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AG 150  
 90012

**FILED**  
 Superior Court of California  
 County of Los Angeles

DEC 01 2016

Sherri R. Carter, Executive Officer/Clerk  
 By Judi Lara, Deputy

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

**BS166484**

FIX THE CITY, INC., a California nonprofit corporation,

Petitioner/Plaintiff,

v.

CITY OF LOS ANGELES; LOS ANGELES CITY COUNCIL; and DOES 1 to 100, inclusive,

Respondents/Defendants.

AG-SCH 8150 SUNSET BOULEVARD  
 OWNER, LP, a limited partnership; and ROES 1 to 100, inclusive.

Real Parties In Interest.

Case No.:

Environmental Leadership CEQA Challenge

**VERIFIED PETITION FOR WRIT OF  
 MANDATE AND COMPLAINT FOR  
 INJUNCTIVE AND DECLARATORY RELIEF**

(Pub. Res. Code, § 21168; Gov. Code, § 66499.37,  
 Code Civ. Proc., §§ 525, 1060, 1085, 1094.5)  
 CALIFORNIA ENVIRONMENTAL QUALITY  
 ACT ("CEQA") ACTION

BY FAX

DEPT. 1

KEN C. BRAZIER

RECEIPT #: CCH520872040  
 DATE PAID: 12/01/16 09:25 AM  
 PAYMENT: \$435.00  
 RECEIVED:  
 CHECK: \$435.00  
 CASH: \$0.00  
 CHANGE: \$0.00  
 CARD: \$0.00

CIT/CASE: BS166484  
 LEA/DEF#:

PRINTED ON RECYCLED PAPER

VERIFIED PETITION FOR WRIT OF MANDATE & COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

## INTRODUCTION

1. A project located at the base of Laurel Canyon, a Mountain Fire District, and within the state geologist-mapped Hollywood Fault Earthquake Zone is the last place in the city to close city streets and reduce escape and evacuation routes. It is the last place to rely upon false or misleading data on whether fire department response time is adequate. Inexplicably, that is what Respondents and Defendants City of Los Angeles and Los Angeles City Council ("Respondents") have done with their approvals of the 8150 Sunset Project.

2. Petitioner and Plaintiff Fix the City, Inc. ("Petitioner") seeks relief from this Court to correct Respondents' serious abuse of discretion in approving the 8150 Sunset Project, a massive mixed-use development, in violation of at least four state laws and local policies all designed to ensure the protection of public safety and due process rights. In addition to violation of Los Angeles city ordinances and the City Charter, state laws violated in the approval process include:

- a. The California Streets and Highways Code;
- b. The Subdivision Map Act;
- c. The Alquist-Priolo Act; and
- d. The California Environmental Quality Act.

3. Instead of providing objective and accurate information to the public and decision makers, as required by law, staff from the Los Angeles Department of City Planning ("Planning") acted as spin doctors for the applicant by concealing information from decision makers and the public about the issues Petitioner identified in its appeals that presented serious legal problems underlying the project's approvals. These are critical safety concerns. Closing a street in a fire district within an earthquake zone shows a callous disregard for public safety. The last place a street should be closed is where emergency equipment and fleeing residents and workers seek escape. Only *after* the project's approval was final were internal emails released that reveal that City staff had concerns about many of the issues raised in Fix the City's appeals to the City Planning Commission and the City Council, including the improper vacation of a city street, improper use of a city parcel of land, failure to satisfy earthquake safety requirements, and required implementation of CEQA mitigation measures to ensure adequate emergency response and traffic capacity. Planning staff ignored the concerns from other departments that the project could not be approved as presented without other discretionary approvals.

1 In their zeal, staff recommended a project to the City Council that puts public safety at risk and ignored  
2 the Hollywood Community Plan's guarantee that density would not be increased if the infrastructure,  
3 emergency public services and traffic capacity were inadequate. Fix the City seeks to protect public  
4 safety by enforcing these laws.

#### 5 PARTIES

6 4. Petitioner and Plaintiff FIX THE CITY, INC. ("Fix the City" or "Petitioner") is a  
7 California nonprofit public benefit corporation duly incorporated under the laws of the State of  
8 California. Fix the City, Inc.'s mission is to improve neighborhoods and advocate for sufficient critical  
9 infrastructure throughout the City of Los Angeles. Fix the City participated in the approval process for  
10 the Project, submitting written comments to the City Council. Petitioner's members are residents and  
11 taxpayers of the City of Los Angeles and are filing this action as private attorneys general.

12 5. Respondent and Defendant CITY OF LOS ANGELES is a charter city and the  
13 governmental entity serving the people of the City of Los Angeles, in which the 8150 Sunset Project is  
14 proposed to be located.

15 6. Respondent and Defendant LOS ANGELES CITY COUNCIL is the 15-member elected  
16 body that represents the citizens of Los Angeles. The Council was the final decisionmaking body for the  
17 8150 Sunset Project under CEQA, and was the body that presided over all appeals of the land use  
18 approvals requires for the project.

19 7. Respondents and Defendants Does 1 through 100 are or were the agents, employees,  
20 contractors, and/or entities acting under the authority of each other respondent or real party in interest,  
21 and each performed acts on which this action is based within the cause and scope of such agency and/or  
22 employment. Petitioners do not know the true names and capacities, whether individual, corporate, or  
23 otherwise, of Does 1 through 100, inclusive, and therefore sue said respondents and defendants under  
24 fictitious names. Petitioner will amend its Petition and Complaint to show their true names and  
25 capacities when they have been ascertained.

26 8. Real Party in Interest AG-SCH 8150 SUNSET BOULEVARD OWNER, L.P. ("RPI") is  
27 a limited partnership formed in the State of Delaware and the applicant of record for the entitlements to  
28 construct the 8150 Sunset Project. On some documents, the applicant is identified as "AG-SCH 8150  
Sunset Owner, L.P." but no such entity is registered as a limited partnership in the State of California.

9. Real Parties in Interest Roes 1 through 100 are or were the agents, employees, contractors, and/or entities acting under the authority of each other respondent or real party in interest, and each performed acts on which this action is based within the cause and scope of such agency and/or employment. Petitioner does not know the true names and capacities, whether individual, corporate, or otherwise, of real parties in interest Roes 1 through 100, inclusive, and therefore sues said real parties in interest under fictitious names. Petitioner will amend its Petition and Complaint to show their true names and capacities when they have been ascertained.

## VENUE

10. This Court has original jurisdiction over this matter pursuant to article VI, section 10 of the California Constitution, sections 1085 and 1094.5 of the Code of Civil Procedure, and Public Resources Code section 21168.5.

11. Venue is proper in the County of Los Angeles pursuant to Code of Civil Procedure section 394 in that Respondents/Defendants are government entities and/or agents of the City of Los Angeles.

## EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Petitioner Fix the City, through the actions of its members, participated in the approval process for the 8150 Sunset Project by submitting written and oral comments at numerous public hearings held in connection with the approval of the 8150 Sunset Project and the appeal of the project's approval by various City decisionmaking bodies.

13. On November 30, 2016, as required by Public Resources Code section 21167.5, Petitioners notified Respondents that they intended to file suit to enforce the requirements of CEQA. Proof of service of that notification is attached as Exhibit A.

14. As required by Rule of Court 3.222, subdivision (d), Petitioner will personally serve this Petition on the Attorney General within three days of filing.

## ENVIRONMENTAL LEADERSHIP CEOA CHALLENGE

15. The 8150 Sunset Project was certified by the Governor as a leadership project under Public Resources Code sections 21182-21184 and is subject to Rule 3.2223 and other associated rules of court.

16. Notice is hereby provided that RPI, as the entity that applied for certification as a leadership project, must, if the matter goes to the Court of Appeal, make the payments required by Public Resources Code section 21183, subdivision (f).

17. Petitioner hereby requests that Respondents prepare the administrative record, as required by Los Angeles Superior Court Rule 3.232 and Public Resources Code section 21167.6(a).

## STATEMENT OF FACTS

18. The 8150 Sunset project site is located at the base of Laurel Canyon within the Hollywood Earthquake Fault Zone and a Mountain Fire District, at the highly-congested intersection of Sunset Boulevard and Crescent Heights Boulevard. As approved, it will be a 333,903 square foot, 178 - foot high mixed-use commercial and residential project located in the City of Los Angeles that dwarfs all other structures in this area. The square footage will triple the amount currently allowed on the site. The Vesting Tentative Tract 72370-CN approved on November 1, 2016 will contain 229 residential units, including 30 luxury condos, 26 units affordable to Very Low Income residents, 12 Workforce Income residential units, and 65,000 square feet of commercial space. The project will provide 494 commercial parking spaces as well as residential parking required by Los Angeles Municipal Code sections 12.21 A4 and 12.22 A 25, in an underground garage. The project has been designed by noted architect Frank Gehry. The project is situated on a 2.56 acre parcel that is currently zoned for commercial development and contains a permanent D limitation on development that restricts floor area ratio to 1 square foot of building for every square foot of lot area. This D limitation is a mitigation measure that was certified by the City Council in a 1988 environmental impact report to not further overburden the traffic system and public services. The project site includes two public easements for public vehicular right-of-way at the northeast corner of the property over which the applicant seeks to construct the project, without first obtaining approval for a street vacation.

19. A proposed Historic and Cultural Monument, the Lytton Bank Building, is located on the property where the 8150 Sunset Project would be constructed. The Lytton Bank Building would be demolished in order to accommodate construction of the project. The Lytton Bank Building is a 1960 modernist savings bank building that the Los Angeles Conservancy calls a significant example of postwar era bank design in Los Angeles. The building was designed by noted architect Kurt Meyer and

1 contains an integrated, monumental glass and concrete screen designed by acclaimed artist Roger  
2 Darricarrere. The building remains in use today as a Chase Bank.

3 20. RPI submitted a Master Land Use Application for the project in or about July 2013, and a  
4 revised application in April 2016.

5 21. The State of California Geological Survey issued a new Alquist Priolo Earthquake Fault  
6 Zone map for the Hollywood Fault Zone that included the project site in November 2014.

7 22. On September 12, 2013, Respondents issued a Notice of Preparation and an Initial Study  
8 for the 8150 Sunset Project. The NOP solicited public comments on the scope of the Draft EIR,  
9 commencing a review period that ended on October 15, 2013. 151 letters were submitted in response to  
10 the Notice of Preparation, including from public entities such as the Los Angeles Police Department and  
11 the City of West Hollywood, from private organizations such as the Los Angeles Conservation and the  
12 Federation of Hillside and Canyon Associations, and from 102 individuals. The radius map did not  
13 show that the east-bound right-turn lane from Sunset onto southbound Crescent Heights would be closed  
14 to traffic and become part of the project.

