

Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R 25-0116
MAR 07 2025

REPORT RE:

**COURT-ISSUED WRIT COMMANDING THE CITY COUNCIL TO SET ASIDE,
VACATE, AND ANNUL ITS OCTOBER 13, 2023 ACTION ADOPTING THE
PLANNING AND LAND USE MANAGEMENT COMMITTEE'S REPORT DENYING
THE APPEAL FILED BY 8217 WINNETKA LLC & BEDROCK PROPERTIES GROUP,
LLC C/O LEON BENRIMON AND SUSTAINING THE DETERMINATION OF
INCOMPLETENESS BY THE DEPARTMENT OF CITY PLANNING UNDER THE
PERMIT STREAMLINING ACT FOR THE PROPERTY LOCATED AT
8217 NORTH WINNETKA AVENUE**

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. 23-0908

Honorable Members:

This Office presents to you for your consideration and action a court-issued Writ of Mandate (Writ) and court judgment (Judgment) issued in *Yes In My Back Yard v. City of Los Angeles*, Los Angeles Superior Court Case No. 24STCP00070 (Litigation). The Writ and Judgment are attached hereto as Exhibit 1 and 2, respectively.

The Writ and Judgment require the City Council to "Set aside, vacate, and annul the City Council's October 13, 2023 action (Council File 23-0908), which the Court

found constituted a disapproval of the Project” at 8217 North Winnetka Avenue (CD3–Blumenfield).

Background

On December 12, 2022, Mayor Karen Bass declared a State of Emergency to confront the City’s housing and homeless crisis. On December 16, 2022, the Mayor issued Executive Directive 1 titled: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types (Original ED1).

On March 22, 2023, the project applicant, 8217 Winnetka LLC and Bedrock Properties Group, LLC c/o Leon Benrimon, (Applicant) submitted partial information and paid for a vesting Preliminary Application (Application) with the Department of City Planning (DCP) relating to a proposed 100 percent affordable, 360-dwelling-unit project located on two parcels zoned RA-1 and RD2-1 at 8217 N. Winnetka Avenue. The Application was assigned Case No. PAR-2023-1802-VHCA-ED1.

On June 12, 2023, the Mayor clarified the scope of the Original ED1 (Clarified ED1). Clarified ED1 expressly explained that projects located in single-family or more restrictive zones were excluded.

On June 30, 2023, DCP issued a letter outlining why the Project Application was incomplete.

On July 6, 2023, DCP sent Applicant a letter explaining that pursuant to the Clarified ED1, projects located in single-family or more restrictive zones cannot use Original ED1, but that there are other entitlement options available for Applicant’s project.

On August 14, 2023, Applicant appealed the City’s first June 30, 2023 review letter without attempting to supply the missing items from its Application.

The City Council’s Planning and Land Use Management (PLUM) Committee heard the appeal on October 3, 2023. The PLUM Committee denied the appeal and sustained DCP’s determination of incompleteness under the Permit Streamlining Act, California Government Code Section 65943(c), and adopted the recommendation, rationale, and responses contained in the DCP staff report dated September 29, 2023.

City Council adopted the PLUM Committee’s Report on October 13, 2023. The City Council denied applicant’s appeal and agreed with staff that the Project Application remained incomplete under either application theory. This decision did not deny the project; the decision merely required that Applicant submit a complete application to the City.

On January 9, 2024, the Applicant and petitioners Yes in my Back Yard and Sonja Trauss commenced the Litigation under the Housing Accountability Act (HAA),

the Permit Streamlining Act (PSA), and the Housing Crisis Act (HCA). The Litigation proceeded to trial on September 26, 2024. The Court held that Original ED1 provided vesting rights under the HAA, the City's finding that the application was incomplete constituted a disapproval under the HAA, and the Applicant's vesting rights had not expired under the PSA. The Clerk of Court subsequently issued the Writ commanding the City to, among other things, set aside, vacate, and annul the City Council's October 13, 2023 action adopting PLUM Committee's report denying the appeal.

Therefore, to comply with the Writ, the City Council must place this matter on its agenda to set aside, vacate, and annul its October 13, 2023 action adopting Planning and Land Use Management Committee's report denying the appeal; and then remand the application back to DCP for further processing consistent with the Writ.

The City must provide proof to the Court of compliance with the Writ by March 16, 2025.

