

# Citizen Suit Halts Parking Lot Plan

Judge Rules Developer Must  
File Environmental Report

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ENCINO—A group of property owners has halted development of a five-acre shopping center parking lot here because builders failed to prepare an environmental impact report.

Superior Judge Robert A. Wenke said Tuesday that Crestwood Service Corp. must prepare the report before it can reapply for a conditional use permit for the Addison St. parking lot at its Plaza de Oro shopping center on Ventura Blvd.

Wenke set aside the existing conditional use permit which had been upheld Oct. 3 by the Los Angeles Board of Zoning Appeals.

Jerry K. Fields, attorney for the Encino Property Owners Assn., said the case is the first time the California Environmental Quality Act (CEQA) which requires environmental impact reports, has been successful in halting such a small project.

Under a recent state Supreme Court decision, environmental impact reports must be prepared for all private and public projects considered to possibly have a "significant effect" on the environment.

## 120-Day Moratorium

The proposed parking lot "may have a significant effect upon the environment, particularly in the areas of noise and exhaust fumes," Wenke ruled in his order mailed to attorneys.

He said the parking lot for the shopping center on Ventura Blvd. between Louise and Amestoy Aves. is not covered by recent legislative amendments to CEQA imposing a 120-day moratorium on environmental impact reports. The lawsuit was begun before the moratorium was adopted.

Wenke also said the developers failed to comply with the "good faith" requirement of the moratorium by paving the lots while ignoring the possible need for an environmental impact report. Noting the developer may subsequently win a new conditional use permit from the city, he said he would not order the paved lots to be torn up.

Wenke said zoning ordinances do not preclude granting of the conditional use permit for the parking lot, once the environmental impact report is prepared.

## 'Not Influenced'

Richard M. Crane, co-counsel with Fields for the property owners, said they will follow through on Wenke's decision by serving a writ of mandate on the city and developers to "make sure the wishes of the court are fulfilled."

During oral arguments Dec. 14, Wenke said he was not influenced by claims that the zoning board hearing examiner was influenced by a then-pending City Council plan to extend Addison St. from where it now dead-ends east to Amestoy Ave. Wenke said the possible extension had no bearing on the court case, because there was no evidence of a plan for an Addison St. entrance to the parking lot.

The street extension was proposed by Councilman Donald Lorenzen, who formerly represented the area and has been under fire by Encinans for sponsoring commercial projects in the residential-zoned area.

Councilman Marvin Braude had the street extension rescinded when he took over representation of the area from Lorenzen in the council redistricting last September.