

1 **INTRODUCTION**

2 1. This action challenges the approval by the City Council of the City of Los
3 Angeles, with associated California Environmental Quality Act (“CEQA”) documents, of the
4 Landmark Apartments Project (“the Project”). The Project would be a 34-story residential tower
5 with 376 residential units with an approximately 40,544 square foot, privately maintained,
6 publicly accessible open space area on a 2.8-acre site in the West Los Angeles Community Plan
7 Area of the City of Los Angeles. The site was zoned [Q]C2-2-CDO and received a Vesting Zone
8 Change to (T)(Q)C-2-CDO.

9 2. Petitioner seeks to set aside the following approvals:

10 a. City Council File Number 16-1458, approving a Development Agreement
11 between the City of Los Angeles and Douglas Emmett Management, LLC for the properties
12 located at 11750-11770 Wilshire Boulevard,

13 b. City Council File Number 16-1458-S1, adopting the Environmental
14 Impact Report (“EIR”) and Errata, and the Planning and Land Use Management Committee
15 Report, and Ordinance No. 184764, and

16 c. Ordinance No. 184764, An ordinance amending Section 12.04 of the Los Angeles
17 Municipal Code by amending the zoning map.

18 d. Any and all motions purporting to adopt findings and certify an EIR for
19 the Project, including any Statement of Overriding Considerations and any Mitigation
20 Monitoring and Reporting Plan for the Project,

21 e. Approvals of the Los Angeles City Planning Commission’s

22 i. Certification of the EIR and Errata, ENV-2013-3747, State Clearinghouse
23 No. 2014031014, and adoption of the associated findings and Mitigation Monitoring
24 Program,

25 ii. Special Permission for the Reduction of Off-Street parking spaces
26 pursuant to Los Angeles Municipal Code Section 12.24-Y to allow a ten percent parking
27 reduction for an existing commercial building located within 1,400 feet of a transit
28 facility,

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1 iii. Design Overlay Plan Approval pursuant to Los Angeles Municipal Code
2 Section 13.08 with respect to the West Wilshire Boulevard Community Design Overlay
3 District, and

4 iv. Site Plan Review pursuant to Los Angeles Municipal Code Section 16.05-
5 C, 1-B, for a project resulting in a net increase of 50 or more residential units.

6 3. On information and belief, a Notice of Determination for the Project was posted
7 on or after February 22, 2017, the date the City Council took final action on the Project.

8 4. The City Council is the ultimate land-use authority and decisionmaking body in
9 the City of Los Angeles, although in this case it purported to delegate its authority to a Deputy
10 Advisor on the Planning Department Staff (who originally purported to certify the EIR), and then
11 to the Planning Commission (which then purported to certify the EIR), and then also to the
12 PLUM Committee. Petitioner alleges these delegations were unlawful.

13 5. In approving the Project the City and City Council violated provisions of CEQA
14 requiring that a lead agency fully assess and disclose significant impacts and that it provide
15 reliable mitigation subject to specific performance standards such that a project's impacts will be
16 mitigated to the fullest extent feasible.

17 6. The City and City Council approved the Project in the face of a study submitted
18 by Petitioner from qualified experts demonstrating that construction could have an overall health
19 risk impact on infants and children of 1040 cancers in a million, well over the standard of 10
20 cancers in a million that the South Coast Air Quality Management District ("SCAQMD") finds
21 significant. The City declined to conduct a health risk assessment ("HRA") for the Project,
22 although it stated in its Final Environmental Impact Report ("FEIR") that it had evaluated
23 impacts from diesel particulate matter ("DPM"). There was no quantitative or qualitative
24 assessment of the risks from DPM, and the screening health risk assessment submitted by
25 Petitioner was disregarded without comment.

26 7. The City and City Council approved the Project despite the fact that the Draft EIR
27 ("DEIR") and FEIR contained an inadequate analysis of the energy impacts of the Project
28 comprising less than a page. This analysis was inadequate as to stationary and mobile sources,

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1 both as to construction and operation of the Project. While there was cursory analysis in an
2 Appendix, CEQA Guidelines Appendix F and *Vineyard Area Citizens for Responsible Growth v.*
3 *City of Rancho Cordova* (2007) 40 Cal. 4th 412, 442 both called for a more robust analysis, in
4 the DEIR itself.

