FILED
Superior Court of California
County of Los Angeles

OCT 17 2022

Sherri R. Carter, Executive Officer/Clerk of Cou
By: J. De Luna, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

YES IN MY BACK YARD, a California nonprofit corporation; SONJA TRAUSS; and JANET JHA, Petitioners and Plaintiffs, vs. CITY OF LOS ANGELES; CITY COUNCIL OF THE CITY OF LOS ANGELES; and DOES 1-25, Respondents and Defendants.	Case No.: 21STCP03883 Assigned to the Hon. James C. Chalfant Dept. 85 **[~~PROPOSED~~] JUDGMENT** Action Filed: November 24, 2021

WHEREAS, on November 24, 2021, Petitioners Yes In My Back Yard, Sonja Trauss, and Janet Jha ("Petitioners") filed a Verified Petition for Writ of Mandate and Complaint for Declaratory Relief (the "Petition") against Respondents City of Los Angeles and the City Council of the City of Los Angeles ("Respondents") alleging causes of action under the Housing Crisis Act's Government Code §65941.1 ("SB 330"), the Permit Streamlining Act ("PSA"), and the Housing Accountability Act ("HAA"), arising out of the disapproval by Respondents of Petitioner Jha's proposed 67-unit housing development project at 5353 Del Moreno Drive (the "Project");

WHEREAS, the Petition came for trial on July 26, 2022, in Department 85 of this Court. Petitioners Yes in My Back Yard and Trauss appeared through their counsel, Ryan J. Patterson of Zacks, Freedman & Patterson, PC; Petitioner Jha appeared through her counsel Daniel Freedman of Jeffer, Mangels, Butler & Mitchell LLP; and Respondent appeared through its counsel, Donna Wong of the Office of the Los Angeles City Attorney;

WHEREAS, after the conclusion of the trial, the Court adopted a statement of decision regarding the Petition (the "Final Ruling");

WHEREAS, the Court, having read the submissions of the parties to this action, including the Petition, briefs, and matters judicially noticed, and having read and considered the administrative record and the arguments of counsel;

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

1. Judgment is entered in favor of Petitioners for the reasons set forth in the Final Ruling attached hereto as **Exhibit 1**. However, the complaint for declaratory relief in the Third Cause of Action related to Petitioner Jha's Project applications is dismissed as moot by the grant of mandamus in the First and Second Causes of Action; and the claims related to a pattern and practice, or persons similarly situated, in the First, Second and Third Causes of Action, are dismissed because they were waived.

2. A writ of mandate shall issue as follows:

   a. Petitioner Jha's May 19, 2020 SB 300 preliminary application is declared submitted and complete as a matter of law; and

b. Petitioner Jha's January 21, 2021 development application is declared submitted and complete as a matter of law as of February 21, 2021, and processing under the writ will begin at Gov. Code §65589.5(j)(2) upon payment of required processing fees; and

c. The Project site's present RA zoning is declared inconsistent with the site's present General Plan Limited Commercial designation under Gov. Code §65589.5(j)(4); and

d. Respondents shall set aside, vacate and annual the City Council's September 1, 2021, appeal determination and associated findings for Council File No. 21-0808, regarding item No. 35 on City Council's September 1, 2021 agenda concerning the Project development application; and

e. Respondents shall consider the Project development application in compliance with this Court's ruling, and the HAA, and other applicable laws, within 60 days of service of the writ on the City Clerk; and

f. Respondents are prohibited from requiring a rezoning for a housing development project at a residential density allowed on the Project site by the General Plan's Limited Commercial designation.

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

4. As the prevailing parties, Petitioners shall recover their costs of suit from Respondents. Petitioners may bring a motion for attorney's fees pursuant to Gov. Code § 65589.5(k)(1) within 60 days.

5. The Court hereby reserves jurisdiction in this action until there has been full compliance with the writ.

IT IS SO ORDERED.

Dated: 10/19/22

Hon. James C. Chalfant
Judge of the Superior Court