15 23. On October 2, 2013, Respondents held a public scoping meeting to receive comment  
16 from the public on the scope of the environmental review for the project EIR. Approximately 70  
17 individuals attended the meeting. Comments received from the public raised concerns about traffic  
18 generation, height of the project, protection for the Lytton Bank Building, the ability of public service  
19 infrastructure to support the project, the proximity of the project to the Hollywood Fault, and  
20 neighborhood compatibility of project design.

21 24. On May 16, 2014, Respondents issued a "Notice of Environmental Leadership  
22 Development Project (ELDP)," stating that the applicant has elected to proceed under the provisions of  
23 the Public Resources Code applicable to such projects.

24 25. On November 20, 2014, Respondents issued the Draft EIR ("DEIR") for the 8150 Sunset  
25 Project, providing for a public comment period which closed on January 20, 2015. During that  
26 comment period, Respondents received 975 primarily negative comment letters on the DEIR.

27 26. The project analyzed in the DEIR included 111,339 square feet of commercial retail and  
28 restaurant use, 249 apartment units (including 28 affordable housing units, and 30 luxury condos  
ranging in price from \$3 to \$12 Million), a 9,134 square-foot public space at the northeast corner of the

1 project site comprising a public street and 8118 Sunset Boulevard, land owned by the City, a 34,050  
2 square-foot central public plaza at the interior of the site, other public and private amenities, and 849  
3 subterranean parking spaces. The total development would include up to 333,872 square feet of  
4 commercial and residential space with a maximum floor area ratio of 3:1.

5 27. The DEIR analyzed the projects impacts on the environment in the following areas:  
6 aesthetics; air quality; cultural resources; geology and soils; greenhouse gas emissions; land use; noise;  
7 population, employment and housing; public services; transportation and circulation; and utilities and  
8 service systems. The DEIR concluded that significant unavoidable impacts could occur as a result of  
9 the construction of the project analyzed in the DEIR, including significant impacts to historical  
10 resources, emergency response times, traffic, significant construction noise and vibration impacts, and  
11 significant construction-related traffic impacts.

12 28. The DEIR evaluated eight alternatives to the proposed project. These included the no  
13 project/no build alternative; existing zoning alternative; reduced height alternative; reduced density  
14 alternative; bank preservation alternative; reduced height and bank preservation alternative; on-menu  
15 alternative; and residential and hotel alternative. Of these eight alternatives, other than the no project  
16 alternative, the DEIR concluded that the reduced height and bank preservation alternative was the  
17 environmentally superior alternative. The DEIR concluded that both the bank preservation and the  
18 reduced height and bank preservation alternative (Alternatives 5 and 6) would result in the fewest  
19 significant unavoidable impacts and would meet most of the fifteen project objectives, only partially  
20 meeting three of the objectives and fully meeting twelve of the objectives. The reduced commercial  
21 uses in these alternatives meant that the alternatives would not fully satisfy the objectives to "contribute  
22 to a synergy of site uses," and would provide fewer job opportunities and reduced on-site economic  
23 activity as compared to the proposed project.

24 29. Every version of the project and its alternative that were analyzed in the EIR included  
25 paving over a busy city street and "merging" or "incorporating" a 9,134 SF city-owned parcel (8118  
26 Sunset Boulevard) but did not describe the necessary approvals to achieve this legal and physical  
27 reconfiguration. According to Los Angeles Department of Transportation studies, without removing the  
28 free right turn lane from Sunset the project's access driveways on Crescent Heights would be right-turn  
only for exits. By blocking the flow of traffic around this corner, left turns exiting the property onto

1 Crescent Height were feasible. The triangular-shaped parcel was not a "traffic island" as described by  
2 staff, but a private parcel of over 9,500 square feet zoned C-4 1, which had historically been occupied  
3 by a night club. By calling it a traffic island, the staff misled the public and decision makers by  
4 implying that the property was part of the right-of-way when it was not. Staff also ignored Petitioner's  
5 questions regarding a second right-hand turn lane easement over which the building would be  
6 constructed.

7 30. On September 10, 2015, Respondents Recirculated the DEIR (RDEIR) for an additional  
8 public comment period, which closed on November 9, 2015. The RDEIR included an analysis of new  
9 ninth alternative, enhanced view corridor and additional underground parking alternative, which  
10 proposed what became the selected 8150 Sunset Project. This project contained 65,000 square feet of  
11 retail, 249 residential units (including 28 affordable housing units and 30 for-sale luxury condominium  
12 units). The commercial square footage of this alternative was stated to be similar to the two  
13 preservation alternatives in the DEIR. This alternative also included the 9,134 public space, a somewhat  
14 smaller 27,000 square foot central plaza, and other private amenities for the residential units. The  
15 alternative in the RDEIR removed driveway access from Sunset Boulevard and altered the driveway  
16 configurations generally. The RDEIR maintained the DEIR's conclusion that the reduced height and  
17 bank preservation alternative was the environmentally superior alternative. The RDEIR also concluded  
18 that the enhanced view corridor and additional underground parking alternative would only partially  
19 satisfy the project objectives to "contribute to a synergy of uses" with commercial uses; provide job  
20 opportunities; and bring commercial uses to the neighborhood. The other project objectives would be  
21 fully satisfied by this new alternative. In this respect, the RDEIR's new alternative was identical to  
22 Alternatives 5 and 6 in the DEIR.

23 31. On May 13, 2016, the Final EIR (FEIR) was issued. The FEIR presented the comments  
24 and responses to comments on the DEIR and RDEIR, as well as a mitigation and monitoring program.

25 32. On May 24, 2016, the Advisory Agency and Hearing Officer held a public hearing on the  
26 entitlements for the 8150 Sunset Project and recommended a reduction in commercial square footage  
27 from 111,339 SF to 65,000 SF, without reducing the total square footage of the project.

28 33. In June 2016, Respondents issued the Errata to the FEIR. The Errata disclosed for the  
first time that one of the traffic mitigation measures proposed in the DEIR, the installation of a traffic



1 light at the intersection of Fountain Avenue and Havenhurst Drive, was not in the control of  
2 Respondents. The Errata disclosed that this intersection is located in the City of West Hollywood. The  
3 DEIR did not include operational traffic as a significant and unavoidable impact, because it concluded  
4 that the traffic impacts of the project could be mitigated by installing a traffic light at this location. It  
5 was not until the Errata was released that the public was informed that there would be significant,  
6 unmitigated traffic impacts from the 8150 Sunset Project because West Hollywood did not agree to the  
7 traffic signal at Havenhurst Drive and Fountain Avenue (and also opposed the scale and compatibility of  
8 the project). Without this traffic mitigation measure, the project would have impacts not only on traffic,  
9 but also on emergency response time, which was already inadequate prior to the project approval,  
10 according to the city's Fire Department website.

11 34. On July 5, 2016, Fix the City appealed the determination of the Advisory Agency to the  
12 City Planning Commission.

13 35. On July 28, 2016, the Los Angeles City Planning Commission held a public hearing on  
14 the appeals of the Advisory Agency decisions and approved the project, granting a density bonus to both  
15 the residential and commercial components of the project, in contravention to city policy not to grant  
16 density bonuses to commercial development within a mixed use project.

17 36. On September 15, 2016, the City of Los Angeles Cultural Heritage Commission held a  
18 hearing on the historical-cultural monument application for the Lytton Bank Building. The Cultural  
19 Heritage Commission, on September 21, 2016, unanimously issued its motion to include the Lytton  
20 Bank Building in the list of historic-cultural monuments, subject to the adoption by the Los Angeles  
21 City Council.

22 37. Petitioner appealed the City Planning Commission determinations on the vesting  
23 tentative tract map and the project's other entitlements to the Los Angeles City Council. Four other  
24 parties filed appeals, including the City of West Hollywood.

25 38. On October 25, 2016, the Planning and Land Use Management ("PLUM") Committee of  
26 the Los Angeles City Council held a hearing on the appeals of the project approvals. The project's  
27 residential unit count was reduced from 249 to 229 and the height lowered to 178 feet for the taller of  
28 the two towers. On the same day, the Cultural Heritage Commission's recommendation to designate the  
Lytton Bank Building as a Cultural and Historic Monument was scheduled to be heard. The PLUM

1 Committee continued the hearing on the Lytton Bank Building until November 22, 2106, without any  
2 objection from the representative of the 8150 Sunset project. The PLUM Committee members were  
3 advised by staff that the designation of the Lytton Bank Building as a Historic and Cultural Monument  
4 was entirely separate from the approvals of the 8150 Sunset Project and therefore the hearing on the  
5 historic property could be held at a later date.

6 39. On October 25, 2016, the PLUM Committee voted to recommend 229 units, 26 Very  
7 Low Income affordable units, 12 Workforce Housing units, reduction in height from 234 feet to 178  
8 feet, and 65,000 SF retail and restaurants, in addition to a project that built over a public street to  
9 incorporate city-owned property into the project. The total square footage of the project was never  
10 reduced and remains in contravention of the D Limitation on the site under Los Angeles City Ordinance  
11 164714, which limited the site to a Floor to Area Ratio ("FAR") of 1:1 (111,339 square feet) as a  
12 mitigation measure in the 1988 Hollywood Community Plan EIR. The fact that the D limitation was a  
13 CEQA mitigation measure was not disclosed in the 8150 Sunset EIR.

14 40. On November 1, 2016, the Los Angeles City Council held a public hearing on the 8150  
15 Sunset Project. The City Council voted unanimously to approve the project as modified during the  
16 PLUM Committee hearing.

17 41. The Notice of Determination for the 8150 Sunset Project was posted on November 1,  
18 2016.

19 42. The Administrative Record and Index were certified and posted on the City Planning  
20 Website on November 7, 2016. This index is not searchable, and the documents are not Bates-stamped  
21 as of November 28, 2016.

22 43. On November 22, 2016, the PLUM Committee held the continued hearing on the  
23 Historic and Cultural Monument designation. RPI appeared at this hearing to strenuously object to the  
24 further consideration of Historic and Cultural Monument status for the building, alleging that the  
25 Council had already approved the demolition of the building when it approved the 8150 Sunset Project  
26 on November 1. The PLUM Committee sent the matter to the City Council without recommendation,  
27 and it is scheduled to be considered by the full City Council on December 7, 2016.