5 8. The City and City Council further failed to engage in the necessary analysis of
6 greenhouse gas (“GHG”) emissions required under CEQA. First, the City conducted an analysis
7 of the Project compared to a “No Action Taken” (“NAT”) scenario, and assessed whether the
8 reductions complied with those reductions called for by the California Air Resources Board
9 (“CARB”) in its Scoping Plan overall. This violated the guidance of the California Supreme
10 Court in *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal. 4th 204 that a
11 local land use project should not be compared to AB 32 standards to determine a proper
12 percentage reduction. Additionally, among other things, the NAT scenario took credit for the
13 removal of “hearths” which were prohibited by SCAQMD rules anyway. Next, the City asserted
14 that there were no significant impacts from GHGs because the Project complied with regulatory
15 programs related to GHG emissions. However, this again contravened *Center for Biological*
16 *Diversity*, where the Court made clear that more efficiency than the statewide average was
17 required for new construction. Finally, while the City was considering approval of the Project,
18 the Legislature passed and the Governor signed SB 32, requiring a 40% statewide reduction in
19 GHG emissions by 2030. SB 32 implements an interim goal toward the 80% reduction required
20 in Executive Order S-3-05, and Petitioner raised that the City had conceded in its DEIR that
21 compliance with the Executive Order would require “rapid market penetration of efficiency and
22 clean energy technologies,” yet the City failed to require that the Project even include Energy
23 Star appliances within the apartments for the proposed building.

24 9. The City further failed to engage in an adequate analysis of traffic and air quality
25 issues, among other things by setting as a baseline the traffic of a previous use of a portion of the
26 property as a supermarket, though that use had been discontinued.

27 10. It failed to comply with its own *CEQA Thresholds Guide*, which required the
28 analysis of shading impacts on adjacent properties, based on an administrative issuance by

1 someone its Planning Department. The *Thresholds Guide* regarding shading had to be
2 considered under Pub. Res. Code Section 21099 as a “threshold[] of significance that [is] more
3 protective of the environment,” and the City had no basis for disregarding it. Because the DEIR
4 found that the shading impact of the Project was significant, the City and City Council were
5 required to consider all feasible mitigation measures and to adopt a statement of overriding
6 considerations relating to that impact, but the City failed to do so, despite Petitioner’s comments.

7 **JURISDICTION AND VENUE**

8 11. This Court has jurisdiction under Code of Civil Procedure sections 1085 and
9 1094.5. The Court has jurisdiction of CEQA matters pursuant to Pub. Resources Code sections
10 21168, 21168.5, and 21168.9.

11 12. Venue is proper in this Court because the City of Los Angeles and the proposed
12 Project are located in Los Angeles County, so the actions giving rise to the causes of action
13 herein transpired in Los Angeles County. *See* Code of Civil Procedure sections 393 and 394.

14 13. This action is timely filed within 30 days of the posting of the Notice of
15 Determination under CEQA on or after February 22, 2017.

16 14. Petitioner has exhausted its administrative remedies by commenting on the
17 Project prior to the close of the public hearing on the Project before the filing of the applicable
18 Notice of Determination, in compliance with Public Resources Code section 21177(b).

19 15. Petitioner has complied with CEQA by filing and serving prior to this Petition for
20 Writ of Mandate a Notice of Intent to File pursuant to Pub. Resources Code section 21167.5, a
21 true and correct copy of which is attached hereto as Exhibit A, by complying with Pub.
22 Resources Code section 21167.6 in notifying the City of Petitioner’s election to prepare the
23 administrative record (a true and correct copy of which is filed contemporaneously), and in
24 notifying the Attorney General of the commencement of this action pursuant to Pub. Resources
25 Code section 21167.7 and Code of Civil Procedure section 388 (a true and correct copy of which
26 is filed contemporaneously).

27 **PARTIES**

28 16. Petitioner Golden State Environmental Justice Alliance, formerly SoCal

1 Environmental Justice Alliance, is an advocacy organization devoted to the preservation of the
2 environment as well as the promotion of safe and healthy communities. Petitioner brings this
3 action on behalf of itself and neighbors of the Project and the general public and is acting as a
4 private attorney general conferring a significant benefit on the general public or a large class of
5 persons under Code of Civil Procedure section 1021.5.

6 17. Respondent City of Los Angeles (“City”) is a California municipal corporation
7 located in Los Angeles and the lead agency for the Project under CEQA. City is the agency
8 charged with the authority of regulating and administering land use and development within its
9 territory in compliance with the provisions of its General Plan and zoning ordinances as well as
10 applicable provisions of state law including CEQA. As the lead agency for the Project, the City
11 is charged with the duty of ensuring compliance with these applicable laws.

12 18. Respondent City Council of Los Angeles is the elected body within the City
13 ultimately responsible for land use and planning decisions within the City.

14 19. Real Party in Interest Douglas Emmett Management, LLC (“Real Party” or “the
15 Project Applicant”), is a Delaware limited liability company residing in Santa Monica,
16 California.

