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April 2, 2026

Los Angeles City Council
Los Angeles City Hall
200 N. Spring St., Room 340
Los Angeles, CA 90012
Attn: Office of the City Clerk

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 City Council 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 submit this letter in response to the letter dated March 31, 2026 (the "March 31st Letter") submitted by Jamie Hall, counsel for the appellant Angelenos for Historic Preservation ("Appellant"). The March 31st Letter raises a number of procedural arguments concerning the City Council's action on March 6, 2026 concerning the appeal filed by Appellant from the prior certification of an EIR and adoption of a Statement of Overriding Considerations for the Demo Permit by the Department of Building and Safety, which decision was upheld by the Board of Building and Safety Commissioners. Specifically, Appellant argues that the Council's remand of the appeal to the Planning and Land Use Management committee ("PLUM Committee") means that the appeal must be deemed denied under the provisions of the Los Angeles Municipal Code ("LAMC") and a subsequent hearing by PLUM Committee on the appeal cannot be held.

Appellant's procedural arguments are defective for a variety of legal reasons. Before reviewing those legal deficiencies, however, we note that Appellant in its prior emails and letters to the City Council urged the Council to do exactly what the Council did on March 6th and remand the matter back to the PLUM Committee for another hearing. For example, in the Appellant's letter dated March 5, 2026 sent by Bob and Ziggy Blue, entitled "Brown Act--Cure and Correct," the Appellant stated "To cure these violations, the City must void the action taken on Item 8 and re-agendize the matter…" (See page 5 of this letter; emphasis added.) Similarly, in a letter dated March 3, 2026 sent by legal counsel for the Appellant (Jamie Hall), Mr. Hall states that in light of alleged

procedural deficiencies in the PLUM hearing, the City Council must "[r]escind the actions taken in denying the CEQA appeal" and hold a "new public hearing." (Refer to page 3 of that letter; emphasis added.) Yet now that the City Council acted to remand the CEQA appeal back to the PLUM Committee for another hearing—the exact relief sought by Appellant—the Appellant now argues that a second hearing before the PLUM Committee would be procedurally improper. Such litigation gamesmanship should not be tolerated by the City.

The Appellant's litigation strategy is based on a misreading of the City's Municipal Code. Before reviewing the applicable provisions of the Code, however, it is important to note at the outset that the case law is very clear that cities are entitled to great deference in interpreting their own local codes. "A city's interpretation of its own ordinance is entitled to "great weight and respect" because, among other reasons, "the agency has expertise and technical knowledge" in the area of land use. (*Harrington v. City of Davis* (2017) 16 Cal.App.5th 420, 435.) Accordingly, the courts have held that "an agency's view of the meaning and scope of its own ordinance is entitled to great weight unless it is clearly erroneous or unauthorized." (*Id.,* citing to *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1193, emphasis added. See also *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2010) 184 Cal.App.4th 1032, 1040-41 [finding "the City's interpretation of its own Municipal Code is entitled to considerable deference"].) This is particularly true where the legal text to be interpreted is "complex." (*Yamaha Corp. of Am. v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12.)

The Appellant's new argument is that the LAMC imposes an obligation on the City to act on CEQA appeals within 75 days and if final action by the City Council on a CEQA appeal is not taken within that time period, the appeal is deemed denied and cannot be further acted on by the City.[1] For a number of reasons, however, that argument is contrary to both the applicable provisions of the LAMC and state law. First, the LAMC does contain a provision stating that "the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellant body" and that "failure of the appellate body to render a timely decision shall result in the denial of the appeal." That provision is contained in Section 13A.2.8.F. However, that section is in the division of the LAMC that sets forth "General Procedural Elements." (Emphasis added.) CEQA appeals are specifically addressed, however, in Division 13B.11 of the LAMC. With respect to CEQA appeals, Section 13 B.11, subdivision 1.F.7, states that "the appeal shall be decided by the City Council within 75 days of the of being filed." Importantly, this provision does **not** contain the statement that the appeal shall be deemed denied if the City Council does not