**FIRST CAUSE OF ACTION**  
**Violation of California Environmental Quality Act (CEQA)**  
**(Public Resources Code, § 21168, Code of Civil Procedure section 525, 1094.5)**

44. Petitioner realleges and incorporates by reference the allegations set forth in the preceding paragraphs.

45. CEQA requires environmental review and analysis prior to the approval of discretionary projects by local governments. The Legislature has declared that CEQA supports numerous state policies for "the maintenance of a quality environment for the people of this state now and in the future. . . ." (Pub. Resources Code, § 21000, subd. (a).) Moreover, the Legislature has declared that "the interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and control environmental pollution." (*Id.*, subd. (f).) Finally, "[i]t is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (*Id.*, subd. (g).) Long-term protection of the environment is a fundamental criterion of CEQA. (Pub. Resources Code, § 21001, subd. (g).)

46. The basic purposes of CEQA are to objectively inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities, identify ways that environmental damage can be avoided or significantly reduced, prevent such damage by the imposition of mitigation measures or the adoption of alternative activities that avoid such damage, and disclosure to the public of the reasons for approving an activity with significant, unmitigable environmental effect. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15002(a).)

47. CEQA requires the assessment and public disclosure of potentially adverse impacts that a discretionary project, requiring public agency approval, might have on the environment. (Pub. Resources Code, §§ 21002, 21002.1.)

48. CEQA states that public agencies may not approve projects "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (*Id.*, § 21002.) If an agency seeks to approve a project that has

1 significant impacts that cannot be mitigated, the agency must adopt a statement of overriding  
2 considerations. (Pub. Resources Code, § 21081.) The statement of overriding considerations must  
3 include specific findings, supported by substantial evidence, that “[t]here is no feasible way to lesson or  
4 avoid the significant effect.” (Cal. Code Regs., tit. 14, §§ 15042, 15093(b).)

5 49. The Legislature has established a variety of methods to accomplish its goals concerning  
6 California’s environment. The principal method is the drafting and completion of an EIR.

7 50. An EIR is a descriptive statement that provides governmental agencies and the public  
8 with detailed information about the harm that a proposed project may have on the environment, lists  
9 ways in which those significant impacts may be minimized, and indicates alternatives to the proposed  
10 project. (Pub. Resources Code, § 21061.)

11 51. In addition to those provisions found in the Public Resources Code, the Legislature has  
12 authorized and directed the Office of Planning and Research to adopt guidelines for the implementation  
13 of CEQA (Cal. Code Regs., tit. 14, § 15000 et seq.; hereinafter referred to and cited as “Guidelines”).  
14 (See Pub. Resources Code, § 21083.) The Guidelines are binding on all state and local agencies,  
including Respondents. (Cal. Code Regs., tit. 14, §§ 15000, 15020.)

15 52. According to the Guidelines, an EIR must be adequate, complete, and exhibit a good-  
16 faith effort at full disclosure. (Cal. Code Regs., tit. 14, § 15151.) Again, as expressed in CEQA, the  
17 EIR must identify the significant environmental impacts of the project, including those impacts that  
18 cannot be avoided if the project is implemented, as well as significant irreversible environmental  
19 changes related to implementation of the project, alternatives to the project, and measures to mitigate the  
20 impacts of the project. (*Id.*, § 15126; see also *id.*, §§ 15126.4, 15126.6.)

21 53. The Guidelines establish procedures for calculating the baseline environmental  
22 conditions at a proposed project site, stating that an “EIR must include a description of the physical  
23 environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation  
24 is published.” (Cal. Code Regs., tit. 14, § 15125, subd. (a).)

25 54. “An EIR shall describe a range of reasonable alternatives to the project . . . which would  
26 feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of  
27 the significant effects of the project, and evaluate the comparative merits of the alternatives.” (Cal.  
28 Code Regs., tit. 14, § 15126.6, subd. (a).) The EIR’s “discussion of the alternatives shall focus on

1 alternatives to the project or its location which are capable of avoiding or substantially lessening any  
2 significant effects of the project, even if these alternatives would impede to some degree the attainment  
3 of the project objectives, or would be more costly" (*id.*, § 15126.6, subd. (b)), and the "EIR shall include  
4 sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison  
5 with the proposed project" (*id.*, § 15126.6, subd. (d)).

6 55. "Public participation is an essential part of the CEQA process." (Cal. Code Regs., tit.  
7 14, § 15201.) The public is entitled to file written comments regarding the environmental review of the  
8 project (see *id.*, §§ 15087, 15202, 15203) and to testify at any public hearing concerning the EIR (see  
9 *id.*, § 15202, subd. (d) [the "draft EIR should be used as a basis for discussion at a public hearing"]; see  
10 also *id.*, § 15202, subd. (b) ["If an agency provides a public hearing on its decision to carry out or  
11 approve a project, the agency should include environmental review as one of the subjects for the  
12 hearing."]).

13 56. An agency's written responses to comments must provide a description of the significant  
14 issues raised by the comments and, particularly when the opinion in the comments varies from that of  
15 the agency, the agency must address the comments in detail and provide a good-faith reason why  
16 specific comments and suggestions were not accepted. (Cal. Code Regs., tit 14, § 15088; see *id.*,  
17 § 15202.)

18 57. Agencies may not undertake actions that could have a significant adverse effect on the  
19 environment, or limit the choice of alternatives or mitigation measures, before complying with CEQA.  
20 (Cal. Code Regs., tit. 14, § 15004(b)(2).) CEQA also requires that an agency consider the cumulative  
21 effects of its actions. Where "individual projects are, or a phased project is, to be undertaken and where  
22 the total undertaking comprises a project with significant environmental effect," the agency must  
23 prepare an EIR addressing the scope of the entire project, including "comment upon the cumulative  
24 effect." (*Id.*, § 15165.)

25 58. The EIR does not comply with CEQA's mandates and requirements in several critical  
26 respects.

27 59. The EIR failed to adequately disclose the scope of required approvals for the 8150 Sunset  
28 Project. The project description was therefore an inadequate depiction of the project's actual scope.  
CEQA requires that discretionary approvals be disclosed to the public. The EIR failed to disclose that:

1 a. A public street would be closed and built over and "merged" with the subdivision,  
2 requiring a street vacation to terminate the public vehicular easement and private  
3 vehicular easements under the State Streets and Highway Code (Section 8320-25, and  
4 8350-8353);

5 b. That use of city property required separate approval by the Department of  
6 General Services to establish fair market value and determine if the property was surplus,  
7 as mandated by the City Charter;

8 c. That public easements would be extinguished unless protested, and that would be  
9 unlikely without notifying the public through a street vacation procedure, that the street  
10 would be closed permanently;

11 d. That 1100 private easement owners within the 1905 Crescent Heights Tract  
12 (CSHC Section 8353(b)) were never notified that the project would extinguish their  
13 private vehicular easements; and

14 e. That the Bureau of Engineering would need to find that 8118 Sunset Boulevard  
15 could be used as public right-of-way with the permission of the Department of General  
16 Services through an ordinance.

17 60. Planning Department staff did not disclose to decision makers and the public that the site  
18 had a CEQA mitigation limitation of 1:1 FAR imposed by the 1988 Hollywood Community Plan to  
19 protect the community from further over-loading the traffic and public services in the plan area, and that  
20 it was city policy and state law that unless traffic and public services had improved since 1988, the D  
21 limitation must stand. The D limitation is more than a land-use designation; it is an environmental  
22 protection that cannot be lawfully overridden by a SB 1818 density bonus.

23 61. The EIR and staff reports refer to 8118 Sunset Boulevard as a "traffic island" when it is  
24 not under the jurisdiction of the Department of Public Works and not part of the public right-of-way,  
25 which is required for a B permit or a revocable permit. Rather, it is a commercially-zoned property  
26 owned by the City of Los Angeles and controlled by the Department of General Services. Any change  
27 in those circumstances would require approval by the City Council, which was not disclosed in the EIR.  
28 Staff, however, was well aware of this problem as shown in an email thread among the Department of

1 General Services Real Estate Division Title Examiners. The applicant made an inquiry about  
2 purchasing the property from the City, and staff discovered it was not for sale and was not part of the  
3 public right-of-way. "The street on the southwest side would have to be vacated." (Email from Jose  
4 Ramirez to David Castillo (June 11, 2015).) That was a fundamental issue in Petitioner's appeal to  
5 CPC. Since this is a heavily-trafficked street, even if the property were for sale, it could not be vacated  
6 under the Streets and Highways Code. Knowing that it could not purchase the property, RPI colonized  
7 City land for its project and closed a City street without a vacation proceeding. The EIR did not  
8 disclose to the public that this property could not be utilized by RPI for its project without either a sale or  
9 conversion of use, and thus did not satisfy CEQA's disclosure mandates.

10 62. In the review of the EIR and appeals challenging the EIR, Planning Department staff hid  
11 from decision makers the Bureau of Engineering's assessment that **"without that land [city-owned**  
12 **8118 Sunset Blvd.] as public right of way, the entire proposal has a fatal flaw"** (Email from Carl  
13 Mills, Bureau of Engineering, to Luci Ibarra, Planning (June 22, 2016).) To convert the City property  
14 to right-of-way would require a discretionary approval by the City Council that was never disclosed in  
15 the EIR or in the City's responses to Fix the City's appeals. But the problem was flagged by Jim Doty,  
16 of the Bureau of Engineering, as early as the NOP, on September 23, 2013. Each time the need for a  
17 vacation proceeding was pointed out to the Planning Department, and presumably, the Applicant, it was  
18 ignored.

19 63. The EIR contains analysis of a number of alternatives to the proposed project (which  
20 itself was Alternative 9 in the RDEIR). Two of the alternatives (Alternative 5 and 6) are referred to in  
21 the EIR as Preservation Alternatives, because both of these alternatives would preserve the historically  
22 and culturally significant Lytton Bank Building in its current location on the site.

23 64. The DEIR concluded that both Preservation Alternatives would fully meet twelve of the  
24 fifteen project objectives, and would partially meet the remaining three objectives. The three objectives  
25 only partially satisfied were all related to the commercial square footage of the proposed project. The  
26 project proposed in the DEIR had 111,339 square feet of commercial space, while Preservation  
27 Alternatives had roughly 62,000 square feet of commercial space. Alternative 9, analyzed in the RDEIR  
28 and essentially selected as the 8150 Sunset Project, has only 65,000 square feet of commercial space –  
*and only partially satisfies the same three project objectives as the Preservation Alternatives.*

1           65. In its Findings justifying the selection of Alternative 9 over either of the Preservation  
2 Alternatives, Respondents blatantly contradicted the conclusions of the DEIR with respect the ability of  
3 the Preservation Alternatives to fully satisfy most of the project objectives. These conclusions are not  
4 supported by substantial evidence – indeed, they are directly contradicted by Respondents’ own  
5 environmental analysis.

6           66. CEQA does not permit a lead agency to approve a project with significant unmitigable  
7 impacts – like the destruction of a recognized historic resource – unless alternative approaches are  
8 *infeasible*. The EIR and its findings do not support the conclusion that the Preservation Alternatives are  
9 infeasible.

