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

SEP 09 2015

By Paul So, Deputy  
Paul So

Dept 1  
*[Signature]*  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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

Petitioner and Plaintiff,

v.

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

Respondents.

Case No. **BS 157831**

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

(Public Resources Code, § 21168; Code of Civil Procedure, §§ 526, 1085 & 1097; Government Code, § 65300.5; Los Angeles City Charter, §§ 555, 556 & 558)

CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") ACTION

CIT/CASE: BS157831  
LEA/DEF#:   
RECEIPT #: CH539179019  
DATE PAID: 09/09/15 09:11 AM  
PAYMENT: \$435.00 310  
RECEIVED:   
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

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1 Comes now Petitioner and Plaintiff, Fix the City, Inc., and alleges as follows:

2 **INTRODUCTION**

3 1. Petitioner Fix the City, Inc., by this Verified Petition for Writ of Mandate,  
4 challenges the repeated failure of Respondents City of Los Angeles and City Council of the  
5 City of Los Angeles (collectively, "Respondents") to adhere to the requirements of the  
6 California Environmental Quality Act ("CEQA"), to follow the procedures set forth in its own  
7 Los Angeles City Charter, to maintain consistency within its General Plan and to abide by the  
8 requirements of state planning laws, when adopting an amendment to the General Plan of the  
9 City of Los Angeles. Fix the City brings this lawsuit in its capacity as private attorney general.

10 2. On August 11, 2015, the Los Angeles City Council approved, Mobility Plan  
11 2035 ("MP2035"), an update to the legally-required circulation element of the City's General  
12 Plan, at the same time certifying an Environmental Impact Report ("EIR"), and adopting a  
13 Statement of Overriding Considerations for the significant, unavoidable environmental  
14 impacts of implementing MP2035. As an element of the General Plan, MP2035 is the  
15 "constitution" for the City of Los Angeles street system, establishing which streets will have  
16 supposed improved transit access, which neighborhoods will benefit from supposed improved  
17 pedestrian amenities, and which streets will lose lanes of vehicular traffic to accommodate  
18 bike lanes and/or bus lanes. Respondents acknowledged that implementation of MP2035  
19 would have significant, unavoidable impacts to transportation, including significantly  
20 increased congestion, intrusion of traffic into residential neighborhoods, failure to comply with  
21 the existing regional Congestion Management Plan, and diminished access and response time  
22 of emergency responders. The policies set forth in MP2035 conflict with numerous policies in  
23 other existing elements of the City's General Plan, including elements in its 35 Community  
24 Plans (which constitute the land use element of the General Plan). In fact, MP2035 is an  
25 immobility plan that will have significant, unmitigatable environmental impacts.

26 3. In the City Council process leading to the August 11<sup>th</sup> approvals, Respondents  
27 significantly amended MP2035 after the Planning Commission's approval. In spite of specific  
28 requirements in the City Charter requiring the Council to refer any such amendments back to

1 the City Planning Commission and the Mayor's office, the Council failed to do so and adopted  
2 the amended MP2035 outright.

3 4. Approving MP2035 and its EIR was in violation of substantive requirements of  
4 CEQA, in contradiction to clear procedural requirements of Section 555 of the City Charter,  
5 and created inconsistency in the City's fundamental planning documents. Petitioner turns to  
6 this Court to enforce these legal requirements and ensure that Respondents' consideration of  
7 MP2035 properly evaluates the plan's potential environmental impacts, abides by the City's  
8 procedural rules, and does not introduce inconsistency into the General Plan.

9 **PARTIES**

10 5. Petitioner and Plaintiff, FIX THE CITY, INC. ("Fix The City" or "Petitioner") is  
11 a California nonprofit public benefit corporation duly incorporated under the laws of the State  
12 of California. Fix The City's mission is to improve and maintain quality of life and public  
13 safety by facilitating neighborhood improvements and neighborhood protection; supporting  
14 local infrastructure; improving the efficiency of local government; and advocating for other  
15 improvements to the environment throughout the City of Los Angeles. Fix The City  
16 participated in the actions challenged herein, submitting oral and written comments to the  
17 record on multiple occasions. Petitioner's members are residents and taxpayers of the City of  
18 Los Angeles.

19 6. Respondent and Defendant CITY OF LOS ANGELES (the "City") is the public  
20 governmental entity serving the people of the City of Los Angeles.