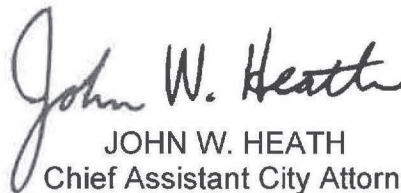
Recommendation

We request your action consistent with the Writ and Judgment. The City Council will thus need to place on its agenda a proposed action to set aside, vacate, and annul its October 13, 2023 action adopting Planning and Land Use Management Committee's report denying the appeal filed and sustaining the determination of incompleteness by the DCP under the Permit Streamlining Act for the property located at 8217 North Winnetka Avenue; and then remand the application back to DCP for further processing consistent with the Writ.

If you have any questions regarding this matter, please contact Deputy City Attorney K. Lucy Atwood at (213) 978-8248. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Chief Assistant City Attorney

JWH:KLA:jr
Attachments

EXHIBIT 1

EXHIBIT 1

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1 RYAN J. PATTERSON (SBN 277971)
2 BRIAN J. O'NEILL (SBN 298108)
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4 235 Montgomery Street, Suite 950
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8 ryan@pattersononeill.com
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10 *Attorneys for Petitioners and Plaintiffs*
11 *YES IN MY BACK YARD; SONJA TRAUSS*

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13 AXS LAW GROUP LA, LLP
14 6080 Center Drive, Suite 210
15 Los Angeles, CA 90045
16 Tel: (310) 746-5300
17 geoff@axslawgroup.com

18 *Attorneys for Petitioners and Plaintiffs*
19 *BEDROCK PROPERTIES GROUP, LLC; 8217 WINNETKA, LLC*

20 **SUPERIOR COURT – STATE OF CALIFORNIA**

21 **COUNTY OF LOS ANGELES – UNLIMITED CIVIL JURISDICTION**

22 YES IN MY BACK YARD, a California
23 nonprofit corporation; SONJA TRAUSS, an
24 individual; BEDROCK PROPERTIES
25 GROUP, LLC, a California limited liability
26 company; and 8217 WINNETKA, LLC, a
27 California limited liability company;

28 Petitioners/Plaintiffs,

v.

CITY OF LOS ANGELES; CITY COUNCIL
OF THE CITY OF LOS ANGELES; and
DOES 1-25.

Respondents/Defendants

Case No. 24STCP00070

[PROPOSED] WRIT OF MANDATE

Judge: Hon. James Chalfant
Department: 85
OSC: November 7, 2024
Time: 9:30 am

1 This Court, having heard and decided Petitioners Yes In My Back Yard, Sonja Trauss,
2 Bedrock Properties Group, LLC, and 8217 Winnetka, LLC claims for relief in their Verified
3 Petition for Writ of Mandate and Complaint for Declaratory Relief, and decided in favor of
4 Petitioners against Respondents City of Los Angeles and the City Council of the City of Los
5 Angeles ("Respondents"), a peremptory writ of mandate shall be issued under seal of this
6 Court regarding the proposed housing development project at 8217 N. Winnetka Avenue (the
7 "Project").

8 **IT IS HEREBY ORDERED AT**, upon receipt of this writ Respondents shall:

- 9 a. Set aside, vacate, and annul the City Council's October 13, 2023 action
10 (Council File 23-0908), which the Court found constituted a disapproval of the Project;
11 and
12 b. Set aside, vacate, and annul the Planning Department's July 6, 2023 "Notice of
13 Ineligibility," regarding the Project's eligibility for ministerial processing pursuant to
14 the December 16, 2022 version of Executive Directive 1;
15 c. Set aside, vacate, and annul the Planning Department's incompleteness
16 determinations demanding new application materials that were not included in the
17 initial June 30, 2023 list of incomplete items and refrain from demanding new
18 discretionary application materials that were not included in the initial list of
19 incomplete items; and
20 d. Determine that the Project's preliminary application, the fee for which was paid
21 on February 27, 2023, remains valid and in effect in compliance with this Court's
22 Ruling; and
23 e. Review and process the June 23, 2023 application, as modified by the
24 supplemental application materials submitted on January 25, 2024, for the Project in
25 accordance with ordinances, policies and standards in effect on February 27, 2023,
26 including the December 16, 2022 version of Executive Directive 1 and the
27 Implementation Guidelines for Executive Directive 1: Expedition of Permits and
28 Clearances for Temporary Shelters and Affordable Housing Types dated February 9,

1 2023;

2 f. Review and process the Project pursuant to the PSA and the HAA, as
3 interpreted in the Court's Ruling;

4 g. File an initial return to this writ no later than 60 days after service of the writ of
5 mandate on the City Clerk stating what Respondents have done to comply;

6 h. By way of a return to this writ, this Court shall retain jurisdiction until this
7 Court has determined that Respondents have fully complied with the writ;

8 i. Nothing in this writ shall limit or control any discretion legally vested in
9 Respondents, including but not limited to, submitting requests for the applicant to
10 clarify, amplify, correct, or otherwise supplement the information required for the
11 application as permitted by Gov. Code § 65944.

