

Friends of Westwood Lawsuit Against L.A.

The story behind the landmark lawsuit, Friends of Westwood vs. the City of Los Angeles, is as interesting and revealing as the legal victory it provided to communities faced with over-scaled projects. This appellate decision ordered Los Angeles to obey a 17-year-old state law, the California Environmental Quality Act. This law requires that an environmental impact report be prepared if significant adverse impacts can be predicted. Such reports open the planning process to the community, a radical departure from the typical *fait accompli* building permit issued by the city.

Now, thanks to Friends of Westwood, residents across this city will have the chance to provide input that may very well enhance a project. Not only will the (former restaurant) Ship's site building be smaller, and thereby relieve the community from a substantial amount of additional traffic, but it will also provide additional parking, a community room (with validated parking), a postal station, and yes, Ship's may very well return to its home in Westwood.

A dedicated group of citizens, with the help of their neighbors and other homeowner associations and conservation groups, can make a difference. When Friends of Westwood's leaders first asked for compliance with CEQA they received no assistance or encouragement from the Department of Planning or the City Council. When the Friends cited the city's own guidelines permitting the director of planning and the City Council to order environmental impact reports (CEQA Guidelines Article I, Section 8), the response was that EIRs only delay the inevitable and relief would not happen. A year was spent "exhausting remedies" before a lawsuit could be filed. At each point, we received the cold shoulder and eventually a permit to construct a 363,000 square foot office building was granted.

But we continued to seek relief for our community. We searched for attorneys willing to take the case. Only one law firm believed that we could prevail. Eventually we filed our lawsuit and lost in Superior Court.

The first organization to join our cause was the Sierra Club. The California Planning and Conservation League, followed by the Federation of Hillside and Canyon Assns., also came on board. After several months, a unanimous Court of Appeal published its decision: the City of Los Angeles was not above CEQA, communities have the right to know about projects and to voice suggestions. The city appealed this decision.

With mounting legal bills, Friends of Westwood again turned to its friends across the city. They sent contributions and letters of thanks. On June 3 the hopes of these generous citizens were fulfilled. Friends of Westwood prevailed.

Against all odds, justice triumphed. An impartial judicial system made up for a callous local government. Thank you to those who made this victory possible.

LAURA M. LAKE
President
Friends of Westwood

It may seem like the demented ravings of a wounded developer when I say this, but I'm going to go ahead and say it anyway. Notwithstanding the current thinking of everyone from the California Supreme Court on down, I respectfully disagree with the decision of the Supreme Court in this case. As a professional urban planner with 16 years of experience in both the public and private sector of the development community, and as an individual who has been intimately associated with the environmental evaluation and reporting process prior to the Friends of Mammoth decision, it is clear to me that the California Supreme Court has created an aberrant ruling which flies directly in the face of prior court rulings and in fact the original and subsequent legislative intent of CEQA and all its modifications. A review of the original legislation in 1970 and subsequent modifications, will show that the Legislature's intent was to protect the quality of the natural environment and to ensure that new development would be satisfactorily evaluated in terms of its impact on that environment.

As has been stated many times, both in the interpretation of the CEQA guidelines and the legislative processes which have been used to modify it over the years, it is clear that the Legislature intends that purely environmental concerns relating to the natural environment be evaluated, and that the emphasis of the environmental review be placed on non-urban areas, not fully developed areas of the city (such as the urbanized Westwood Village area) in which no "natural environment" has existed for years.

It seems extremely clear that the problem which caused the Friends of Westwood decision to come about is not a fault of the environmental review process, but one of the planning process and the regulatory controls in place. If the city of Los Angeles is concerned about the relationship of commercial development to the surrounding residential areas, it can provide an overlay zone or a buffer zone within which developers must conform to performance guidelines. The principle is clear: When you have a planning problem you cannot attack it with environmental regulations.

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