17 20. Real Party in Interest Doe Nos. 1 through 10 are sued herein by fictitious name.
18 Their true name and capacity are unknown to Petitioner. When their true name and capacity are
19 ascertained, Petitioner will amend this Petition by inserting their true name and capacity.
20 Petitioner is informed and believes and thereon alleges that the fictitiously named Real Parties
21 are responsible in some manner for the occurrences alleged herein

22 21. Petitioner is informed and believes and thereon alleges that each of the Real
23 Parties gave consent to, ratified or authorized the acts alleged, and that each of the Real Parties
24 knowingly aided, abetted or conspired with the others to commit the acts alleged herein.

25 **STATEMENT OF FACTS AND COMMON ALLEGATIONS**

26 22. *The Project Site and Proposed Project.* The Project site is a city block bounded
27 by Wilshire Boulevard to the north, an alley to the south, Stoner Avenue to the east, and
28 Granville Avenue to the west. The site covers approximately 2.8 acres. The Project Site is

1 currently occupied by 400,000 square feet of existing floor area, including a 42,900-square-foot,
2 single-story supermarket building, which would be demolished under the Project; a 364,791-
3 square-foot, 17-story office building, which would remain under the Project; and a four-level
4 subterranean parking structure spanning the entire Project Site. The existing parking structure
5 contains 1,321 parking spaces. To support the foundation of the new residential building, the
6 Project proposes the partial demolition and reconstruction of a portion of the four-level
7 subterranean parking structure. Specifically, 365 existing parking spaces would be removed and
8 166 new spaces would be constructed, for a total of 1,122 parking spaces on-site (a net decrease
9 of 199 spaces). In total, the Project would remove approximately 42,900 square feet of existing
10 floor area and construct approximately 360,291 square feet of new floor area, resulting in an
11 increase of 317,391 square feet of net new floor area, despite the reduction in parking spaces.

12 23. *Baseline Analysis.* The proposed Project currently houses a vacant supermarket
13 which has been vacant since March of 2013. Despite this, the City and the Project Applicant
14 chose in the DEIR to analyze the air quality, noise and traffic impacts of the Project as if the
15 supermarket was presently in use. This violates the foundational principle enunciated by the
16 California Supreme Court in *Communities for a Better Environment v. South Coast Air Quality*
17 *Management Dist.* (2010) 48 Cal. 4th 310, 316, 321 (“CBE”) that the baseline should generally
18 be “the physical conditions actually existing at the time of analysis,” “rather than the level of
19 development or activity that *could* or *should* have been present according to a plan or
20 regulation.” (emphasis in original.) *See also* CEQA Guidelines, § 15125(a). This approach
21 deprived decisionmakers *and the public* of a true look at the impacts of the Project relative to
22 existing conditions, and caused the City to falsely conclude that the impacts of the Project were
23 not significant, and were, supposedly, an improvement over the existing conditions.

24 24. The City relied for its analysis on the case of *North County Advocates v. City of*
25 *Carlsbad* (2015) 241 Cal. App. 4th 94 to justify its self-serving analysis, but the *North County*
26 case was contrary to the Supreme Court’s guidance in *CBE*, and it is also distinguishable because
27 (1) the applicant there was proposing to develop the store in question according to its past use,
28 and (2) the applicant there relied on solely hypothetical traffic counts, rather than actual traffic

1 counts, which the Project Applicant had here, and (3) even if Real Party's hypothetical baseline
2 were appropriate as to traffic, it was not as to air quality (as the Supreme Court made clear in
3 *CBE*), or noise.

4 25. *Shading Impacts.* The DEIR attempted to argue that the impacts to adjacent
5 buildings from shading did not have to be evaluated based upon Pub. Res. Code section 21099,
6 which exempts "aesthetics and parking impacts" from CEQA review for certain projects in the
7 vicinity of transit, unless the lead agency has adopted a more stringent standard. Here, even
8 assuming shading to surrounding buildings is considered an "aesthetic" impact, the City of Los
9 Angeles has adopted a more stringent standard in its *CEQA Thresholds Guide*. The DEIR
10 conceded that if the *Thresholds Guide* applied, there was a significant impact because the
11 building would shade a sensitive receptor (another apartment building) for more than three hours
12 between the hours of 9:00 A.M. and 3:00 P.M. during the winter solstice. Nevertheless, the City
13 adopted no statement of overriding considerations, and considered no feasible alternatives, to this
14 significant impact from the Project.

15 26. The City asserted that its *Thresholds Guide* did not apply based upon "Zoning
16 Information File No. 2145," which was apparently issued by someone on the Planning
17 Department staff. However, the *Thresholds Guide* was formally adopted by the City Council in
18 2001, and constitutes a "threshold[] of significance that [is] more protective of the environment"
19 under Pub. Res. Code section 21099. Therefore, the *Thresholds Guide* governs, and the City was
20 required either to mitigate the impact to a level of less than significant or adopt a statement of
21 overriding considerations for the Project.

