RYAN J. PATTERSON (SBN 277971) ryan@pattersononeill.com
BRIAN J. O'NEILL (SBN 298108) brian@pattersononeill.com
CHRIS MANASSERIAN (SBN 309276) chris@pattersononeill.com
PATTERSON & O'NEILL, PC
523 West 6th Street, Suite 1000, Los Angeles, CA 90014
Tel: (213) 877-3110 | Fax: (415) 907-7704
Attorneys for Petitioner Yes In My Back Yard and Sonja Trauss

Dylan Casey (SBN 325222) dylan@calhdf.org
Nicholas Eckenwiler (SBN 348744) nick@calhdf.org
CALIFORNIA HOUSING DEFENSE FUND
2201 Broadway, PH1, Oakland, CA 94162
Telephone: (443) 223-8231 | No facsimile
Attorneys for Petitioner California Housing Defense Fund

Matthew P. Gelfand (SBN 297910) matt@caforhomes.org
CALIFORNIANS FOR HOMEOWNERSHIP, INC.
915 L Street, #1460, Sacramento, CA 95814
Telephone: (213) 739-8206 | Facsimile: (213) 480-7724
Attorneys for Petitioner Californians for Homeownership, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

YES IN MY BACK YARD, a California nonprofit corporation; SONJA TRAUSS, an individual;
CALIFORNIA HOUSING DEFENSE FUND, a California nonprofit public benefit corporation;
CALIFORNIANS FOR HOMEOWNERSHIP, INC., a California nonprofit public benefit corporation;

Petitioners,

v.

CITY OF LOS ANGELES, a California municipality; and DOES 1-25,

Respondents,

RW WHCC, LLC, a limited liability company; and ROES 1-25,

Real Parties in Interest.

Case No.:

VERIFIED PETITION FOR WRIT OF MANDATE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTIONS 1085 AND 1094

[CCP § 1094.5; CCP § 1085; Gov. Code § 65589.5; Gov. Code § 65912.120 et seq.]

Petitioners YES IN MY BACK YARD, a California nonprofit corporation, SONJA TRAUSS, an individual, CALIFORNIA HOUSING DEFENSE FUND, a California nonprofit public benefit corporation, and CALIFORNIANS FOR HOMEOWNERSHIP, INC., a California nonprofit public benefit corporation (collectively, "Petitioners"), by and through their respective attorneys of record, file this verified petition for writ of mandate ("Petition") against respondents CITY OF LOS ANGELES AND DOES 1-25 (collectively, "Respondents"), and name RW WHCC, LLC and ROES 1-25 as real parties in interest (collectively, "Real Parties in Interest"), to compel Respondents to comply with their duties under the state Housing Accountability Act ("HAA") (Government Code ("GC") §65589.5) and the Affordable Housing and High Road Jobs Act of 2022 ("AB 2011") (GC §65912.100 et seq.) as further set forth below. Petitioners allege as follows:

INTRODUCTION

1. On December 9, 2025, less than three weeks after an application was filed to build 398 homes on part of a private golf course in his district, Los Angeles City Councilmember Bob Blumenfield wrote to his constituents: "if there is a way to get the public input, and CEQA review that a project of this size should be required to do, I will pursue it." And pursue it he did. State law entitles the housing project to streamlined, ministerial approval. It received neither. While the application was pending, Councilmember Blumenfield introduced motions, wrote to state legislators and the Governor of California, and published op-eds, all in search of a way to stop the project. Meanwhile, the City of Los Angeles's planning department issued letter after letter demanding additional studies and materials. The result was a nine-month back-and-forth between the developer and planning staff over various eligibility criteria, with staff seemingly searching for a way to deny this housing project. On August 20, 2026, the City found one: it declared that an operating golf course, in regular use by golfers and staff, is mountain lion habitat, and that the project is therefore ineligible for ministerial approval. Councilmember Blumenfield hailed this determination as "Great news!" in a post on the Council District 3 website. On October 28, 2026, the California Department of Housing and Community Development notified the City that its determination violates state law. To this day, the City has not reversed its decision.

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2. This case is yet another example of why the City of Los Angeles faces a deepening housing crisis, while the rate of those suffering from homelessness continues to rise to unprecedented levels. Respondents' actions in this case to avoid compliance with the State of California's housing laws perpetuate this ongoing housing crisis. As illustrated in this case, Respondents' conduct includes, but is not limited to, (i) applying an improper evidentiary standard under AB 2011 to disapprove the Project despite substantial evidence in the project applicant's biological assessments that would allow a reasonable person to conclude that the Project Site does not constitute mountain lion habitat; (ii) failing to support their contrary habitat determination with substantial evidence; (iii) disapproving the Project without making the findings required by the HAA; and (iv) acting in bad faith in doing so.

PARTIES TO THE ACTION

3. Petitioner Yes In My Back Yard ("YIMBY") is a 501(c)(3) nonprofit benefit corporation and is the litigation affiliate of YIMBY Action, a 501(c)(4) nonprofit corporation, whose membership cuts across socioeconomic lines, including members with very low, low, moderate, middle, and higher incomes (""YIMBY Members"). YIMBY litigates for housing projects through its project YIMBY Law, whose mission is to end the housing shortage and achieve affordable, sustainable, and equitable housing for all. YIMBY's mission is to increase the accessibility and affordability of housing in California by enforcing state housing laws and by advocating for increased access to housing for households of all income levels, including for YIMBY Members who reside in, or wish to reside in, the City of Los Angeles. YIMBY has a direct and substantial interest in ensuring that Los Angeles's actions are in conformity with the requirements of law, that those requirements are properly executed, and that Los Angeles' legal duties are enforced. YIMBY Members, as well as the general public, will be adversely affected by the acts described herein and are aggrieved by the acts, decisions, and omissions of the City as alleged in this Petition. YIMBY is also a housing organization within the meaning of GC 65589.5(k)(2)

4. Petitioner Sonja Trauss ("Trauss") is a natural person and a resident of the State of

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California, and she is the founder and executive director of YIMBY and a member of YIMBY Action. Trauss has a substantial interest in ensuring that Respondents' actions are in conformity with the requirements of law, that those requirements are properly executed, and that the public duties of Respondents are enforced.

5. Petitioner California Housing Defense Fund ("CalHDF") is a California nonprofit public benefit corporation and 501(c)(3) public charity. CalHDF's mission is to promote housing growth and affordability in California through education and legal advocacy. This advocacy includes litigation under state laws that limit local governments' ability to restrict or impair the construction of new housing and housing affordability.

6. Petitioner Californians for Homeownership, Inc. ("CFH") is a California nonprofit public benefit corporation and 501(c)(3) public charity. CFH's mission is to address California's housing crisis through litigation in support of the production of housing affordable to families at all income levels.

7. Real Party in Interest RW WHCC, LLC ("Applicant") is the applicant for the housing development project at issue in this Petition. Applicant is named as a real party in interest because it holds a direct interest in the application that is the subject of this action. Petitioners seek no relief against Applicant.

8. Respondent City of Los Angeles (the "City") is an incorporated municipality of the State of California. The City, through its Department of City Planning ("LADCP"), administers and enforces the City's land use and zoning regulations and reviews and processes property development applications.

9. Petitioners are not aware of the identities of respondents DOES 1-25, who are responsible for the acts and omissions alleged herein and that caused damage to Petitioners; therefore, Petitioners will amend this Petition when the true identities of DOES 1-25 are ascertained.

10. Petitioners are not aware of the true names and capacities of the real parties in interest named as ROES 1-25, who claim or may claim an interest in the subject of this action, and

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therefore name them by fictitious names. Petitioners will amend this Petition when the true identities of ROES 1-25 are ascertained.

11. Petitioners are informed and believe that at all times mentioned in this Petition, all Respondents were the agents or employees of the other Respondents, and in doing the things alleged in this Petition, were acting within the course and scope of that agency and employment.

JURISDICTION AND VENUE

12. Los Angeles County Superior Court has initial jurisdiction of the matters alleged herein pursuant to Code of Civil Procedure ("CCP") §§ 1094.5 and 1085, which authorize the Court to issue a writ of mandate.

13. Venue is proper in this Court because the entire controversy occurred in Los Angeles County, and Respondents are situated in Los Angeles County. (CCP §§394 & 395.)

14. This action is timely because it is brought within 90 days of a final action on a housing development project application. (GC §65589.5(m).)

15. Petitioners performed any and all conditions precedent to filing this action to the extent required by law and exhausted all available administrative remedies.

STATEMENT OF FACTS

State Law Background

16. AB 2011 establishes a streamlined, ministerial approval process for qualifying housing developments. Under its mixed-income provisions, a development that satisfies GC §§ 65912.121, 65912.122, and 65912.123 constitutes a use by right, notwithstanding inconsistent provisions of a local government's general plan, specific plan, zoning ordinance, or regulations. (GC §65912.120.)

17. AB 2011's definition of "use by right" precludes a local government from requiring a conditional use permit, planned unit development permit, or other discretionary approval or review. The definition also excludes every aspect of the qualifying development, including its required permits, from the definition of a project under the California Environmental Quality Act ("CEQA"). (GC § 65912.101(y).)

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18. AB 2011 incorporates, with an exception, the environmental site eligibility requirements in GC §65913.4(a)(6). (GC §65912.121(g).) Those requirements address coastal areas, agricultural land, wetlands, fire hazards, hazardous waste sites, earthquake fault zones, flood hazards, conservation lands, habitat for protected species, and conservation easements. Among these requirements, GC §65913.4(a)(6)(J) excludes projects located on habitat for specified protected species. (GC §65913.4(a)(6)(A)–(K).)

19. AB 2011 also limits the area a local government may review. For purposes of determining whether a site satisfies the requirements for streamlined, ministerial review, a local government's review "shall be limited to the area described as being physically disturbed by construction in the application for streamlined, ministerial review" and "shall not include, unless expressly stated otherwise, other contiguous or noncontiguous areas even if under the ownership or control of the project proponent." (GC §65912.103.5.)

20. In evaluating compliance, AB 2011 requires a finding of consistency whenever "there is substantial evidence that would allow a reasonable person to conclude" that the development satisfies the objective planning standards. (GC §65912.124(b)(1).) The statute does not authorize Respondents to find a development inconsistent merely because substantial evidence also supports a contrary conclusion. If substantial evidence, considered in light of the whole record, permits a reasonable finding of consistency, Respondents must find the development consistent even if they would reach a different conclusion.

21. For developments containing more than 150 units, AB 2011 requires a written consistency determination within 90 days after submission. Any determination of inconsistency must identify every claimed conflict and explain its basis. The agency must review a resubmittal addressing its written feedback within 30 days. Failure to provide the required documentation within the statutory period results in deemed compliance with the required objective planning standards. Once the agency determines consistency, it must approve a development of this size within 90 days. (GC § 65912.124(a).)

22. AB 2011 excludes from streamlined, ministerial review any site that is "[h]abitat for protected species identified as candidate, sensitive, or species of special status by state or federal

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agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)." (GC §§65912.121(g), 65913.4(a)(6)(J).) The exclusion applies only to a site that is habitat. The Attorney General has explained that "Land that is already developed with - for example a single-family home - is not, by definition, habitat.," and that "'habitat' is a separate concept from 'range,'" which is "where the species may be found in its lifetime." (Letter from Deputy Attorney General Matthew T. Struhar to Town of Woodside (Feb. 6, 2022).) A species may therefore be present in, or pass through, a particular place without that place being its habitat.

23. AB 2011 expressly makes the HAA applicable to developments proceeding under its mixed-income provisions. (GC §65912.124(s).) The HAA likewise requires a finding of consistency when substantial evidence would allow a reasonable person to conclude that the development complies with the applicable requirements. (GC §65589.5(f)(4).) For a housing development that complies with applicable objective general plan, zoning, and subdivision standards and criteria, the HAA prohibits disapproval or a reduction in density unless the agency makes written findings, supported by a preponderance of the evidence, that the project would cause a specific adverse impact on public health or safety and that no feasible method would satisfactorily mitigate or avoid that impact without disapproving the project or reducing its density. (GC §65589.5 (j)(1).)

The Proposed Housing Project and Project Site

24. The housing development project at issue in this case is a 398-unit multifamily development (223 apartment units and 175 single-family detached condominium units), including 61 units set aside as affordable for low-income households (the "Project").

25. The Project is proposed on an approximately 19.9-acre site at 4868 North Canoga Avenue in the Woodland Hills community of the City of Los Angeles (the "Project Site"). The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the Project Site as "Open Space" and identifies OS and A1 as the corresponding zones. The Project Site's zoning

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designation is A1-1XL. The Project Site is located within Council District 3, represented by Councilmember Bob Blumenfield.

26. The Project Site satisfies AB 2011's zoning and commercial-corridor eligibility requirements. Parking qualifies as a principally permitted use on the Project Site under AB 2011. The Project Site also has at least 50 feet of required frontage on Canoga Avenue. The portion of Canoga Avenue abutting the Project Site has a designated right-of-way of 86 feet and therefore qualifies as a "commercial corridor" under AB 2011. (GC §§ 65912.101(c), (u), 65912.121(a), (c)(1).)

27. The Project Site occupies an improved portion of the Woodland Hills Country Club, an operating private golf course. Existing improvements include a beverage building, temporary event structures, concrete pathways and retaining walls, stormwater drainage facilities, irrigation infrastructure, utility building and electrical utilities. Golf course patrons and employees regularly use the Project Site, which supports ongoing commercial operations.

The Project Application

28. On September 17, 2025, LADCP deemed complete Applicant's Housing Crisis Act Vesting Preliminary Application for the Project, assigned Case No. PAR-2025-5150-VHCA.

29. On November 21, 2025, Applicant submitted an application for the Project, assigned Case Nos. CPC-2025-6505-DB-DRB-SPPC-PR-VHCA and VTT-84929-VHCA (the "Application"). The Application included, among other required documents, a biological resources assessment prepared by Hernandez Environmental Services, dated July 15, 2025 (the "Hernandez Report"). The Application was to be processed ministerial pursuant to AB 2011.

30. In a December 9, 2025 letter to the community regarding the Application, Councilmember Blumenfield stated that he "refused to support" an earlier housing proposal on the Project Site "flat out." Addressing to the Project, Councilmember Blumenfield called it "shocking" that AB 2011 would leave the City with "no discretion to review the project, no authority to require CEQA," and no avenue for the community or his office to appeal.

31. On December 18, 2025, LADCP issued its first Status of Project Review letter (the "First Hold Letter"), deemed the Application incomplete, and placed the Project on a processing

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hold. In the First Hold Letter, LADCP asserted that the Hernandez Report lacked sufficient narrative and supporting evidence to establish that the Project Site did not contain habitat for candidate, sensitive, or special-status species. LADCP cited data from the City's Zone Information and Map Access System indicating a "high likelihood of mountain lion habitat" and requested additional analysis of mountain lion habitat. Applicant subsequently prepared additional materials responding to the City's requests.

32. On January 13, 2026, Councilmember Blumenfield issued a "community update" letter to address the Project Application. There he stated that while the Project was still not deemed complete, Blumenfield and his staff "are working on using all tools left in the City's hands to pause this dangerous proposal." Blumenfield further told constituents "it remains absurd that this level of development can be allowed by-right in a high fire severity zone with no CEQA review and zero input from the community or local government."

33. On February 17, 2026, LADCP issued a second Status of Project Review letter, maintaining the hold and asserting that the Application remained incomplete and that the Project did not comply with AB 2011 and the City's Zoning Code (the "Second Hold Letter"). The Second Hold Letter included an AB 2011 compliance review attachment in which LADCP asserted that the Project either did not comply with multiple AB 2011 requirements or that LADCP could not determine compliance. As to the habitat criterion in GC §65913.4(a)(6)(J), LADCP stated that "[t]he applicant has not submitted sufficient evidence for the City to determine that the site is not a habitat for protected species as defined." Later that same day, Applicant submitted a response to the First Hold Letter, together with eleven supporting attachments, including an amended Hernandez Report dated February 11, 2026. Applicant's response to the First Hold Letter also advised LADCP that the governing standard is the reasonable person standard in GC §65912.124(b)(1).

34. Throughout this period, Councilmember Blumenfield openly worked to derail the Project. In a January 13, 2026 "community update," he told constituents that he and his staff were "working on using all tools left in the City's hands to pause this dangerous proposal." On February 26, 2026, he asked California Governor Gavin Newsom to direct HCD to interpret "vacant site"

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under AB 2011 in a manner that would "ensure that the City of Los Angeles maintains discretion to review" the Project. In a March 6, 2026 community update, he described that effort as "the easiest route to get this project off the ministerial path," reported that Mayor Bass "wants to help," and included a form letter for constituents to send to HCD. At his behest, the City Council also adopted a motion directing City departments to develop the City's own definition of "vacant sites" that would include the Project Site (this motion was one of many in an attempt to undermine the Project's ministerial approval pathway).

35. On March 17, 2026, after reviewing Applicant's February 17 submission, LADCP issued a third Status of Project Review letter (the "Third Hold Letter"). LADCP again stated the Project was on hold and asserted that the Application remained incomplete and the Project remained inconsistent with applicable requirements. Rather than identify any evidence of protected habitat, LADCP effectively demanded that Applicant prove the absence of any conceivable protected habitat, an evidentiary burden that exceeds AB 2011's reasonable person standard.

36. On April 22, 2026, Applicant submitted revised materials and a further response addressing LADCP's Third Hold Letter. Applicant's submission included a further amended Hernandez Report dated April 1, 2026.

37. On May 22, 2026, LADCP issued its fourth Status of Project Review letter and expressly deemed the Application complete (the "Fourth Hold Letter"). Nevertheless, the City continued the processing hold and continued to assert that the Project did not comply with AB 2011 and the City's Zoning Code.

38. The Fourth Hold Letter acknowledged that the Project satisfied several disputed AB 2011 eligibility requirements, without any new information to consider. The City determined that parking qualified as a principally permitted use on the Project Site; the Project Site satisfied the commercial-corridor frontage requirement; the revised disturbance area complied with the 20-acre limitation; and the Project Site satisfied the requirement concerning adjoining urban uses. The City also accepted Applicant's documentation of an existing permitted building and determined that the Project Site was not vacant. A few issues, including the City's habitat objections, remained unresolved.