10           67. The project approval also impermissibly violates a mitigation measure of the 1988  
11 Hollywood Community Plan EIR without disclosure or proper analysis in the 8150 Sunset Project EIR.  
12 The underlying zoning for the project site – which was not changed as a result of the approvals – is C4-  
13 1D. The “D” limitation on this site specifically restricts any development on the site to a 1:1 floor to  
14 area ratio. A D limitation is imposed pursuant to Los Angeles Municipal Code 12.32 G 4, which  
15 permits the imposition of a permanent D limitation that restricts permissible construction below what  
16 would normally be permissible in a zone, in order to mitigate impacts of development and create  
17 development in harmony with the General Plan.

18           68. The evidence before Respondents demonstrated that the D limitation on this site was  
19 imposed as a mitigation measure connected to the 1988 EIR for the Hollywood Community Plan. The  
20 1988 Hollywood Community Plan EIR explained that the level of development permitted under the  
21 prior 1973 Hollywood Community Plan had created significant impacts on the traffic circulation system  
22 as well as on public services and infrastructure. The 1988 Hollywood Community Plan EIR specifically  
23 stated that “the Proposed Plan is intended as mitigation for the effects of the Current Plan.” The D  
24 limitation was proposed by ordinance during the process of conforming the zoning to the Hollywood  
25 Community Plan.

26           69. The 8150 Sunset Project decimates the 1:1 FAR restriction imposed by the D limit,  
27 permitting a 3:1 FAR. The EIR entirely failed to disclose the origin of the D limitation, to explain its  
28 significance as a mitigation measure for the 1988 Hollywood Community Plan EIR, and to conduct any  
analysis to support the removal of the mitigation measure to permit the construction of the 8150 Sunset



1 Project. A comparison of the traffic system in 1988, as shown in the 1988 HCP EIR, with the traffic in  
2 the project EIR, shows traffic is worse now, not improved, and that the environmental protection of the  
3 D limitation is still required.

4 70. The EIR also fails to properly disclose and mitigate impacts on traffic and lifesaving  
5 public services, including fire, EMS, and police response. The EIR and staff response to Fix the City's  
6 appeal to City Planning Commission falsely reported Los Angeles Fire Department ("LAFD") response  
7 times by failing to include "travel time" with "turn out" time, as required by LAFD policies, to  
8 determine if response time met the city standard of reaching a medical emergency within 5 minutes 90  
9 percent of the time. Fix the City provided to decision makers substantial evidence from the City's own  
10 website, as well as an explanation of how LAFD calculates response time. If calculated properly to  
11 include turn-out time, the difference in response time is staggering: if turn-out time is included, Station  
12 41, the "first-in" station for medical emergencies to the project site, is 5 minutes and 36 seconds, not the  
13 4 minutes and 20 seconds, reported in the response by staff.

14 71. The EIR also fails to disclose significant land use conflicts created by the project,  
15 including the failure of the project to conform to the policies in the General Plan Framework Element.  
16 Specifically, Respondents failed to make a finding in the EIR that the City's infrastructure has sufficient  
17 capacity to support the increased demand on city services that would be created by the project.

18 72. Respondents failed to recirculate the EIR after disclosing a new significant impact: that  
19 the mitigation measure proposed for the significant traffic impacts at the intersection of Havenhurst  
20 Drive and Fountain Avenue, was not under the control of the City of Los Angeles, and therefore that a  
21 significant traffic impact was likely to result from the operation of the 8150 Sunset Project.

22 73. Finally, the EIR also failed to disclose the existence of a Responsible Agency, the City of  
23 West Hollywood. Inexplicably, nowhere in the EIR is it disclosed that the jurisdictional boundary of  
24 West Hollywood is immediately adjacent to the portion of the project located along Havenhurst Drive.  
25 Respondents inexplicably failed to recognize that the intersection of Fountain Avenue and Havenhurst is  
26 in the jurisdiction of West Hollywood, including in the DEIR, the RDEIR, and the FEIR a mitigation  
27 measure that required Respondents to install a traffic light at that location. Only after the FEIR was  
28 published did Respondents acknowledge that the intersection is entirely outside of Respondents'  
jurisdiction and solely under the control of the City of West Hollywood. Respondents refused to

1 recirculate the EIR, even though Respondents were forced to revise their conclusions regarding the  
2 feasibility of mitigating traffic impacts created by the 8150 Sunset Project.

3 74. Remarkably, while Respondents were finally paying attention to their jurisdictional  
4 boundaries, Respondents failed to revise the EIR to disclose that other jurisdictional boundaries of West  
5 Hollywood are implicated in the project approval. Petitioners are informed and believe, and on that  
6 basis allege, that it was not until after the project was approved that the City of West Hollywood was  
7 informed that the curb cuts required for the project's access driveway on Havenhurst were within the  
8 City of West Hollywood, and not the City of Los Angeles. This information should have been disclosed  
9 in the EIR, and should have been made clear to West Hollywood so that it recognized the authority it  
10 had over an aspect of the project. The failure to disclose the necessity of approvals from the City of  
11 West Hollywood was a prejudicial failure to disclose that prevented a Responsible Agency from full  
12 awareness of its role in future project approvals.

13 75. In light of the above deficiencies, it was an abuse of discretion for Respondents to have  
14 certified the EIR and approved the 8150 Sunset Project on the basis that the EIR adequately analyzed  
15 and disclosed the environmental impacts of the 8150 Sunset Project.

16 76. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
17 other available remedies.

18 77. Petitioner has a beneficial right to Respondents' performance of their respective duties  
19 based on Petitioner's interest in maintaining and improving the quality of the environment in the City of  
20 Los Angeles as well as the integrity of the City's local land use laws. Petitioner's members have an  
21 interest in safeguarding public safety and improving the quality of life in their own city.

22 78. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
23 enjoins the RPI, it will develop the 8150 Sunset Project consistent with the improperly certified EIR.  
24 No amount of monetary damages or other legal remedy can adequately compensate Petitioner for the  
25 irreparable harm that Petitioner, its members, and the residents of the City of Los Angeles will suffer  
26 from the violations of law described herein.

27 79. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
28 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful and  
invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all

1 respects to the contrary.

2 80. Petitioner contends that the EIR did not satisfy the requirements of CEQA. Respondents  
3 were repeatedly informed of these contentions and provided with substantial evidence, but proceeded to  
4 certify the EIR.

5 81. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
6 therefore necessary and appropriate to determine the respective rights and duties of the parties.

7 **SECOND CAUSE OF ACTION**  
8 **Violation of Alquist-Priolo Act**  
9 **(Public Resources Code 2621.5, Code Civ. Proc., § 525, 1060, 1094.5)**

10 82. Petitioner realleges and incorporates by reference the allegations set forth in the  
11 preceding paragraphs.

12 83. The Alquist-Priolo Act is a state law that is intended to avoid the significant risk of harm  
13 to life and loss of property from surface fault ruptures. Public Resources Code section 2621.5 provides  
14 that the purpose of the Act is "to provide policies and criteria to assist cities, counties, and state agencies  
15 in the exercise of their responsibility to prohibit the location of development and structures for human  
16 occupancy across the trace of active faults." While local jurisdictions can impose more stringent  
17 standards, they are not permitted to impose weaker earthquake safety regulations.

18 84. The Alquist-Priolo Act applies to "any project . . . which is located within a delineated  
19 earthquake fault zone, upon issuance of the official earthquake fault zones maps to affected local  
20 jurisdictions." (Pub. Resources Code, § 2621.5.)

21 85. A "project" under the Alquist-Priolo Act includes "structures for human occupancy,"  
22 excluding some smaller single family dwellings. (Pub. Resources Code, § 2621.6, subd. (2).)

23 86. The State Mining and Geology Board has promulgated regulations to implement the  
24 Alquist-Priolo Act. Under these regulations, a structure for human occupancy is "any structure used or  
25 intended for supporting or sheltering any use of occupancy, which is expected to have a human  
26 occupancy rate of more than 2,000 person-hours per year." (Cal. Code. Reg., tit. 14, § 3601, subd. (e).)

27 87. The State Mining and Geology Board regulations also describe the prohibition on  
28 placement of structures for human occupancy across the trace of an active surface fault: "No structure  
for human occupancy . . . shall be permitted to be placed across the trace of an active fault.  
Furthermore, as the area within fifty (50) feet of such active faults shall be *presumed* to be underlain by

1 active branches of that fault *unless proven otherwise* by an appropriate geologic investigation and report  
2 . . . no such structures shall be permitted in this area.” (Cal. Code Reg., tit.. 14, § 3603, subd. (a)  
3 (emphasis added).)

4 88. The 8150 Sunset Project is located in a mapped Earthquake Fault Zone and is subject to  
5 the requirements of the Alquist-Priolo Act. The project is located in the Hollywood Fault zone.

6 89. RPI conducted geologic investigation under its property, but did not investigate areas  
7 more proximate to the mapped fault under Sunset Boulevard. Respondents were aware of the  
8 limitations of RPI’s geologic investigation.

9 90. Under City of Los Angeles policies, in an Earthquake Fault Zone, surface faulting is  
10 presumed to exist within fifty feet beyond the property boundary, if no geologic investigation is  
11 conducted off-site. A city geotechnical engineer who reviewed RPI’s geologic study informed the Los  
12 Angeles Department of Building and Safety that “[t]he Department policy is that the presence of an  
13 active fault *must be considered to exist just beyond the property line.*”

14 91. The engineer additionally criticized the RPI’s report’s conclusion that a setback from the  
15 property line was not necessary as it relied upon studies of different types of surface faults, and not one  
16 like the Hollywood Fault, which is overlain by significant alluvium. The engineer concluded that  
17 “[T]here are too many epistemic and aleatory uncertainties regarding the Hollywood fault to  
18 warrant disregarding the required setback.”

19 92. Yet Respondents approved the 8150 Sunset Project *without the required setback*. No  
20 study was ever conducted in the area 50 feet northwest of the site. No request was made or denied that  
21 would have precluded testing within Sunset Boulevard. Instead, Respondents approved the project with  
22 a “reinforced foundation zone,” in the area fifty feet from the site boundary toward the mapped  
23 Hollywood Fault.

24 93. The Alquist-Priolo Act and its implementing regulations do not contain any exemption  
25 for structures with a reinforced foundation.

26 94. The City’s instruction manual states explicitly that the state manual contains the  
27 minimum requirement for seismic analysis. The state manual requires a 50 foot earthquake exclusion  
28 zone in the absence of a 50-foot off-site investigation.