21 7. Respondent and Defendant LOS ANGELES CITY COUNCIL (the "City  
22 Council") is the elected governing body of the City of Los Angeles, a charter city in the State  
23 of California. The City Council has an office in Los Angeles, California.

24 8. Petitioner is unaware of the true names and capacities of Respondents DOES 1  
25 through 100, inclusive, and they are therefore sued by such fictitious names pursuant to Code  
26 of Civil Procedure section 474. Petitioner alleges on information and belief that each such  
27 fictitiously named Respondent is responsible or liable in some manner for the events and  
28 happenings referred to herein, and Petitioner will seek leave to amend this Petition to allege

1 their true names and capacities after the same have been ascertained.

2 **FACTUAL BACKGROUND**

3 9. MP2035 is an element of the City of Los Angeles General Plan. State law and  
4 the Los Angeles City Charter require that the City prepare and adopt a General Plan, which is  
5 to serve as the constitution for future development in the City. State law requires that the  
6 general plan include, among its mandatory elements, a circulation element. (Government  
7 Code, § 65302, subd. (b).) In the City of Los Angeles, the circulation element of the General  
8 Plan has previously been called the Transportation Element, and was adopted in 1999.

9 10. MP2035 is an update to the Transportation Element. The stated purpose of  
10 MP2035 is to guide “mobility decisions,” and serve as a “transportation blueprint” for the City  
11 until at least 2035, or for the foreseeable future. MP2035 includes both general policies and a  
12 more specific action plan that identifies roadways for pedestrian, bicycles, vehicle, or transit  
13 “enhancements,” as well as new street design standards. Although MP2035 does not authorize  
14 any specific physical project, it sets the stage for such approvals by establishing which projects  
15 will be found consistent with the City’s plan in the future, and facilitates the ultimate approval  
16 and construction of the roadway improvements specifically identified in MP2035’s action  
17 plan, some of which may be constructed or implemented without further approval process  
18 pursuant to state laws. MP2035 is intended to comply with state legislation enacted in 2008  
19 which requires cities to include multi-modal transportation planning in the required general  
20 plan circulation elements; and enable the city to apply for state and federal grants to implement  
21 the projects included in MP2035.

22 11. The City began preparing MP2035 by convening several task force meetings in  
23 2011.

24 12. On April 13, 2013, the City issued the Notice of Preparation for the EIR for  
25 MP2035.

26 13. On April 16 and 20, 2013, the City convened two public scoping meetings for  
27 the MP2013 EIR.

28 14. On May 16, 2013, the public comment period on EIR scoping closed. Over 30

1 comments on the scope of the EIR were received.

2 15. On February 13, 2014, the Draft EIR (DEIR) was released for a 90-day public  
3 comment period, which closed on May 13, 2014. More than 40 comments were provided on  
4 the DEIR.

5 16. On November 20, 2014, staff from the Department of City Planning presented to  
6 the City Planning Commission regarding MP2035.

7 17. On February 19, 2015, a Recirculated DEIR (RDEIR) was released for an  
8 additional 45-day public comment period which concluded on April 6, 2015. The RDEIR  
9 presented changes to MP2035 that had been made since the plan was first developed and to  
10 present revised analysis of project impacts. The plan analyzed in the RDEIR included  
11 additional miles of plan using transit, expanded bicycle routes, and a network to support  
12 pedestrian activity. The RDEIR included analysis of changes to Westwood Boulevard  
13 different from those proposed in the DEIR. More than 150 comments were received on the  
14 RDEIR.

15 18. The Draft MP2035 was recirculated for public comment along with the RDEIR.

16 19. In the first half of May 2015, the Final EIR (FEIR) was released.

17 20. On May 28, 2015, after a public hearing, the City Planning Commission (CPC),  
18 the body of appointed officials designated by the City to review City-wide planning proposals,  
19 reviewed MP2035 along with a Five-Year Implementation Strategy. Pursuant to the process  
20 set forth in the Los Angeles City Charter, the CPC amended and approved MP2035 as an  
21 amendment of the General Plan. The CPC approved and recommended the City Council adopt  
22 a resolution certifying the EIR for MP2035, including Findings of Fact, a Mitigation  
23 Monitoring Plan, and a Statement of Overriding Considerations. The CPC also approved and  
24 recommended that the City Council adopt amendments to the terminology of the City's 35  
25 Community Plans so that the street designations in those plans conforms to the street  
26 designations employed in MP2035.