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39. On July 21, 2026, Applicant submitted additional materials responding to the Fourth Hold Letter, including a further amended Hernandez Report dated July 20, 2026, and a "Biological Assessment for AB 2011" dated July 17, 2026 (the "South Report"), prepared by South Environmental, a biological consulting firm led by a certified wildlife biologist and verified by LADCP as a qualified biological consultant. The Hernandez Report, as amended, concluded that the Project Site "would not be considered habitat for Mountain Lion" because of its high levels of human activity, limited cover, and fragmentation, and reported that the field survey found no dens, scat, or tracks. The South Report likewise concluded that the Project Site does not contain habitat for mountain lions. Relying on a National Park Service study of mountain lions in the Santa Monica Mountains, the South Report explained that mountain lions consistently avoid altered open areas such as golf courses, and that "[t]he National Park Service mountain lion tracking data have not identified any of the tracked mountain lions on or near the golf course." Importantly, NPS recently celebrated 25 years of successful tracking of mountain lions in LA County and periodically released thousands of locations of mountain lion range. The South Report importantly notes the geographic context of the site, that it is completely surrounded by residential, commercial uses and the entire periphery is public streets; with rows of homes and private property between the Santa Monica Mountains and the project site. True and correct copies of excerpts of the further amended Hernandez Report dated July 20, 2026, and of the South Report are attached as **Exhibits A and B**, respectively, and incorporated by this reference.

40. Councilmember Blumenfield's opposition did not abate. In a July 31, 2026 community update, he wrote that he was "aghast" that the Project might be built at the "high density" of 20 units per acre.

41. On August 20, 2026, LADCP issued a "Final Determination of Ineligibility for Ministerial Processing" concluding that the Project was ineligible for AB 2011 ministerial processing (the "Disapproval"). The Disapproval stated that "Planning staff has determined that there is substantial evidence of habitat for protected species" on the Project Site and on the larger Woodland Hills Golf Club property. The Disapproval identified no other basis for ineligibility. LADCP relied on an August 19, 2026 memorandum prepared by its ecologist, Kat Superfisky, titled

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"Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club" (the "LADCP Habitat Report"). The LADCP Habitat Report is dated August 19, 2026, one day before LADCP issued the Disapproval. On information and belief, LADCP did not provide the LADCP Habitat Report to Applicant before issuing the Disapproval, and Applicant had no opportunity to review or respond to it. The LADCP Habitat Report states that it evaluated the property "not solely as an isolated 19.9-acre parcel" but in its larger landscape setting. The Disapproval did not address whether Applicant's biological assessments constituted substantial evidence that would allow a reasonable person to conclude that the Project Site is not habitat for protected species, and it did not include any of the required disapproval written findings described in GC §65589.5(d) and (j). A true and correct copy of the Disapproval is attached as **Exhibit C** and incorporated by this reference. A true and correct copy of excerpts of the LADCP Habitat Report is attached as **Exhibit D** and incorporated by this reference.

42. In a statement dated August 20, 2026, the day of the Disapproval, and posted to the official Council District 3 website on August 22, 2026, Councilmember Blumenfield hailed the Disapproval as "Great news!" He acknowledged that he had "tried many different ways to secure a discretionary process" and that "we all feared that the Department was on the verge of possibly approving the process ministerially." He then explained what changed: "Being in a high fire severity zone wasn't enough to get discretionary review, and pointing out that the project is not actually on a commercial corridor . . . wasn't enough. However, determining that the project is proposed on endangered species habitat is enough." According to Councilmember Blumenfield, "Planning was tasked with figuring this out," and "fortunately they determined the site to be Mountain Lion habitat." He called the determination "a huge step to tap the brakes and put the juggernaut proposal . . . in a high fire zone on a discretionary path."

HCD's Notice of Violation

43. HCD is the state agency charged with enforcing state housing laws, including AB 2011, and it must notify a local government that takes an action in violation of those laws. (GC §65585(j).) On October 28, 2026, HCD issued a Letter of Technical Assistance notifying the City

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that the Disapproval violates AB 2011 (the "HCD Letter"). HCD explained that the habitat exclusion applies only to land actually serving as habitat, not to land that might serve as habitat or theoretically could provide ecological functions. HCD observed that "the City's determination is based on the report's identification of potential or context-dependent ecological functions, not evidence that mountain lions actually use or occupy the property." HCD further stated that the LADCP Habitat Report's analysis "is an assessment of theoretical capacity and not evidence of actual habitat utilization, and therefore is not a valid basis to deem the project ineligible." HCD also identified the report's internal contradiction: "HCD's notice details the defects with the "Ecologist Report" drafted by a City employee: "Likewise, the report further acknowledges that the site 'is a modified and actively managed urban landscape; it is not equivalent to intact natural communities': found elsewhere in the Santa Monica Mountains. Habitat is land that provides food, shelter and other resources necessary to support the species. By describing the site as a significantly altered urban landscape with no demonstrated mountain lion presence, the report undermines its own conclusions." HCD concluded that Applicant's biological assessments satisfy AB 2011's reasonable person standard and that "the project remains eligible for streamlined ministerial approval under AB 2011." A true and correct copy of the HCD Letter is attached as **Exhibit E** and incorporated by this reference.

44. HCD further concluded that Applicant's two biological assessments satisfied AB 2011's reasonable-person standard and supported the Project's eligibility for streamlined review. HCD requested that the City respond by November 25, 2026.

45. On October 30, 2026, Applicant, through its counsel, served the City with a notice of intent to sue pursuant to Government Code section 65914.2 and a claim for damages under the Government Claims Act (the "Applicant Notice"). The Applicant Notice set out the grounds on which the Disapproval violates AB 2011 and the HAA and requested that the City reverse the Disapproval and approve the Project within 60 days. A true and correct copy of the Applicant Notice, without its attachments, is attached as **Exhibit F** and incorporated by this reference. As of the filing of this Petition, the City has not rescinded the Disapproval.

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46. Petitioners challenge the Disapproval because the record contains substantial evidence from which a reasonable person could conclude that the Project satisfies AB 2011's habitat eligibility requirement. HCD's letter confirms the same: "Here the applicant has met that standard. As part of the full application submittal, the applicant provided two biological assessments prepared by qualified professionals, including a 'Biological Assessment for AB 2011' dated July 17, 2026, completed by South Environmental, a firm on the City's own list of Qualified Biological Consultants. These assessments rely on recognized scientific methodologies and provide well-supported conclusions that the site does not constitute a mountain lion habitat. The City's own statement acknowledges the key facts established in those materials: 'the property's management as a golf course, the absence of documented mountain lion GPS locations on the property, and the absence of identified continuous intact wildlife corridor across it.' Under the reasonable person standard found in AB 2011, this serves as substantial evidence demonstrating that the site does not function as a mountain lion habitat." State law requires the City to recognize consistency when that evidentiary standard is met. Petitioners seek an order setting aside the Disapproval and compelling the City to process the Project under AB 2011 and fulfill its obligations under the HAA. (Gov. Code, § 65912.124, subds. (b)(1), (s).)

FIRST CAUSE OF ACTION

Writ of Mandate - CCP § 1094.5, and/or § 1085;

Violation of AB 2011, Gov. Code § 65912.120 et seq.

(Against all Respondents)

47. Petitioners incorporate here by reference the allegations contained in all preceding paragraphs of this Petition.

48. Respondents violated AB 2011 by determining that the Project Site is habitat for a protected species and disapproving the Project as ineligible for streamlined, ministerial review on that basis.

49. Respondents applied the wrong standard when they issued the Disapproval. AB 2011 states "a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with

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the objective planning standards." (GC §65912.124(b)(1).) Under this standard, evidence of consistency need not outweigh contrary evidence. If substantial evidence would allow a reasonable person to find the development consistent, the development is consistent, even if substantial evidence also supports a contrary conclusion. The HAA contains the same standard (GC §65589.5(f)(4)), which the Court of Appeal has described as "intentionally deferential to housing development." (*California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 845.) The Disapproval relies on LADCP's determination that "there is substantial evidence of habitat for protected species" on the Project Site. That is not the inquiry AB 2011 prescribes. LADCP was required to determine whether substantial evidence would allow a reasonable person to conclude that the Project Site is not habitat for protected species. The Hernandez Report, as amended, and the South Report constitute such evidence. The Project is therefore consistent with GC §65913.4(a)(6)(J), as incorporated by GC §65912.121(g), and the Disapproval violates AB 2011.

50. Independently, the Disapproval is not supported by substantial evidence that the Project Site is habitat for protected species. The LADCP Habitat Report acknowledges the absence of National Park Service documented mountain lion GPS coordinates on the Project Site and describes the Project Site as "a modified and actively managed urban landscape" that "is not equivalent to intact natural communities." Evidence that a site could provide ecological functions relevant to a protected species is not evidence that the site is habitat for that species.

51. Petitioners have standing to bring this cause of action. AB 2011 provides that GC §65589.5 "applies to a development proceeding pursuant to this article." (GC §65912.124(s).) GC §65589.5 in turn authorizes "a housing organization" or a "person who would be eligible to apply for residency in the housing development project" to "bring an action to enforce this section." (GC §65589.5(k)(1)(A)(i).) YIMBY, CalHDF, and CFH are each a housing organization within the meaning of GC §65589.5(k)(2). Sonja Trauss is a person who would be eligible to apply for residency in the housing project. Petitioners may therefore enforce Respondents' obligations with respect to the Project, including Respondents' obligation to find the Project consistent with AB

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2011's objective planning standards and to approve it. Petitioners have a clear, present, and legal right to Respondents' performance of their duties as described herein.

52. Respondents failed to proceed in the manner required by law and abused their discretion in determining that the Project is ineligible for AB 2011 because the Project Site is habitat for a protected species. That determination, which the Disapproval is based on, is contrary to the reasonable person standard in GC §65912.124(b)(1).

53. The Disapproval identified no conflict with any objective planning standard other than the habitat criterion. AB 2011 required LADCP, within 30 days of Applicant's July 21, 2026 resubmittal, to provide an exhaustive list of every standard with which the Project conflicts, and a development is deemed to satisfy the required objective planning standards if that documentation is not provided. (GC §65912.124(a)(1)(C), (a)(2)(A), (a)(4).) Because the Project satisfies the habitat criterion and is deemed to satisfy every other objective planning standard, the Project is consistent with AB 2011, and Respondents must set aside the Disapproval and approve the Project. (GC §65912.124(a)(3).)

54. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge the Respondents' actions, and a writ of mandate under CCP §1094.5 and/or §1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to perform their legal duties under AB 2011.

SECOND CAUSE OF ACTION

Writ of Mandate - CCP §1094.5, and/or §1085;

Violation of the Housing Accountability Act, GC §65589.5

(Against all Respondents)

55. Petitioners incorporate here by reference the allegations contained in all preceding paragraphs of this Petition. Respondents' actions constitute an unlawful disapproval of the Project under the HAA. Respondents failed to proceed in the manner required by law by disapproving a housing development project without making the written findings the HAA requires.

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56. The Project is a "housing development project" as that term is used in the HAA because the Project consists of residential units only and is, therefore, entitled to the protection of the HAA. (GC §65589.5(h)(2)(A).)

57. Petitioners have standing to enforce the HAA. The HAA provides that "a person who would be eligible to apply for residency in the housing development project" or "a housing organization may bring an action to enforce this section." (GC §65589.5(k)(1)(A)(i).) A "housing organization" includes "a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households" that has "filed written or oral comments with the local agency prior to action on the housing development project." (GC §65589.5(k)(2).) YIMBY is a nonprofit organization whose mission includes advocating for increased access to housing for low-income households. YIMBY submitted written comments to LADCP regarding the Project on February 20, 2026, stating that the Project met eligibility requirements before LADCP issued the Disapproval. YIMBY also submitted a letter on October 9, 2026, disputing the characterization that the Property constitutes habitat for mountain lion. CalHDF and CFH submitted a joint letter to LADCP regarding the Project on March 26, 2026, before the Disapproval (letters by the Petitioners are attached as **Exhibit G**).

58. The HAA requires cities to make certain designated findings before disapproving a housing development that complies with applicable standards. To disapprove an otherwise compliant housing development, the city must make two specific written findings, supported by a preponderance of the evidence. First, the project would have a "specific, adverse impact" on public health or safety, meaning a significant, quantifiable, direct, and unavoidable impact measured against objective written standards that existed at that time. Second, there is no feasible way to mitigate or avoid that impact other than disapproval or a lower density. (GC §65589.5(j)(1).) The Project is exempt from most of the City's general plan, zoning, and subdivision standards because they are overridden by the standards in AB 2011. However, AB 2011 does require the Project to comply with objective zoning, subdivision, and design review standards that AB 2011 does not otherwise address. (GC §65912.123(j).) Here, the Project complies with those standards. The City nonetheless disapproved the Project without making the

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written findings required by GC §65589.5(j)(1). Therefore, the City's disapproval of the Project violated the HAA. The Project also qualifies as "housing for very low, low-, or moderate-income households" under the HAA because more than 13 percent of its units are reserved for lower income households. (GC §65589.5(h)(3)(C)(i)(III).)

59. The HAA imposes additional findings requirements for disapproval of "housing for very low, low-, or moderate-income households," a category that expressly includes housing for mixed-income households. (GC §65589.5(h)(3)(A).) The Project qualifies as housing for mixed-income households because it reserves more than 13 percent of its units for lower income households and therefore falls within these protections. (GC §65589.5(h)(3)(C)(i)(III).) A local agency "shall not disapprove" such a project unless it makes "written findings, based upon a preponderance of the evidence in the record," as to one of six specified conditions. (GC §65589.5(d).) The City did not make any of these written findings. That failure constitutes an independent violation of the HAA.

60. The HAA defines "Disapprove the housing development project" broadly to include situations where a local agency "takes final administrative action on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit[.]" (GC §65589.5(h)(6)(A).) The Disapproval is a final administrative action on the Application that disapproved the Project and prevents Applicant from obtaining the "required land use approvals or entitlements necessary for the issuance of a building permit" for the Project. The City titled the Disapproval a "Final Determination of Ineligibility for Ministerial Processing" and referred to it as the City's "final determination of ineligibility for ministerial approval." The Disapproval identified no administrative appeal and stated that, to continue pursuing the Project, Applicant "will need to reapply to incorporate any additional discretionary entitlements, subject to CEQA review, and pay the corresponding fees." The Disapproval is therefore a disapproval of a housing development project under the HAA. (*Id.*)

61. Respondents acted in bad faith when they disapproved the Project. Under the HAA, "bad faith" includes, but is not limited to, "an action or inaction that is frivolous,

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pretextual, intended to cause unnecessary delay, or entirely without merit." (GC §65589.5(l).) LADCP held the Application for nine months through four successive hold letters. Applicant's counsel twice advised LADCP in writing of the reasonable person standard in GC §65912.124(b)(1). LADCP then issued the Disapproval one day after the date of the LADCP Habitat Report, without allowing Applicant to review or respond to that report, and applied an evidentiary standard that appears nowhere in AB 2011. The Disapproval rests on a report that acknowledges the absence of documented mountain lion GPS coordinates on the Project Site. Petitioners have submitted a letter to the City, advising them that the action they are taking is illegal. HCD has since advised the City in writing that the Disapproval violates AB 2011, Applicant has demanded that the City reverse the Disapproval, and the City has not rescinded the Disapproval. These facts, together with the public efforts of the district's Councilmember to prevent ministerial approval of the Project, establish that the Disapproval was pretextual and entirely without merit.

62. Courts have previously found that the City violated the HAA during the current housing element planning period, including in *Jha v. City of Los Angeles* (Super. Ct. L.A. County, No. 23STCP03499), *Yes In My Back Yard v. City of Los Angeles* (Super. Ct. L.A. County, No. 24STCP00070), and *Yes In My Back Yard v. City of Los Angeles* (Super. Ct. L.A. County, No. 24STCP00385). (See GC §65589.5(l).)

63. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge the Respondents' actions, and a writ of mandate under CCP §1094.5 and/or §1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to perform their legal duties and obligations under the HAA, including with respect to the proposed Project.

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WHEREFORE, Petitioners pray for relief as follows:

ON THE FIRST CAUSE OF ACTION

1. For (a) a judgment determining or declaring that Respondents failed to comply with AB 2011 in determining that the Project is ineligible for streamlined, ministerial review; (b) a judgment that the Disapproval applies an evidentiary standard contrary to GC §65912.124(b)(1), is not supported by substantial evidence, and is therefore invalid as a matter of law; and (c) issuance of a Writ of Mandate ordering Respondents to set aside the Disapproval, to find the Project consistent with the objective planning standards of AB 2011, and to approve the Project within the time required by GC §65912.124(a)(3);
2. For costs of the suit incurred herein;
3. For attorneys' fees incurred herein pursuant to GC §65589.5(k)(1)(A)(ii) and CCP §1021.5; and
4. For such other and further relief as this Court may deem just and proper.

ON THE SECOND CAUSE OF ACTION

1. For (a) a judgment determining or declaring that Respondents violated the HAA by disapproving the Project, a housing development project for very low, low-, or moderate-income households, without making the written findings required by GC §65589.5(d) and (j); (b) a judgment that the Disapproval constitutes a prejudicial abuse of discretion and is invalid as a matter of law; and (c) issuance of a Writ of Mandate ordering Respondents to set aside the Disapproval and to comply with the HAA with respect to the Project within 60 days pursuant to GC §65589.5(k)(1)(A)(ii);
2. For a finding that Respondents acted in bad faith within the meaning of GC §65589.5(l), and an order directing Respondents to approve the Project pursuant to GC §65589.5(k)(1)(A)(ii);
3. If Respondents fail to carry out the Court's order or judgment within 60 days, for an order vacating the Disapproval and approving the Project, such that the Application, as proposed by Applicant at the time of the Disapproval, is deemed approved pursuant to GC §65589.5(k)(1)(C);

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4. For the imposition of fines pursuant to GC §65589.5(k)(1)(B) and (l) if Respondents fail to comply with the Court's order or judgment within the time prescribed;
5. For costs of suit incurred herein;
6. For attorneys' fees incurred herein pursuant to GC §65589.5(k)(1)(A)(ii) and CCP §1021.5;
7. For such other and further relief as this Court may deem just and proper.

Dated: November 16, 2026

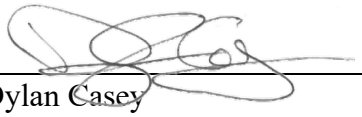
Respectfully Submitted,

PATTERSON & O'NEILL, PC



Chris Manasserian
Ryan Patterson
Brian O'Neill
Attorneys for Petitioners,
YES IN MY BACK YARD
SONJA TRAUSS

CALIFORNIA HOUSING DEFENSE FUND



Dylan Casey
Nicholas Eckenwiler
Attorneys for Petitioner
CALIFORNIA HOUSING DEFENSE FUND

CALIFORNIANS FOR HOMEOWNERSHIP, INC.