1           95. Respondents approved the project's construction within fifty feet of an active surface  
2 fault without any geologic study immediately outside of the site boundary, permitting the construction  
3 of a structure for human occupancy within fifty feet of an area that is presumed to be underlain with  
4 traces of an active surface fault, contrary to the prohibitions of the Alquist-Priolo Act.

5           96. The Planning Department's staff report recommending the denial of Fix the City's appeal  
6 to the City Planning Commission claimed that moving habitable structure back 50 feet brought the  
7 project into compliance with the 50-foot setback requirement, disregarding that the entire structure is  
8 one subsurface building, and that the Alquist Priolo Act requires protection for all human occupancy,  
9 not just residential use.

10           97. A writ must issue to correct Respondents' abuse of their discretion in permitting  
11 construction of a structure for human occupancy within fifty feet of an area presumed to be underlain by  
12 trace of an active surface fault, in contradiction to the requirements of the Alquist-Priolo Act.

13           98. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
14 other available remedies.

15           99. Petitioner has a beneficial right to Respondents' performance of their respective duties  
16 based on Petitioner's interest in maintaining and improving the quality of the environment in the City of  
17 Los Angeles as well as the integrity of the City's local land use laws. Petitioner's members have an  
18 interest in safeguarding public safety and improving the quality of life in their own city.

19           100. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
20 enjoins the RPI, it will develop the 8150 Sunset Project within fifty feet of an area presumed to be  
21 underlain with traces of an active surface fault. No amount of monetary damages or other legal remedy  
22 can adequately compensate Petitioner for the irreparable harm that Petitioner, its members, and the  
23 residents of the City of Los Angeles will suffer from the violations of law described herein.

24           101. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
25 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful and  
26 invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all  
27 respects to the contrary.

28           102. Petitioner contends that the Alquist-Priolo Act prohibits the construction of any structure  
for human occupancy in area that is within fifty feet of mapped surface fault without a study of the area

1 immediately offsite. Petitioner informed Respondents of this contention and Respondents disagreed in  
2 their public analysis. Respondents approved the 8150 Sunset Project in spite of Petitioner's objections.

3 103. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
4 therefore necessary and appropriate to determine the respective rights and duties of the parties.

### 5 **THIRD CAUSE OF ACTION**

#### 6 **Violation of Streets and Highways Code for Failure to Vacate Street (Streets and Highways Code, § 8320; Code Civ. Proc., § 525, 1060, 1094.5)**

7 104. Petitioner realleges and incorporates by reference the allegations set forth in the  
8 preceding paragraphs.

9 105. One component of the 8150 Sunset Project is constructing-over a busy city street – the  
10 east-bound turn-lane at the congested intersection of Sunset Boulevard and Crescent Heights Avenue, in  
11 order to incorporate that turn lane into a vehicle-free public plaza. Currently, a free right-turn lane  
12 exists whereby eastbound Sunset Boulevard traffic may turn right onto southbound Crescent Heights  
13 without restriction. A 9,500-square foot triangular parcel of land located at 8118 Sunset Boulevard –  
14 owned by the City – is located just to the east of the 8150 Sunset site: the free right-turn lane travels  
15 along the 8118 Sunset parcel's west side, the north side of 8118 Sunset is bound by eastbound Sunset  
16 Boulevard, and the east side of 8118 Sunset is adjacent to the southbound lanes of Crescent Heights.

17 106. The turn lane is shown on the 1905 Crescent Heights Tract Map.

18 107. City staff referred to the city-owned property (8118 Sunset Boulevard) as a "traffic  
19 island" when it was not part of the public right-of-way, implying that it could be converted to other uses  
20 but omitting the various discretionary approvals required for such conversion.

21 108. Respondents approved the 8150 Sunset Project which eliminates the free right-turn lane  
22 from the Sunset/Crescent Height intersection and "merged" the City-owned triangular parcel of land  
23 into the project to create a "public" plaza that will extend across the former free right-turn lane and onto  
24 the City-owned parcel at 8118 Sunset. As a result of Respondents' approval of the 8150 Sunset Project,  
25 the free right-turn lane will no longer be available for use by vehicular traffic, but will instead be  
26 incorporated into a public plaza. This significantly reduces capacity for an intersection that is already at  
27 Level of Service F both in the morning and evening.

28 109. The city property, 8118 Sunset, is not part of the right-of-way, and it is not for sale as  
surplus property. Extensive internal emails indicate that a street vacation is required to vacate the public

1 vehicular easement. For instance, in one email between various real estate employees of the City: "The  
2 street on the southwest side would have to be vacated. Either by separate proceedings or by a  
3 subdivision. The City would have to sign the map as part owner and as an easement holder for the  
4 street. The developer would have to pay for the street vacation." (Jose Ramirez, Department of Real  
5 Estate, to David Castillo, Title Examiner, Real Estate Division, Bureau of Engineering, June 11, 2015.)).  
6 When appealed by Fix the City Planning Department staff claimed it could accomplish this through a B  
7 permit or a revocable permit. Internal staff emails tell a very different story, that the B permit and  
8 revocable permit would not be granted as the project was proposed, and that the 9,134 square foot city-  
9 owned property was not part of the right-of-way and was not for sale. Staff did not communicate to the  
10 public or the City Council that "without that land as public right of way, the entire proposal has a fatal  
11 flaw" (Email from Carl Mills, Bureau of Engineering, to Luci Ibarra, Planning, June 22, 2016). The  
12 Department of Public Works, which has sole jurisdiction over street closures and rights of way, never  
13 approved of a street vacation at this location, nor did it approve building over its other vehicular  
14 easement that is shown on the city's Zimas maps submitted by staff and also by Petitioners. There is  
15 nothing revocable about building a high rise structure over a public vehicular easement that is clearly  
16 shown on the city's maps.

17 110. California Streets and Highways Code section 8320 et seq. provides the procedures that a  
18 municipality like Respondents must adhere to when removing a public street from vehicular use.  
19 Specifically, Streets and Highways Code section 8320 requires that a local legislative body initiating the  
20 vacation of a street must give public notice of the intent to vacate a street and set a hearing on the issue.  
21 The law contains specific requirements for the information that must be made public in the notice.  
22 Streets and Highways Code sections 8322 and 8323 contain specific publication and posting  
23 requirements for the notice. Planning staff took the position that no vacation had been requested and  
24 thus there was no need to vacate the public street. This was contradicted by the statements by General  
25 Services Department Title Examiner Jose Ramirez in 2015 quoted above. To close a street or terminate  
26 a vehicular easement, a vacation is required. That it was not requested does not relieve the city of its  
27 duty to follow vacation procedures and findings.

28 111. Streets and Highways Code section 8324 establishes the required findings for a local  
legislative body to vacate a street. The legislative body must find that the street to be vacated is

1 “unnecessary for present or prospective public use.” The legislative body may also adopt conditions  
2 regarding the vacation of the street.

3 112. Respondents did not comply with any of these procedural or substantive requirements  
4 when approving the 8150 Sunset Project, even though the approved plans call for the removal of the free  
5 right-turn lane from Crescent Heights Boulevard and the elimination of vehicular use of the lane of  
6 traffic. Respondents contend that the free right-turn lane is not being vacated. Likewise, they are  
7 nonresponsive regarding the construction of the project over the second, parallel right-turn-lane shown  
8 on the Zimas map.

9 113. The traffic study for the EIR demonstrates that at present and in the future the  
10 intersection of Crescent Heights and Sunset functions at LOS F, the worst possible level of congestion  
11 and delay.

12 114. The City Engineer confirmed in a meeting with members of Fix the City that the closure  
13 or elimination of a street right-of-way requires a street vacation that must be a condition of approval for  
14 a tract map. No street vacation request was ever submitted to the City Engineer for this project, and a  
15 street vacation was not a condition of approval.

16 115. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
17 other available remedies.

18 116. Petitioner has a beneficial right to Respondents’ performance of their respective duties  
19 based on Petitioner’s interest in maintaining and improving the quality of the environment in the City of  
20 Los Angeles as well as the integrity of the City’s local land use laws. Petitioner’s members have an  
21 interest in improving the quality of life in their own city.

22 117. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
23 enjoins the RPI, it will develop the 8150 Sunset Project and remove the free right-turn lane from  
24 Crescent Heights, eliminating vehicular use of that portion of the public right-of-way and public street.  
25 No amount of monetary damages or other legal remedy can adequately compensate Petitioner for the  
26 irreparable harm that Petitioner, its members, and the residents of the City of Los Angeles will suffer  
27 from the violations of law described herein.

28 118. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
contends, for the reasons set forth above, that Respondents’ actions as set forth above were unlawful and



1 invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all  
2 respects to the contrary.

3 119. Petitioner contends that Respondents did not proceed as required by law and have  
4 approved the vacation of a public street without compliance with the requirements of the California  
5 Streets and Highways Code. Respondents were informed of Petitioner's contentions, and denied that  
6 the approval of the 8150 Sunset Project included a vacation of the public street.

7 120. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
8 therefore necessary and appropriate to determine the respective rights and duties of the parties.

9 **FOURTH CAUSE OF ACTION**  
10 **Violation of Los Angeles City Charter**  
**(Los Angeles City Charter, § 385; Code of Civ. Proc., §§ 525, 1060, 1094.5)**

11 121. Petitioner realleges and incorporates by reference the allegations set forth in the  
12 preceding paragraphs.

13 122. As set forth above, the 8150 Sunset Project includes the "merger" of a City-owned parcel  
14 of land at 8118 Sunset Boulevard into the project site for use as a "public" plaza that will be built,  
15 controlled, and maintained by RPI or its successors in interest.

16 123. The 8118 Sunset Boulevard parcel has a lot area of 9,526 square feet and is zoned C4-1,  
17 with a General Plan land use designation of Neighborhood Office Commercial. It is included on City  
18 Controller Ron Galperin's map of City-owned property as 8116 W. Sunset Boulevard. The parcel is  
19 also included in the Housing Element of the General Plan as a potential site for the development of  
20 affordable housing. The parcel is not part of the public right-of-way, as implied by staff references to  
21 8118 Sunset as a "traffic island." And its twin right-turn easement is never addressed by staff, despite  
22 inquiries by Petitioners in their written testimony and appeals.

23 124. As a result of Respondents' approval of the 8150 Sunset Project, the City-owned  
24 property has been "merged" with the privately-owned property of RPI to create a unified project. The  
25 effect of this merger is to dispose of public property without following required procedures for the  
26 disposition of City-owned property. The proposal also calls for modification of the boundaries of the  
27 8118 Sunset parcel so that a portion of the parcel (the eastern-most corner) is "rounded off" to improve  
28 the new right-turn from eastbound Sunset Boulevard onto southbound Crescent Heights.

