



(PRACTICE AREA)

Environmental, Land Use, and
Natural Resources
Litigation

Burke Attorneys Prevail on Cutting-Edge CEQA Challenge

SITUATION

Our client, the City of Los Angeles, had granted approvals for Target to build a combined superstore, mixed retail, and open space project. An environmental impact report (EIR) was prepared for the project. After a variance for the Target store was overturned by the trial court, the City created a new zoning designation and applied it to the Target store site, relying on the earlier EIR.

CHALLENGES

Two neighborhood groups brought suit against the City, bringing construction of the partially-completed project to a halt. Plaintiffs called for supplemental CEQA review and alleged that spot zoning occurred. Arguments revolved around whether the revised project and its approvals presented reasonably foreseeable, new or more severe environmental impacts over those analyzed in the original EIR.

PROCESS

Working closely with the City Attorney's office and the retailer's counsel, Burke attorneys assembled the administrative record and comprehensively briefed the issues. The trial court ruled in favor of the plaintiffs, and the City and Target appealed. Again, Burke attorneys fully briefed and argued the issues.