Matthew P. Gelfand
Attorneys for Petitioner
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

PATTERSON & O'NEILL, PC
523 WEST 6TH STREET, SUITE 1000
LOS ANGELES, CALIFORNIA 90014

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523 WEST 6TH STREET, SUITE 1000
LOS ANGELES, CALIFORNIA 90014

VERIFICATION

I, Ryan Patterson, declare as follows:

1. I am an attorney in the above titled action for petitioners Yes In My Back Yard ("YIMBY") and Sonja Trauss, the executive director of YIMBY, who is absent due to international travel from San Francisco County, in which I have my office, and who is therefore unable to verify the foregoing VERIFIED PETITION FOR WRIT OF MANDATE. I am also general counsel for petitioner YIMBY and am authorized to verify this VERIFIED PETITION FOR WRIT OF MANDATE on petitioner's behalf.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents. The matters stated in the VERIFIED PETITION FOR WRIT OF MANDATE are true of my own knowledge from having reviewed the City of Los Angeles Department of City Planning's files for Case Nos. CPC-2025-6505-DB-DRB-SPPC-PR-VHCA and VTT-84929-VHCA, in which the City issued its August 20, 2026 Final Determination of Ineligibility for Ministerial Processing for the housing development project at 4868 North Canoga Avenue, Los Angeles, CA, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th day of November 2026, at Palm Springs, California.



Ryan Patterson

VERIFICATION

I, Dylan Casey, declare as follows:

1. I am the Executive Director of the California Housing Defense Fund, a Petitioner in this action. I am authorized to verify this VERIFIED PETITION FOR WRIT OF MANDATE on behalf of California Housing Defense Fund.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents. The matters stated in it are true of my own knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13 day of November 2026, at Alameda, California.

Dylan Casey

PATTERSON & O'NEILL, PC
523 WEST 6TH STREET, SUITE 1000
LOS ANGELES, CALIFORNIA 90014

VERIFICATION

I, Matthew P. Gelfand, declare as follows:

1. I am employed by and represent Californians for Homeownership, Inc., a Petitioner in this action. I am authorized to verify this VERIFIED PETITION FOR WRIT OF MANDATE on behalf of Californians for Homeownership, Inc.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents. The matters stated in it are true of my own knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of November 2026, at Los Angeles, California.

Matthew Gelfand

Matthew P. Gelfand

PATTERSON & O'NEILL, PC
523 WEST 6TH STREET, SUITE 1000
LOS ANGELES, CALIFORNIA 90014

EXHIBIT A

July 20, 2026

Jeremy Ogulnick
RW WHCC, LLC
240 Newport Center Dr Ste 200
Newport Beach, CA 92660

Subject: Further Amended Biologist Statement of Habitat and Biological Resources Assessment for a less than 20-acre portion of the Woodland Hills Country Club in the city of Los Angeles, Los Angeles County, California.

Mr. Ogulnick,

Hernandez Environmental Services (HES) conducted a Biological Resources Assessment (BRA) for the less than 20-acre site located within the Woodland Hills Country Club, Woodland Hills, CA 91364 ("Project Site). We drafted an initial statement on July 15, 2025, and made certain revisions based on feedback from the City of Los Angeles Planning Department, with revisions dated December 18, 2025 and March 17, 2026. The latest letter is dated July 20, 2026 and includes revisions to address further correspondence from Los Angeles City Planning dated May 22, 2026, which requests further analysis related to the potential for the site to include a Wetland, as defined in United States Fish and Wildlife Service Manual, Part 660 FW 2, and the potential for the site to constitute a habitat for protected species.

The purpose of this amended BRA is to document the biological resources identified as present or potentially present on the project site; identify potential biological resource impacts resulting from the proposed project; give details as to why certain species are not present on the Project Site and why they would not be expected to be present on such a site, and address the potential for the site to include wetlands or "habitat" for protected species.

Project Site Location

The less than 20-acre site consists of a portion of the Woodland Hills Country Club located south of Dumetz Road and west and east of Canoga Avenue (Figure 1, Location Map). The Project Site is situated within the neighborhood of Woodland Hills and City of Los Angeles in Los Angeles County (Figure 2, Vicinity Map).

The site consists of a portion of Assessor's Identification Number (AIN) 2172-002-002. Specifically, the proposed Project Site is located within Ex Mission de San Fernando land grant, San Bernardino Base Meridian, United States Geological Survey *Canoga Park* 7.5-Minute Quadrangle. The approximate center of the project site is located at 34° 09' 22.5846" N, 118° 35' 37.6486" W.

The Project Site does not contain or provide habitat for species listed as endangered or threatened under the California Endangered Species Act (CESA), the Endangered Species Act, or the Native Plant Protection Act.

Endangered or Threatened Species with the potential to occur on site were analyzed based on distribution, habitat requirements, and existing site conditions. Based on a California Natural Diversity Data Base (CNDDB) 5-mile radius query, a total of 57 wildlife species listed as state and/or federal Endangered, Threatened and Candidate were identified to have potential to occur within five miles of the ProjectSite. Sensitive wildlife species with the potential to occur within the vicinity of the project area are listed in Appendix B. Based upon the literature review and field surveys, no sensitive wildlife species that are listed as state and/or federal Endangered or sensitive on CNDDB, were found on the project site.

Recreational golf, maintenance, and landscaping are not conducive to sensitive wildlife species that are protected under state/federal laws. Sensitive wildlife species require very specific native habitat, and they are usually not found on a golf course and as expected, were not found on this golf course.

Mountain Lion Habitat

Ideal mountain lion habitat is comprised of suitable cover, prey, space, water, and connectivity. These areas are usually dense with vegetative cover such as coastal sage scrub, chaparral, oak woodlands, or riparian corridors. They also have rugged and varied terrain with an abundant prey source like deer and rodents.

Under CESA, the critical components of actionable habitat for protected mountain lion populations focus heavily on **connectivity rather than just vegetation type**:

Unfragmented Landscapes: Tracts of natural land large enough to accommodate vast home ranges (up to 300 square miles for females and 500 square miles for males).

Movement Corridors: Defined paths free of expanding human infrastructure to prevent genetic isolation.
Wildlife Crossings: Explicit geographic locations mapped for state-mandated wildlife crossings to bypass major highways and freeways.

None of the above-mentioned components exist at the Woodland Hills Country Club. During the July 7, 2025 field survey, no indication of a mountain lion was observed by the field team, such as any dens, scat, or tracks, which would indicate the Project Site serves as Mountain Lion habitat. There is too much human activity, limited cover, and fragmentation, as described below.

High Levels of Human Activity
Mountain lions tend to avoid areas with concentrated human activity when possible. The Woodland Hills Country Club golf course has daily golfers and maintenance crews, clubhouse activity, nighttime lighting,

nearby residential development , and vehicle traffic. The high levels of human activity significantly degrade potential habitat suitability, especially for breeding females.

Limited Cover

Mountain lions rely on dense vegetation, chaparral, oak woodland, and rugged terrain for daytime resting, stalking prey, denning, and avoiding human activity. As a golf course, the Woodland Hills Country Club is intentionally managed as open landscape with limited cover found in nearby natural habitat such as the Santa Monica Mountains or the Simi Hills. As such, the golf course does not provide the necessary cover to support habitat suitability.

Fragmentation

Studies of Southern California mountain lions have found that habitat fragmentation from roads and urban development is one of the greatest limitations on population viability. The Woodland Hills area is heavily urbanized and bounded by major roads. Roads function as barriers, restricting mountain lion movement and increasing mortality risk. The Project Site is not of a scale that would independently support mountain lion habitat, as it is sited within a significantly fragmented highly developed residential neighborhood, in proximity to intense commercial and multi-family uses. Consequently, the Project Site does not support habitat suitability.

For these reasons, the Woodland Hills Country Club would not be considered habitat for Mountain Lion.

<u>Roosting Bats</u>

As stated above, on March 30, 2026, Blackhawk Environmental conducted a "Roosting Bat Survey Biological Memo Report" on the Project Site by two biologists, Kris Alberts and Zack Fenske. This study was further clarified on June 9, 2026. According to the survey, "No bats or active bat roosts were observed during the diurnal portions of the surveys. Few trees in the Project site were identified to have cavities, loose bark, or dense foliage suitable for bat roosting, and no bat sign was observed in association with any of the trees surveyed in the Project area. No other bat sign was detected in any structure or other areas within the Project site. …no bats were observed, and no bat calls were detected either by ear, or by the Echo Meter Touch 2 device during the nocturnal surveys." Additionally, the report "did not portent to conclude that potentially suitable bat roost trees equate to protect bat habitat…protected habitat would include the presence of the target species, or at least a moderate to high likelihood of such occurrence, which our survey did not find." A complete copy of the survey, as clarified on June 9, 2026, and its findings are included in Appendix D.

As set forth above and consistent with observations made both by HES and Blackhawk Environmental, ornamental shrubs and trees on the project site are not being used as roosting habitat by any bats. Moreover, local ornamental shrubs and trees are not considered to be protective sensitive bat habitat.

<u>Sensitive Plant Species</u>

The irrigation water fed concrete lined water feature located on the Project Site does not meet the definition of wetlands under the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). The United State Fish and Wildlife Service Manual, Part 660 FW 2 defines wetlands as "lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands); (2) the substrate is predominantly undrained hydric (wetland) soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year."

The water feature for the golf course is not land transitional between terrestrial and aquatic systems. The water feature is a man-made, concrete lined, and maintained feature of the golf course. It does not provide for any sort of transition between terrestrial and aquatic system, of which there are none in proximity to the Project Site. Furthermore, based on my review of the Updated Preliminary Geotechnical Feasibility Report, the water table is far from the surface throughout the Project Site, with the water table measured closest to the water feature at 48 feet. As the Project Site is the water feature is not land transitional between terrestrial and aquatic systems, evidenced by the high-water table and apparent lack of nearby aquatic systems, no further analysis is required related to the status of the water feature under the United State Fish and Wildlife Service Manual definition.

Although the water feature has been identified in the National Wetlands Inventory as a human excavated freshwater pond and a freshwater emergent wetland, the National Wetlands Inventory is developed based off aerial imagery and requires detailed on-the ground inspection of any particular site in order to definitively establish wetland classification or boundaries. Based on my own on-the ground inspection of the site, review of historical aerial documentation and building permits, the water feature does not meet the US Fish and Wildlife definition of a wetland.

Conclusion

As set forth above, the Project Site does not support habitat for any protected species. The proposed project site will not degrade or interfere with habitat for state or federally protected Candidate, Sensitive, or Special Status species.

Please feel free to contact me via email at Juan@hernandezenvironmental.com or by telephone at 909 772-9009 if you have any questions regarding the findings of this report.

Sincerely,



Juan J Hernandez
Principal Biologist

EXHIBIT B

July 17, 2026

Dave Rand - Partner
Rand Paster Nelson
633 W. Fifth Street, Suite 5880
Los Angeles, CA 90071

RE: Woodland Hills Country Club Mixed-Income Housing Development Project Biological Assessment for AB 2011

Dear Dave:

South Environmental was retained to assess the potential for biological resources to occur at the Woodland Hills Country Club Mixed-Income Housing Development Project (project) site.[1] The project consists of a proposed new housing development on less than 20-acres at the northern end of the existing Woodland Hills Country Club (WHCC) property located at 4868 N Canoga Avenue in the City of Los Angeles on a portion of Assessor's Parcel Number (APN) 2172-002-002 as shown in the location shown in Figure 1 and Figure 2 (Attachment A). The project seeks approval from the City of Los Angeles Planning Department (City) per the Affordable Housing and High Road Jobs Act of 2022 (AB 2011), codified at Government Code Sections 65912.100 - 65912.140. AB 2011 prohibits project approvals on sites that contain habitat for protected species or wetlands as defined under federal law. This report assesses the potential for these biological constraints to occur on the project site.

Project Background

The project applicant (WHCC, LLC) submitted application materials to the City seeking project approval in early 2026. The project applicant has intentionally designed and planned the project to be consistent with all applicable AB 2011 criteria, including compliance with the biological constraints identified above. The City requested additional information regarding the presence of biological resources on the site that ultimately resulted in completion of a biological resources assessment report[2] that found no biological resources constraints on the project site and a

[1] South Environmental is a Qualified Biological Consultant as verified by the City of Los Angeles Department of City Planning.
[2]Hernandez Environmental Services (HES). 2026. Further Amended Biologist Statement of Habitat and Biological Resources Assessment for a 19.9-acre portion of the Woodland Hills Country Club in the City of Los Angeles, Los Angeles County, California. Dated April 1, 2026.

focused roosting bat survey report[3] that found roosting bats are absent from the project site. Together these reports find that no habitat for special-status species occurs that would prohibit the use of AB 2011 to permit the development.

The City has questioned these findings of no habitat because the reports phrased the findings in a way that suggested that there was potential unoccupied habitat for these species on the project site despite the reports' stated intent to conclude the opposite. In addition, a series of public comments received by the City on the project application include concerns that: (1) the project site is a habitat for mountain lion and/or special-status bats, and (2) the golf course's existing water feature constitutes a wetland,This report will assess the potential for habitat or wetlands to occur at the project site as it relates to the specific requirements of AB 2011.

AB 2011 Definitions

AB 2011 uses the following definition for "habitat" set forth by Government Code Section 65913.4(a)(6)(J), which is the definition that this report uses throughout:

- *Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).*

AB 2011 uses the following definition for "wetlands" set forth by Government Code Section 65913.4(a)(6)(C), which is the definition that this report uses throughout:

- *Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)*

The referenced federal service manual's definition of "wetlands" is as follows:

- *Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands); (2) the substrate is predominantly undrained hydric (wetland)*

[3] Blackhawk Environmental. 2026. Roosting Bat Survey Biological Memo Report Woodland Hills Country Club Project. Dated March 30, 2026.

soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.[4]

Site Survey

South Environmental Biologist Lucas South conducted a site visit of the project site and surrounding areas on June 12, 2026 between the hours of 10:15am and 11:30am. The weather included sunny skies and temperatures around 80F. The survey area included any areas within the proposed project site and the entire golf course, including the immediately surrounding areas at the edges of the golf course that are located outside of the project site. In addition, the biologist conducted a visit to the nearby Serrania Park where the nearest substantial native habitats exist in relation to the WHCC.

Site Conditions

The project site is comprised of less than 20 acres located within the WHCC and is entirely developed with golf course fairways, greens, sand traps, and cart paths. The entire WHCC is enclosed with fencing at a minimum height of 6-feet. Vegetation includes sporadic trees in the landscaping between the fairways and dotting the cart paths. The trees are landscaped and maintained by the WHCC and receive care and maintenance (i.e., pruning, irrigation, fertilizer, pest management) as part of the golf course operations. The tree species in the fairway areas include mature native and protected species such as coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), and valley oak (*Quercus lobata*) most of which have been planted as landscaped species and do not occur naturally according to the project's tree report. Large mature non-native trees are also in the fairway areas including eucalyptus and pine trees and a variety of other common landscaped species. There are also a few areas of landscaped shrubs and ground cover west of the clubhouse in a maintained garden area near the golf course entrance. There are no native plant communities or sensitive natural communities on the project site. The golf course is surrounded by existing housing and paved roads, including a commercial corridor, on all sides. The nearest open space with native habitats is 0.24-mile east of the project site at Serrania Park. Portions of the golf course, existing houses, and paved roads occur between the project site and Serrania Park.

[4] U.S. Fish and Wildlife Service (USFWS). 2016. U.S. Fish and Wildlife Service Manual 660 FW 2, Wetlands Classification System.

Biological Resources Assessment

Habitat for Special-Status Species

Due to the lack of native plant communities and the developed nature of the project site, special-status plants are absent from the project site as they do not occur in developed areas. Trees protected by the City of Los Angeles Protected Tree and Shrub Ordinance are known to occur, however, most of those are landscaped individuals and not naturally occurring. The trees are sparse on the project site and do not form a woodland and are characterized as landscaping. Most special-status wildlife is absent from the project site due to lack of native plant communities where they might occur (i.e. coastal scrub, chaparral, woodlands, riparian). However, the City has expressed concern that the trees on the project site may be habitat for special-status bats. Further, public comments received by the City state that mountain lion (*Puma concolor*) sightings have occurred in the adjacent neighborhoods to the east of the project site and therefore these observed species must go onto the project site in search of prey such as mule deer (*Odocoileus hemionus*), thus making the golf course habitat for mountain lion. Below we assess whether habitat for special-status bats and/or mountain lion occurs on the project site.

Mountain Lion

The mountain lion is a specially protected mammal in California (Fish and Game Code Section 4800) and on April 20, 2020, the California Fish and Game Commission accepted a petition to list the southern and central coastal California evolutionarily significant unit (ESU) of mountain lions as threatened under the California Endangered Species Act (CESA). As a CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Santa Monica Mountains population of mountain lions is part of the southern California ESU afforded protection.

Volume 85, Issue 8 of the Journal of Wildlife Management issued in November 2021 features an article titled *Big Cats in the Big City: Spatial Ecology of Mountain Lions in Greater Los Angeles* (Riley et al., 2021)[5] includes a focused study conducted by the National Parks Service on the same population of mountain lions that has been listed as a candidate under CESA. The article estimates home range size, determines landscape use, and landscape selection for mountain lions in the Santa Monica Mountains and provides Management Implications for land managers such as the City of Los Angeles with guidance when making decisions on habitat conservation and enhancing connectivity between habitat areas. This is the seminal study documenting mountain lion movement within the Santa Monica Mountains, including studying the mountain

[5] Riley, Seth P.D., Jeff A. Sikich, and John F. Benson. 2021. Big Cats in the Big City: Spatial Ecology of Mountain Lions in Greater Los Angeles. The Journal of Wildlife Management 85(8):1527-1542; 2021

lion population that is found in the region of the project site for 14 years. This article is the main source of information regarding the natural history of mountain lions used in this assessment of potential mountain lion habitat to exist at the project site due to the relevance of the article's information to this specific population of mountain lions. Other relevant sources regarding mountain lion habitat are cited below in this assessment.

Typically, mountain lions are associated with woodlands and riparian areas in the mountains and foothills of the entire United States. However, Riley et al, shows that in the Santa Monica Mountains (SMM) mountain lions are most often found in shrublands including chaparral at greater than 50% of the time, coastal sage scrub at 20% of the time, upland woodlands approximately 15% of the time, riparian woodlands 9% of the time, grasslands up to 3% of the time, and the remaining time was spent in altered landscapes less than 3% of the time and in urban areas less than 1% of the time. These individuals are adapted to use smaller home ranges that are immediately adjacent to dense urban development, and they are virtually never found in urban areas and altered landscapes, which are avoided to the extent that is possible. Most notably, the Riley et al. study indicated that the two landscape features that are consistently avoided by mountain lions are grasslands and altered open areas defined as areas modified by humans to a lesser extent than typical developments such as "golf courses, schools, landscaped areas such as city parks, low-density residential areas, cemeteries, horse ranches, and agricultural areas." Further, the study shows that "all age and sex classes avoided altered open areas". This indicates that the entire project site would be an area that is avoided by all mountain lions in the region because it is an altered open area. Areas avoided by mountain lion would not be considered habitat; instead, habitat would be located within areas of more frequent use such as chaparral, coastal sage scrub, upland woodlands, and riparian woodlands as indicated by Riley et al., none of which occur on the project site. Similarly, the project site would not be considered movement areas for mountain lion because the area would be avoided for the same reasons as described above.