22 27. *The Screening Health Risk Assessment.* The DEIR failed to include a health risk
23 assessment for the impacts to the surrounding community from the emissions of diesel
24 particulate matter ("DPM") which would emanate from construction equipment and vehicles.
25 Petitioner raised this issue on the DEIR and subsequently submitted the comments of Soil Water
26 Air Protection Enterprises ("SWAPE"), who prepared a Screening Health Risk Assessment for
27 the Project. That document concluded that impacts to infants and children in the vicinity could
28 be quantified at 1040 new cancers per million of population – far in excess of the SCAQMD's

1 threshold of significance of 10 cancers per million. The City disregarded SWAPE's analysis
2 baselessly, and did not adopt any mitigation measures or a statement of overriding considerations
3 on the Project.

4 28. *Greenhouse Gas Emissions.* The DEIR inadequately assessed GHG impacts,
5 using a metric of "No Action Taken" ("NAT") versus project impacts, contrary to the guidance
6 by the California Supreme Court from 2015 that local agencies should not simply compare a
7 business as usual or "NAT" scenario to impacts with regulatory reductions and then compare the
8 extent of the reduction to that required by CARB in the Scoping Plan. As in other areas, the
9 DEIR improperly evaluated impacts relative to the former supermarket use. Moreover, the DEIR
10 concluded that the Project did not have significant GHG impacts simply because it complied
11 with regulatory programs, ignoring specific guidance in the applicable CEQA Guideline and
12 despite the Supreme Court's conclusion that more efficiency than the statewide average may be
13 required for new construction. The City failed to make a finding of significant impacts, failed to
14 adopt a statement of overriding considerations, and failed to impose all feasible mitigation
15 measures, including one that simply could have required the use of Energy Star labeled
16 appliances in the apartment units (in light of the fact that Executive Order S-3-05 and SB 32
17 require "rapid market penetration of efficiency and clean energy technologies").¹

18 29. *Air Quality.* As noted above, the DEIR's air quality analysis artificially presumed
19 that the supermarket at the site was operational, and accordingly concluded that impacts from the
20 operation of the Project would be beneficial, because emissions would be below what they had
21 been. This conclusion was not based on substantial evidence and the approach represented a
22 failure to proceed by law.

23 30. *Land Use.* The Los Angeles City *CEQA Thresholds Guide* required the City to
24 assess land use compatibility, considering "The extent of the area that would be impacted, the
25

26 ¹ The DEIR was misleading in its description of Project "Sustainability Features," including
27 stating that it would incorporate Energy Star labeled appliances "where appropriate," which
28 was nowhere defined, and permeable pavement "where possible," which the FEIR
acknowledged would be nowhere.

1 nature and degree of impacts, and the types of land uses within that area.” The DEIR asserted
2 that “While the Project would increase the density, scale, and height of the development on the
3 Project Site, these changes would not be out of character with the surrounding area.” This
4 conclusion was not based on substantial evidence, as the Project required a change in zone in
5 order to permit construction beyond 17 stories, and residential construction in the area only
6 reaches heights of 281, 168, and 165 feet, as opposed to the Project, which would be a 380 foot
7 tower.

8 31. *Traffic Impacts and Mitigation.* The DEIR only assessed 6 intersections for its
9 Traffic Study, and only three street segments, all quite close to the Project site, without
10 recognizing that other intersections and segments could be impacted cumulatively with other
11 projects. Under the *CEQA Thresholds Guide*, the City also should have considered
12 “neighborhood intrusion” impacts for both Granville and Stoner Avenues, but it did not. Again,
13 the City improperly assessed these impacts compared to a nonexistent supermarket use which it
14 presumed existed.

15 32. *Inadequate Alternatives Analysis.* The DEIR refused to consider an alternative
16 site on the ground that any alternative site would have the same shading and noise impacts, even
17 though it did not actually identify alternative sites to prove its point. It then analyzed four
18 alternatives to the proposed Project, covering (1) a proposed reversion to a supermarket use, (2) a
19 reduced density alternative, making the Project 26 rather than 34 stories, (3) an alternative design
20 with less height and the same density (occupying a larger floor plate), and (4) an office use.

21 33. The DEIR rejected Alternative 2 because it would preclude an affordable housing
22 component and would no longer be an “iconic, highly visible” Project, but it could have included
23 the affordable housing component anyway, and the Project could still be “iconic [and] highly
24 visible” without being quite so tall. The rejection of the Alternative was not based on substantial
25 evidence.

26 34. The DEIR rejected Alternative 3 on the ground that it would no longer be a high
27 quality mixed use development to accommodate people of different incomes. There was no
28 reason given why this would not be the case. The DEIR further asserted that the Alternative

1 would not encourage pedestrian activity on Wilshire, again without a basis.

