

ATTACHMENT TO APPEAL

VTT-67505

ENV-2005-2301-EIR

Appellant: Save Oak Savanna, a California nonprofit corporation; Carlos Duque.

Appellant Save Oak Savanna is a local grassroots community organization that seeks to protect against overdevelopment and impactful land use and development in the community surrounding the proposed 19-lot subdivision for 19 detached single-family homes at 22241-22255 West Mulholland Drive (“Project”) and is therefore immediately impacted thereby. Carlos Duque is President of Save Oak Savana.

In approving the Project, the Advisory Agency and Area Planning Commission erred and abused its discretion for the following reasons:

1. The required findings pursuant to the Subdivision Map Act cannot be made with substantial supporting evidence.

A. The Proposed Map and the design and improvement of the Proposed Subdivision are not consistent with the City’s General Plan, Land Use Element, the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, or the Mulholland Scenic Parkway Specific Plan.

The State of California *Government Code* §§ 66473.1, 66474.60, .61 and .63 (the Subdivision Map Act) require that all proposed maps, as well as the design and improvement of all proposed subdivisions be consistent with applicable general and specific plans, including, in this case, the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan and the Mulholland Scenic Parkway Specific Plan (“Mulholland Specific Plan”).

There is no way to make a finding of compatibility with the Mulholland Specific Plan without previous, or at least concurrent, Mulholland Scenic Parkway Design Review Board (“DRB”) review. Therefore, the Advisory Agency’s determination that the Project complies with the Mulholland Specific Plan is unsupported by substantial evidence.

Moreover, consistency findings with the Mulholland Specific Plan cannot be made. The proposed lot sizes of the tract map are significantly smaller and/or narrower than the average lots in the surrounding area. This poses a condition which is inconsistent and incompatible with the surrounding neighborhood and the parkway environment, in direct contravention of the Mulholland Specific Plan Guidelines.

By proposing a pattern of development that is inconsistent with the surrounding neighborhood, the Project is also inconsistent with almost all of the pertinent provisions of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan for residential development:

- Preserve and enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.
- Protect existing single-family residential neighborhoods from new, out of scale development.
- Protect the quality of the residential environment through attention to the physical appearance of communities.
- Protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Promote neighborhood preservation, particularly in existing single-family neighborhoods, as well as in areas with existing multi-family residences.
- Preserve and enhance the character and integrity of existing single and multi-family neighborhoods.
- To limit the intensity and density of residential development in hillside areas.

B. The design of the subdivision and proposed improvements are likely to cause substantial environmental damage.

The Environmental Impact Report (“EIR”) for the Project is inadequate under the California Environmental Quality Act (“CEQA”) as provided below. Therefore, the Project, as approved, is likely to cause substantial environmental damage.

2. The Entitlement was Improperly Granted Before Mulholland Design Review Board Review.

Los Angeles Municipal Code (“LAMC”) §12.36 requires that if an applicant files for a project that requires multiple Legislative and/or Quasi-judicial Approvals, then the applicant shall file applications at the same time for all approvals reasonably related and necessary to complete the project. LAMC 12.36.C.5 includes that Subdivision Approvals be heard together with such Legislative and/or Quasi-judicial Approvals.

Similarly, the Mulholland Specific Plan, Section 11.A, provides that no permit for the use of land; building permit; grading permit; revocable permit to encroach; or B-permit; shall be issued for a project, until plans, elevations and/or other graphic representations of the project have been reviewed and approved

by the Director acting on a recommendation of the Board (“DRB”). The reason for this requirement, as set forth in section 11.F of the Specific Plan, is to advise the Director on aspects of exterior design; site layout; grading; driveway access; landscaping; and height, bulk, materials, textures and colors of any building, structure, sign or other development of property or appurtenances or alterations thereto after reviewing plans, elevations and/or other graphic representations for a project to assure compliance with the criteria set forth in this Specific Plan.

Here, it is uncontested that the Project is subject to the Mulholland Specific Plan and therefore will require a Project Permit entitlement and Design Review by the DRB. However, despite the requirements of LAMC §12.36, these entitlements have not been required concurrently with the Tract Map.

Beyond the fact that it is legally required under the LAMC, the requirement for DRB review before/concurrently with the Tract Map for this Project is particularly important because the lot lines of the tract map, as approved by the Advisory Agency, impact the DRB’s ability to perform its function in regulating development. For example, the lots are small and narrow, and there are insufficient height restrictions. Therefore, the DRB is forced to operate within the confines of those lots and a fair determination of consistency and compatibility has been lost before the DRB was even provided an opportunity to review and address these issues.

“Development” for review under the Specific Plan is not just a matter of deciding what materials or colors will be used on the exterior of the houses. To the contrary, review of the lot lines is an important part of the proposed development. As such, the lot lines significantly impact the DRB’s ability to act in accordance with its Specific Plan mandates, including with regard to regulating grading quantities and subsequent impact to protected trees.

Therefore, the Advisory Agency erred and abused its discretion in approving a tract map without first seeking review and recommendation from the DRB and requiring compliance with the LAMC provisions for Project Permit and Design Review entitlements.

3. The EIR is inadequate.

For all of the reasons set forth in the correspondence submitted by Save Oak Savanna and its individual members, as well the Santa Monica Mountains Conservancy, which are incorporated herein by reference, including protected tree, wildlife, traffic, and aesthetic impacts, the EIR for the Project is inadequate under CEQA.

For purposes of the within appeal, Save Oak Savanna highlights that the EIR lacks a viable alternative, for example an alternative which would provide conformity with the surrounding development, as required by the Mulholland

Specific Plan, and the fact that the findings of infeasibility regarding project alternatives, in particular the reduced footprint alternatives, rejected are not supported by substantial evidence.

Public Resource Code §21002 provides that proposed projects should not be approved if there are feasible alternatives available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by CEQA are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives which will avoid or substantially lessen such significant effects. To such extent, it is well established that the core of an EIR is the mitigation and alternatives sections. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

Furthermore, the conclusions and findings of the EIR are not supported by substantial evidence. This is particularly egregious with regard to aesthetic impacts, biological impacts concerning wildlife movement, grading impacts, migration corridors, nursery sites, drainage and associated water, including runoff, impacts.

The EIR also fails to evaluate impacts on at least eight (8) protected Coast Live Oaks and the fact that proposed lot pads reach beyond the drip lines of the protected trees. The tree location diagram relied upon by the City is inaccurate, incomplete and outdated (based upon a study which is 15 years old).

Accordingly, the City's EIR fails to comply with CEQA.