Furthermore, mountain lions are ambush predators and research has shown that in the SMM they consistently select native vegetation with dense cover (Riley et. al., 2021). They use chaparral most commonly and show a preference for chaparral over other habitat types. Coastal sage scrub and woodlands were also selected, and grasslands were avoided nearly as strongly as disturbed and developed areas likely due to the inability to find cover and ambush prey. Other studies (Atwood et. al 2007; Dellinger et al. 2020; Hopcraft et al. 2005) show that mountain lions select areas with dense stalking cover and avoid open areas to facilitate hunting, and they will select areas where the probability of hunting success is greatest rather than areas where deer are encountered most often. Landscape modifications and development are shown to reduce the value of habitat for mountain lions to the point that they will avoid the area. This indicates that the density of cover is more important than the presence of prey species due to the higher

success rate of capturing prey while in dense vegetation. The lack of chaparral, coastal scrub, or woodlands with a density that can hide mountain lions indicates habitat does not occur on the project site, which only contains developed open areas that mountain lions avoid.

Mountain lions require a large block of habitat to form a home range in which they can persist and breed successfully. The smallest known home range of an adult male is 5,900-acres, and is the home range of P22, the mountain lion that occurred alone in Griffith Park east of Highway 101 and was recently euthanized. Females can have smaller home ranges and the smallest documented home range is approximately 2,000-acres in size according to the California Department of Fish and Wildlife (CDFW). The project site is not within any home range, denning area, or typical use area due to the lack of contiguous acres of habitat, and the nearest potential home range area would be within Serrania Park. The National Park Service mountain lion tracking data have not identified any of the tracked mountain lions on or near the golf course as shown in the Mountain Lion Locations map in Attachment C. As would be expected to occur in areas where cover is more abundant in the surrounding landscape than at the golf course, there have also been incidental observations of mountain lion within the neighborhoods between the project site and Serrania Park and some public comments submitted to the City suggesting local residents have observed them on the golf course on at least one occasion. It is important to note that habitat is not every area that a mountain lion may use, as they can be found crossing roads and within dense urban areas (e.g., a mountain lion was recently seen one week ago within downtown Pasadena) that are obviously not habitat. Mountain lions using the neighborhoods adjacent to the east of the project site may be in search of deer to forage in the region, but the mountain lion would remain within the denser vegetation outside of the golf course and in the neighborhoods and would avoid using the golf course despite the presence of prey species. Avoidance does not mean zero use, and it means that the mountain lion would choose other options for use nearly 99% of the time. This indicates that there is no habitat if it is an area that the mountain lion avoids going to. Otherwise, every single location where a mountain lion was ever spotted (e.g., homes throughout the Girard tract, freeways, overpasses, etc.) would be considered qualifying habitat. Such an approach would result in an absurd and overly broad designation to the point of diminishing true habitat areas that are legitimately worthy of enhanced regulatory protections.

The Riley et al. study includes a description of "Management Implications" that are worth including in full:

> *Wildlife and land managers should be aware that mountain lions may persist in urban landscapes, even in and around a megacity such as Los Angeles. Our results indicate that the amount of actual use of development may be very low, but it may be more common for individuals that occupy smaller habitat fragments surrounded by intensive human land*

use, particularly during the night. Moreover, mountain lions in larger patches that may rarely enter urban areas may be closer than expected to development, likely because of the presence of a resource such as prey. Other forms of developed open space, including landscaped areas such as cemeteries, golf courses, or parks, may be avoided, perhaps because of the lack of cover. Therefore, interactions in urban areas between people, pets, or livestock and mountain lions may be more likely near habitat fragments occupied by them. In larger natural areas, such interactions may be more likely closer to development rather than in the most remote regions. Managers should also be aware that shrublands such as chaparral are preferred and regularly used by mountain lions, so habitat patches dominated by shrubs should be actively preserved to conserve threatened populations. An important requirement for the effective conservation of at-risk mountain lion populations in southern California is preserving and enhancing connectivity between larger natural areas. The use and selection of shrublands and the avoidance of landscape elements without cover (grasslands, landscaped areas) can be used to restore or prioritize habitat linkages aimed at providing that connectivity. Finally, as the state of California is considering mountain lions along the coast, including the population that we studied, for listing under the state Endangered Species Act during 2020–2021, our results about landscape use can help planners in many jurisdictions evaluate how to best protect the habitat that mountain lions require.

These management implications indicate that developed areas and open areas are largely avoided by mountain lions. As described above, this does not mean that these areas are never used by mountain lions; however, developed areas and open areas would not be habitat even in the infrequent event that they may be used by mountain lions as they are not important for any of the life history events and mountain lions go out of their way to avoid them. To further this finding we would point to California Attorney General Rob Bonta making the finding that the City of Woodside cannot exempt itself from state laws (such as AB 2011) by declaring "all of its parcels habitat for protected species". Essentially, this California Attorney General finding is consistent with the assessment in this report that there is a distinction to be made between "habitat" and "range". All mountain lion use areas would constitute a "range" of the species, but not all areas of the range are habitat. Therefore, areas that are developed or avoided such as golf courses would not be considered habitat despite being within the range of the mountain lion.

The implications of the research summarized above indicate that land managers should focus on conserving and preserving large expanses of chaparral and coastal scrub habitat and the linkages between these areas to best protect mountain lion habitat. The project site is located in an area that is within 0.25-mile of the nearest habitat area in Serrania Park, but the project site would offer no connectivity to any other areas containing habitat and only has dense urban development surrounding it. Thus, in addition to not containing habitat itself, the project site is

not an important movement area that links large expanses of habitats and would be avoided by mountain lions.

Other comments from the public state that the golf course has been included in an adopted Habitat Conservation Plan (HCP) because the Santa Monica Mountain Conservancy (SMMC) prepared and adopted the Big Wild-Topanga State Park North Slope Habitat Area Conservation Plan[6] (Big Wild plan) after learning of the proposed development of the project.

AB 2011 uses the following definitions for a "natural community conversation plan" (NCCP) and an HCP, as set forth by Government Code Section 65913.4(a)(6)(I):

- *Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.*

The project site is not within an adopted NCCP, HCP or other adopted protection plan area. The project site is on private property that operates as a golf course. There are no conservation easements or other restrictions to development, alteration, or operations from an NCCP, HCP or any other protection plan. According to the CDFW website there are 17 approved NCCPs approved and 6 more in various stages of planning in California, and none of those cover the project site. In addition, there are no HCPs adopted by any regulatory body that has any authority over the property.

The SMMC has asserted that its recently adopted Big Wild plan covers the golf course area and constitutes an HCP, therefore disqualifying the project from AB 2011. However, the Big Wild plan is an HCP in name only and does not conserve any lands, nor does it contain any plan for how it might conserve the lands in question. Further the document lacks any scientific evidence or merit as to why three golf courses should be included in the Eastern Santa Monica Mountains Natural Resources Protection Plan (ESMMNRPP), which is the original conservation planning document the SMMC adopted and which the Big Wild plan purports to update. The City has not formally adopted the ESMMNRPP or the new Big Wild plan and no private property within the City is subject to any regulation or restriction under either of those plans.

[6] SMMC. 2026. Big Wild-Topanga State Park North Slope Habitat Area Conservation Plan A Supplement to the Eastern Santa Monica Mountains Natural Resource Protection Plan. Dated May 18, 2026.

analysis. To be clear, there is no natural water source associated with the golf course water feature, and in the absence of the constructed streambed and pond and continuous input of water supplied by the WHCC, this feature would not exist. The lack of a natural water source indicates that this is not "land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface" as the wetland definition describes, and the "land is covered by shallow water" only because it is artificially sourced. This artificial feature would not be a feature protected by CEQA because it is not considered a jurisdictional water, meaning that the CDFW would not consider this feature a lake or streambed, the Regional Water Quality Control Board would not consider this feature to constitute waters of the state or US because of the lack of natural source and small size, and the US Army Corps of Engineers would not consider this feature a wetland under any circumstance because it is not associated with any other waters of the US. Moreover, this feature does not support any habitat for special-status species and complete removal of the feature would not be considered an impact to the environment. Therefore, the water feature that, like a pool, is entirely under the control of ownership who can drain, clean, and treat the water should not be considered a wetland under the requirements of AB 2011 or CEQA.

Conclusion

The proposed project does not contain habitat for mountain lion or special-status bats, it lacks wetlands that would disqualify the Project Site from AB2011, and is not within an adopted NCCP, HCP, or other adopted protection plan area. Therefore, there are no biological constraints to the project's approval under AB 2011.

If you have any questions regarding the information in this report, please contact Matthew South by email: msouth@southenvironmental.com or by mobile phone: 303-818-3632.

Sincerely,



Matthew R. South
Principal Biologist

List of Attachments

1. **Attachment A**. Project Location Map
2. **Attachment B**. Biologist's Resume
3. **Attachment C**. National Park Service Mountain Lion Location Map

Mountain Lion Locations

Santa Monica Mountains National Recreation Area

National Park Service
U.S. Department of the Interior

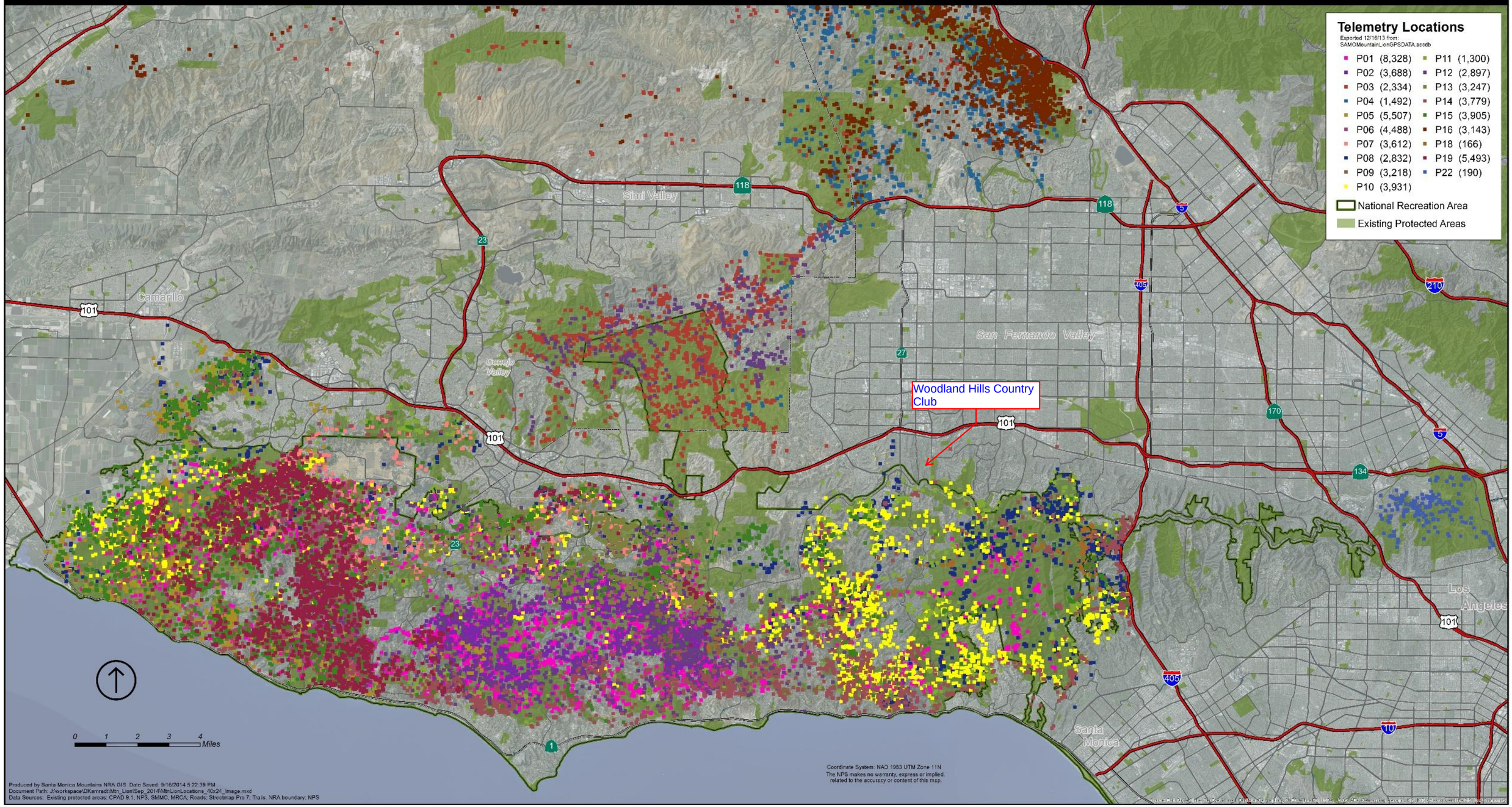


EXHIBIT C

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

PRISCILLA CHAVEZ
MARTINA DIAZ
SARAH JOHNSON
PHYLLIS KLEIN
BRIAN ROSENSTEIN
JACOB SAITMAN
ELIZABETH ZAMORA

CITY OF LOS ANGELES
CALIFORNIA

KAREN BASS
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

CRAIG R. WEBER
DEPUTY DIRECTOR

August 20, 2026 *Transmitted via U.S. Postal Service and Email*

Owner (per Assessor Information)/ Applicant
Christopher Lee
Mitchell Silberberg Knupp
RW WHCC, LLC /
Dyer 18 WHCC, LLC
240 Newport Center Drive #200
Newport Beach, CA 92660

Owner (per Bureau of Engineering, Land Records)
Woodland Hills Country Club
21150 Dumetz Road
Woodland Hills, CA 91364

Applicant Representative
Alexander Irvine
Irvine & Associates Inc.
660 S. Figueroa Street
Los Angeles, CA 90017

Case Number(s):
CPC-2025-6505-DB-DRB-SPPC-PR-VHCA;
VTT-84929-VHCA
Application Type: AB 2011, Density Bonus, Specific Plan Project Compliance, Design Review Board, Project Review, Vesting Tentative Tract Map
Location: 4868 North Canoga Avenue and 21150 West Dumetz Road
Plan Area: Girard Tract; Mulholland Scenic Parkway (Outer Corridor)
Council District: 3 – Blumenfield

Final Determination of Ineligibility for Ministerial Processing Pursuant to AB 2011 (2022), AB 2234 (2024), and AB 893 (2025)

The above-referenced cases, filed on **November 21, 2025,** include entitlement requests for a Vesting Tentative Tract Map, a Density Bonus, Plan Review, Mulholland Scenic Parkway Specific Plan Compliance and Design Review, and Girard Tract Specific Plan Compliance and seek ministerially streamlined processing under the California State housing streamlining program known as "Mixed-Income Housing Developments Along Commercial Corridors," which was enacted as part of the Affordable Housing and High Road Jobs Act of 2022 (AB 2011) and was subsequently amended by AB 2234 (2024) and AB 893 (2025). A timeline of project status is provided in **Attachment A** to this letter.

The proposed project is a 398-unit multifamily development (223 apartment units and 175 single-family detached condominium units) on an approximately 19.9 acre site zoned A1-1XL with a Land Use Designation of Open Space. The proposal includes 97 affordable housing units for Very Low Income households.

City Planning staff has reviewed all materials submitted to the record, and based on the whole of the record, including but not limited to the Planning Memorandum by the City's Environmental Specialist for the case file,

dated August 19, 2026, entitled "Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club," all comment letters received, and all materials submitted by the applicant, Planning staff has determined that there is substantial evidence of habitat for protected species, pursuant to California Government Code Sections 65913.4(a)(6)(J)[1], on the 19.9 acre project site, and the larger approximately 90 acre Woodland Hills Golf Club parcels. Therefore, pursuant to California Government Code Sections 65912.121(g)[2] and 65913.4(a)(6)[3], **the proposed project is ineligible for ministerial processing** pursuant to AB 2011, AB 2234, and AB 893.

The City's final determination of ineligibility for ministerial approval, under AB 2011 and its successor bills, will not adversely prejudice consideration of any subsequent application. If you wish to continue pursuing the proposed project through an alternative entitlement path, please be advised that you will need to reapply to incorporate any additional discretionary entitlements, subject to CEQA review, and pay the corresponding fees.

Please let us know if you would like to discuss the contents of this letter and we will continue working with you on a viable entitlement path.

_____

Renata Ooms, City Planner
Valley Project Planning
Department of City Planning
6262 Van Nuys Blvd, Rm 430
Van Nuys, CA 91401
Renata.Ooms@lacity.org

Attachment A: History of Project Status

[1] Gov. Code Sec. 65913.4(a)(6): *The development is not located on a site that is any of the following: … (J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).*

[2] Gov. Code Sec. 65912.121: *A development project shall not be subject to the streamlined, ministerial review process provided by Section 65912.124 unless the development project is on a site that satisfies all of the following criteria: … (g) It satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4, exclusive of clause (iv) of subparagraph (A) of paragraph (6) of subdivision (a) of Section 65913.4.*

[3] AB 2011's Government Code section 65912.121 references additional eligibility criteria, codified in 65913.4 (SB 35).

Attachment A: History of Project Status

HCA Vesting Application
On **September 17, 2025**, the applicant's Housing Crisis Act (HCA) Vesting Preliminary Application (Case No. PAR-2025-5150-VHCA) was determined to be complete. On page two of the project's HCA Vesting Preliminary Application, the applicant states that the "*project will utilize Assembly Bill 2011/2243 (CA Gov Code § 65912.120-124) to construct a Mixed-Income Housing Development Project along a commercial corridor, with Density Bonus Incentives, containing 398 total dwelling units, including 24% of the units (97 units) restricted to Low Income Households with approx. 596,960 SF of floor area within multiple structures."* The last day to file a Planning Application was March 16, 2026.

Planning Case Application Filing Dates
On **November 21, 2025**, 64 days after vesting rights were established for the AB 2011 project, the applicant filed Planning Case Nos. CPC-2025-6505-DB-DRB-SPPC-PR-VHCA and VTT-84929-VHCA. At the time of filing, the applicant submitted the following documents related to analysis of protected species habitat:

- Biologist Statement of Habitat and Biological Resources Assessment prepared by Hernandez Environmental Services, dated July 15, 2025.

- Biologists Statement of Biological Resources (Form CP-3613), signed by Sarah Vasquez, dated September 3, 2025.