27 21. In early June 2015, the Mayor of the City of Los Angeles concurred in the  
28 actions of the CPC and recommended to the City Council that it adopt MP2035, certify its

1 EIR, and adopt the other actions approved by the CPC.

2 22. On June 17, 2015, Respondents circulated an Addition to the FEIR consisting of  
3 new responses to comments submitted after the close of the public comment period, as well as  
4 corrections and additions to the FEIR.

5 23. On August 4, 2015, a joint hearing of the Los Angeles City Council Planning  
6 and Land Use Management ("PLUM") and Transportation ("T") Committees convened a joint  
7 public hearing on MP2035. The PLUM and T Committees recommended that the City  
8 Council adopt MP2035, certify its EIR, and adopt all of the related actions approved by the  
9 CPC and the Mayor. The PLUM and T Committees, however, made two substantive  
10 amendments to MP2035: (1) to amend MP2035 to require that equity is an important factor in  
11 prioritizing projects for implementation; and (2) to designate City Council as an implementing  
12 agency for MP2035, in addition to the already-designated Office of the Mayor.

13 24. On August 11, 2015, after permitting limited public comment on the item, the  
14 City Council, with a vote of 11 in favor and two opposed, adopted MP2035 with a third  
15 amendment, to add public safety as a criterion to evaluate implementation of the projects set  
16 forth in MP2035, certified its EIR, and adopted the Statement of Overriding Considerations,  
17 Findings, and a Mitigation Monitoring Program, along with resolutions directing other  
18 conforming amendments to the City's planning documents. The City Council referred back to  
19 the PLUM and T Committees seven motions brought by Councilmembers requesting changes  
20 to the streets included in MP2035's action plan in various respects, stating that additional  
21 environmental review would be required for such amendments. It did not send back to CPC  
22 the three amendments that it adopted on August 11, 2015.

23 25. As of August 24, 2015, Petitioner could not locate a posted Notice of  
24 Determination at the Los Angeles County Recorder's office. Petitioner is informed and  
25- believed that Respondents' August 11, 2015 approval was the final approval required for  
26- finality of MP2035 in reliance upon the MP2035 EIR.  
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## Mobility Plan 2035 and EIR

1  
2 26. MP2035 provides for a “multi-modal” transportation network throughout the  
3 City, identifying streets as appropriate for a variety of special treatments in the future. These  
4 designations include “transit enhanced network” (“TEN”), on which special treatment will be  
5 given to prioritize transit; “vehicle enhanced network” (“VEN”), streets with very high  
6 volumes of traffic on which bus speed are to be enhanced, “neighborhood enhanced network,”  
7 (“NEN”) which are considered appropriate for improvements to the pedestrian and other slow-  
8 moving transportation experience; and “bicycle enhanced network,” (“BEN”) on which  
9 protected bike lanes are anticipated to be installed in the future by converting a travel lane to a  
10 bike lane, thereby slowing traffic and increasing congestion.

11 27. The EIR for MP2035 analyzed at a programmatic level the environmental  
12 impacts of implementing the proposed street network changes. Respondents did not conduct  
13 an Initial Study to identify which impacts the EIR would focus upon. The EIR analyzed  
14 potential impacts in the following areas: (1) transportation, parking, and safety; (2) land use  
15 and planning; (3) air quality; (4) greenhouse gas emissions; (5) noise and vibration; and (6)  
16 biological resources.

17 28. The EIR concluded that the implementation of MP2035 would have significant  
18 and unavoidable impacts to transportation and safety, substantially reducing the number of  
19 street segments citywide operating at acceptable impact levels as a result of plan  
20 implementation; and that there would be *less congestion without the plan*. As a result of the  
21 MP2035-related increased congestion, the EIR concluded that traffic would also divert onto  
22 parallel residential streets that are currently not as congested, increasing neighborhood traffic  
23 intrusion. Implementing MP2035 will also result in increased congestion on multiple freeway  
24 segments, as compared to no-project conditions. Finally, MP2035 will decrease the ability of  
25 emergency responders to travel to emergencies due to the increased congestion caused by  
26 implementation of the plan. The EIR also found significant and unavoidable impacts due to  
27 noise and vibration impacts from increased bus traffic and on biological resources during  
28 construction.

