

Communication from Public

Name: Applicant's Response to City Attorney
Date Submitted: 09/01/2026 03:17 PM
Council File No: 26-1033
Comments for Public Posting: Applicant submits the attached final pre-litigation response to the City Attorney regarding Council File 26-1033. The submission addresses the City's stated CEQA position, the 75-day decisional deadline, the mutual-consent requirement for any extension, the incorporated deemed-denial provision, and Applicant's continuing objection to the September 22, 2026 PLUM hearing. Applicant requests that the complete submission be placed in the Council File and administrative record.

ENTITLE AND PERMITS

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VIA PUBLIC COMMENT PORTAL AND EMAIL - SUPPLEMENTAL RESPONSE AND PRE-LITIGATION NOTICE

September 1, 2026

TO: Kathryn C. Phelan, Supervising Assistant City Attorney, Environmental Division, Office of the City Attorney

CC: Office of the City Clerk; Planning and Land Use Management Committee and Committee Clerk; Los Angeles City Planning; Council District 4

Council File	26-1033
Environmental Case	ENV-2024-6712-CE-1A
Entitlement Cases	ZA-2025-1386-CU1-HCA-1A; ZA-2024-6711-CU1-HCA-1A
Project	2166 and 2172 North Stanley Hills Drive
Applicant of Record	Stanley Family Residence, LLC
Applicant Representative	Sam Kohanim, Entitle and Permits
Appellant	Concerned Citizens of Stanley Hills Drive

SUPPLEMENTAL RESPONSE TO CITY ATTORNEY'S POSITION; REQUEST TO CONFIRM DEEMED DENIAL AND REMOVE SEPTEMBER 22, 2026 PLUM HEARING; NOTICE OF INTENT TO SEEK WRIT AND INJUNCTIVE RELIEF

Dear Ms. Phelan:

Thank you for clarifying the City's position. I agree that the City's Code must be construed consistently with CEQA. Respectfully, however, that does not resolve the separate issue presented by the City's express 75-day deadline, mutual-consent requirement, and expressly incorporated consequence for failure to act timely.

Applicant is not contending that the underlying CEQA clearance becomes "approved by default." Applicant's position is narrower: **the appeal is denied under the City's adopted appeal procedures when the City Council fails to decide it within the prescribed period**, leaving the CLAAPC's affirmatively made exemption determination standing.

Section 13B.11.1.F.1 expressly incorporates the general appeal procedures in Section 13A.2.8. Section 13A.2.8.F.2 provides that failure to render a timely decision results in denial of the appeal. Section 13B.11.1.F.7(a), in turn, requires the City Council to decide the CEQA appeal within 75 days and permits an extension only by mutual consent of the project applicant and City Council.

Public Resources Code section 21151(c) establishes the right to appeal a nonelected body's CEQA determination to the elected decisionmaking body, but it prescribes no deadline, does not authorize a unilateral extension, and does not state that a local failure-to-act rule is displaced. CEQA Guidelines section 15061(e) expressly permits the local lead agency to establish procedures governing such appeals. *Vedanta Society of Southern California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 535 does not hold otherwise; indeed, the court expressly declined to decide the consequence when an agency fails to act within applicable timeframes.

The state and local provisions therefore can be harmonized without nullifying either: CEQA provides for elected-body appellate review, while the City's duly enacted procedures prescribe the time within which that review must occur and the consequence if the appellate body fails to act timely.

California authority strongly supports enforcement of that structure. In *Tran v. County of Los Angeles* (2022) 74 Cal.App.5th 154, the Court of Appeal held a local decisional deadline mandatory because the ordinance attached a self-executing consequence to failure to act, and held that, once the prescribed period expired without a timely decision, the ordinance's self-executing consequence controlled and the appellate body's later decision had to be vacated.

Similarly, in *1305 Ingraham, LLC v. City of Los Angeles* (2019) 32 Cal.App.5th 1253, although the administrative appeal there was not itself a CEQA appeal, the Court enforced this City's own code provision providing that when the appellate body failed to act within the prescribed period, the underlying determination became final by operation of law. The decision recognizes the importance of such provisions in preventing administrative inaction from leaving matters indefinitely unresolved.

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Most recently, in *Mayor v. Workers' Compensation Appeals Board* (Aug. 24, 2026, S287261), the California Supreme Court held that an agency may not equitably toll its own decisional deadline where the governing enactment supplies a deemed-denial consequence. The Court rejected reliance on internal administrative circumstances as a basis for enlarging the agency's time to act. Although *Mayor* is not a CEQA case, its treatment of a self-executing governmental deadline is directly relevant to the City's contention here.

Accordingly, the issue is not whether CEQA permits an exemption to become affirmatively approved through governmental inaction. Applicant does not contend that it does. The issue is whether section 21151(c) silently overrides the City's express 75-day deadline, mutual-consent requirement, and incorporated deemed-denial provision, thereby permitting the Council to act after expiration of the period the City itself enacted. Your response identifies no authority so holding.

To ensure that the administrative record accurately reflects the City's position, please confirm in writing:

1. No mutual extension exists, and Applicant never consented to an extension;
2. Even under the City's apparent alternative calculation, the 75-day period expires **no later than September 14, 2026**, before the September 22 hearing date, without Applicant conceding that September 14 is the controlling deadline;
3. The City considers the 75-day requirement directory rather than mandatory and contends that Council retains authority to decide the appeal after expiration of the prescribed period; and
4. The legal authority for treating Section 13A.2.8.F.2 as displaced or inapplicable notwithstanding its express incorporation through Section 13B.11.1.F.1.

Applicant has not consented and does not consent to any extension, whether prospective, retroactive, express, implied, or after-the-fact. Applicant renews its requests that Council File 26-1033 be removed from the September 22 calendar and that, upon expiration of the controlling unextended period, the City Clerk record the deemed denial by memorandum to file consistent with its prior practice.

Given the City's now-express position that the Council must proceed to decide this CEQA appeal notwithstanding expiration of the City's prescribed decisional period and any deemed-denial consequence, the dispute is presently concrete and no further informal exchange appears likely to resolve it. **Unless Applicant receives written confirmation by September 4, 2026 that the September 22 hearing will be removed from calendar and that the City will recognize and record the consequence required by its Code upon expiration of the controlling unextended period, Applicant intends to proceed with appropriate writ and injunctive relief without further notice.** Applicant will seek judicial determination of the City's authority to proceed after expiration of the prescribed period and all other appropriate relief. Nothing herein waives Applicant's position that the operative deadline is earlier than September 14, 2026.

Applicant continues to object to the September 22 hearing and preserves all rights and remedies. Any protective participation in that hearing will occur under this continuing objection and will not constitute consent, waiver, acquiescence, or abandonment of Applicant's position.

Finally, as our prior submission appears to have been re-captioned as a "public comment," please confirm that this correspondence, the August 31 memorandum, and all accompanying exhibits have been placed in Council File 26-1033 and transmitted to your office in full. Please also ensure preservation of all records previously identified, including CFMS audit/history data, deadline entries and modifications, communications concerning calculation or removal of the time-to-act dates, the September 22 setting, and any claimed extension.

Please place this correspondence in Council File 26-1033.

Respectfully submitted,

ENTITLE AND PERMITS

/s/ Sam Kohanim

Sam Kohanim

Authorized Representative for Stanley Family Residence, LLC

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Communication from Public

Name:

Date Submitted: 09/01/2026 05:19 PM

Council File No: 26-1033

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