City's First Status of Project Review: Deemed Incomplete
On **December 18, 2025,** 26 days after the applicant submitted its City Planning Applications, City Planning issued a "Status of Project Review: Application Deemed Incomplete and Processing on Hold" letter, identifying 17 items that were marked as requiring correction, including Item No. 10 regarding the applicant's Biological Resources Report. The case was placed on a processing hold and the application was deemed incomplete. Note that at this time point, 26 days after the application was filed, City Planning was not required to provide comment on compliance with AB 2011. However, as a courtesy to the applicant, City Planning outlined specific deficiencies in the provided Biological Resources Report and requested they be addressed:

> *The [Biological Resources Assessment] Report lacks evidence as to why there is no habitat for candidate, sensitive, or species of special status on the project site. There was little narrative or evidence as to why protected species and sensitive habitats on site do not have the potential to occur. To determine if the project is eligible for AB 2011, it is critical to have a full understanding of the biological resources on site and if those resources constitute a habitat for candidate, sensitive, or species of special status species. …Provide an analysis of mountain lion habitat since the data on ZIMAS indicated a high likelihood of mountain lion habitat. …Include narrative and evidence as to whether the protected and non-protected tree species on site could constitute habitat for candidate, sensitive, or species of special status species.*
>
> (Attachment A to City's First Deemed Incomplete Ltr. dated 12/18/2025 at p. 3.)

City's Second Status of Project Review: Deemed Inconsistent/Noncompliant with State Law (AB 2011) and the Zoning Code; Deemed Incomplete
On **February 17, 2026 at 4:07 pm,** 87 days after the City Planning Applications were filed, City Planning issued a second Status of Project Review letter deeming the proposed project inconsistent and noncompliant with State law (AB 2011) and the City Zoning Code. The application also remained incomplete and remained on a processing hold. City Planning stated the following regarding the applicant's insufficient analysis of habitat for protected species on the project site:

> *The applicant has not submitted sufficient evidence for the City to determine that the site is not a habitat for protected species as defined. The project is identified as within the Santa Monica Mountains Zone and also within a "High" Biological Resources Potential, inclusive of mountain lions (see attached ZIMAS Parcel Profile Report, dated 11/21/2025). These classifications prompt the need for additional information from the applicant regarding the site's biological sensitivity. The deficiencies in the provided Biological Resources Report that must be addressed before City Planning can*

determine if the project will impact or interfere with habitat for candidate, sensitive, or species of special status species.

(Attachment A to City's Second Deemed Incomplete, Inconsistent, and Noncompliant Ltr., dated 2/17/2026, at p. 5.)

Applicant Response and Submitted Materials

On **February 17, 2026 at 7:41 pm**, 60 days after the Deemed Incomplete Letter was sent to the applicant, the applicant submitted a letter titled "*Project Team Response to Deemed Incomplete Letter dated 12/18/2025, regarding the AB 2011 Housing Development Project proposal at 4868 N. Canoga Ave CPC-2025-6505-DB-DRB-SPPC-PR-VHCA [sic] and VTT-84949* with 11 attached documents. The following documents related to analysis of protected habitat were submitted by the applicant:

- Amended Biologist Statement of Habitat and Biological Resources Assessment, February 11, 2026, prepared by Hernandez Environmental Services.

- The State of California, Natural Resources Agency's "State and Federally Listed Endangered and Threatened Animals of California" dated February 2026.

- US Fish and Wildlife Service Listed Animals

City's Third Status of Project Review: Deemed Incomplete; Deemed Inconsistent/Noncompliant with State Law (AB 2011) and the Zoning Code

On **March 17, 2026**, 28 days after the applicant submitted revised materials, City Planning issued a third Status of Project Review letter noting that the case remained on a processing hold, remained deemed incomplete and remained deemed inconsistent and noncompliant with the City Zoning Code and state law. City Planning stated the following regarding the applicant's analysis of habitat for protected species on the project site:

City Planning has reviewed the Amended Biologist Statement of Habitat and Biological Resources Assessment ("Amended Bio Assessment"), prepared by Hernandez Environmental Services (dated February 11, 2026). Based on City's Planning's review of the Amended Bio Assessment, it is still unable to determine whether the application meets this eligibility criteria for AB 2011.

In order to qualify for AB 2011's ministerial approval process, the site cannot be located on land that contains or provides habitat for species listed as endangered or threatened under the California Endangered Species Act or its federal counterpart, the Endangered Species Act. Therefore, the State law requires a determination that the site does not contain habitat for specific species (Government Code Section 65913.4(a)(6)(J)). Eligibility is not determined by whether potential impacts can be mitigated or avoided. The February 11 Amended Bio Assessment includes language regarding "significant impacts" and "mitigation measures." This suggests that the project could have significant environmental impacts. If the Qualified Biologist identifies habitat for species defined in Public Resources Code Section 65913.4(a)(6)(J) on the site, the project is disqualified from the AB 2011 process.

Further, the report lacks sufficient analysis regarding bat habitat and neglects to reference applicable species lists. Under the "Roosting Bats" section, the Biologist states that ornamental shrubs and trees on-site "may be used as roosting habitat by local species of bats." This suggests the potential presence of protected habitat. The report notes that only one non-native bat species is listed on the "State and Federally Listed Endangered and Threatened Animals of California." However, only referencing this one list is insufficient, as it excludes "special-status" and "candidate species." The Biologist must also consult the California Department of Fish and Wildlife's (CDFW) "Special Animals List" (January 2026) and provide a conclusion regarding the presence of habitat for species on that list, including bat species. Additional evidence or a more granular analysis is required to provide a definitive conclusion on whether the site contains habitat for candidate, sensitive, or special-status bat species.

(Attachment A to City's Third Deemed Incomplete, Inconsistent, and Noncompliant Ltr., dated 3/17/2026 at pgs. 5-6.)

Applicant Response and Submitted Materials

On **April 22, 2026**, 46 days after receiving the third Status of Project Review letter, the applicant submitted revised materials and a response letter titled *Project Team Response to City's Deemed Incomplete/Inconsistent Letter dated 03/17/2026, regarding the AB 2011 Housing Development Project proposal at 4868 N. Canoga Ave – ("3rd Revised Response Letter").* Materials related to the analysis of habitat for protected species included the following:

- Further Amended Biologist Statement of Habitat and Biological Resources Assessment, April 1, 2026, prepared by Hernandez Environmental Services

- Roosting Bat Survey Biological Memo Report, March 30, 2026 prepared by Blackhawk Environmental

City's Fourth Status of Project Review: Deemed Complete; Deemed Inconsistent/Noncompliant with State Law and the Zoning Code

On **May 22, 2026**, 30 days after receiving the applicants submitted revised materials, City Planning issued a fourth Status of Project Review letter Deeming the Applications Complete for Case Nos. CPC-2025-6505-DB-DRB-SPPC-PR-VHCA and VTT-84929-VHCA. However, the letter also stated that the project remained on a processing hold, and remained deemed inconsistent and noncompliant with the City's Zoning Code and state law (AB 2011, AB 1123, and AB 893). City Planning stated the following regarding the applicant's analysis of habitat for protected species on the project site:

> *State law (AB 2011) requires a determination that the site does not contain habitat for specific species in order to determine eligibility for AB 2011 streamlining (reference to SB 35, codified as Government Code Section 65913.4(a)(6)(J), which excludes sites that are "habitat for protected species as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)").*
>
> *The Further Amended Biologist's Statement of Habitat submitted on April 22, 2026 (by Hernandez Environmental Services and dated April 1, 2026) includes a Roosting Bat Survey Biological Memo Report (by Blackhawk Environmental dated March 30, 2026). The Survey presents several locations within the project site as "potentially suitable bat roost trees." With the information provided and the use of "potential" to describe roosting habitat, the City is unable to ascertain whether the project may or may not have suitable habitat for protected bat species. In order to determine eligibility, the Biologist's Statement of Habitat or the subcontractor's Bat Survey, should make a determination of whether the parcel contains habitat for protected bat species, or any other protected species, as well as provide evidence that justifies as to how the Qualified Biologist and/or the subcontractors came to that conclusion. Additionally, the Biologist's Statement of Habitat must outline which bat species, particularly bat species that are protected as outlined in Government Code Section 65913.4(a)(6)(J), would inhabit the potential roosting trees. The distinction between protected and non-protected bat species will assist in determining the project's eligibility for AB 2011.*
>
> *Moreover, the analysis should include the perennial water course identified in USFWS National Wetlands Inventory, as well as the mountain lion habitat claims in the Santa Monica Mountains Conservancy letter (dated April 27, 2026).*
>
> *Within the Biologist's Statement of Habitat, there is language that makes several references to CEQA, including but not limited to "mitigation measures," "significant impacts," and stating that ornamental species are not protected under CEQA. If the project is deemed eligible for AB 2011 streamlining, CEQA would not apply per Government Code Section 65912.101(q)(2). Therefore, any language referring to mitigation measures or a reduction of impacts to less than significant is irrelevant and should not be considered as part of the biologist's threshold analysis or whether the site qualifies as habitat.*

(Attachment A to City's Fourth Deemed Incomplete, Inconsistent, and Noncompliant Ltr., dated 5/22/2026 at pgs. 5-6.)

Applicant Submitted Materials

On **July 21, 2026,** 60 days after receiving the City's Status of Project Review letter, the applicant submitted revised materials including, but not limited to, the following:

- "Further Amended Biologist Statement of Habitat and Biological Resources Assessment" prepared by Hernandez Environmental Services, July 20, 2026
- Curriculum vitae of Juan J. Hernandez, Principal Biologist
- "Biological Assessment for AB 2011" prepared by South Environmental, July 17, 2026
- "Bat Biologist's Statement of Clarification" prepared by Blackhawk Environmental, June 9, 2026
- A copy of "Big Cats in the Big City: Spatial Ecology of Mountain Lions in Greater Los Angeles" by Seth Riley, Jeff Sikich, and John Benson as published in The Journal of Wildlife Management, Volume 85, Issue 8, November 2021
- A copy of a letter from the Attorney General Rob Bonta to the Town of Woodside, California, "Re: Violations Of Government Code Sections 65852.21 And 66411.7 and the California Constitution" dated February 6, 2022
- A copy of a California Department of Housing and Community Development (HCD) Letter of Technical Assistance to the City of Baldwin Park regarding "AB 2011 Mixed-Use, Mixed-Income Project" dated November 13, 2025
- A copy of an HCD Letter of Technical Assistance to the City of Los Angeles regarding "City of Los Angeles AB 2011 Implementation" dated June 4, 2024

City's Determination of Ineligibility for Ministerial Processing

On **August 20, 2026**, 30 days after the applicant submitted revised materials, the City provided the subject letter determining the project ineligible for ministerial processing.

EXHIBIT D

Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club

August 19, 2026

I. PURPOSE, SCOPE, AND PROFESSIONAL OPINION

The subject property ("WHGC" or "the property") consists of an approximately 19.9-acre portion of the larger Woodland Hills Golf Course in Woodland Hills, California. The property is zoned A1-1XL and has a General Plan Land Use Designation of Open Space. A development proposal for the property would construct 223 apartment units and 175 single-family detached condominium units on the property ("proposed project").

The purpose of this statement is to evaluate whether WHGC constitutes habitat for protected species within the meaning of California Government Code section 65913.4(a)(6)(J), including habitat for species listed or otherwise protected under the California Endangered Species Act, federal Endangered Species Act, Native Plant Protection Act, and the other authorities identified in that provision.

It is my professional opinion that WHGC provides habitat for the Southern California and Central Coast Distinct Population Segment of the mountain lion (*Puma concolor*) (hereinafter referred to as "Southern California mountain lion" or "mountain lion"), as discussed below. Based on the information presently available in the administrative record, I do not reach a conclusion as to whether the property constitutes habitat for other listed or special-status species.

My assessment is based on scientific literature; applicable California conservation and planning provisions; City of Los Angeles habitat suitability methodology and mapping; regional and locally refined land cover, naturalness, and connectivity mapping; biological and technical materials prepared for the proposed project; City consultation notes; independent expert opinions and consultations; site-specific physical, biological, and ecological information; and other evidence in the administrative record. (See References Section)

My main disagreement with the applicant's "no habitat" conclusion is methodological. The applicant places substantial weight on the property's management as a golf course, the absence of documented mountain lion GPS locations on the property, and the absence of an identified continuous intact wildlife corridor across it. Those facts are relevant, but they do not establish the absence of habitat. **Determining whether a site provides habitat for protected species requires considering whether it provides resources, conditions, or functions relevant to those species—including prey, cover, refuge, water, foraging opportunities, or movement—and how those functions operate within the surrounding landscape.**

Approaching the assessment through that lens, the evidence most relevant to my conclusion includes the City's pre-existing, species-specific High Habitat Suitability screening result identified on ZIMAS; the confirmed biological and ecological characteristics underlying that result; WHGC's position within the surrounding landscape and its constrained connectivity context; prey and cover relationships; limitations of the telemetry evidence relied upon by the applicant; and site-specific opinions from mountain lion and landscape experts. **Considered collectively, this evidence supports the conclusion that WHGC provides habitat for Southern California mountain lions.**

III. PROFESSIONAL EVALUATION

This habitat determination is specific to WHGC and to the ecological conditions and functions provided by the property itself. Consideration of the surrounding landscape does not treat habitat located elsewhere as though it were habitat on WHGC, nor does proximity to other habitat, standing alone, establish that WHGC is habitat. **Rather, looking at the landscape context is necessary in order to understand the ecological significance and function of conditions and resources that physically occur on the property itself.**

For a wide-ranging species like the mountain lion, the significance of a particular site as "habitat" cannot be determined solely by examining conditions within the property's boundaries. Whether on-site resources provide functions and opportunities for foraging, prey access, refuge, cover, movement, or stepping-stone connectivity partially depends on where those resources occur relative to other habitat areas, developed land, and potential movement opportunities or barriers.

Urban and landscape ecology recognize that ecological function in developed regions occurs across heterogeneous (or "mixed") mosaics of natural, semi-natural, landscaped, and built land, rather than exclusively within intact natural community polygons on a map (Pickett et al. 2001; McKinney 2002; Grimm et al. 2008; Aronson et al. 2014; Norton et al. 2016). Depending on their characteristics and landscape position, managed open spaces and mature vegetation can provide wildlife with refuge, food and prey resources, movement opportunities, dispersal pathways, nesting or roosting resources, stepping-stone connectivity, and buffering (McKinney 2002; Hilty et al. 2020; Zúñiga-Palacios et al. 2021). The ecological function of an individual patch is therefore context-dependent, and its relative importance can increase as the surrounding landscape becomes more developed or fragmented.

WHGC is a modified and actively managed urban landscape; it is not equivalent to intact natural communities found elsewhere in the Santa Monica Mountains. That distinction, however, does not establish an absence of functional habitat. WHGC contains substantial open space; mature trees and canopy; vegetation of varying heights and densities; water and irrigated areas; vegetated edges; wooded areas; and comparatively little building mass or continuous hardscape relative to the surrounding residential and commercial landscape in the San Fernando Valley. As discussed below, **the evidence supports the conclusion that these on-site conditions, in their landscape context, provide habitat functions relevant to the Southern California mountain lion.**

A. Landscape Context

1. Regional Landscape Context

WHGC is located in High- and Very-High Fire Severity Zones on the northern side of the Santa Monica Mountains. The property is situated in the Wildland-Urban Interface (WUI), within a region where several mountain ranges and foothill systems surround and extend into a highly urbanized landscape. As illustrated in Figure 1 (below), the Santa Monica Mountains form the southern edge of the San Fernando Valley and are part of a broader regional connected mountain system that includes the Simi Hills and Santa Susana Mountains to the north and west, and the Verdugo Mountains, San Rafael Hills, San Gabriel foothills, and San Gabriel Mountains to the north and east. These areas contain some of the region's largest remaining concentrations of intact and semi-intact natural communities, but are increasingly separated by urban development, roads, freeways, and other barriers. (National Park Service 2015b, 2016)

most appropriately scaled scientific information concerning linkages, corridors, barriers, and other locations essential to maintaining landscape connectivity (Gov. Code § 65302(d)(4), (6), Stats. 2024, ch. 686 (AB1889)).

Senate Bill 1425 similarly requires cities and counties to address rewilding opportunities through local open space planning. The statute provides that such opportunities can include preserving, enhancing, and expanding integrated networks of open space supporting habitat and other ecological functions (Gov. Code § 65565.5). California's Regional Conservation Investment Strategy framework also recognizes threatened and endangered species, sensitive species, natural communities, ecological processes, and wildlife corridors as appropriate conservation considerations (Fish & Game Code §§ 1850-1860). California's 30×30 framework additionally defines conservation in terms of lands and waters conserved in ways that protect biodiversity and functioning ecosystems (Pub. Resources Code §§ 71450–71453; CNRA 2022).

These provisions do not create a single statutory definition of "habitat," nor do they independently determine whether WHGC constitutes habitat for purposes of Government Code section 65913.4(a)(6)(J). I do not rely on them for either. Rather, they establish a broader California conservation and planning framework in which wildlife movement, connectivity, permeability, ecological processes, appropriately scaled scientific information, and functioning habitat networks are recognized as legitimate considerations in evaluating and planning for biological resources.

That policy framework is consistent with the scientific principles applied in this assessment. Contemporary landscape and urban ecology recognize that the ecological function of a site can depend in part on its relationship to surrounding habitat, barriers, resources, and movement opportunities, and that managed or modified landscapes may still provide species-relevant ecological functions depending on their physical characteristics and landscape position. (See Section III.A (Landscape Context); Pickett et al. 2001; McKinney 2002; Grimm et al. 2008; Aronson et al. 2014; Hilty et al. 2020)

Given this, consideration of the landscape relationships described in this statement does not expand the boundaries of WHGC or attribute off-site habitat to the property. Rather, it applies both established ecological principles and a form of landscape-scale analysis increasingly reflected in California conservation and planning policy: evaluating the ecological significance of resources and conditions that occur on a site in light of connectivity, permeability, surrounding habitat, barriers, and the larger ecological system in which the site occurs.

This approach is particularly relevant to a wide-ranging species such as the Southern California mountain lion. It supports evaluating WHGC not solely as an isolated 19.9-acre parcel or by comparison with intact natural communities, but by examining whether the resources and physical conditions actually present on the property provide species-relevant ecological functions when considered in their actual landscape setting in this highly altered, extremely complex urban ecosystem, which this evaluation does.