2 35. The DEIR rejected Alternative 4 on the ground that it would not be a mixed use
3 development, but this hardly mattered with so many apartment buildings adjacent. The DEIR
4 again claimed that the Alternative would not encourage pedestrian activity on Wilshire without
5 grounds.

6 36. *Public Services.* The DEIR conceded that Project impacts and cumulative
7 impacts on police services would be significant without mitigation, but claimed that these
8 impacts would be mitigated to insignificant levels simply by requiring that the Project Applicant
9 meet with the police department's Crime Prevention Unit so as to "design around" potential
10 crime scenarios. Since the Project and other cumulative projects are fully expected to lead to
11 increased crime and a reduced officer-to-resident ratio in the area, the City's finding that impacts
12 would not be significant was not based upon substantial evidence.

13 **FIRST CAUSE OF ACTION**

14 **Failure to Analyze All Potentially Significant Impacts; Findings Not Based on Substantial**

15 **Evidence**

16 **[CEQA, Pub. Res. Code §§ 21000 *et seq.*]**

17 37. Petitioner reincorporates and realleges paragraphs 1 through 36 as if fully set
18 forth.

19 38. CEQA requires that a lead agency identify all potentially significant impacts of a
20 project. It further requires that the lead agency's findings must be based on substantial evidence.
21 Pub. Resources Code § 21082.2. As to those significant impacts, the lead agency must take all
22 feasible steps to mitigate them or to develop alternatives, and if those impacts remain significant,
23 the agency must adopt a statement of overriding considerations.

24 39. The DEIR failed to fully analyze significant impacts to land use, air quality (in
25 terms of health risks), GHGs, traffic, energy impacts, and public services, as discussed above.
26 The City failed to make findings of significance, it failed to impose mitigation measures or adopt
27 alternatives, and it failed to adopt a statement of overriding considerations based on substantial
28 evidence as to those impacts.

1 40. All of the City's findings lacked a substantial evidence basis and represented a
2 failure to proceed by law as required by CEQA.

3 **SECOND CAUSE OF ACTION**

4 **Failure to Include All Critical Information in the DEIR**

5 [CEQA, Pub. Res. Code § 21000 *et seq.*]

6 41. Petitioner reincorporates and realleges paragraphs 1 through 40 as if fully set
7 forth.

8 42. The DEIR failed to include critical information in the document itself, burying
9 key elements in Appendices or leaving it out entirely in violation of established precedent, in
10 violation of CEQA. Material that should have been included consisted of, among other things,
11 (1) a health risk assessment, which the City simply failed to conduct until after the period of
12 review for the DEIR was completed, and (2) more detail regarding energy impacts, which the
13 document relegated to an appendix, which was inadequate in any event.

14 **THIRD CAUSE OF ACTION**

15 **Failure to Adequately Mitigate All Potentially Significant Impacts; Findings Not Based on**

16 **Substantial Evidence**

17 [CEQA, Pub. Res. Code §§ 21000 *et seq.*]

18 43. Petitioner reincorporates and realleges paragraphs 1 through 42 as if fully set
19 forth.

20 44. CEQA requires an agency to adopt feasible mitigation measures that will
21 substantially lessen or avoid the project's potentially significant impacts and to describe those
22 mitigation measures in the DEIR and in a Mitigation Monitoring & Reporting Program to be
23 adopted by the agency with the certification of the EIR.

24 45. A lead agency must impose all feasible mitigation measures to reduce impacts to
25 less than significant levels. And a lead agency's findings that it has imposed all feasible
26 mitigation measures must be supported by substantial evidence.

27 46. The City failed to adequately mitigate for multiple impacts. For example, without
28 limitation, with regard to air quality, the City did not address all significant impacts so it did not

1 address feasible mitigation measures for them, including, among other things, potentially
2 requiring California Air Resources Board Tier 4 standards for construction equipment, so as to
3 limit emissions of DPM.

4 47. With regard to traffic, the DEIR failed to mitigate for planned trenching on Stoner
5 and Granville Avenues.

6 48. With regard to Land Use, the DEIR failed to mitigate for the significant excess
7 scale of the Project relative to other residential development in the area.

8 49. With regard to Public Services, the DEIR failed to provide for adequate police
9 services to mitigate for a direct and cumulative reduction in their availability.

10 50. With regard to GHG emissions, the DEIR failed to require actual mitigation
11 measures demanding that the Project use Energy Star appliances.

12 **FOURTH CAUSE OF ACTION**

13 **Findings Not Based on Substantial Evidence**

14 **[CEQA, Pub. Res. Code § 21000 *et seq.*]**

15 51. Petitioner reincorporates and realleges paragraphs 1 through 50 as if fully set
16 forth.

