

## **Judge Invalidates Controversial Densification Bill; Citizens Win another Court Battle with City**

*Report provided by EAHCLA*

A Los Angeles County Superior Court judge has ruled that the City of Los Angeles acted illegally when it approved a controversial “densification” ordinance without first conducting environmental review of the potential impacts of the ordinance. The coalition of community groups that brought the challenge hailed the ruling as an opportunity for the City to redraft the ordinance to advance the twin goals of affordable housing and environmental protection.

A state law (S.B. 1818) mandates that cities allow density bonuses to developers proposing to build a percentage of affordable units at a proposed development. The Los Angeles ordinance that was the subject of the lawsuit, filed by the Environment and Housing coalition Los Angeles (EAHCLA) in April of 2008, went far beyond the state mandate, in some cases allowing up to 300% of the bonus required by state law. EAHCLA’s lawsuit claimed that, because the City went beyond the requirements of state law, the City first had to study the environmental impact of the ordinance. The Court agreed, holding that those sections of the ordinance that go beyond State law are invalid. The Order issued on Monday by Superior Court Judge Thomas I. McKnew, Jr. prohibits the City from processing applications for density bonuses or incentives that exceed State mandates, and also invalidates approvals that already have been granted based on the ordinance.

“We are very pleased with the Court’s decision” said EAHCLA spokesman Rob Glushon. “The judge clearly recognized that while the City had to do something to implement the state law, the City went about implementing the law in the wrong way, by approving a deeply flawed ordinance and illegally refusing to first consider the environmental effects of its approval. We now hope to work with the City in redrafting the ordinance so that both the environment and affordable housing are protected.”

The Santa Monica firm of Chatten-Brown & Carstens litigated the case. Doug Carstens, a partner at the firm, was pleased with the ruling. “The Court clearly understood that the City, by going well beyond the requirements of state law, incurred an obligation to first study what the environmental impacts of the ordinance would be. Not only were existing communities being adversely impacted by inappropriately dense development, but affordable housing has been lost as developers tear down apartments to build condominiums. This decision affords the City a great opportunity to correct the mistakes made the first time around, to implement a policy of no net loss of affordable housing, and to advance state policy on affordable housing in an environmentally sensitive manner.”

EAHCLA is a coalition comprised of a wide range of residential and homeowner associations, civic organizations, and concerned individuals. The case is Superior Court

Case Number BS114338.