

## **Neighbors' Personal Stake In Preserving Local Parking Regulations Precluded Finding Of Public Interest**

Neighbors who were suing to maintain existing neighborhood parking regulations were pursuing their own personal interests and did not qualify for the public interest exception from the anti-SLAPP (Strategic Lawsuit Against Public Participation) statute. Because their Brown Act claim had no merit, it was properly dismissed as an anti-SLAPP suit. [Cruz v. City of Culver City](#), No. B265690 (2nd Dist. Aug. 8, 2016). Learning that the City Council of Culver City was considering a church's request to change neighborhood parking restrictions, neighbors sued claiming the Council's action violated the Brown Act because the process had been initiated during the public comment period rather than as a noticed agenda item. In response to the City's motion to dismiss the action under the anti-SLAPP statute, plaintiffs argued they were subject to the public interest exception from the statute because their action concerned a matter affecting the public interest. The court held that the Council's discussion at the hearing and its decision to place the parking item on a future agenda, were activities arising from free speech, making the anti-SLAPP law applicable. The court also rejected plaintiffs' claim that they were subject to the public interest exception to the anti-SLAPP statute. The public interest exception applies only to actions brought solely in the public interest, and plaintiffs' action did not qualify because "[k]eeping the parking restrictions at status quo would directly benefit plaintiffs . . . [who] sought personal relief in the form of a halt to any attempts by the church to undo the long-standing parking restrictions." Because the anti-SLAPP statute applied, plaintiffs had the burden of showing it was probable they would prevail on the merits. They failed to satisfy this burden. The Brown Act allows a Council to discuss and take action on non-agenda items in three circumstances: (1) the Council may briefly respond to statements or questions from persons exercising their right to publicly testify at a hearing; (2) the Council may ask a question for clarification, make a brief announcement, or make a brief report on its own activities; and (3) the Council may ask staff to provide factual information, report back at a later time, or place an item on a future agenda. The Council's discussion and decision fell within all three exceptions. Accordingly, there was no Brown Act violation, and plaintiffs' action was properly dismissed under the anti-SLAPP statute.

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