1 125. Los Angeles City Charter section 385 provides that "any real . . . property owned by the  
2 City that is no longer needed may . . . be sold under terms and conditions prescribed by ordinance." The  
3 Los Angeles Administrative Code sections 7.21 et seq. establish specific procedures that must be  
4 followed in order for the City to dispose of its property. Administrative Code section 7.22, subdivision  
5 (a) requires the Department of General Services to appraise property, and subdivision (b) of the same  
6 section requires the Bureau of Engineering to review and approve with reservation or exception of parts  
7 of the property. Subdivision (d) of the same section requires the City Administrative Office to review  
8 the sale of property and offer a recommendation to Council. The administrative code also contains  
9 public notice requirements and provisions for bidding, as well as a process for sale without bidding  
10 under specific conditions.

11 126. None of the procedural requirements in the Administrative Code were satisfied before  
12 Council approved the 8150 Sunset Project, granting RPI the right to occupy and construct amenities  
13 upon the City-owned land at 8118 Sunset Boulevard. The approval of the 8150 Sunset Project  
14 effectively relinquished the City's ability to utilize this property for its own purposes, or to sell the  
15 property to a party willing to pay for it. The approval of the project and removal of the free right-turn  
16 lane creates a beneficial condition for RPI as it prevents southbound Crescent Heights traffic from  
17 interfering with motorists making left turns to depart from the Crescent Heights driveway. The project  
18 approval also converted a portion of the City-owned property – the eastern-most corner – from  
19 commercially zoned property to a public right-of-way by modifying the use of the parcel to permit the  
20 creation of a street on that land. Conversion from private property owned by the Department of General  
21 Services to public right-of-way controlled by the Bureau of Engineering requires a separate ordinance  
22 by the City Council, as pointed out by Edmond Yew in his meeting with members of Fix the City on  
23 September 7, 2016. Respondents' approval of the 8150 Sunset Project effectively gifted this public land  
24 from the public to RPI, contrary to requirements of the City Charter and Administrative Code.

25 127. An employee in the Bureau of Engineering who reviewed the 8150 Sunset Project in  
26 June 2016 noted that the Bureau of Engineering had significant concerns about the proposed use of the  
27 City property. City planning staff had proposed that the project would create the public plaza, including  
28 the vacation of the public street described above, under the auspices of a "B" Permit from the Bureau of  
Engineering. A "B" permit under Los Angeles Municipal Code section 62.106 "is issued for extensive

1 public works improvements, including the widening of streets and alleys, the changing of existing street  
2 grade, construction of bridges, retaining walls, and the installation of sewer, storm drains, street lighting  
3 and traffic signals.” (eng.lacity.org/permits/ (viewed November 17, 2016).)

4 128. The Bureau of Engineering staff stated “one thing is perfectly clear regarding the  
5 proposal . . . The Bureau of Engineering cannot issue a B-permit for the improvements as presented  
6 unless the ‘City-owned’ private property is relinquished or most of it has an Irrevocable Offer to  
7 Dedicate recorded. . . [W]ithout that land as public right of way, the entire proposal has a fatal flaw.”  
8 This information was not disclosed to the public or to the decision makers in any public document. The  
9 Petitioner is informed and believes, and on that basis contends that the Department of General Services  
10 has not relinquished its interest in the 8118 Sunset Boulevard property. Petitioner is informed and  
11 believes, and on that basis contends, that the information in this email was not made known to the  
12 decision makers prior to the approval of the 8150 Sunset Project. As a result, Petitioners’ appeals to  
13 City Planning Commission and the City Council were wrongly denied. Fix the City’s objections were  
14 confirmed through back-channel emails between the Department of General Services, the Department of  
15 Public Works, and the Department of Planning, which were not disclosed to the public or decision  
16 makers until after approval of the project.

17 129. Due to Respondents’ approval of the 8150 Sunset Project, RPI will be permitted to utilize  
18 City-owned property for the creation of a project amenity that it will control, a nominally “public”  
19 plaza. Respondents’ approval of the project was in violation of mandatory provisions of the Los  
20 Angeles City Charter and Administrative Code regarding the disposition of City-owned property.

21 130. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
22 other available remedies.

23 131. Petitioner has a beneficial right to Respondents’ performance of their respective duties  
24 based on Petitioner’s interest in maintaining and improving the quality of the environment in the City of  
25 Los Angeles as well as the integrity of the City’s local land use laws. Petitioner’s members have an  
26 interest in improving the quality of life in their own city.

27 132. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
28 enjoins the RPI, RPI will be permitted to construct the improvements for the “public” plaza on 8118  
Sunset Boulevard, and the property will have been disposed of without adherence to the public process

1 required by law. No amount of monetary damages or other legal remedy can adequately compensate  
2 Petitioner for the irreparable harm that Petitioner, its members, and the residents of the City of Los  
3 Angeles will suffer from the violations of law described herein.

4 133. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
5 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful and  
6 invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all  
7 respects to the contrary.

8 134. Petitioner contends that the City-owned property at 8118 Sunset Boulevard cannot be  
9 merged with a privately-owned property for the creation of a unified development without Respondents  
10 following procedures for the disposition of City-owned property. Respondents approved the 8150  
11 Sunset Project, which includes the use of the 8118 Sunset parcel, with knowledge of Petitioner's  
12 contentions on this issue, and denied that the use of 8118 Sunset effectively gifted the property to RPI  
13 and simultaneously, closing a busy city street without a street vacation, as discussed above.

14 135. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
15 therefore necessary and appropriate to determine the respective rights and duties of the parties.

16 **FIFTH CAUSE OF ACTION**  
17 **Violation of Subdivision Map Act**  
18 **(Government Code § 66499.37; Code of Civ. Proc., §§ 525, 1094.5)**

19 136. Petitioner realleges and incorporates by reference the allegations set forth in the  
20 preceding paragraphs.

21 137. Under the Subdivision Map Act, Government Code sections 66474.61, the City of Los  
22 Angeles shall not approve any project requiring a tentative map if it makes any of the following  
23 findings: (a) That the proposed map is not consistent with applicable general and specific plans . . . (b)  
24 That the design or improvement of the proposed subdivision is not consistent with applicable general  
25 and specific plans. (c) That the site is not physically suitable for the type of development. (d) That the  
26 site is not physically suitable for the proposed density of development. (e) That the design of the  
27 subdivision or the proposed improvements are likely to cause substantial environmental damage or  
28 substantial and avoidably injure fish or wildlife or their habitat. (f) That the design of the subdivision or  
type of improvements is likely to cause serious public health problems. (g) That the design of the  
subdivision or type of improvements will conflict with easements, acquired by the public at large, for

1 access through or use of, property within the proposed subdivision.”

2 138. Respondents abused their discretion in approving the Vesting Tentative Tract Map.  
3 Respondents’ findings in support of the approval of the 8150 Sunset Project are an abuse of discretion  
4 because the findings are not supported by substantial evidence. Substantial evidence before  
5 Respondents at the time of the approval required the denial of the project, because several of the  
6 findings requiring disapproval of the tentative tract map should have been made.

7 139. The project is not consistent with the General Plan, because, as set forth in the Seventh  
8 Cause of Action below, the approval of the 8150 Sunset Project is inconsistent with policies requiring  
9 adequate transportation and public services infrastructure prior to approving increased density via  
10 subdivision.

11 140. The design of the proposed project is not consistent with the General Plan because the  
12 General Plan contains a free right-turn lane from eastbound Sunset Boulevard onto southbound  
13 Crescent Heights, and designates the 8118 Sunset parcel as a site for affordable housing. The project is  
14 not consistent with the General Plan which shows the free right-turn lane on the circulation element  
15 map. In addition to a street vacation, a General Plan Amendment is required to eliminate the public  
16 street from the Circulation Element Map.

17 141. The proximity of the site to the mapped Hollywood Fault and the failure to study the  
18 immediate off-site geology for the presence of a surface fault traces establishes that the site is not  
19 physically suitable for the type of development proposed.

20 142. The D limitation, imposed as a mitigation measure for the full buildout of the 1973  
21 Hollywood Community Plan, limits development to a 1:1 FAR. The proposed density is therefore  
22 inappropriate for the site.

23 143. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
24 other available remedies.

25 144. Petitioner has a beneficial right to Respondents’ performance of their respective duties  
26 based on Petitioner’s interest in maintaining and improving the quality of the environment in the City  
27 of Los Angeles as well as the integrity of the City’s local land use laws. Petitioner’s members have an  
28 interest in improving the quality of life in their own city.

1 145. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
2 enjoins the RPI, the project will be constructed and its property subdivided consistent with the  
3 improper Vesting Tentative Tract Map. No amount of monetary damages or other legal remedy can  
4 adequately compensate Petitioner for the irreparable harm that Petitioner, its members, and the  
5 residents of the City of Los Angeles will suffer from the violations of law described herein.

6 146. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
7 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful  
8 and invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend  
9 in all respects to the contrary.

10 147. Petitioner contends that the approval of the Vesting Tentative Tract Map was inconsistent  
11 with the requirements of the Subdivision Map Act. Respondents approved the Vesting Tentative Tract  
12 Map after being apprised of Petitioner's contentions.

13 148. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
14 therefore necessary and appropriate to determine the respective rights and duties of the parties.

15 **SIXTH CAUSE OF ACTION**  
16 **Violation of Los Angeles Municipal Code**  
17 **(Code of Civil Procedure 1094.5)**

18 149. Petitioner realleges and incorporates by reference the allegations set forth in the  
19 preceding paragraphs.

20 150. It was an abuse of discretion for Respondents to approve the 8150 Sunset Project because  
21 Respondents have not proceeded in the manner required by law, the approval is not supported by the  
22 findings, and the findings are not supported by the evidence.

23 151. One of the approvals improperly issued by Respondents was a "density bonus" under Los  
24 Angeles Municipal Code section 12.22 A 25. This provision, implementing state policies set forth at  
25 Government Code section 65913, allows a developer to request specific incentives to increase the size  
26 of permissible construction or otherwise lower the cost of construction if the proposed project will  
27 provide affordable housing in specified quantities.

28 152. Section 12.22 A 25 includes a "menu" of incentives that qualified projects may select  
from. In addition to the menu of incentives, a different procedure allows for "a waiver or modification

1 of any development standard[s] that is not included on the Menu of Incentives.” (LAMC, § 12.22 A 25  
2 g (3)(ii).)

3 153. Los Angeles Municipal Code section 12.22 A 25 requires that a density bonus be  
4 approved *unless* “The Incentive will have a Specific Adverse Impact upon public health and safety or  
5 the physical environment or on any real property that is listed in the California Register of Historical  
6 Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific  
7 Adverse Impact without rendering the development unaffordable to Very Low, Low, and Moderate  
8 Income households. Inconsistency with the zoning ordinance or general plan land use designation shall  
9 not constitute a specific, adverse impact upon the public health or safety.”