12
13 **IT IS SO ORDERED.**

14 Dated: 11/25/2024



David W. Slayton, Executive Officer/Clerk of Court

K. Encinas

Clerk of the Superior Court

EXHIBIT 2

EXHIBIT 2

RECEIVED

NOV 15 2024

City Attorney
Land Use/Real Property

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10 *Attorneys for Petitioners and Plaintiffs*
11 **YES IN MY BACK YARD; SONJA TRAUSS**

12 GEOFFREY STOVER (SBN 211715)
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15 Los Angeles, CA 90045
16 Tel: (310) 746-5300
17 geoff@axslawgroup.com

18 *Attorneys for Petitioners and Plaintiffs*
19 **BEDROCK PROPERTIES GROUP, LLC; 8217 WINNETKA, LLC**

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DOES 1-25.

Respondents/Defendants

FILED
Superior Court of California
County of Los Angeles

NOV 08 2024

David W. Slayton, Executive Officer/Clerk of Court

By: J. De Luna, Deputy

Case No. 24STCP00070

**[PROPOSED] JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE**

Judge: Hon. James Chalfant
Department: 85
OSC: November 7, 2024
Time: 9:30 am

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

~~PROPOSED~~ JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE

1 WHEREAS, on September 21, 2023, Petitioners Yes In My Back Yard, Sonja Trauss,
2 Bedrock Properties Group, LLC, and 8217 Winnetka, LLC filed a Verified Petition for Writ of
3 Mandate and Complaint for Declaratory Relief (the "Petition") against Respondents City of
4 Los Angeles and the City Council of the City of Los Angeles ("Respondents") alleging causes
5 of action under the Permit Streamlining Act ("PSA"), Housing Crisis Act ("HCA"), and the
6 Housing Accountability Act ("HAA") arising out of the action this Court found constituted a
7 disapproval by Respondents of Bedrock Properties Group's and 8217 Winnetka's application
8 for a proposed housing development project at 8217 N. Winnetka Avenue as described in the
9 June 23, 2023 application, as modified by the supplemental application materials submitted on
10 January 25, 2024 (the "Project");

11 WHEREAS, the Petition came for trial on September 26, 2024, in Department 85 of
12 this Court. Petitioners Yes In My Back Yard and Sonja Trauss appeared through counsel, Ryan
13 J. Patterson and Brian O'Neill of Patterson & O'Neill, PC; Petitioners Bedrock Properties
14 Group, LLC, and 8217 Winnetka, LLC appeared through counsel, Geoff Stover of AXS Law
15 Group LA, LLP; and Respondents appeared through counsel, Lucy Atwood and Donna Wong
16 of the Office of the Los Angeles City Attorney;

17 WHEREAS, the Court, having read the submissions of the parties to this action,
18 including the Petition, briefs, and matters judicially noticed, and having read and considered
19 the administrative record and the arguments of counsel, adopted a ruling on September 26,
20 2024, regarding the Petition (the "Court's Ruling");

21 **THE COURT DOES HEREBY ORDER, ADJUDGE, AND DECREE**, as follows:

- 22 1. Judgment is entered in favor of Petitioners for the reasons set forth in the Court's
23 Ruling, attached hereto as Exhibit 1.
- 24 2. A writ of mandate shall issue as follows:
- 25 a. Respondents must set aside, vacate, and annul the City Council's October 13,
26 2023 action (Council File 23-0908), which the Court found constituted a disapproval of
27 the Project; and
- 28 b. Respondents must set aside, vacate, and annul the Planning Department's July

1 6, 2023 "Notice of Ineligibility," regarding the Project's eligibility for ministerial
2 processing pursuant to the December 16, 2022 version of Executive Directive I;

