



Re: Re: CF 26-1033 / ENV-2024-6712-CE-1A (2166–2172 N. Stanley Hills Dr.) — Reply to City's Position; Request for Written Confirmations by September 4

1 message

Rouzbeh Zarrinbakhsh, ESQ. <rouzbeh@ggclawfirm.com>

Tue, Sep 1, 2026 at 9:53 AM

To: Kathryn Phelan <kathryn.phelan@lacity.org>

Cc: Daniel Luna <Daniel.Luna@lacity.org>, Candy Rosales <candy.rosales@lacity.org>, Kenneth Fong <kenneth.fong@lacity.org>, Parissh Knox <parissh.knox@lacity.org>, Lucy Atwood <lucy.atwood@lacity.org>, Jordann Turner <jordann.turner@lacity.org>, Oscar Medellin <oscar.medellin@lacity.org>, Sami Kohanim <entitleandpermits@gmail.com>

Good morning 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.

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.

Regards,

Rouzbeh Zarrinbakhsh, Esq.

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On Sep 1, 2026, at 8:47 AM, Kathryn Phelan <kathryn.phelan@lacity.org> wrote:

Good morning Mr. Zarrinbakhsh,

The City's Code needs to be read consistent with the requirements of CEQA. The City's interpretation of Section 13B.11.1.F. is that a CEQA appeal cannot be deemed denied or approved. For purposes of responding to your contentions and without agreeing to your characterization of the City's Code, forms, or historical practice, even if the City's Code did deem the CEQA appeal approved or denied, the City Council would still need to decide the CEQA appeal to comply with Public Resources Code Section 21151(c).

Respectfully,
Kathy

Kathryn C. Phelan | Supervising Assistant City Attorney | She/Her
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On Mon, Aug 31, 2026 at 5:22 PM Rouzbeh Zarrinbakhsh, ESQ. <rouzbeh@ggclawfirm.com> wrote:

Dear Ms. Phelan:

Thank you for your response. I hope the attached supplemental memorandum causes the City to reconsider its position and revise its intended course of action. This issue recurs across CEQA appeals citywide, and neither party benefits from litigating it to an adverse published decision that would bind the City in every future appeal — an outcome that is avoidable here.

We respectfully disagree with the City's position for the following principal reasons:

- **The Code expressly incorporates the deemed-denial rule.** LAMC § 13B.11.1.F.1 incorporates § 13A.2.8; § 13B.11.1.F.7(a) supplies the 75-day deadline; and § 13A.2.8.F.2 provides that failure to render a timely decision results in denial of the appeal.
- **The California Supreme Court's decision last week in *Mayor v. Workers' Compensation Appeals Board* (Aug. 24, 2026, S287261) strongly reinforces our position.** The Court held that where an express deemed-denial consequence is provided, expiration of the period cuts off further agency action, and the agency "may not equitably toll its own deadline to act." The City's internal processing or mailing circumstances therefore cannot enlarge the prescribed period.
- **The City's own CEQA appeal form** states that an appeal not heard before the last day to act is automatically deemed denied, the original decision stands, and the deadline may be extended only if formally agreed to by the applicant.
- **The City requested our written consent to extend the deadline, and we declined.** Allowing the City to obtain the same extension simply by missing the deadline would render the mutual-consent requirement meaningless.
- **The City's own prior records reflect application of § 13A.2.8.F.2** to deem appeals denied after expiration of the applicable deadline, including Council Files 24-1418 and 25-0310-S1.
- **Even under the latest independently supportable calculation, the period expires no later than September 14, 2026**, making the September 22 PLUM hearing untimely absent a valid extension.

Please see the attached memorandum for our complete legal and factual response. We respectfully ask that the City remove Council File 26-1033 from the September 22, 2026 PLUM calendar and, upon expiration of the unextended period, record the deemed denial by Clerk memorandum as was done in Council File 24-1418 — or, if the City maintains its position, provide a written response addressing the authorities discussed in the memorandum by 5:00 p.m. on Friday, September 4, 2026.

We sincerely hope the City will reconsider its position and take corrective action so that judicial intervention is unnecessary. If the City nevertheless proceeds, we will preserve and pursue the remedies identified in the attached memorandum. All rights and objections are reserved.

Respectfully,

Rouzbeh Zarrinbakhsh, Esq.

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On Aug 31, 2026, at 12:10 PM, Kathryn Phelan <kathryn.phelan@lacity.org> wrote:

Good afternoon Mr. Zarrinbakhsh,

This is in response to your communications related to the CEQA appeal filed on the project approved at 2166 and [2172 North Stanley Hills Drive](#) (subject property). The Los Angeles Municipal Code does not have deemed denied or approved provisions for the 75 day timeline for the City Council to hold a hearing and decide a CEQA appeal in Section 13B.11.1.F. This is consistent with the requirements in Public Resources Code Section 21151(c) which mandates that a lead agency is required to have the elected decisionmaker consider an appeal and make the CEQA findings if any interested party files an appeal. Under relevant case law and the CEQA statute and guidelines, the City could not deem a CEQA appeal denied or approved. The 75 day timeline in Section 13B.11.1.F. is directory and not mandatory. As such, the CEQA appeal on the project for the subject property will need to be held and decided by the City Council.

Respectfully,
Kathy

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From: 'Rouzbeh Zarrinbakhsh, ESQ.' via Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>

Date: Sat, Aug 29, 2026 at 12:00 PM

Subject: Public Comments Not Uploaded URGENT – CF 26-1033 – Unexplained Removal of August 28 Last Day to Act and August 30 Time Limit; Preservation Demand and Objection to September 22 Hearing

To: clerk.cps@lacityservices.org <clerk.cps@lacityservices.org>, Stacy Munoz <stacy.munoz@lacity.org>, Jordann Turner <jordann.turner@lacity.org>, cityatty.help@lacity.org <cityatty.help@lacity.org>, alan.como@lacity.org <alan.como@lacity.org>, clerk.plumcommittee@lacity.org <clerk.plumcommittee@lacity.org>

Cc: Entitle and Permits <entitleandpermits@gmail.com>

Please see the attached supplemental submission regarding Council File 26-1033.

The supplement addresses the unexplained removal from the public Council File of the previously posted **August 28, 2026 “Last Day to Act”** and **August 30, 2026 “Time Limit”** entries, both of which had been preserved by screenshot before their removal.

It also requests preservation of the complete record and CFMS audit trail, addresses the City's prior treatment of expired 75-day appeal deadlines, and renews the objection to the September 22 hearing absent a valid and timely extension.

Please place the attached submission in the Council File, circulate it to the appropriate City personnel and City Attorney, and preserve all records concerning the deadline entries, their removal or modification, scheduling, and any claimed extension.

Please confirm receipt and docketing.

Thank you,

Regards,

Rouzbeh Zarrinbakhsh, Esq.

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Daniel Luna | Management Analyst

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