10 154. The “menu” of incentives includes an increased Floor Area Ratio incentive which  
11 provides that “in lieu of the otherwise applicable Floor Area Ratio, a Floor Ratio not to exceed 3:1,  
12 provided the parcel in a commercial zone in Height District 1 (including 1VL, 1L, and 1XL), and fronts  
13 on a Major Highway as identified in the City’s General Plan, and (a) the Housing Development Project  
14 includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and  
15 (b) 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit  
16 Stop/Major Employment Center.” (LAMC, § 12.22 A 25 (f)(4).)

17 155. The 8150 Sunset Project is not located within 1,500 feet of a Transit Stop/Major  
18 Employment Center.

19 156. Because the project was not within the required 1,500 feet of a Transit Stop/Major  
20 Employment Center, the applicant sought an “off menu” incentive that was virtually identical to the on-  
21 menu incentive (and cited in the hearing notice), except that it sought a 3:1 FAR for a project within  
22 1,560 feet of a Transit Stop.

23 157. The approval improperly used an incentive on the “menu” when an off menu incentive  
24 may be used only to modify “any development standard[s] **not** included on the menu of incentives”  
25 [emphasis added].

26 158. The approval also improperly relied upon the project’s height district to permit a 3:1  
27 FAR. The 3:1 FAR increase is only for projects in Height District 1, including 1VL, 1L, and 1XL. All  
28 of these height districts permit a 1.5:1 FAR. The 8150 Sunset Project, however, is located in Height  
District 1D, which is limited specifically to an FAR of 1:1. The 3:1 FAR therefore was not a doubling

1 of permissible density, as it would be in a 1.5:1 FAR to 3:1 FAR increase, but a *tripling* of density.

2 159. The FAR increase was also impermissibly applied to the entire project's square footage,  
3 rather than just the square footage for housing use. The commercial square footage is not subject to a  
4 density bonus because it does not increase the production of affordable housing. This error permitted a  
5 3:1 FAR project rather than a 2:1 FAR project. The City Planning Commission unlawfully applied the  
6 density bonus to the commercial portion of the project, even though prior approvals **explicitly stated**  
7 **that the density bonus could not be granted to the commercial portion of a project because the**  
8 **purpose of the density bonus was to increase affordable housing, not to expand commercial**  
9 **development.** Staff knew of this City policy and did not disclose it to the City Planning Commission or  
10 City Council. If this policy were applied to the 8150 Sunset Project, the entire project's floor to area  
11 ratio would be 2:1, not 3:1.

12 160. It is a significant and prejudicial error that staff was aware of but did not inform the City  
13 Planning Commission or the City Council.

14 161. The approval of the 8150 Sunset Project also failed to proceed in the manner required by  
15 law for revisions to the permissible construction density on the site. Specifically, the current zoning for  
16 the 8150 Sunset Project site is C4-1D. The D limitation limits development on the property to a 1:1  
17 FAR.

18 162. Los Angeles Municipal Code section 12.32, subdivision (H) provides procedures for the  
19 clarification of a D limitation. In order to clarify the D condition under subdivision (H), Respondents  
20 must find that "(a) The request is consistent with the City Planning Commission guidelines; and (b) The  
21 amendment or clarification is necessary in order to carry out the intent of the City Council in adopting  
22 the T or Q Classification or D Limitation; and (c) The amendment or clarification would have only a  
23 minimal effect on adjacent property and would not result in a significant or substantial deprivation of  
24 the property rights of other property owners." (LAMC, § 12.32 H.5.)

25 163. The record contains no evidence that any such findings were made in connection with the  
26 approval of the 8150 Sunset Project, in spite of the approval rendering the D limitation a nullity.

27 164. In lieu of clarifying the D condition, RPI could have requested a change of height district  
28 pursuant to Los Angeles Municipal Code section 12.32, subdivision F. No such change was requested  
by RPI or approved by Respondents.



1           165. The approval of the 8150 Sunset Project also violated other provisions in the municipal  
2 code relating to the approval of the Vesting Tentative Tract Map.

3           166. The Vesting Tentative Tract Map approved for the 8150 Sunset Project did not contain  
4 the information required by Los Angeles Municipal Code section 17.15. Specifically, Los Angeles  
5 Municipal Code 17.15, subdivision D requires that "development inconsistent with zoning," must  
6 include the zoning inconsistency on the map. *The map may be denied or conditionally approved based*  
7 *on the recipient obtaining a change in zoning.* The Vesting Tentative Tract Map did not contain any  
8 indication that the zoning of the project site is inconsistent with the approved density and size of the  
9 project.

10           167. Los Angeles Municipal Code section 17.05 establishes the design standards for streets  
11 included on tract maps. The Vesting Tentative Tract Map includes the design for the intersection of  
12 Sunset Boulevard and Crescent Heights Boulevard, making significant changes to the configuration of  
13 that intersection as set forth in the Third Cause of Action above. The design of those changes does not  
14 conform to the requirement of Los Angeles Municipal Code section 17.05 D.6 which provides that "[n]o  
15 jogs shall be allowed in the continuity of a major or secondary highway." The configuration of Sunset  
16 Boulevard and Crescent Heights Boulevard, both "major" highways, create a jog in the roadway in  
17 violation of this provision.

18           168. Los Angeles Municipal Code section 17.05 C requires that any Tentative Map conform  
19 to "all other elements of the General Plan." The street layout included on the Tentative Map does not  
20 conform to the General Plan's transportation element.

21           169. Moreover, Los Angeles Municipal Code section 12.37 A requires that the street  
22 dedication "provide adequate right-turn ingress to and egress from the highway."

23           170. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
24 other available remedies.

25           171. Petitioner has a beneficial right to Respondents' performance of their respective duties  
26 based on Petitioner's interest in maintaining and improving the quality of the environment in the City of  
27 Los Angeles as well as the integrity of the City's local land use laws. Petitioner's members have an  
28 interest in improving the quality of life in their own city.

1 172. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
2 enjoins the RPI, it will develop the 8150 Sunset Project consistent with the improperly certified EIR.  
3 No amount of monetary damages or other legal remedy can adequately compensate Petitioner for the  
4 irreparable harm that Petitioner, its members, and the residents of the City of Los Angeles will suffer  
5 from the violations of law described herein.

6 173. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
7 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful and  
8 invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all  
9 respects to the contrary.

10 174. Petitioner contends that the approval of the project was in conflict with the above listed  
11 provisions of the Los Angeles Municipal Code. Respondents were informed of these contentions and  
12 approved the project in spite of them.

13 175. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
14 therefore necessary and appropriate to determine the respective rights and duties of the parties.

15 **SEVENTH CAUSE OF ACTION**  
16 **Violation of General Plan Policies**  
17 **(Code of Civil Procedure, § 1094.5)**

18 176. Petitioner realleges and incorporates by reference the allegations set forth in the  
19 preceding paragraphs.

20 177. As required by state law, the City of Los Angeles has a General Plan that governs land  
21 use planning throughout the City.

22 178. One component of the City of Los Angeles General Plan is known as the Framework  
23 Element. The Framework Element is intended to serve as an overarching guide to Citywide "standards,  
24 goals, policies, objectives, programs, terms, definitions, and direction to guide the update of citywide  
25 elements and the community plans." The Framework Element contains policies, included as mitigation  
26 measures for the growth permitted in the Framework Element, that require continual assessment and  
27 monitoring of infrastructure capacity and growth throughout the City. Specifically, the Framework  
28 Element provides that the City must:

"Monitor population, development, and infrastructure and service capacities within the  
City and each community plan area, or other pertinent service area. The results of this

1 monitoring effort will be annually reported to the City Council and shall be used in part  
2 as a basis to:

3 a. Determine the need and establish programs for infrastructure and public service  
4 investments to accommodate development in areas in which economic development is  
5 desired and for which growth is focused by the General Plan Framework Element.

6 b. Change or increase the development forecast within the City and/or community plan  
7 area . . . when it can be demonstrated that (1) transportation improvements have been  
8 implemented or funded that increase capacity and maintain the level of service, (2)  
9 demand management or behavioral changes have reduced traffic volumes and maintained  
10 or improved levels of service, and (3) the community character will not be significantly  
11 impacted by such increases. . . .

12 c. Initiate a study to consider whether additional growth should be accommodated, when  
13 75 percent of the forecast of [population growth, housing growth, employment growth, or  
14 commercial growth] is attained within a community plan area. If a study is necessary,  
15 determine the level of growth that should be accommodated and correlate that level with  
16 the capital, facility, or service improvements and/or transportation demand reduction  
17 programs that are necessary to accommodate that level.

18 d. Consider regulating the type, location, and/or timing of development, when all of the  
19 preceding steps have been completed, additional infrastructure and services have been  
20 provided, and there remains inadequate public infrastructure or service to support land  
21 use development.” (Framework Element Policy 3.3.2.)

22 179. The Hollywood Community Plan is the land use element of the City of Los Angeles  
23 General Plan applicable to the area of the City of Los Angeles in which the 8150 Sunset Project is  
24 located.

25 180. The Hollywood Community Plan contains several policies related to the Framework  
26 Element’s objectives and policies of permitting growth only when the infrastructure is able to support it.  
27 Specifically, the Hollywood Community Plan contains policies prohibiting increases in density if public  
28 services and transportation infrastructure is inadequate to support the new project.

181. The Hollywood Community Plan provides that “[n]o increase in density shall be effected  
by zone change or subdivision unless it is determined that such facilities are adequate to serve the  
proposed development.”

182. The Hollywood Community Plan also provides that “[n]o increase in density shall be  
effected by zone change or subdivision unless it is determined that the local streets, major and secondary  
highways, freeways, and public transportation available in the area of the property involved, are  
adequate to serve the traffic generated.” This is a totally different question of whether the project will

1 significantly impact the traffic system, but rather, is there capacity in the system to accept any increase.  
2 Furthermore, if the traffic system is inadequate, this will have a negative impact on the ability of first  
3 responders to reach the project and the community which is in both a Mountain Fire District and an  
4 Earthquake Fault Zone.

5 183. These policies apply to the approval of the 8150 Sunset Project because the project  
6 resulted in an increase in density by subdivision. Respondents' approval of the 8150 Sunset Project was  
7 an abuse of discretion because it violated the mandatory policies in the Hollywood Community Plan.