17 52. CEQA requires that an agency must adopt findings that support its conclusions on
18 its review of an EIR. Those findings must be based on substantial evidence in the whole record.

19 53. The City's conclusion that the impacts in the areas of air quality (based on the
20 health risk screening assessment), land use, greenhouse gas emissions, public services and traffic
21 were not significant was not based on substantial evidence and represented a failure to proceed
22 by law.

23 54. The City's conclusion that the specific overriding considerations it identified to
24 justify significant impacts as to noise and vibration would materialize, and that they justified the
25 Project despite its significant impacts, were not based on substantial evidence.

26 55. The City's finding that it had mitigated all significant impacts to the fullest extent
27 feasible was not based on substantial evidence.

1 **FIFTH CAUSE OF ACTION**

2 **Inadequate Alternatives Analysis**

3 **[CEQA, Pub. Res. Code § 21000 et seq.]**

4 56. Petitioner reincorporates and realleges paragraphs 1 through 55 as if fully set
5 forth.

6 57. CEQA and the Guidelines require that a DEIR identify and discuss alternatives to
7 a proposed project, and that it identify the impacts within each impact area for a given
8 alternative.

9 58. The DEIR failed to address a reasonable range of alternatives, failed to address
10 any possible alternative sites, and failed to adequately assess the alternatives it did discuss.

11 59. The DEIR's findings in this regard were entirely absent or were not based on
12 substantial evidence and represented a failure to proceed by law.

13 WHEREFORE, Petitioner and Plaintiff prays

14 1. For the Court's peremptory writ of mandate requiring the City to set aside its
15 decision approving the EIR for the Project (Pub. Res. Code §§ 21168, 21168.5,
16 21168.9, Code of Civil Procedure §§ 1085, 1094.5),

17 2. For the Court's peremptory writ of mandate requiring City to fully comply with
18 the requirements of CEQA (Pub. Res. Code §§ 21168, 21168.5, 21168.9, Code of
19 Civil Procedure §§ 1085, 1094.5),

20 3. For a judgment enforcing the duty imposed upon City by CEQA to adequately
21 address potential individual and cumulative impacts to the environment in any
22 subsequent action taken regarding the Project,

23 4. For a judgment enforcing the duty imposed upon the City by CEQA to adequately
24 consider mitigation to reduce significant impacts in any subsequent action taken
25 to approve the Project,

26 5. For a judgment enforcing the duty imposed upon the City by CEQA to prepare,
27 circulate and consider a legally adequate Environmental Impact Report and
28 otherwise comply with CEQA in any subsequent action taken to approve this

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- Project,
- 6. For a judgment invalidating the Development Agreement as contrary to law,
 - 7. For costs of suit, including attorney's fees pursuant to Code of Civil Procedure § 1021.5 and other provisions of law, and
 - 8. For such other and further relief, including a stay or preliminary or permanent injunctive relief, in the event that City, the Applicant of the Applicant's designee intend to commence construction on the site.

Dated: March 15, 2017

BLUM COLLINS, LLP
Craig M. Collins
Hannah Bentley

By 
Craig M. Collins
Attorneys for Plaintiffs

03/15/2017

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VERIFICATION

I am an attorney representing Petitioner Golden State Environmental Justice Alliance in this action, and I am authorized to make this verification on their behalf under California Code of Civil Procedure § 446.

I have read the foregoing PETITION FOR WRIT OF MANDATE and know the contents thereof. I certify that I believe the contents thereof to be true.

I am making this verification in place of Petitioner on the grounds that the facts are within my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15 day of March, 2017, at Los Angeles, California.



Craig M. Collins

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Exhibit A

Notice of Intent to File

03/15/2017

BLUM|COLLINS LLP

Aon Center
707 Wilshire Boulevard
Suite 4880
Los Angeles, California
90017

213.572.0400 phone
213.572.0401 fax

March 14, 2017

City of Los Angeles
City Council of Los Angeles
c/o Los Angeles City Clerk
200 N. Spring Street
City Hall, Room 360
Los Angeles, CA 90012
Fax (213) 978-1107

VIA FIRST-CLASS MAIL AND FACSIMILE

Re: *Notice of Intent to File CEQA Petition in the Matter of the Approval of Landmark Apartments Project, No. ENV-2013-3747-EIR, State Clearinghouse Number 2014031014*

Dear City of Los Angeles and City Council of Los Angeles:

Please take notice that under Public Resources Code § 21167.5, this letter serves as written notice of the intent of Petitioner, Golden State Environmental Justice Alliance, to file a Petition for Writ of Mandate under the provisions of the California Environmental Quality Act ("CEQA") against Respondents, City of Los Angeles and City Council of Los Angeles. The Petition will challenge the City Council of Los Angeles and Los Angeles' approvals, on or about February 22, 2017, of:

