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CITY ATTORNEY

REPORT NO. R 22 - 0 2 7 4
AUG 19 2022

REPORT RE:

COURT ORDERED VACATION OF CEQA DETERMINATION

SUNSHINE HILL RESIDENTS ASSOC. v. CITY OF LOS ANGELES,
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 20STCP03910
(COUNCIL DISTRICT 4)

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 19-1134

Honorable Members:

In the case of *Sunshine Hill Residents Assoc. v. City of Los Angeles*, Los Angeles County Superior Court Case No. 20STCP03910 (Writ Action), the Court found the City's approved Notice of Exemption (NOE) for a single family residential project did not comply with the requirements of the California Environmental Quality Act (CEQA). Accordingly, the court has ordered the City to vacate the NOE.

The applicant is Mr. Larry Schlossberg and the property is located at 11472 W. Laurelcrest Drive, Los Angeles, CA 91605 (Project). The CEQA determination was initially made by the Board of Public Works and not the Planning Department because a permit to remove protected trees was the Project's sole required City discretionary approval. On September 13, 2019, the Board of Public Works approved the NOE for the Project. On September 24, 2019, Sunshine Hill Resident's Association (Sunshine Hill) appealed the Board of Public Works' determination to the City Council. On November 4, 2020, the Public Works Committee considered the appeal and recommended the City Council deny the appeal and make a new determination that the Project was categorically exempt from the requirements of CEQA.

On November 24, 2020, the City Council approved the committee's recommendation and replaced the Board of Public Works' CEQA determination by adopting a new finding that the Project was exempt from the requirements of CEQA. Sunshine Hill then filed the Writ Action challenging the City Council's CEQA determination arguing the City's environmental determination did not comply with the requirements of CEQA. On April 27, 2022, Judge Strobel entered judgment against the City and ordered the City to vacate the City Council's CEQA determination.

Because the City Council entered the operative CEQA determination challenged by the Writ Action, to comply with Judge Strobel's order, the City Council must vacate its November 24, 2020, action approving the Project's CEQA NOE.

Recommended Action

Our Office recommends the City Council take the following action:

Vacate City Council's November 24, 2020, action approving the Project's CEQA NOE.

If you have any questions regarding this matter, please contact Deputy City Attorney Robert Mahlowitz at (213) 978-8205. He or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:RM:ev