8 184. The record before Respondents contained substantial evidence demonstrating that the  
9 transportation system in the area of the project is inadequate to serve the traffic generated by the 8150  
10 Sunset Project. First, the project will have significant and unmitigated impacts on traffic on local  
11 streets. Second, the EIR demonstrated that the traffic in the vicinity of the project is *already* at failing  
12 levels. If service is already inadequate, the General Plan does not permit an increase in density. Closure  
13 of the right-hand turn lane would further reduce the capacity of the street system. Petitioner also  
14 demonstrated that the public services in the area are inadequate. Specifically, Petitioner presented data  
15 showing that Los Angeles Fire Department response times for the first-, second-, and third-in  
16 responding stations do not meet the City's own established standards. Until these basic life safety  
17 services are adequate, the General Plan does not permit an increase in density. The EIR and response to  
18 the Fix the City's appeal to City Planning Commission of the VTT approval provided false response  
19 times for the three stations by failing to include "turn-out" time in addition to "travel time," as the City  
20 requires to calculate response time. Petitioners have provided substantial evidence from the city's  
21 website showing the actually response times at all three stations are woefully substandard. Thus a  
22 finding that the emergency services are adequate is not supported by substantial evidence.

23 185. In addition, the approval of the 8150 Sunset Project conflicts with the General Plan. The  
24 transportation element of the General Plan reflects a free right-turn lane at the intersection of Sunset  
25 Boulevard and Crescent Heights. The approval of the project did not include an amendment to the  
26 General Plan to reflect the elimination of the free right-turn lane, and therefore is in conflict with the  
27 General Plan.

28 186. Petitioner has a direct and beneficial interest in the action herein and has exhausted all  
other available remedies.

1 187. Petitioner has a beneficial right to Respondents' performance of their respective duties  
2 based on Petitioner's interest in maintaining and improving the quality of the environment in the City of  
3 Los Angeles as well as the integrity of the City's local land use laws. Petitioner's members have an  
4 interest in improving the quality of life in their own city.

5 188. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court  
6 enjoins the RPI, it will develop the 8150 Sunset Project in spite of its inconsistency with the policies of  
7 the General Plan as set forth in the Hollywood Community Plan. No amount of monetary damages or  
8 other legal remedy can adequately compensate Petitioner for the irreparable harm that Petitioner, its  
9 members, and the residents of the City of Los Angeles will suffer from the violations of law described  
10 herein.

11 189. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and  
12 contends, for the reasons set forth above, that Respondents' actions as set forth above were unlawful and  
13 invalid. Petitioner is informed and believes, and on that basis contends, that Respondents contend in all  
14 respects to the contrary.

15 190. Petitioner contends that the General Plan prohibits an increase in density by subdivision  
16 if transportation infrastructure and public services infrastructure are inadequate. Petitioner also  
17 contends that transportation infrastructure and public services infrastructure serving the project are  
18 inadequate. Respondents approved the 8150 Sunset Project in spite of being informed of Petitioner's  
19 contentions, and stated in response to Petitioner's arguments that infrastructure was adequate to support  
20 the project.

21 191. A judicial declaration as to the legality of Respondents' actions, as set forth above, is  
22 therefore necessary and appropriate to determine the respective rights and duties of the parties.

### 23 **PRAYER FOR RELIEF**

24 WHEREFORE, Petitioners pray for relief as follows:

25 1. That this Court issue a peremptory writ of mandate, commanding Respondents to rescind  
26 and revoke the certification of the EIR, and to rescind and revoke all of entitlements issued for the 8150  
27 Sunset Project, including the Vesting Tentative Tract Map, the density bonus, the site plan review, and  
28 the master conditional use permit, as well as all CEQA Findings and Statement of Overriding  
Considerations made in support of these approvals;

1           2.     That this Court issue a temporary restraining order, preliminary injunction,  
2 administrative stay, and permanent injunction enjoining Respondents and Real Party from taking any  
3 action to implement the 8150 Sunset Project, and to further enjoin Respondents and Real Party from  
4 taking any action to construct the 8150 Sunset Project, including but not limited to demolition, grading,  
5 and construction activities, until such time as Respondents have certified an EIR that conforms to the  
6 requirements of CEQA and approved a project that conforms to all applicable legal requirements;

7           3.     That this Court issue declaratory relief, declaring that:

- 8                   a. Respondents' certification of the EIR was in violation of the substantive  
9                   and procedural requirements of CEQA;
- 10                  b. Respondents' approval of the 8150 Sunset Project's construction was in  
11                  violation of the Alquist-Priolo Act;
- 12                  c. Respondents' approval of the construction over the free right-turn lane  
13                  from eastbound Sunset Boulevard to southbound Crescent Heights  
14                  Boulevard was in violation of the Streets and Highways Code;
- 15                  d. Respondents' approval of the use of 8118 Sunset Boulevard by RPI as  
16                  part of the 8150 Sunset Boulevard Project was contrary to City law  
17                  regarding the use and disposition of City-owned property;
- 18                  e. Respondents' approval of the Vesting Tentative Tract Map was in  
19                  violation of the requirements of the Subdivision Map Act;
- 20                  f. Respondents' approval of the 8150 Sunset Project violated Los Angeles  
21                  Municipal Code provisions related to density bonuses, tract maps, and  
22                  street design; and
- 23                  g. Respondents' approval of the 8150 Sunset Project was in violation of the  
24                  General Plan of the City of Los Angeles.

25           4.     That this Court award Petitioner attorneys' fees and costs pursuant to Code of Civil  
26 Procedure section 1021.5; and

27           5.     That this Court grant Petitioner such other, different, or further relief as the Court may  
28 deem just and proper.

1 Dated: November 30, 2016

Respectfully submitted,

2 STRUMWASSER & WOOCHELL LLP  
3 Fredric D. Woocher  
4 Beverly Grossman Palmer


5 By:   
6 Beverly Grossman Palmer

7 *Attorneys for Petitioner/Plaintiff Fix*  
8 *the City, Inc.*

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I am Secretary of Fix the City, Inc. and a resident of the City of Los Angeles. I am authorized to make this verification for Petitioner and Plaintiff. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief. I am informed and believe that the contents thereof are true, and on that ground I allege that the matters stated therein are true.

Executed this 30 day of November, 2016, at Los Angeles, California.

  
Laura Lake, Secretary  
Fix the City



12/01/2016

# EXHIBIT A

12/01/2016

STRUMWASSER & WOOCHELLP

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† Also admitted to practice in New York and Massachusetts

†† Also admitted to practice in Illinois. Not yet admitted in California

November 30, 2016

Holly L. Wolcott, City Clerk  
City of Los Angeles  
200 North Spring Street, Room 360  
Los Angeles, California 90012  
Via email to [holly.wolcott@lacity.org](mailto:holly.wolcott@lacity.org)  
Via facsimile to 213-978-1027

Re: Notice of Intent to Commence CEQA Action  
*Fix the City, Inc. v. City of Los Angeles, et al.*

Dear Ms. Wolcott:

This is to inform you, as an agent for the City of Los Angeles, (the "City") and the Los Angeles City Council (the "City Council"), that Fix the City, Inc. ("Petitioner") will be filing suit against the City and the City Council to challenge the approval of a mixed-use development project at 8150 Sunset Boulevard in the City of Los Angeles.

Please take notice under section 21167.5 of the Public Resources Code that Petitioner intends to include a cause of action under the provisions of the California Environmental Quality Act ("CEQA") against the City and the City Council. The lawsuit will challenge, among other things, the adequacy of the project description and the rejection of feasible alternatives that would eliminate a significant impact of the proposed project. The lawsuit will allege other violations of law in addition to CEQA.

Sincerely,



Beverly Grossman Palmer

12/01/2016

PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Re: *Fix the City v. City of Los Angeles, et al.*

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10940 Wilshire Boulevard, Suite 2000, Los Angeles, California 90024.

On **November 30, 2016**, I served the documents described as **LETTER DATED NOVEMBER 30, 2016 RE NOTICE OF INTENT TO COMMENCE CEQA ACTION** on all appropriate parties in this action, as listed below, by the method stated.

Holly L. Wolcott, City Clerk  
City of Los Angeles  
200 North Spring Street, Room 360  
Los Angeles, California 90012  
F: (213) 978-1027  
T: (213) 978-1020  
holly.wolcott@lacity.org

☒ If U.S. Mail service is indicated, by placing this date for collection for mailing true copies in sealed envelopes, first-class postage prepaid, addressed to each person as indicated, pursuant to Code of Civil Procedure section 1013a(3). I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in the affidavit.

☒ If electronic-mail service is indicated, by causing a true copy to be sent via electronic transmission from Strumwasser & Woocher LLP's computer network in Portable Document Format (PDF) this date to the email address(es) stated, to the attention of the person(s) named.


☒ If fax service is indicated, by facsimile transmission this date to the fax number stated, to the attention of the person named, pursuant to Code of Civil Procedure section 1013(f).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **November 30, 2016**, at Los Angeles, California.



Mindy Lu

12/01/2016

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Beverly Grossman Palmer (SBN 234004)</b> <b>Strumwasser &amp; Woocher LLP</b> <b>10940 Wilshire Boulevard, Suite 2000</b> <b>Los Angeles, California 90024</b> TELEPHONE NO.: (310) 576-1233 FAX NO.: (310) 319-0156 ATTORNEY FOR (Name): <b>Petitioner and Plaintiff Fix the City, Inc.</b>	FOR COURT USE ONLY  <b>FILED</b> <b>Superior Court of California</b> <b>County of Los Angeles</b>  <b>DEC 07 2016</b>  Sherri R. Carter, Executive Officer/Clerk  Judi Lara, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>	CASE NUMBER: <b>BS166484</b>  JUDGE: DEPT:
CASE NAME: <b>Fix the City, Inc. v. City of Los Angeles, et al.</b>	DEPT: <b>BY FAX</b>

**CIVIL CASE COVER SHEET**

☒ **Unlimited** ☐ **Limited**  
 (Amount demanded exceeds \$25,000) (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)

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 d. ☐ Large number of witnesses  
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c. ☐ Substantial amount of documentary evidence 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): 7

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: November 30, 2016

Beverly Grossman Palmer

(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.

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**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.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL <sup>2</sup> \_\_\_\_\_ / HOURS/ DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |
|  | 11. Mandatory Filing Location (Hub Case)                   |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
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	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

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Non-Personal Injury/Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

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

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	<b>A</b> Civil Case Cover Sheet Category No	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 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 <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review	<u>2.</u> , 8.
<b>Provisionally Complex Litigation</b>	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.
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
<b>Miscellaneous Civil Complaints</b>	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
<b>Miscellaneous Civil Petitions</b>	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.



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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <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: City Hall 200 North Spring Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse 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, subd.(a)].

Dated: November 30, 2016

  
 (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. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
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.

11/30/2016