VI. PROPOSED CONVERSION AND EXISTING HABITAT FUNCTIONS

My determination that WHGC provides habitat is based on the property's existing condition, not on the predicted effects of the proposed project. The proposed project nevertheless provides a useful comparison for understanding the ecological characteristics of the existing site. Relative to the golf course condition,

areas near intact habitat as relevant to mountain lions in Los Angeles. (City of Los Angeles 2020-2022, Riley and Sikich consultations, June 18, 2020 and September 8, 2021; Vickers consultation, August 18, 2020; mountain lion mapping review, September 1, 2021)

The applicant's telemetry evidence establishes that the cited dataset does not document a tracked mountain lion GPS location on WHGC, but Dr. Riley's explanation demonstrates why that absence cannot establish continuous absence or non-use (Riley 2026). Similarly, research showing relative selection for natural habitat establishes preference, not categorical exclusion of altered open areas (Benson, Sikich & Riley 2016b; Riley, Sikich & Benson 2021). Mountain lions can obtain prey, cover, refuge, water, foraging opportunities, and movement functions from complementary portions of a larger landscape rather than from a single parcel. This is particularly relevant in a fragmented urban landscape, where resources may be spatially distributed and the significance of an open or vegetated area depends in part on its relationship to other usable areas (Benson, Sikich & Riley 2016b; Riley, Sikich & Benson 2021). Consistent with these principles, the City's consultation notes identify prey resources and golf course-type open areas near cover as potentially relevant (City of Los Angeles 2020-2022, Vickers consultation, August 18, 2020; mountain lion mapping review, September 1, 2021), while Dr. Vickers and Dr. Cooper identify feeding, cover, foraging, and stepping-stone functions at WHGC (Cooper 2026; Vickers 2026).

The applicant's bat and tree materials do not independently determine the mountain lion habitat question. Their relevance is primarily methodological, reinforcing the need to match the scope of an ecological conclusion to the scope of the underlying evidence. Similarly, the California policy framework discussed in Section V does not independently determine the meaning of habitat under Government Code section 65913.4(a)(6)(J), but provides additional context for considering connectivity, permeability, wildlife movement, ecological processes, landscape relationships, and appropriately scaled scientific information.

I do not reject the applicant's biological work; I give it weight according to its methods and scope. WHGC is a managed golf course rather than an intact natural community; a tracked mountain lion GPS location has not been demonstrated on the property, to my understanding; the property lies outside certain conservation designation boundaries; and a continuous natural wildlife corridor through it has not been demonstrated. These facts are relevant, but they do not individually or collectively establish the absence of habitat.

Considered as a whole, the evidence supports a different conclusion. WHGC contains physical and ecological resources relevant to mountain lions; its landscape position informs the functional significance of those resources; the City's pre-existing species-specific screening identified it as having High Habitat Suitability; scientific evidence establishes that Southern California mountain lions use resources distributed across fragmented and altered landscapes; and site-specific experts identify feeding, cover, foraging, and stepping-stone functions on the property. These mutually reinforcing lines of evidence do not depend on WHGC being equivalent to intact Santa Monica Mountains habitat, on a tracked mountain lion having been documented on the property, or on a continuous natural corridor crossing its boundary.

Based on these converging lines of evidence, it is my professional opinion that WHGC provides habitat relevant to the Southern California mountain lion. The applicant's available assessments do not provide a scientifically adequate basis for concluding that mountain lion habitat is absent from the property.

VIII. CONCLUSION

This evaluation applies ecological principles to the landscape that exists in Los Angeles today. Urban ecosystems are not simply failed versions of untouched "nature." They are ecosystems in their own right—fragmented, managed, novel, and heavily shaped by human decisions, but still governed by ecological relationships. Wildlife encounters these landscapes as gradients: more and less permeable, more and less disturbed, more and less resource-rich, and more and less connected.

If habitat is recognized only where a landscape still resembles an intact historical reference condition, conservation practice risks overlooking places through which wildlife actually move, forage, rest, find refuge, and survive in urban ecosystems. That does not mean that every landscaped, open, or undeveloped parcel constitutes habitat. Rather, habitat is a functional and species-specific concept: assessing what resources and functions a place provides and what significance they have within the surrounding landscape.

That line of inquiry is especially important where development has fragmented and constrained a regional habitat network. The spaces between formally protected natural areas are not ecologically irrelevant by default; depending on their characteristics and location, they can provide patches, buffers, stepping stones, and other functions that contribute to wildlife movement and persistence. Conserving species in an urbanized region requires understanding not only the intact natural communities that remain, but also the relationships among those areas and the human-modified landscapes through which those relationships persist.

This is the framework I have applied to WHGC. The determination does not rest merely on the property being open or vegetated, its proximity to the Santa Monica Mountains, or connectivity as a general principle. It rests on the convergence of the site-specific, landscape-scale, and mountain lion-specific evidence discussed in this statement. Similarly, the absence of a tracked GPS point, intact native vegetation, a conservation designation, or a demonstrated continuous natural corridor does not establish the absence of habitat where the evidence as a whole demonstrates resources and functions relevant to the species. Therefore, **based on the evidence presently available to me, it is my professional opinion that Woodland Hills Golf Club constitutes habitat for the Southern California mountain lion.**[1]

Respectfully,



KAT SUPERFISKY, Certified Senior Ecologist (CSE)
City of Los Angeles

[1] The assessment and determination of habitat was conducted on WHGC (the 19.9 acre-proposed project site), however all analyses and conclusions in this assessment are equally applicable to the whole of the Woodland Hills Golf Course.

EXHIBIT E

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street, 10th Floor, Suite 400
Sacramento, CA 95811
(916) 263-2911
www.hcd.ca.gov

October 28, 2026

Lisa Webber
City of Los Angeles
Deputy Director, Los Angeles City Planning
Los Angeles City Hall
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

Dear Lisa Webber,

RE: City of Los Angeles – AB 2011 Letter of Technical Assistance

This letter provides the City of Los Angeles (City) with technical assistance regarding the Affordable Housing and High Road Jobs Act (AB 2011).[1] The California Department of Housing and Community Development (HCD) understands that the City of Los Angeles recently denied a housing development application that was seeking streamlined ministerial approval under AB 2011. HCD has reviewed the City's "Final Determination of Ineligibility for Ministerial Processing," dated August 20, 2026, as well as the Planning Memorandum prepared by the City's Environmental Specialist, dated August 19, 2026, which serves as the basis for that determination. In its final determination, the City claims there is "substantial evidence of habitat for protected species" under Government Code section 65913.4, subdivision (a)(6)(J). This rationale appears to improperly expand the statutory standard, effectively undermining the intent of AB 2011, and is not supported by the law.

Project Background

HCD understands that the applicant proposes to construct a 398-unit housing development project, including 97 units for very low-income households, on an approximately 19.9-acre site zoned "Agriculture" (A1-1XL)[2] and currently operating as a private golf course. The applicant is seeking streamlined ministerial approval under AB 2011 and has submitted a complete development application to the City, including two biological assessments prepared by qualified professionals. These assessments evaluated environmental and biological resources across the site, including the

[1] Gov. Code, §§ 65912.100-65912.140.
[2] Under AB 2011, a site qualifies if office, retail, or parking are principally permitted uses, and Gov. Code § 65912.101, subd. (u), clarifies that this includes when parking is allowed only by conditional use permit. Per LAMC Section 12.05, the A1 zone allows parking through a conditional use permit, thus satisfying the AB 2011 eligibility criteria for qualifying uses.

potential presence of a mountain lion habitat, and concluded that there is no evidence the site functions as an important wildlife habitat, nor that any other biological constraints exist that would preclude eligibility for approval under AB 2011.

On August 20, 2026, the City issued its final determination that the project is ineligible for ministerial processing pursuant to AB 2011, citing "substantial evidence of habitat for protected species" under Government Code section 65913.4, subdivision (a)(6)(J). This determination relied on a Planning Memorandum prepared by the City's Certified Senior Ecologist titled "Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club," dated August 19, 2026. This report was not submitted by the applicant and was not included in the development application materials.

Site Requirements Pursuant to Government Code Section 65913.4

Under AB 2011, local agencies must provide a by-right, ministerial approval process for qualifying multifamily affordable and mixed-income housing developments within zones where office, retail, or parking are principally permitted uses.[3] These provisions apply only to parcels that satisfy the requirements in Government Code section 65913.4,[4] including the requirement that the "development is not located on a site that is … [h]abitat for protected species identified as candidate, sensitive, or specific of special statute by state or federal agencies...."[5] The City of Los Angeles determined that the proposed project site is exempt from AB 2011 based on the City-issued report that the site "provides habitat functions relevant to the Southern California mountain lion," a candidate species under the California Endangered Species Act.

However, the City's determination is based on the report's identification of potential or context-dependent ecological functions, not evidence that mountain lions actually use or occupy the property. The report concedes the lack of any affirmative evidence of mountain lion presence but argues that the absence of telemetry data "does not show that no mountain lion ever entered or used the property." While that is true, the observation does not establish the opposite, that mountain lions *do* use the site or that it *does* serve as a habitat. Likewise, the report further acknowledges that the site "is a modified and actively managed urban landscape; it is not equivalent to intact natural communities" found elsewhere in the Santa Monica Mountains. Habitat is land that provides food, shelter, and other resources necessary to support the species.[6] By describing the site as a significantly altered urban landscape with no demonstrated mountain lion presence, the report undermines its own conclusions.[7]

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[3] Gov. Code, §§ 65912.100-65912.140.
[4] Gov. Code , §§ 65912.111, subd. (e), 65912.121, subd. (g).
[5] Gov. Code, § 65913.4, subd. (a)(6)(J).
[6] Letter to Town of Woodside "RE: Violations of Government Code Sections 6582.21 and 66411.7 and the California Constitution," Rob Bonta, Attorney General. Available at: https://oag.ca.gov/system/files/attachments/press-docs/AG%20Letter%20to%20Woodside%20re%20SB%209.pdf.
[7] Id.

Further, the statute says, “is … habitat,” not “may provide functions relevant to … habitat.”[8] The exemption applies only to parcels that *are actually serving as habitat*, not parcels that are merely relevant to, might serve, or theoretically provide ecological functions. Yet the report on which the City’s determination is based defines “habitat” in terms of potential capability rather than actual use. The author explicitly frames their analysis on whether the site “provides resources, conditions, or functions relevant to” mountain lions, which is an assessment of theoretical capacity and not evidence of actual habitat utilization, and therefore is not a valid basis to deem the project ineligible. Under Government Code section 65913.4, subdivision (a)(6)(J), conjectural potential is insufficient. The City must demonstrate that the site actually serves as a habitat, for which the report offers no such evidence.

Standard of Review Pursuant to Government Code Section 65912.124

AB 2011 establishes a clear and predictable evidentiary framework governing consistency determinations. Government Code section 65912.124, subdivision (b)(1)[9] provides that a development is consistent with objective planning standards when the application contains “substantial evidence that would allow a reasonable person to conclude that the development is consistent with objective planning standards.”

Here, the applicant has met that standard. As part of the full application submittal, the applicant provided two biological assessments prepared by qualified professionals, including a “Biological Assessment for AB 2011” dated July 17, 2026, completed by South Environmental, a firm on the City’s own list of Qualified Biological Consultants.[10] These assessments rely on recognized scientific methodologies and provide well-supported conclusions that the site does not constitute a mountain lion habitat. The City’s own statement acknowledges the key facts established in those materials: “the property’s management as a golf course, the absence of documented mountain lion GPS locations on the property, and the absence of identified continuous intact wildlife corridor across it.”[11] Under the reasonable person standard found in AB 2011, this serves as substantial evidence demonstrating that the site does not function as a mountain lion habitat.

AB 2011 requires substantial evidence of actual habitat conditions. The applicant’s assessments clearly established the absence of such conditions—including the lack of documented mountain lion use, the developed nature of the landscape, and the limited cover capable of supporting mountain lion behavior—that would allow a reasonable

[8] Gov. Code, § 65913.4, subd. (a)(6)(J).
[9] The proposed project qualifies for AB 2011 as a Mixed-Income Housing Development pursuant to Government Code sections 65912.120-65912.124.
[10] https://planning.lacity.gov/odocument/ffa0cb4a-8347-4879-8cb3-90ec5bc344da/2025_CityofLA_QualifiedBiologicalConsultant.pdf.
[11] City of Los Angeles. Planning Memorandum: *Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club*. Prepared by Kat Superfisky, Certified Senior Ecologist. August 19, 2026.

person to conclude that the parcel does not serve as a habitat for a protected species. Accordingly, the project remains eligible for streamlined ministerial approval under AB 2011.

AB 712 Enforcement Actions—Fines and Penalties

Additionally, HCD would like to remind the City that AB 712 (Chapter 496, Statutes of 2025) went into effect on January 1, 2026, under Government Code section 65914.2. Among other provisions, this law increases the penalties that a court may impose on a local government if, prior to the commencement of a lawsuit alleging a violation of state housing laws such as AB 2011, the local government was advised in writing by the Attorney General or HCD that the local government's decision, action, or inaction would represent a violation of those laws. This letter serves to inform the City that the City's determination of the Project's ineligibility under AB 2011, as set forth above, is a violation of AB 2011.

Conclusion and Next Steps

Under Government Code section 65585, subdivision (j), HCD must notify local government when that local government takes actions that violate AB 2011 and other laws that HCD enforces and may notify the California Office of Attorney General of these and other violations of state housing laws. As outlined above, HCD has concluded that the City's determination that the proposed project is ineligible for ministerial processing under AB 2011 appears to be in violation of state housing law.

HCD requests that the City review this correspondence and provide a written response no later than November 25, 2026. HCD will review and consider the City's written response before taking any action authorized by Government Code section 65585, subdivisions (i) and (j). As noted above, such action could include referral to the Office of Attorney General.

HCD appreciates the opportunity to provide technical assistance to ensure proper implementation of the provisions of AB 2011 and other state housing laws over which HCD has enforcement authority. If you have questions or need additional information, please contact Mackenzie Goldberg at Mackenzie.Goldberg@hcd.ca.gov

Sincerely,



Melinda Coy
Assistant Deputy Director, Housing Accountability

EXHIBIT F

RAND|PASTER|NELSON

633 West Fifth Street
Suite 5880
Los Angeles, CA 90071
213.557.7222
www.rpnllp.com

Dave Rand
213.557.7224
Dave@rpnllp.com

October 30, 2026

VIA MAIL AND EMAIL

Lisa Webber
Deputy Director of Planning
City of Los Angeles
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012
Lisa.webber@lacity.org

Los Angeles City Clerk Claims Department
200 North Spring Street, Room 395, City Hall
Los Angeles, California 90012

Re: 4868 Canoga Ave., Woodland Hills –
Notice of Intent to Sue Pursuant to Gov. Code § 65914.2
Submission of Claim for Damages under the California Government Claims Act

Dear Ms. Webber:

Our firm represents RW WHCC, LLC ("Applicant") in connection with an application to develop a 398-unit multifamily development (223 apartment units and 175 single-family detached condominium units), including 61 affordable housing units ("Project") on a site located at 4868 Canoga Avenue in the Woodland Hills neighborhood of the City of Los Angeles ("City"). On November 21, 2025, the Applicant sought an entitlement for the Project using AB 2011[1] (Gov. Code § 65912.100 *et seq*.), in particular, the provisions of AB 2011 applicable to a mixed-income housing development along a commercial corridor. On August 20, 2026, the City denied the Project on the sole basis that the Project site is potentially mountain lion habitat and therefore the Project is not eligible for AB 2011 pursuant to Government Code Section 65912.121(g) and Government Code Section 65913.4(a)(6)(J).

This letter gives formal notice of the Applicant's intent to commence a lawsuit against the City challenging the illegal denial of the Project ("Notice"). This Notice is provided specifically pursuant to Assembly Bill 712 ("AB 712") (i.e., Government Code Section 65914.2(b)(2)(A)(i)(II)) and identifies the factual elements of the dispute and the legal theories forming the basis for the allegation that the City's denial of the Project violated state housing law. The Applicant reserves all rights to expand and modify its legal claims going forward.

On October 28, 2026, the California Housing and Community Development Department ("HCD") issued a formal notice under AB 712 informing the City that the Project denial violated state housing law ("HCD Directive"). (See Attachment 1 to this letter.) The legal purpose of the Applicant's Notice is to provide the City an opportunity to reverse its illegal denial and approve the Project as instructed by the HCD Directive. If the City elects not to approve the Project in response to the HCD Directive the City will

[1] As used herein, "AB 2011" includes all subsequent amendments to AB 2011.

be liable for enhanced monetary penalties up to $50,000 per unit for a total of **$19,900,000**, in addition to attorney's fees and damages.

Based on the very recent published appellate court decision in *Wei Shi vs. City of Palos Verdes Estates*, B350195 (October 23, 2026), this Notice also includes a Claim for Damages under the California Government Claims Act for damages arising from the City's illegal denial of the Project. (See Attachment 2 to this letter.) The Applicant seeks actual and compensatory damages resulting from delays and increased Project risk, including but not limited to increased construction costs, loss of financing opportunities, loss of revenue, and increased soft costs, including but not limited to legal, financing, tax payments, and consultant fees, all of which were caused by the City's illegal denial of the Project.[2]

We request that the City reverse its denial of the Project and issue an approval of the Project within 60 days of the day of this letter as required by HCD and the provisions of AB 2011, the Housing Accountability Act, and AB 712. Failure to rescind the Project denial will result in daily escalating damages to the Applicant.

A. Factual Background and Factual Elements of the Dispute

1. City's Determination of Ineligibility

The Applicant sought ministerial approval of the Project under the provisions of AB 2011 applicable to a mixed-income housing development along a commercial corridor. On August 20, 2026, the City issued a "Final Determination of Ineligibility for Ministerial Processing Pursuant to AB 2011 (2022), AB 2234 (2024), and AB 893 (2025)." (The Final Determination is Attachment 3 to this letter.)

The Final Determination states: "Planning staff has determined that there is ***substantial evidence of habitat for protected species***, pursuant to California Government Code Sections 65913.4(a)(6)(J), on the 19.9 acre project site, and the larger approximately 90 acre Woodland Hills Golf Club parcels. Therefore, pursuant to California Government Code Sections 65912.121(g) and 65913.4(a)(6), the proposed project is ineligible for ministerial processing pursuant to AB 2011, AB 2234, and AB 893." (Emphasis added.) This was the only basis for denial.

As grounds for this substantial evidence determination, the City cited a report by a Certified Senior Ecologist entitled "Professional Statement Regarding Habitat for Protected Species at Woodland Hills Golf Club" ("City Report"). This report is dated August 19, 2026 – the day before the denial determination was issued by the City. After nearly a year of application processing back and forth, and the Applicant's submittal of multiple expert biological resources reports, the City blindsided the Applicant with the City Report, providing absolutely no time for the Applicant to review or respond prior to the denial.

2. Applicant Submitted Substantial Evidence that the Project Site is Not Mountain Lion Habitat

Critically, prior to the denial of the application, the Applicant submitted two reports by certified biologists concluding that the site did not include habitat for any protected species, including mountain lions. A "Biologist Statement of Habitat and Biological Resources Assessment" prepared by Hernandez

[2] This is not an exhaustive list and Applicant reserves the right to modify this list of damages.