1 29. Respondents adopted MP2035 in spite of these impacts, relying on purported  
2 (“aspirational”) benefits from reducing vehicle trips, in spite of explicitly recognizing that the  
3 plan would actually increase congestion on existing streets and increase vehicular delay.  
4 Respondents were not presented with an adequate baseline against which to compare impacts  
5 to public safety, were not presented with accurate calculations of air quality and greenhouse  
6 gas emissions increases, lack of a cumulative analysis for projects that were authorized by MP  
7 2035 and relevant state laws, and thus their determination to adopt MP2035 was not based  
8 upon substantial evidence nor compliant with CEQA.

9 **JURISDICTION AND VENUE**

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

13 31. Venue is proper in the County of Los Angeles pursuant to Code of Civil  
14 Procedure 394 in that Respondents are government entities and/or agents of the City of Los  
15 Angeles.

16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 32. As set forth in paragraph 5 above, Petitioner participated throughout the  
18 approval process for MP2035 and its EIR, submitting both written and oral comments to  
19 Respondents about the allegations in this Verified Petition.

20 33. Petitioner has complied with the requirements of Public Resources Code section  
21 21167.5 by serving a written notice of Petitioner's intention to commence this action on the  
22 Respondents on September 8, 2015. Copies of the written notice and proof of service are  
23 attached hereto as Exhibit A.

24 34. Petitioner has complied with the requirements of Public Resources Code section  
25 21167.7 by sending a copy of this Petition to the California Attorney General on September 8,  
26 2015. A copy of the letter transmitting this Petition and the proof of service is attached hereto  
27 as Exhibit B.

28 35. Petitioner has satisfied all applicable prerequisites to seeking judicial review of



1 Respondents' actions.

2 **FIRST CAUSE OF ACTION**

3 **Violation of California Environmental Quality Act**

4 **(Public Resources Code, § 21168)**

5 36. Petitioner incorporates by reference all the allegations contained in the previous  
6 paragraphs as though fully set forth herein.

7 37. CEQA is designed to ensure that the long-term protection of the environment be  
8 the guiding criterion in public decisions. CEQA accomplishes its purpose by requiring public  
9 agencies to determine and to disclose to the public detailed information about the effect that a  
10 proposed project may be expected to have on the environment. The term "project" applies to  
11 the "whole of an action" which has the potential for resulting in a direct or reasonably  
12 foreseeable indirect change in the environment, including, for example, general level activities  
13 such as the creation of a general or specific plan for a specified geographic area. Under  
14 CEQA, in fact, the environmental analysis of general plans such as the MP2035 is especially  
15 critical because conformity to such plans can, in certain cases, exempt a future project from  
16 detailed review under CEQA. In such cases, the only critical analysis of the effects of plan  
17 build-out will be in the EIR conducted for the general plan. Thoughtful and accurate analysis  
18 is thus crucial.

19 38. The EIR does not live up to the requirements of CEQA in several critical  
20 respects. The entire premise of the environmental analysis is questionable: while  
21 acknowledging that MP2035 will increase congestion and the time that car drivers, by far the  
22 predominant mode of transportation even after implementation of MP2035, spend on the road,  
23 the EIR concludes that greenhouse gas emissions will somehow improve as a result of  
24 MP2035. This conclusion is not backed by any rational or meaningful analysis. Increased  
25 idling time will increase fuel consumption and generate more greenhouse gases and air  
26 pollution.

27 39. First, the EIR relies on outdated data (or no data) on population, traffic, and  
28 other municipal services to establish the environmental baseline against which impacts of

1 MP2035 implementation are assessed. In spite of the Notice of Preparation being issued in  
2 2013, the EIR relies on data from 2008, even when other more recent sources of information  
3 were available and presented for consideration.

4 40. The EIR's conclusions are logically inconsistent with each other and reflect a  
5 failure to employ the proper factors to analyze environmental impacts. The EIR fails to  
6 account for the increase in vehicle hours travelled due to the increased congestion that will  
7 result from the implementation of MP2035. The EIR acknowledges that MP2035 will have a  
8 significant impact on City's ability to comply with the regional Congestion Management Plan,  
9 yet fails to account for vehicular delay in its calculations of greenhouse gas emissions and air  
10 quality. The EIR relies solely on vehicular miles travelled instead of the actual measure of  
11 vehicle emissions: vehicle hours traveled.