- a. City Council File Number 16-1458, approving a Development Agreement between the City of Los Angeles and Douglas Emmett Management, LLC for the properties located at 11750-11770 Wilshire Boulevard,
- b. City Council File Number 16-1458-S1, adopting the Environmental Impact Report ("EIR") and Errata, and the Planning and Land Use Management Committee Report, and Ordinance No. 184764, and
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Page 2

Monitoring and Reporting Plan for the Project,

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 - ii. Special Permission for the Reduction of Off-Street parking spaces pursuant to Los Angeles Municipal Code Section 12.24-Y to allow a ten percent parking reduction for an existing commercial building located within 1,400 feet of a transit facility,
 - iii. Design Overlay Plan Approval pursuant to Los Angeles Municipal Code Section 13.08 with respect to the West Wilshire Boulevard Community Design Overlay District, and
 - iv. Site Plan Review pursuant to Los Angeles Municipal Code Section 16.05-C, 1-B, for a project resulting in a net increase of 50 or more residential units.

You will be served with the Petition shortly.

Sincerely,

/s/Craig M. Collins

Craig M. Collins
BLUM | COLLINS LLP

03/15/2017

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

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ATTORNEY FOR (Name): Golden State Environmental Justice Alliance

FOR COURT USE ONLY

FILED Superior Court Of California County Of Los Angeles

MAR 15 2017

Sherri R. Carter, Executive Officer/Clerk

By [Signature] Deputy Charlie L. Coleman

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk

CASE NAME:

Golden State Environmental Justice Alliance v. City of Los Angeles

CASE NUMBER:

BS 168429

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22) Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36) Other employment (15)

Contract

Breach of contract/warranty (06) Rule 3.740 collections (09) Other collections (09) Insurance coverage (18) Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14) Wrongful eviction (33) Other real property (26)

Unlawful Detainer

Commercial (31) Residential (32) Drugs (38)

Judicial Review

Asset forfeiture (05) Petition re: arbitration award (11) Writ of mandate (02) Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03) Construction defect (10) Mass tort (40) Securities litigation (28) Environmental/Toxic tort (30) Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27) Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21) Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. Substantial amount of documentary evidence d. Large number of witnesses e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 5

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 15, 2017

Craig M. Collins

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

| | |
|--|-------------|
| SHORT TITLE: Golden State Env. Justice All. v. City of Los Angeles | CASE NUMBER |
|--|-------------|

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. 2. Permissive filing in central district. 3. Location where cause of action arose. 4. Mandatory personal injury filing in North District. 5. Location where performance required or defendant resides. 6. Location of property or permanently garaged vehicle. | <ul style="list-style-type: none"> 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|---|---|---|
| Auto Tort | Auto (22) | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death | 1, 4, 11 |
| | Uninsured Motorist (46) | <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist | 1, 4, 11 |
| Other Personal Injury/Property Damage/Wrongful Death Tort | Asbestos (04) | <input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death | 1, 11 1, 11 |
| | Product Liability (24) | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental) | 1, 4, 11 |
| | Medical Malpractice (45) | <input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice | 1, 4, 11 1, 4, 11 |
| | Other Personal Injury Property Damage Wrongful Death (23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) | 1, 4, 11 |
| | | <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) | 1, 4, 11 |
| | <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress | 1, 4, 11 | |
| | <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1, 4, 11 | |