Environmental Services, and dated July 15, 2025, was originally submitted to the City on November 21, 2025, and was subsequently amended and resubmitted ("Hernandez Report"). A "Biological Assessment for AB 2011," prepared by South Environmental, and dated July 17, 2026, was submitted to the City on July 21, 2026 ("South Report").

3. Response to City's Report

As stated above, the City did not allow the Applicant to either review or rebut the City Report prior to the issuance of the Project denial. Consequently, a response to the City Report prepared by South Environmental is provided with this letter. (See Attachment 4.) The response concludes that "the City Report's finding of habitat for mountain lion on the project site is not supported."

4. Elements in Dispute

The primary factual element in dispute is whether the proposed Project site is habitat for mountain lions.

B. Legal Theories Forming The Basis For The Allegation That The City's Denial Of The Project Violated State Housing Law[3]

1. Violation of AB 2011

a. The City Used the Wrong Standard of Review

The City violated AB 2011 by denying the Project when there was substantial evidence in the record that would allow a reasonable person to conclude that the Project is consistent with the requirements in AB 2011.

AB 2011 requires that the City "shall approve the development" if the City determines that that Project is "consistent with the objective planning standards" in AB 2011.[4] AB 2011 states that "a development is consistent with the objective planning standards ***if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent*** with the objective planning standards."[5]

Here, the City applied the wrong standard of review when reviewing the Project application. Instead of determining whether there is substantial evidence of consistency (i.e. no mountain lion habitat), the City based its denial on a determination that there was substantial evidence of inconsistency (i.e. mountain lion habitat). This is not a valid basis for denying the Project under AB 2011.

For a proposed project to be found consistent with the objective planning standards in AB 2011, there must be substantial evidence that the development is consistent. This means that even if there is substantial evidence on both sides of the issue – both for and against consistency – the development will

[3] Note the Applicant reserves all rights to add and/or modify its legal claims if it ultimately proves necessary to file a petition for writ of mandate to overturn the City's illegal Project denial, including but not limited to, claims the City denied the Project in violation of the State Density Bonus Law and the State Subdivision Map Act.
[4] Gov. Code § 65912.124(a)(3).
[5] Gov. Code § 65912.124(b)(1) (emphasis added).

be considered consistent. This standard is notably different from a "preponderance of the evidence" standard. Consequently, for an AB 2011 project, the applicant's evidence of consistency does not need to outweigh contrary evidence; it simply needs to be substantial enough to allow a reasonable person to conclude that the development is consistent with the objective planning standards.

The court discussed this "reasonable person" standard in the case of *California Renters Legal Advoc. & Educ. Fund v. City of San Mateo* ("*CARLA*").[6] In *CARLA*, the city denied an application for a 10-unit housing development on the grounds that this did not comply with the city's applicable standards, and the applicant appealed arguing that the city's denial violated the Housing Accountability Act (Gov. Code § 65589.5) ("HAA"). As relevant here, the court considered subsection (f)(4) of the HAA, which states:

> For purposes of this section, a housing development project ... shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a **reasonable person** to conclude that the housing development project ... is consistent, compliant, or in conformity.[7]

In stating the applicable standard of review for the case, the court noted:

> [I]nstead of asking, as is common in administrative mandamus actions, "whether the City's findings are supported by substantial evidence" … , we inquire whether there is "substantial evidence that would allow a reasonable person to conclude that the housing development project' complies with pertinent standards."[8]

In clarifying the nature of the reasonable person standard, the court stated that the "usual meaning of 'substantial evidence' is evidence that is of ponderable legal significance, reasonable in nature, credible, and of solid value, and substantial proof of the essentials which the law requires in a particular case."[9] The court assured the concerned city that the reasonable person standard "would [not] require project approval based solely on the unsupported opinion of a single person, or on evidence that a reasonable person would not find credible and persuasive."[10] Finally, the court found that where city staff had reasonably concluded that the project satisfied the city's requirements and the City Council had reasonably concluded that it did not, "[t]he plausibility of both views demonstrates … that a reasonable person could conclude the project satisfies them."[11]

The Court in *CARLA* noted that the reasonable person standard, as used in state housing law, "is intentionally deferential to housing development."[12] The case of *Ruegg & Ellsworth v. City of Berkeley*[13] further illustrates this point. In *Ruegg & Ellsworth*, the court considered a challenge to the city's denial of a housing project submitted under SB 35 (Gov. Code § 65913.4). Like AB 2011, which borrows heavily from

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[6] 68 Cal.App.5th 820 (2021).
[7] *California Renters Legal Advoc. & Educ. Fund v. City of San Mateo*, 68 Cal.App.5th 820, 836 (2021).
[8] *Id.* at 837.
[9] *Id.* at 852 (internal quotations marks omitted).
[10] *Id.* at 852.
[11] *Id.* at 845.
[12] *Id.* at 845.
[13] 63 Cal.App.5th 277 (2021) (emphasis added).

SB 35, SB 35 requires cities to approve projects through a streamlined, ministerial review process if they satisfy objective planning standards. Among other issues, the court considered the appropriate standard of review for determining if the project satisfies the objective planning standards. SB 35 now includes the same standard of review language found in AB 2011 and quoted above.[14] However, that language was not part of SB 35 when the city denied the project so the court did not consider it. Even without looking to the later-enacted statutory standard of review, the court held that a standard of review that was deferential to the city's factual determination was inappropriate.[15] A deferential standard of review would "effectively nullif[y] the legislative intent in section 65913.4 by insulating from review the factfinding underlying an agency's determination whether its ministerial duty to approve a project is triggered."[16] The court continues:

> [Government Code] Section 65913.4 expressly limits local governments' authority over applications for development of affordable housing projects meeting the specified criteria: Applications under section 65913.4 are for a "streamlined, *ministerial* approval process" based on "objective planning standards." … The Legislature's choice of language makes obvious its intent to constrain local governments' discretion.[17]

This analysis equally applies to AB 2011, which also requires a streamlined, ministerial approval process based on objective planning standards.

As pertinent to this project, the objective planning standards include the requirement in Section 65912.121(g), which requires that the project is located on a site that "satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4, exclusive of clause (iv) of subparagraph (A) of paragraph (6) of subdivision (a) of Section 65913.4" – including the (a)(6)(J) habitat requirement.

The materials submitted by the Applicant in the expert Hernandez Report and South Report do, in fact, provide substantial evidence that the Project site is <u>not</u> habitat for protected species. Two different professional biologists have concluded based on their assessment of scientific literature, available data, and field observations that the Project site is <u>not</u> habitat for any protected species, including mountain lions. The South Report and the Hernandez Report provide more than substantial evidence that has led the qualified biologists who prepared these studies – who would certainly count as reasonable people – to conclude that the project is consistent with Government Code Section 65913.4(a)(6)(J). ***This ends the permissible scope of the inquiry***. AB 2011 does not allow the City to then weigh the Applicant's evidence against the conflicting conclusions in the City's own report or to otherwise give deference to evidence of inconsistency. The AB 2011 standard of review is clear, it favors approval of housing, and the City failed to comply with it.

The standard of review discussed above is confirmed by the HCD Directive, which states that under AB 2011, "a development is consistent with objective planning standards when the application contains 'substantial evidence that would allow a reasonable person to conclude that the development is

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[14] "For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards." (Gov. Code § 65913.4(c)(3).)
[15] *Ruegg & Ellsworth v. City of Berkeley*, 63 Cal.App.5th 277, 298-99 (2021).
[16] *Id.*
[17] *Id.* at 299-300.

consistent with objective planning standards.'"[18] HCD further confirms that "the applicant has met that standard" because "[u]nder the reasonable person standard found in AB 2011, [the applicant's two biological assessments] serve[] as substantial evidence demonstrating that the site does not function as a mountain lion habitat."[19] Consequently, HCD states that "The proposed project qualifies for AB 2011 as a Mixed-Income Housing Development pursuant to Government Code sections 65912.120-65912.124."[20]

b. The City's Report Does Not Include Substantial Evidence of Mountain Lion Habitat

Putting aside that the Applicant clearly met its burden under the "reasonable person" standard to demonstrate the Site is not habitat, the City Report on its own fails to provide the requisite statutory evidence that the Project site is habitat for mountain lions. This constitutes an independent basis for the Applicant's allegation that the City violated AB 2011.

As further detailed in the response to the City Report prepared by South Environmental, the City Report fails to establish the presence of sufficient cover, food, and other necessities for mountain lion habitat on the Project site, and instead relies on the presence of habitat indicators in the broader area and region beyond the Project site. At best, the City Report demonstrates that the Project site is within the *possible* "range" of a mountain lion – that is, the area within which a mountain lion *could* be found within its lifetime. However, *range* is not the same as *habitat*. As explained by Attorney General Rob Bonta in his February 6, 2022 letter to the Town of Woodside:

> Habitat is land that has the capacity to support that species, including providing food and shelter. Land that is *already* developed—with, for example a single-family home—is not, by definition, habitat. That mountain lions appear in Woodside from time to time does not make any of its individual parcels mountain lion *habitat*. Rather, it demonstrates the *range* of the mountain lion—where the species may be found in its lifetime. In other words, "habitat" is a separate concept from "range." The enclosed map, by the California Interagency Wildlife Task Group of the California Department of Fish and Wildlife, shows that the range of mountain lions includes the vast majority of the San Francisco Bay Area. That breadth does not make nearly every single parcel in the San Francisco Bay Area a habitat for mountain lions, nor could the range of mountain lions, or any endangered species, be used to justify a local government's attempt to categorically prohibit a class of housing development within its local boundaries.

Similarly, even if a mountain lion theoretically crossed through the golf course on the way to actual habitat, this would not make the golf course itself habitat for mountain lions. It can't, otherwise – as noted by the South Report:

> <u>every single location where a mountain lion was ever spotted (e.g., homes throughout the Girard tract, freeways, overpasses, etc.) would be considered qualifying habitat</u>. Such an approach would

[18] See p. 3 of the HCD Directive.
[19] *Id.*
[20] HCD Directive, p. 3, fn. 9.

result in an absurd and overly broad designation to the point of diminishing true habitat areas that are legitimately worthy of enhanced regulatory protections.

Moreover, there is no actual data showing that a mountain lion has ever been on the Project site – despite years of tracking data that plot mountain lion movement and location around the Santa Monica Mountains region. As stated in the South Report, "The National Park Service mountain lion tracking data have not identified any of the tracked mountain lions on or near the golf course."[21] The City Report also acknowledges this: "WHGC is a managed golf course rather than an intact natural community; a tracked mountain lion GPS location has not been demonstrated on the property, to my understanding; the property lies outside certain conservation designation boundaries; and a continuous natural wildlife corridor through it has not been demonstrated."[22]

In short, putting aside the "reasonable person" standard of review, the City's own Report does not in and of itself even provide substantial evidence that the Site is mountain lion habitat and, in fact, includes substantial evidence that the Project site is not mountain lion habitat.

This is also confirmed by the HCD Directive: "[T]he City's determination is based on the [City] report's identification of potential or context-dependent ecological functions, not evidence that mountain lions actually use or occupy the property. … By describing the site as a significantly altered urban landscape with no demonstrated mountain lion presence, the report undermines its own conclusions. … [T]he report on which the City's determination is based defines 'habitat' in terms of potential capability rather than actual use. … Under Government Code section 65913.4, subdivision (a)(6)(J), conjectural potential is insufficient. The City must demonstrate that the site actually serves as a habitat, for which the report offers no such evidence."[23]

2. Violation of the Housing Accountability Act

The City's denial of the Project also violated the Housing Accountability Act (Gov. Code § 65589.5) because the City failed to make the required findings for denial of a housing development project in the HAA.[24] The HAA applies to a development proceeding under AB 2011.[25] The Project is a "housing development project" as defined in the HAA because it is a 100% residential project.[26] The Project also

[21] South Report, p. 6.
[22] City Report, p. 22.
[23] HCD Directive, p. 2-3.
[24] In a similar context, a California court found that the City of Berkeley's illegal denial of an SB 35 application was also an HAA violation. (*Ruegg & Ellsworth v. City of Berkeley*, 89 Cal. App. 5th 258, 261 (2023) ("On remand, in addition to granting the writ petition, the trial court found that denial of the permit application violated the Housing Accountability Act (HAA) (§ 65589.5) as well as section 65913.4."); *Ruegg & Ellsworth v. City of Berkeley*, Case No. RG18930003, Order Granting the Petition with Respect to the Second, Third, Fourth and Fifth Causes of Action, filed February 22, 2022, § 2 ("With respect to the second and third causes of action in the Petition, the Petition is GRANTED. City's disapproval of Petitioners' 2018 application for the 1900 Fourth Street Project ("Project") violated the HAA, Gov. Code § 65589.5, subds. (d) and (j). The Project is a housing development project that complied with applicable objective standards and also qualified as a housing development project for very low, low-, or moderate-income households. Petitioners were entitled to issuance of the permit for which they applied, City disapproved the Project, and City did not make the findings in the HAA.").)
[25] Gov. Code § 65912.124(s).
[26] Gov. Code § 65589.5(h)(2)(A).

qualifies as "housing for very low, low-, or moderate-income households" under the HAA because approximately 15% of its units are restricted for low-income households.[27] The denial of the Project through the City's issuance of the Final Determination of Ineligibility for Ministerial Processing on August 20, 2026, was a "disapproval" under the HAA, which includes any instance when the City "takes final administrative action on a proposed housing development project application and the application is disapproved."[28]

a. Gov. Code § 65589.5(j)

Government Code Section 65589.5(j)(1) requires the City to make certain designated findings before denying housing development projects that comply with applicable standards:

> (j)(1) When a proposed housing development project complies with **applicable**, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to **disapprove** the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon **written findings** supported by a preponderance of the evidence on the record that both of the following conditions exist:
>
> (A) The housing development project would have a **specific, adverse impact** upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
>
> (B) There is **no feasible method to satisfactorily mitigate or avoid** the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

Most of the City's general plan, zoning, and subdivision standards and criteria are not applicable to the Project because they are overridden by the standards in AB 2011.

However, AB 2011 does require compliance with City's general plan, zoning, and subdivision standards and criteria for issues that are not addressed in AB 2011:[29]

> (j) Objective zoning standards, objective subdivision standards, and objective design review standards not specified elsewhere in this section, as follows:
>
> (1) The applicable objective standards shall be those for the closest zone in the city, county, or city and county that allows multifamily residential use at the residential density proposed by the project. If no zone exists that allows the residential density

[27] Gov. Code § 65589.5(h)(3)(C)(i)(III).
[28] Gov. Code § 65589.5(h)(6)(A).
[29] Gov. Code § 65912.123(j).

> proposed by the project, the applicable objective standards shall be those for the zone that allows the greatest density within the city, county, or city and county.

Here, the Project complies with the City's general plan, zoning, and subdivision standards and criteria for issues that are not addressed in AB 2011. Specifically, as stated in Attachment A to the Project's City Planning Application, the Project complies with the underlying zoning standards, including FAR, open space, new trees and replacement trees, and residential bike parking.

Consequently, the City disapproved a project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria. However, the City's disapproval did not include any finding that (i) the Project would have a specific, adverse impact on public health or safety, or (ii) that there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Therefore, the City's disapproval of the Project violated the HAA.

b. Gov. Code § 65589.5(d)

The HAA also includes separate finding requirements for the disapproval of a housing development project for very low, low, or moderate-income households, which includes the Project:

> (d) For a housing development project for very low, low-, or moderate-income households, or an emergency shelter, a local agency **shall not disapprove** the housing development project or emergency shelter, or condition approval in a manner that renders the housing development project or emergency shelter infeasible, including through the use of design review standards, unless it makes **written findings**, based upon a preponderance of the evidence in the record, as to one of the following: …

There are six possible findings in subsection (d). The City did not make any of these findings in its disapproval of the Project. This constitutes an independent violation of the HAA.

3. Violation of Government Code § 815.6

This letter includes a Claim for Damages under the California Government Claims Act for damages arising from the City's illegal denial of the Project ("Claim"). If the City denies the Claim, the Applicant's lawsuit will include a cause of action for violation of Government Code Section 815.6, which states:

> Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

As held very recently by the court in *Shi v. City of Palos Verdes Estates*,[30] (which was certified for publication just last week) this cause of action "has three elements that must be satisfied to impose public entity liability: (1) a mandatory duty was imposed on the public entity by an enactment; (2) the enactment was designed to protect against the particular kind of injury allegedly suffered; and (3) the breach of the mandatory statutory duty proximately caused the injury."

[30] No. B350195, 2026 WL 3179539, at *3 (Cal. Ct. App. Oct. 23, 2026).

Each of the elements of the cause of action are satisfied in this case:

(1) Mandatory Duty. AB 2011 imposes a mandatory duty on the City to (i) conduct a streamlined ministerial review of an AB 2011 project application; (ii) to determine that the development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards; and (iii) to approve the application within 90 days of the date that the development is determined to be consistent with the objective planning standards, if the development contains more than 150 housing units.[31]

(2) Enactment Protects Against Injury Alleged. In *Shi*, the court found that Government Code Section 66317 "imposes a mandatory duty on local governments to promptly and ministerially consider and approve ADU permits. Intended beneficiaries of that duty are applicants for ADU permits—people like Shi."[32] Likewise, the intended beneficiaries of the mandatory duty in AB 2011 for cities to promptly and ministerially consider and approve AB 2011 housing developments are applicants for AB 2011 permits – including the Applicant.

In *Shi*, the plaintiff alleged that the delays caused him to incur damages including "loss of use of his property, increased construction costs, interest expense and costs of design professionals, and diminished property value."[33] The Court found that the "permit applicant receives the direct benefit of timely and ministerial approval. If the permit is not timely and ministerially approved, the applicant suffers. The mandatory duty (ministerial approval) is directly designed to protect against the kind of injury Shi suffered (the City's failure to timely and ministerially consider and approve a permit)."[34]

Here, the Applicant has also suffered financial injuries resulting from the City's disapproval of the Project and the resulting delay. These injuries include but are not limited to increased construction costs, loss of financing opportunities, loss of revenue, and increased soft costs, including but not limited to legal, financing, tax payments, and consultant fees, all of which were caused by the City's illegal denial of the Project. As in *Shi*, the mandatory duties imposed on the City by AB 2011 are directly designed to protect against the kinds of injuries that the Applicant has suffered.

(3) Breach of Duty Proximately Caused the Injury. The City's breach of its mandatory duty to timely approve the Project is the proximate cause of the Applicant's injuries. If the City had complied with its mandatory duties, the Project would be approved and Applicant would not be suffering significant, ongoing financial injuries resulting from the delay and uncertainty caused by the Project denial.