12 41. Indeed, the EIR's analysis of greenhouse gases conceded that as compared to No  
13 Project conditions, MP2035 offered a paltry 0.2 percent reduction in emissions, because nearly  
14 all of the emission reductions in greenhouse gases will take place as a result of independent  
15 state emission standards having no relation whatsoever to MP2035. The EIR acknowledges  
16 that in some areas, such as the west side of Los Angeles, greenhouse gas emissions will  
17 increase due to the slow rates of travel forecasted after the plan has been implemented. The  
18 EIR's analysis of air quality impacts is likewise faulty. No data or analysis was provided to  
19 support the finding of an overall reduction in GHG as stated in the SOL; the "benefit" cited for  
20 GHG was speculative, not based on substantial evidence. Similarly, the EIR relies on a  
21 shifting baseline in its analysis of transportation impacts, appearing to take credit for increased  
22 transit ridership associated with projects already planned to be constructed. The EIR's  
23 baseline and impact comparison shifts in order to create the most favorable perspective for  
24 MP2035.

25 42. The EIR's analyses of impacts to public services, especially those related to first  
26 responders such as fire and police, are also based on erroneous baseline assumptions and are  
27 not based on substantial evidence. The EIR contains no data documenting the current baseline  
28 and therefore does not have substantial evidence documenting its conclusions regarding the

1 potential impact of MP2035 on public services. The EIR contains no data regarding how  
2 much the implementation of MP2035 will delay response times. The department responsible  
3 for emergency response, the Los Angeles Fire Department, failed to provide any testimony on  
4 the plan and its impacts on the operation of the Department.

5 43. The EIR entirely failed to consider certain environmental impacts, including but  
6 not limited to the growth inducing and water supply cumulative impact of MP2035 and other  
7 related land use plans, the urban decay impact of removing parking lanes, an analysis of the  
8 impacts of increased vehicle hours travelled, the safety impacts of increased congestion on  
9 cyclists and pedestrians, the safety impacts of increasing response times to emergencies, the  
10 impact of removing traffic signal requirements imposed as mitigation measures for other  
11 projects.

12 44. The EIR's project description is vague and unstable, making it difficult for the  
13 public and decisionmakers to understand what project was adopted by the City Council, in  
14 contravention to CEQA's requirements of full disclosure.

15 45. The EIR also fails to analyze an adequate range of alternatives as required by  
16 CEQA. Public Resources Code section 21102 specifies that public agencies shall not approve  
17 projects as proposed "if there are feasible alternatives . . . available which would substantially  
18 lessen the significant environmental effects of such projects." In order to achieve this goal, the  
19 CEQA Guidelines require that "[a]n EIR shall describe a range of reasonable alternatives to  
20 the project . . . which would feasibly attain most of the basic objectives of the project but  
21 would avoid or substantially lessen any of the significant effects of the project, and evaluate  
22 the comparative merits of the alternatives." (Cal. Code Regs., tit. 14, § 15126.6, subd. (a).)  
23 Moreover, "the discussion of alternatives shall focus on alternatives to the project or its  
24 location which are capable of avoiding or substantially lessening any significant effects of the  
25 project, even if these alternatives would impede to some degree the attainment of the project  
26 objectives, or would be more costly." (*Id.*, at subd. (b).) The EIR fails to consider any  
27 alternatives that do not contain the same types of street networks as MP2035, depriving  
28 decisionmakers of the opportunity to evaluate whether other means of addressing

1 transportation and mobility would have fewer environmental impacts than MP2035 and similar  
2 programs.

3 46. The Statement of Overriding Considerations violates Public Resources Code  
4 section 21081 as it is not based on substantial evidence. The Statement of Overriding  
5 Considerations relies upon assumed air quality improvements and greenhouse gas reductions  
6 to support adopting MP2035 in spite of the significant and unavoidable impacts. The  
7 Statement of Overriding Considerations does not disclose that these improvements and  
8 reductions would almost all take place entirely independent of the adoption of MP2035. The  
9 Statement of Overriding considerations also lacks substantial evidence to support its  
10 conclusions that fuel consumption will be reduced, that walking and bicycling demand will  
11 increase, that increasing bicycling from 1% of trips to 1.7% of trips will somehow offset  
12 increased congestion for 85% of commuters using motor vehicles and that public safety will be  
13 increased by virtue of the slower traffic speeds that will occur due to implementation of  
14 MP2035 – despite impaired first responder access.