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| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|---|---|---|
| Non-Personal Injury/ Property Damage/ Wrongful Death Tort | Business Tort (07) | <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract) | 1, 2, 3 |
| | Civil Rights (08) | <input type="checkbox"/> A6005 Civil Rights/Discrimination | 1, 2, 3 |
| | Defamation (13) | <input type="checkbox"/> A6010 Defamation (slander/libel) | 1, 2, 3 |
| | Fraud (16) | <input type="checkbox"/> A6013 Fraud (no contract) | 1, 2, 3 |
| | Professional Negligence (25) | <input type="checkbox"/> A6017 Legal Malpractice | 1, 2, 3 |
| | | <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) | 1, 2, 3 |
| Other (35) | <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort | 1, 2, 3 | |
| Employment | Wrongful Termination (36) | <input type="checkbox"/> A6037 Wrongful Termination | 1, 2, 3 |
| | Other Employment (15) | <input type="checkbox"/> A6024 Other Employment Complaint Case | 1, 2, 3 |
| | | <input type="checkbox"/> A6109 Labor Commissioner Appeals | 10 |
| Contract | Breach of Contract/ Warranty (06) (not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) | 2, 5 |
| | | <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) | 2, 5 |
| | | <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) | 1, 2, 5 |
| | | <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 1, 2, 5 |
| | Collections (09) | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff | 5, 6, 11 |
| | | <input type="checkbox"/> A6012 Other Promissory Note/Collections Case | 5, 11 |
| <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) | | 5, 6, 11 | |
| Insurance Coverage (18) | <input type="checkbox"/> A6015 Insurance Coverage (not complex) | 1, 2, 5, 8 | |
| Other Contract (37) | <input type="checkbox"/> A6009 Contractual Fraud | 1, 2, 3, 5 | |
| | <input type="checkbox"/> A6031 Tortious Interference | 1, 2, 3, 5 | |
| | <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) | 1, 2, 3, 8, 9 | |
| Unlawful Detainer 2107/51/60 Real Property | Eminent Domain/Inverse Condemnation (14) | <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____ | 2, 6 |
| | Wrongful Eviction (33) | <input type="checkbox"/> A6023 Wrongful Eviction Case | 2, 6 |
| | Other Real Property (26) | <input type="checkbox"/> A6018 Mortgage Foreclosure | 2, 6 |
| | | <input type="checkbox"/> A6032 Quiet Title | 2, 6 |
| <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure) | | 2, 6 | |
| Unlawful Detainer-Commercial (31) | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) | 6, 11 | |
| Unlawful Detainer-Residential (32) | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) | 6, 11 | |
| Unlawful Detainer- Post-Foreclosure (34) | <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure | 2, 6, 11 | |
| Unlawful Detainer-Drugs (38) | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs | 2, 6, 11 | |

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| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|---|--|---|--|
| Judicial Review | Asset Forfeiture (05) | <input type="checkbox"/> A6108 Asset Forfeiture Case | 2, 3, 6 |
| | Petition re Arbitration (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration | 2, 5 |
| | Writ of Mandate (02) | <input type="checkbox"/> A6151 Writ - Administrative Mandamus | 2, 8 |
| | | <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter | 2 |
| | | <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review | 2 |
| Other Judicial Review (39) | <input type="checkbox"/> A6150 Other Writ /Judicial Review | 2, 8 | |
| Provisionally Complex Litigation | Antitrust/Trade Regulation (03) | <input type="checkbox"/> A6003 Antitrust/Trade Regulation | 1, 2, 8 |
| | Construction Defect (10) | <input type="checkbox"/> A6007 Construction Defect | 1, 2, 3 |
| | Claims Involving Mass Tort (40) | <input type="checkbox"/> A6006 Claims Involving Mass Tort | 1, 2, 8 |
| | Securities Litigation (28) | <input type="checkbox"/> A6035 Securities Litigation Case | 1, 2, 8 |
| | Toxic Tort Environmental (30) | <input type="checkbox"/> A6036 Toxic Tort/Environmental | 1, 2, 3, 8 |
| | Insurance Coverage Claims from Complex Case (41) | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only) | 1, 2, 5, 8 |
| Enforcement of Judgment | Enforcement of Judgment (20) | <input type="checkbox"/> A6141 Sister State Judgment | 2, 5, 11 |
| | | <input type="checkbox"/> A6160 Abstract of Judgment | 2, 6 |
| | | <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) | 2, 9 |
| | | <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) | 2, 8 |
| | | <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax | 2, 8 |
| <input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2, 8, 9 | | |
| Miscellaneous Civil Complaints | RICO (27) | <input type="checkbox"/> A6033 Racketeering (RICO) Case | 1, 2, 8 |
| | Other Complaints (Not Specified Above) (42) | <input type="checkbox"/> A6030 Declaratory Relief Only | 1, 2, 8 |
| | | <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) | 2, 8 |
| | | <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) | 1, 2, 8 |
| <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1, 2, 8 | | |
| Miscellaneous Civil Petitions | Partnership Corporation Governance (21) | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case | 2, 8 |
| | Other Petitions (Not Specified Above) (43) | <input type="checkbox"/> A6121 Civil Harassment | 2, 3, 9 |
| <input type="checkbox"/> A6123 Workplace Harassment | | 2, 3, 9 | |
| <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case | | 2, 3, 9 | |
| <input type="checkbox"/> A6190 Election Contest | | 2 | |
| <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender | | 2, 7 | |
| <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law | | 2, 3, 8 | |
| <input type="checkbox"/> A6100 Other Civil Petition | | 2, 9 | |

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|---|-------------|
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|---|-------------|

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

| | | | |
|--|---------------------|---|--|
| REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11. | | ADDRESS: 11750-11770 West Wilshire Blvd | |
| CITY: Los Angeles | STATE: CA | ZIP CODE: | |

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: March 15, 2017



 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/15/2017