[1] Appellant's lawyer asserts in the March 31st letter that there was ample time between March 4th and March 6th for the Applicant to submit an extension of time request. However, the Council voted at its March 4th meeting to uphold the PLUM Committee's recommendation to deny the CEQA appeal, and it was not until the Council's meeting on March 6th—the 75th day—that the Council reconsidered its prior decision and voted to remand the matter back to the PLUM Committee.

act within those 75 days. This provision of the LAMC controls with respect to CEQA appeals, including the Appellant's CEQA appeal, because under fundamental rules of statutory interpretation, the more specific statute governs instead of a more general statute. (See *Arbuckle-College City Fire Prot. Dist. v. Cty. of Colusa* (2003) 105 Cal.App.4th 1155, 1166 ["[i]t is a general rule of statutory interpretation that, in the event of statutory conflict, a specific provision will control over a general provision"]. See also *Salazar v. Eastin* (1995) 9 Cal. 4th 836, 857.) Moreover, no person or even a court can add provisions to a code or statute that are not in the code or statute; doing so would violate another fundamental rule of statutory construction. (See, e.g., *id.* at 1167 [" we may not imply additional exemptions unless there is a clear legislative intent to the contrary."]. See also *Vedanta Soc'y of So. Cal. v. Cal. Quartet* (2000) 84 Cal. App.4th 517, 531 [the court noted a clear a distinction between outcomes where board procedures specified certain contingencies and any contingency not enumerated]; *Conrad v. Medical Bd. of California* (1996) 48 Cal.App.4th 1038, 1046; *Khan v. Medical Board* (1993) 12 Cal.App.4th 1834, 1845.)

The absence of an express provision in the Code deeming the CEQA appeal is denied if not acted upon within 75 days is essentially mandated by state law (which controls over local law), namely the California Environmental Quality Act (Cal. Public Resources Code section 21000 *et seq*.).[2] Specifically, CEQA Section 21151(c) provides that if a non-elected decision making body of a local lead agency certifies an environmental impact report, that certification may be appealed to the agency's elected decision making body, including a city council. Case law has held that the elected decision-making body of the local lead agency cannot avoid making a decision on the merits of a CEQA appeal by relying on its local procedures. For example, in *Vedanta Soc'y of So. Cal. v. Cal. Quartet* (2000) 84 Cal.App.4th 517, the Court determined that CEQA Section 21151(c) obligates elected decision-makers to act on the merits of an appeal of a certified EIR. Local agencies cannot omit an appeals process because under CEQA, "*each local lead agency shall provide for such appeals*."(*Vedanta Soc'y of So. Cal. v. Cal. Quartet* (2000) 84 Cal.App.4th 517, 526, original italics.) In the *Vedanta* case, the Court held that the ultimate responsibility for approving or adopting an EIR falls on the elected board when acting on an appeal per CEQA Section 21151, and therefore the board could not neglect its duty to make affirmative findings concerning certification of the EIR. (*Id.* at pp. 525-30.) Further, as the Court found in *Vedanta*, the requirements under CEQA for affirmative action "necessarily trump any local custom which would have the effect of obviating those requirements." (*Id.* at p. 532 [county did not comply with CEQA Section 21151(c) despite the county's local code provision concerning deferring to the planning commission's action when the board of supervisors had a tie vote on the CEQA appeal].)

[2] We note that even the LAMC recognizes that law other than the City's Code (such as state law) may govern—"Decisions must be made within the time period specified in this Article, or as otherwise required by law."

This requirement under state law for the elected decision-making body of the local lead agency to act on the merits of a CEQA appeal is the reason why the section of the City's LAMC concerning CEQA appeals does not contain a provision stating that a CEQA appeal is deemed denied if the Council does act within 75 days. Accordingly, the Appellant's newly fashioned argument must be rejected by the City, and the City should proceed with the PLUM Committee hearing on the Appellant's CEQA appeal scheduled for April 14, 2026.

Sincerely,

Edward J. Casey

cc: Craig Bullock, Planning Director, Council District 11
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