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

17 48. Petitioner has a beneficial right to Respondents' performance of their respective  
18 duties based on Petitioner's interest in maintaining and improving the quality of the urban  
19 infrastructure in the City of Los Angeles, as well as the interest of Petitioner's members in  
20 improving quality of life in their own city.

21 **SECOND CAUSE OF ACTION**

22 **Violation of City Charter**

23 **(Los Angeles City Charter § 555)**

24 49. Petitioner incorporates by reference all the allegations contained in the previous  
25 paragraphs as though fully set forth herein.

26 50. The Los Angeles City Charter sets forth the procedures that Respondents must  
27 follow in adopting an amendment to the General Plan. Specifically, Los Angeles City Charter  
28 section 555 establishes procedures for the adoption of the General Plan or any amendments.

1 The Charter requires approval from both the executive branch and the legislative branch for  
2 any General Plan amendment. The City Planning Commission, as well the Mayor, must make  
3 recommendations on General Plan amendments, which are provided to the City Council. (Los  
4 Angeles City Charter, § 555, subd. (c).) The number of votes needed in the City Council to  
5 adopt any amendment depends upon whether the amendment has the recommendation of the  
6 Mayor, the City Planning Commission, both or neither. (*Id.*, subd. (e).)

7 51. The Charter provides that the City Council may make changes to a General Plan  
8 amendment that has been previously reviewed (as required) by the Mayor and the City  
9 Planning Commission. However, “[i]f the Council proposes any modification to the  
10 amendment approved by the City Planning Commission, that proposed modification shall be  
11 referred to the City Planning Commission and the Mayor for their recommendations.” (Los  
12 Angeles City Charter, § 555, subd. (d).) The Charter specifies that the Council’s amendments  
13 must be reviewed as the original plan was reviewed by the City Planning Commission. (*Id.*,  
14 subd. (c).)

15 52. MP2035 is a General Plan amendment to the Transportation Element of the City  
16 of Los Angeles General Plan, and as such, the City was obligated to follow the procedures set  
17 forth in the Los Angeles City Charter for the adoption of a General Plan amendment.

18 53. In the course of the City Council’s review of MP2035, it made three substantive  
19 modifications to the plan: (1) to amend MP2035 to require that equity is an important factor in  
20 prioritizing projects for implementation; (2) to designate City Council as an implementing  
21 agency for MP2035, in addition to the already-designated Office of the Mayor; and (3) to add  
22 public safety as a criterion to evaluate implementation of the projects set forth in MP2035.

23 54. The City Council did not abide by the process set forth in Los Angeles City  
24 Charter section 555, subdivision (d), and refer its substantive amendments to the City Planning  
25 Commission and Mayor for their recommendation, even though the amendment adding City  
26 Council as an implementing agency alongside the Office of Mayor significantly alters the  
27 balance of power in determinations regarding the future implementation of MP2035.

28 55. Petitioner has a direct and beneficial interest in the action herein and has

1 exhausted all other available remedies.

2 56. Petitioner has a beneficial right to Respondents' performance of their respective  
3 duties based on Petitioner's interest in maintaining and improving the quality of the urban  
4 infrastructure in the City of Los Angeles, as well as the interest of Petitioner's members in  
5 improving quality of life in their own city..

6 **THIRD CAUSE OF ACTION**

7 **General Plan Inconsistency**

8 **(Government Code, § 65300.5; Los Angeles City Charter, § § 556 & 558)**

9 57. Petitioner incorporates by reference all the allegations contained in the previous  
10 paragraphs as though fully set forth herein.

11 58. Consistency among all elements of a General Plan is required by both state law  
12 and the Los Angeles City Charter. Government Code section 65300.5 requires that "the  
13 general and elements and parts thereof comprise an integrated, internally consistent and  
14 compatible statement of policies. . . ."

15 59. Los Angeles City Charter section 556 requires that the City Council make  
16 findings that any General Plan amendment is in "substantial conformance with the purposes,  
17 intent and provisions of the General Plan."

18 60. Los Angeles City Charter section 558 requires the City Council to make a  
19 finding for a General Plan amendment that the amendment "will be in conformity with public  
20 necessity, convenience, general welfare and good zoning practice."