3 c. Respondents must set aside, vacate, and annul the Planning Department's
4 incompleteness determinations demanding new application materials that were not
5 included in the initial June 30, 2023 list of incomplete items and are further prohibited
6 from demanding new discretionary application materials that were not included in the
7 initial list of incomplete items; and

8 d. Respondents must recognize that the Project's preliminary application, the fee
9 for which was paid on February 27, 2023, remains valid and in effect; and

10 e. Respondents must continue processing the June 23, 2023 application, as
11 modified by the supplemental application materials submitted on January 25, 2024, for
12 the Project in accordance with ordinances, policies and standards in effect on February
13 27, 2023, including the December 16, 2022 version of Executive Directive 1 and the
14 Implementation Guidelines for Executive Directive 1; Expedition of Permits and
15 Clearances for Temporary Shelters and Affordable Housing Types dated February 9,
16 2023; and

17 f. Respondents must review and process the Project application pursuant to the
18 PSA and the HAA, as interpreted in the Court's Ruling.

19 3. This matter shall be remanded for further proceedings in compliance with the writ of
20 mandate.

21 4. Similarly situated parties shall take nothing by this action.

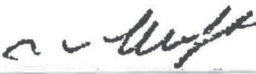
22 5. Nothing in this judgment shall limit or control any discretion legally vested in
23 Respondents, including but not limited to, submitting requests for the applicant to clarify,
24 amplify, correct, or otherwise supplement the information required for the application as
25 permitted by Gov. Code § 65944.

26 6. As the prevailing party, Petitioners shall recover their costs of suit from Respondents
27 pursuant to applicable law. Nothing in this judgment shall foreclose Petitioners from bringing a
28 motion for attorneys' fees under applicable law.

PATTERSON & O'NEILL, PC
235 MONTGOMERY STREET, SUITE 950
SAN FRANCISCO, CALIFORNIA 94104

1 7. The Court hereby retains jurisdiction in this action until there has been full compliance
2 with the writ.

3 IT IS SO ORDERED.
4 Dated: 11/8/38


Hon. James C. Chalfant
Judge of the Superior Court

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PROOF OF SERVICE

I, Devon J. Bolla, hereby declare as follows:

I am employed in the County of San Francisco by Patterson & O'Neill, PC, 235 Montgomery Street, Suite 950, San Francisco, CA 94104. I am over the age of 18 years and am not a party to this action. On September 13, 2024, I served true and correct copies of:

1) [PROPOSED] JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE

in said cause addressed as follows:

Donna Wong Lucy Atwood Hydee Feldstein Soto LOS ANGELES CITY ATTORNEY'S OFFICE 200 North Main Street, Suite 700 Los Angeles, CA 90012 Email: donna.wong@lacity.org Email: lucy.atwood@lacity.org Email: hydee.feldsteinsoto@lacity.org	Robert L. Glushon Kristina Kropp LUNA & GLUSHON 16255 Ventura Blvd., Suite 950 Encino, CA 91436 Email: rglushon@lunaglushon.com Email: kkropp@lunaglushon.com
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Darin R. Margules Nicole V. Rosenberg LAW OFFICE OF DARIN MARGULES, PLC 17835 Ventura Blvd., Suite 104 Encino, CA 91316 Email: darin@marguleslawfirm.com Email: nicole@marguleslawfirm.com	Robert P. Silverstein Esther Kornfeld Gabby Piceno James Link THE SILVERSTEIN LAW FIRM, APC 215 North Marengo Ave, 3rd Floor Pasadena, CA 91101-1504 Email: robert@robertsilversteinlaw.com Email: esther@robertsilversteinlaw.com Email: gabby@robertsilversteinlaw.com Email: james.s.link@att.net
Larry Slade, Esq., SLADE LAW 14146 Killion St., Suite 100 Sherman Oaks, CA 91401 Email: larry@sladclaw.com	

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1 /XX/ (BY EMAIL) I served the above documents by transmitting a true and correct Portable
2 Document Format (PDF) copy via email the document(s) listed above on this date to the
person(s) at the email address(es) set forth above.

3 /XX/ (BY E-SERVICE) I served the above documents through a legal filing service in
4 accordance with the Court's Local Rule 2.11 requiring all documents be served upon
interested parties via an e-Service System.

5 I declare under penalty of perjury pursuant to the laws of the United States
6 that the foregoing is true and correct.

7 Executed on September 13, 2024 in San Francisco, California.

8
9
10 _____
Devon J. Bolla