Finally, the City has not exercised reasonable diligence in the discharge of its duty. Rather than looking to the two expert reports submitted by the Applicant, which present substantial evidence that there is no

[31] Gov. Code §§ 65912.120, 65912.124(b)(1), and 65912.124(a)(3)(B).
[32] *Id*.
[33] *Id.* at 2.
[34] *Id.* at 3.

mountain lion habitat on the Project site based on the reasonable person test, the City applied the wrong standard of review and relied on its own shaky report to illegally deny the Project.

C. Enhanced Fines Under AB 712

As acknowledged in the HCD Directive,[35] AB 712 imposes enhanced fines on cities that continue to violate state housing laws after receiving a notice of violation from HCD and are found to have violated the same state housing law multiple times during that same housing element cycle.

Under AB 712, the City will be liable for a fine of at least $10,000 per unit, or **$3,980,000** if: (i) the City is advised in writing by HCD, prior to the commencement of the Applicant's lawsuit, that the City's decision, action, or inaction would violate a specific housing reform law; (ii) the Applicant provides written notice to the City of its intent to file a lawsuit against the City; and (iii) the Applicant is the prevailing party in the lawsuit alleging that the City violated a specific housing reform law in substantially the same manner as stated in HCD's letter.[36] Here, HCD has advised the City through the HCD Directive that the City's failure to reverse its denial of the Project will violate AB 2011. If the Applicant prevails in a lawsuit alleging that the City has violated AB 2011 by denying the Project, the City will be liable for fines of at least $3,980,000.

Notably, AB 712 further provides that the City will be liable for enhanced penalties of at least $50,000 per unit, or **$19,900,000** if: (i) the Applicant prevails in a lawsuit against the City; and (ii) a court has previously found that the City violated the same housing reform law on which the Applicant prevails in its lawsuit, within the same planning period.[37] Here, the City violated the HAA by disapproving the AB2011 Project without making the required finding in the HAA. The City has previously been found to have violated the HAA on multiple occasions during the sixth housing element cycle (October 2021-October 2029), including in the following cases:

- *Jha v. City of Los Angeles*, Case No. 23STCP03499 (Decision on Petition for Writ of Mandate, filed July 24, 2024), p. 25 – "The court has already determined that the builder's remedy applies, and therefore general plan and zoning inconsistencies are not a valid basis to deny the Project. The City did not make any written findings regarding any of the other four enumerated bases to disapprove an affordable housing project, and therefore **the City's vote to disapprove the project was in violation of the HAA**. §65589.S(k)(l)(A)(i)."

- *Yes in My Backyard v. City of Los Angeles* (Winnetka), Case No. 24STCP00070 (City's Notice Of Ruling, filed September 30, 2024), Exhibit A p. 27 – "Petitioners' vesting rights did not expire, and **the City's refusal to recognize them violated the HAA**."

- *Yes in My Backyard v. City of Los Angeles* (Evolve), Case No. 24STCP00385 (Ruling On Verified Petition For Writ Of Mandate, Prohibition, Or Other Extraordinary Relief, filed December 18, 2024), p. 14 – "Having not having [sic] made the findings required under the HAA to disapprove the project, **the City violated the HAA**."

[35] HCD Directive, p. 4.
[36] Gov. Code §65914.2(b)(2)(A)(i).
[37] Gov. Code §65914.2(b)(2)(A)(ii). "Planning period" is defined in Gov. Code §65914.2(d)(4).

Consequently, if the Applicant prevails in a lawsuit alleging the City violated the HAA, the City will be liable for fines of at least **$19,900,000.**

Finally, if the Applicant prevails in a lawsuit against the City, the City will also be liable for the Applicant's reasonable attorney's fees and costs and any other available remedies.[38]

D. 60-Day Extension of the Statute of Limitations

Pursuant to AB 712, any period of limitation for actions under any California law shall be extended for a period of 60 days beginning on the date of this letter.[39]

* * * *

The City's denial of the Project violated AB 2011 and the HAA. For all of the reasons stated above, we request that the City reverse this denial and approve the Project within the next 60 days. If the City does not reverse course and approve the Project within the next 60 days, the Applicant will file a lawsuit against the City and the City will be liable for at least **$19,900,000** in fines, the Applicant's **attorney's fees and costs**, and private, compensatory **damages** suffered by the Applicant. The City's liability exposure for illegally denying this Project, which will bring much needed for-sale and rental market rate and affordable housing to a high resource neighborhood in Los Angeles, could therefore cost the City well in excess of **$20 million**. We can't imagine the risk to Los Angeles taxpayers is worth it. We look forward to the City's decision.

Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

CC: Renata Ooms, City Planner – Renata.Ooms@lacity.org

Attachments

1. Letter from HCD
2. Claim for Damages
3. Final Determination of Ineligibility for Ministerial Processing Pursuant to AB 2011 (2022), AB 2234 (2024), and AB 893 (2025)
4. South Environmental Response to City Report

[38] Gov. Code §65914.2(b)(1).
[39] Gov. Code §65914.2(b)(2)(A)(i)(III).

EXHIBIT G

YIMBY Law

2261 Market Street STE 10416

San Francisco, CA 94114

hello@yimbylaw.org

YIMBY LAW

10/9/2026

Lisa Webber AICP
Deputy Director, Project Planning
Los Angeles City Planning Department
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

Via email: lisa.webber@lacity.org, CityClerk@lacity.org

Re: 4868 N. Canoga Avenue Project – Eligibility for Review under AB 2011

Dear Planning Department of Los Angeles,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the HAA and AB 2011/AB 2242/AB 893 ministerial review. This City and its commission have an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including AB 2011. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

This letter supports the development project at 4868 North Canoga Avenue and objects to the designation of the Woodland Hills County Club property as mountain lion habitat. When complete, the project will include 398 units of housing–175 for-sale single-family homes, 27 of which will be restricted affordable to Low-Income Households and 223 apartment units across 3 low-rise buildings, 34 of which would be rent-restricted apartments.

On August 20, 2026, the City of Los Angeles issued a final determination of ineligibility for AB 2011, AB 2234, and AB 893 ministerial processing for the Woodland Hills Country Club because Planning Staff determined that there is "substantial evidence of habitat for protected species," specifically for mountain lions. According to Cal. Gov. Code § 65913.4,

development proposals are not eligible for streamlined, ministerial approval if the development is located on a site that is a "[h]abitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)."

That determination should be carefully examined in light of what constitutes a habitat and the characteristics of a mountain lion's ecology. A habitat is a home for an organism, meaning it needs to meet the environmental conditions that the organism needs to survive. For animals, a habitat should provide the opportunity to find and gather food, select a mate, and successfully reproduce.[1] A mountain lion's occasional (or *possible*) presence on or movement through a developed property should not, by itself, establish that the property constitutes a mountain lion habitat.

Research on mountain lions in California shows that they very rarely enter developed areas and consistently avoid altered open areas such as golf courses, cemeteries, and other landscaped spaces.[2] That is not to say they will *never* be seen in places such as the Woodland Hills Country Club. However, the observation of a mountain lion near or on a property merely indicates that one was present at a particular time; it does not necessarily demonstrate that the property provides the ecological resources required to constitute a habitat. The City should carefully distinguish between *possible* transient movement through an urbanized area and *sustained* use of a property for essential biological functions.

A site simply having the *potential* to be a habitat should not be treated as habitat. The Woodland Hills County Club is an active, intensively maintained golf course located within an established residential neighborhood and surrounded by homes, streets, walls, fences, and other urban infrastructure. The property contains regularly maintained fairways, greens, landscaping, buildings, roads, and other features associated with operating a country club. It is not some expansive, contiguous natural landscape, and it is certainly not the type of relatively undisturbed natural area typically associated with

[1] *Habitat*, National Geographic Encyclopedic Entry, https://education.nationalgeographic.org/resource/habitat/.
[2] Seth P. D. Riley, Jeff A. Sikich, John F. Benson, *Big Cats in the Big City: Spatial Ecology of Mountain Lions in Greater Los Angeles*, The Journal of Wildlife Management (21 September 2021), https://wildlife.onlinelibrary.wiley.com/doi/10.1002/jwmg.22127

mountain lion habitat. **This is not compatible with the kind of environment a mountain lion needs to survive.**

Consider what the City's determination asks the public to accept. The property operates every day as a golf course, with fairways and greens that are mowed, irrigated, and kept open by design. Should a mountain lion make its way onto the premises, it would not be welcomed; rather, it would be promptly *removed* by animal control. If a site like this qualifies as habitat, it is difficult to name a landscaped open space in Los Angeles that would not.

California has seen this approach before. In 2022, the Town of Woodside declared itself mountain lion habitat in an attempt to avoid its obligations under SB 9. The Attorney General's office advised the town that the declaration was not a lawful basis for denying housing, and the Town reversed course shortly after. The City's determination applies the same reasoning to a single property, and it deserves the same scrutiny. Public trust in government depends on words having precise meaning, and mischaracterizing the project site as a habitat manipulates the context and only deepens that distrust.

The current dispute shows why an independent, transparent scientific review is appropriate. The developer has provided evidence from its technical experts concluding that the project site is not protected biological habitat, while the City has relied on biological and ecological analysis from a different expert reaching a different conclusion. Due to the importance of this habitat determination and its ability to prevent hundreds of homes from being built in a statewide and nationwide housing shortage, the City should put forward the underlying scientific evidence it is relying on and make it available for rigorous, independent review.

As stated in an earlier letter, the site meets all criteria under state law for ministerial, CEQA exempt review. The HAA has recently been amended to expand the actions that are considered disapproval of a housing development project, including: failure to cease a course of conduct undertaken for an improper purpose, such as to cause unnecessary delay;[3] or failure to make a determination that a project is exempt from CEQA, such as under AB 2011.[4] This habitat determination is causing unnecessary delay for a compliant project eligible for ministerial review. The appropriate legal path forward is to approve the project without delay, and allow it to begin contributing to your statutory RHNA requirements.

[3] Gov. Code § 65589.5(h)(6)(D).
[4] Gov. Code § 65589.5(h)(6)(D).

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state and would be eligible to apply for residency in the proposed project..

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

YIMBY Law

2261 Market Street STE 10416

San Francisco, CA 94114

hello@yimbylaw.org

YIMBY LAW

2/20/2026

Lisa Webber AICP
Deputy Director, Project Planning
Los Angeles City Planning Department
200 N. Spring Street, Suite 525
Los Angeles, CA 90012
lisa.webber@lacity.org

Re: 4868 N. Canoga Avenue Project – Eligibility for Review under AB 2011/AB 2243

Dear Planning Department of Los Angeles,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). This City and its commission have an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA.

This letter supports the in-process development project at 4868 North Canoga Avenue. When complete, the project will include 398 units of housing, 97 of which will be restricted to low-income households. Its vesting Housing Crisis Act preliminary application was submitted on September 11, 2025. Along with Housing Accountability Act protections, the project utilizes AB 2011/AB 2242/AB 893 ministerial review and Density Bonus waivers and incentives.

The project provides multifamily housing of greater than five units, complies with statutory labor provisions, and the 15% affordable housing requirement. Therefore, it is entitled to ministerial review as a valid AB 2011/AB 2243/AB 893 project, and is exempt from CEQA review.[1] AB 2243 amended AB 2011 to apply to parcels where parking is a principally permitted use "whether or not they require a conditional use permit".[2] The project site, zoned A1, allows parking via a conditional use permit.[3]

[1] Public Resources Code §21000, et seq. and Title 14, Division 6, Code of Regulations.
[2] Gov. Code § 65912.101(r).
[3] Los Angeles Municipal Code §12.05(A)(10); § 12.24(W)(37).

Ministerial review also requires at least 75% of the perimeter to adjoin parcels that are developed with urban uses; these uses are defined as "any current or former residential, commercial, public institutional, public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses."[4] The residential uses adjoining the parcel qualify it under this definition. No adjoining uses are industrial in nature, the project is not within 3,200 feet of oil or natural gas refineries, the project is greater than 500 feet away from a freeway, and it is not located on a site governed under the Mobilehome Residency Law.

AB 2011 also requires that the site abut a commercial corridor, defined as "a street that is not a freeway and that has a right-of-way of at least 70 and not greater than 150 feet."[5] Canoga Avenue is such a corridor, running 80 feet in width along the project site. Projects protected under these laws must be under 20 acres in size; the project will take up 19.86 acres of a 53 acre parcel, but AB 893 specifies that your review "shall be limited to the area described as being physically disturbed by construction in the application for streamlined, ministerial review and shall not include, unless expressly stated otherwise, other contiguous or noncontiguous areas even if under the ownership or control of the project proponent."[6]

A Density Bonus is being sought in order for the project proponent to be granted waivers to which they are entitled under California state Density Bonus Law, California Government Code § 65915(e), so long as there are no specific, adverse impacts, upon health, safety, or the physical environment, and there are no feasible methods to satisfactorily mitigate or avoid the specific adverse impacts. The HAA, § 65589.5 (j)(3) specifies that the receipt of a density bonus does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

In short, the site meets all criteria under state law for ministerial, CEQA exempt review. The HAA has recently been amended to expand the actions that are considered disapproval of a housing development project, including: failure to cease a course of conduct undertaken for an improper purpose, such as to cause unnecessary delay;[7] or failure to make a determination that a project is exempt from CEQA, such as under AB 2011.[8] The appropriate legal path forward is to approve the project without delay, and allow it to begin contributing to your statutory RHNA requirements.

[4] Gov. Code, § 65912.101(t).
[5] Gov. Code § 65912.101(b).
[6] Gov. Code § 65912.103.5.
[7] Gov. Code § 65589.5(h)(6)(D).
[8] Gov. Code § 65589.5(h)(6)(D).

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

CALIFORNIANS FOR HOMEOWNERSHIP

CAL HDF

Mar 26, 2026

City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Re: Proposed Housing Development Project at 4868 N. Canoga Ave

To: submitted electronically via Council website

Cc: City Clerk's Office, clerk.cps@lacity.org; City Attorney's Office, cityatty.help@lacity.org

Dear Los Angeles City Council,

The California Housing Defense Fund ("CalHDF") and Californians for Homeownership submit this letter as a public comment letter concerning Council file number 26-0198, calendared as public hearing item 12 for the Council meeting of March 27, 2026, a motion to instruct the Bureau of Engineering, with the assistance of the Department of City Planning and any other necessary departments, to report on the feasibility and with recommendations to vacate a portion of Canoga Avenue between Dumetz Road and Saltillo Street to narrow the public right of way.

We would like to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 398-unit housing development project ("Project") at 4868 N. Canoga Ave, which includes 97 units for low-income households. These laws include the Housing Accountability Act ("HAA") and AB 2011.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subds. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id*. at subd. (d)) or reduce the project's density (*id*. at subd. (j)) unless, again, such written findings are made. As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with applicable zoning code and general plan provisions. The HAA's protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must

conduct "a thorough analysis of the economic, social, and environmental effects of the action." (*Id.* at subd. (b).)

The City should be aware that it has reached and exceeded the five hearing limit imposed by state law on projects that comply with applicable, objective zoning and general plan standards. (Gov. Code, § 65905.5, subd. (a).) The City has already held at least the following seven hearings on the project:

- Special Public Works Committee Meeting And Special Joint Public Works Committee and Budget and Finance Committee Meeting (Items 1-3)
    - Wednesday, March 11, 2026
    - During this meeting, the committee discussed a motion (File No. 26-0198) that references the Project specifically and is designed to make the project ineligible for AB 2011.
- Los Angeles City Council
    - Wednesday, March 11, 2026
    - During this meeting, the Council passed a resolution (File No. 26-0002-S7) discussing this project specifically, which called for the California Department of Housing and Community Development to define "vacant site" in such a way as to exclude the Project from eligibility for AB 2011.
- Special Meeting – Special - Rules, Elections and Intergovernmental Relations Committee
    - Wednesday, March 4, 2026 - 9:00 AM
    - During this meeting, the Committee discussed a resolution (File No. 26-0002-S7) discussing this project specifically, which called for the California Department of Housing and Community Development to define "vacant site" in such a way as to exclude the Project from eligibility for AB 2011.
- Planning and Land Use Management Committee
    - Tuesday, February 24, 2026
    - During this meeting, the committee discussed a motion (File No. 26-0184) that references the Project specifically and is designed to make the project ineligible for AB 2011.
- Los Angeles City Council
    - Wednesday, January 28, 2026
    - During this meeting, the Council passed a motion (File. No. 25-1486) that instructs the Department of City Planning to analyze the Project and determine what other commercial corridors are eligible for AB 2011.
- Planning and Land Use Management Committee
    - Tuesday, January 13, 2026
    - During this meeting, the Committee discussed a motion (File. No. 25-1486) that references the Project specifically and calls for the Department of City

Planning to analyze the Project and determine what other commercial corridors are eligible for AB 2011.

- Los Angeles City Council
    - Wednesday, December 10, 2026
    - During this meeting, a Council Member made a motion (File No. 25-1486) that references the Project specifically and calls for the Department of City Planning to analyze the Project and determine what other commercial corridors are eligible for AB 2011.

The Council received public testimony during many of these meetings relating directly to the Project.

Furthermore, the Council has held additional meetings on other measures designed to deny the Project without naming it specifically, such as the Council meeting on February 27, 2026, during which a motion was made to instruct the Planning Department to make certain zoning changes in order for the Project not to be eligible for AB 2011.

For the City's reference, Government Code section 65905.5, subdivision (b)(2) defines hearing as follows (emphasis added):

> "Hearing" includes **any public hearing, workshop, or similar meeting, including any appeal, conducted by the city or county with respect to the housing development project,** including any meeting relating to Section 65915, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof. "Hearing" does not include a hearing to review a legislative approval, including any appeal, required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

Additionally, while the above definition excludes some hearings related to legislative approvals, this applies only to legislative approvals required for the project. This definition does not exclude legislative approvals to *deny* a project.

Each of the seven listed meetings meets the definition of "hearing" from Government Code section 65905.5, subdivision (b)(2), as each such Council or Committee meeting was a "meeting … conducted with respect to the housing development project …" Each meeting included an agenda item or a motion specifically concerning the project. And many of the meetings included public testimony concerning the project.

When the City holds additional hearings on the project, it disapproves the Project as a matter of law and violates the HAA. (See Gov. Code, § 65589.5, subd. (h)(6)(F).)

Additionally, we would like to incorporate by reference the comments made by the applicant's attorney into this public comment. (See attached March 13, 2026 letter from Ellia Thompson to the Los Angeles City Council.)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

Further, we urge the City to cease violating the law by conducting additional hearings on the project, each of which is a violation of the HAA.

Sincerely,





Matthew Gelfand
Californians for Homeownership

Dylan Casey
CalHDF