21 61. The findings in support of MP2035 do not meet the requirements of the Los  
22 Angeles City Charter, and MP2035 is not sufficiently consistent and correlated across the  
23 General Plan as required by Government Code section 65300.5.

24 62. The City's 35 Community Plans, and many of the other elements of the General  
25 Plan, all have policies designed to reduce or eliminate vehicular congestion. These policies  
26 are fundamentally inconsistent with MP2035, which specifically and intentionally *increases*  
27 vehicular congestion.

28 63. Many of the City's 35 Community Plans contain requirements to maintain a

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1 certain Level of Service, which is a measure of through-put of vehicles through intersections.  
2 MP2035 will reduce the Level of Service citywide and is fundamentally inconsistent with the  
3 Level of Service requirements in the Community Plans.

4 64. MP2035's impact on public services such as police and fire is inconsistent with  
5 commitments elsewhere in the General Plan to maintain acceptable levels of such service.

6 65. MP2035 is growth-inducing because it increases the land area on which density  
7 bonuses will be available under state and local laws; such growth inducement is contrary to the  
8 policies of the General Plan Framework Element which is growth neutral.

9 66. The City abused its discretion by adopting the MP2035 which is inconsistent  
10 with other provisions of the General Plan, as required by the Charter, and by adopting the Plan  
11 which will cause harm to other sections of the City as proscribed by Charter section 558. A  
12 writ of mandate may issue to correct this abuse of discretion and require the City Council to  
13 rescind its approval of the Plan.

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

16 68. Petitioner has a beneficial right to Respondents' performance of their respective  
17 duties based on Petitioner's interest in maintaining and improving the quality of the urban  
18 infrastructure in the City of Los Angeles, as well as the interest of Petitioner's members in  
19 improving quality of life in their own city.

20 **FOURTH CAUSE OF ACTION**

21 **Injunctive Relief**

22 **(Code of Civil Procedure, § 526)**

23 69. Petitioner incorporates all the allegations set forth in the preceding paragraphs as  
24 though fully set forth herein.

25 70. Respondents' refusal to comply with the aforementioned provisions of the  
26 CEQA, the Los Angeles City Charter, and the Government Code caused and threatens to cause  
27 Petitioner irreparable and substantial harm by establishing the various networks that will  
28 permit reduced traffic and parking lanes Citywide and by the City's own analysis increase

1 congestion and neighborhood intrusion of traffic, and delay the ability of first responders to  
2 reach medical and fire emergencies. So long as MP2035 remains in effect, proposals  
3 consistent with MP2035 can be approved by Respondents/Defendants which will bring about  
4 the negative environmental consequences that will have these adverse consequences.

5 71. Petitioners have no plain, speedy, and adequate remedy at law, in that unless  
6 Respondents/Defendants are enjoined by this Court to rescind the approval of MP2035 and all  
7 other associated approvals, development that is inconsistent with the policies of the General  
8 Plan may be approved by the City. No amount of monetary damages or other legal remedy  
9 can adequately compensate Petitioner and all residents of the City of Los Angeles for the  
10 irreparable harm that they will suffer from the violations of law described herein.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner prays for relief as follows:

13 1. That this Court issue a new Writ of Mandate compelling Respondents to rescind  
14 their approval of MP2035, along with any and all revisions to the Community Plans and other  
15 General Plan elements done to conform to MP2035, any ordinances implementing MP2035,  
16 and the street standard maps known as S-470 and Complete Streets Design Standards, which  
17 were adopted to conform to MP2035;

18 2. That this Court enjoin Respondents from taking any action to implement  
19 MP2035, and the associated changes to the Community Plans, S-470, all zoning and land use  
20 maps, and to further enjoin Respondents from taking any action to approve any project under  
21 the standards of the MP2035 until such time as the City Council has revised MP2035, its EIR  
22 and its Community Plans in a manner that creates consistency within the General Plan and the  
23 conforms to the requirements of CEQA and is adopted according to the process set forth in the  
24 Los Angeles City Charter;


25 3. That this Court award Petitioner attorneys' fees and costs in its capacity as  
26 private attorney general.

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



1 Dated: September 8, 2015

Respectfully submitted,  
STRUMWASSER & WOOCHELL LLP  
Fredric D. Woocher  
Beverly Grossman Palmer

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Beverly Grossman Palmer

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