Council as a decision- making body of the lead agency; and
 - c. The 11973 San Vicente Boulevard EIR reflects the independent judgment and analysis of the lead agency.
4. ADOPT the following:
 - a. The related and prepared 11973 San Vicente Boulevard EIR Environmental Findings included in the Council File, and the Additional Findings prepared by City Planning in its report, dated February 19, 2025
 - b. The Statement of Overriding Considerations included in the Council File ;and,
 - c. The Mitigation Monitoring Program prepared for the 11973 San Vicente Boulevard EIR included in the Council File.

VINCENT P. BERTONI, AICP
Director of Planning



Jason McCrea
City Planner

VPB:MZ:MN:JM

cc: Craig Bullock, Planning Director, Council District 11

A link to the LADBS Board of Building and Safety Commissioners (BBSC) Appeal Report (Attachment 1) is provided below:

https://cityclerk.lacity.org/online/docs/2025/25-1518_misc_5_12-16-25.pdf