

SEP 08 2017

Sherri R. Carter, Executive Officer/Clerk

By Shaunya Bolden, Deputy

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8 LOS ANGELES FILM SCHOOLS, LLC and  
9 6363 PARTNERS, LLLP

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

BS 170745

12 LOS ANGELES FILM SCHOOLS, LLC, a )  
13 California Limited Liability Company, and 6363 )  
14 PARTNERS, LLLP a Florida Limited Liability )  
15 Limited Partnership, )

16 Petitioners, )

17 vs. )

18 CITY OF LOS ANGELES, a municipal )  
19 corporation; LOS ANGELES CITY COUNCIL; )  
20 and DOES 1-20, inclusive, )

21 Respondents. )

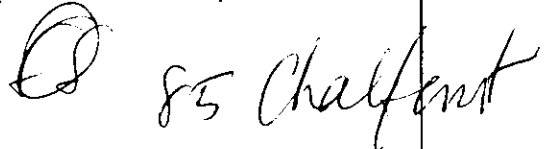
22 R.D. OLSON DEVELOPMENT: a business )  
23 entity of unknown form; R.D. OLSON )  
24 CONSTRUCTION, INC., a California )  
25 Corporation, )

26 Real Parties in Interest )  
27 )  
28 )

Case No.:

VERIFIED PETITION FOR WRIT OF MANDATE

[Cal. Pub. Res. Code §21000 et seq., and Municipal Code Violations]





1 associate's degree programs and trains industry professionals for careers throughout the  
2 entertainment industry, including filmmaking and production, video game production and design,  
3 computer animation, visual effects, music production and recording arts. The LAFS's main campus  
4 is located at the former RCA Building at 6363 Sunset Boulevard, which has undergone extensive  
5 renovations to facilitate the school's educational mission, and the adjacent building and city block.  
6 In addition, LAFS operates the Ivar Theater (1605 Ivar Avenue) and the Los Angeles Recording  
7 School (6690 Sunset Boulevard).  
8

9 6. The proposed high-rise Project would be constructed approximately 50 feet directly  
10 west of the LAFS's main campus which contains, among other essential facilities, soundstages, a  
11 dubbing stage, media editing labs, sound design labs, and instructional and theater spaces all of  
12 which are central to the LAFS's educational mission, and which are highly sensitive to noise and  
13 vibration impacts. In addition, LAFS has substantial classroom spaces on the western side of its  
14 building that would be disrupted by Project noise, and will likely require relocation to ensure that  
15 construction noise impacts do not impede students' classroom learning and hands-on practical  
16 experience in LAFS's recording facilities.  
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18 7. Unfortunately, the LAFS's operations and educational facilities have been put in  
19 jeopardy by Respondents' failure to require that the Project's developer properly analyze and  
20 mitigate the Project's impact in compliance with the requirements of the California Environmental  
21 Quality Act (Pub. Resources Code, §21000 et seq.) ("CEQA").  
22

23 8. Respondents prejudicially abused their discretion and failed to proceed in the manner  
24 mandated by CEQA by approving the Project and adopting a Mitigated Negative Declaration  
25 ("MND") for the Project instead of requiring preparation of an EIR. Respondent further violated  
26 CEQA by failing to even require the developer to commit to carrying out all of the noise mitigation  
27 measures called for by the developer's *own* experts.  
28

9. Given the significant up-zoning and massive scale of the high-rise Project planned

1 for a congested area of Hollywood and immediately adjacent to the LAFS's sensitive educational  
2 facility, a MND is a patently insufficient level of CEQA review, and, because it does not  
3 appropriately and adequately analyze the Project's significant environmental impacts, it is  
4 inadequate as a matter of law.

5 **PARTIES**

6 10. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-  
7 9 through of this Petition. as if fully set forth herein.

8 11. Petitioner LAFS is a California Limited Liability Company, and an immediately  
9 neighboring tenant to the Project site, which will be affected by the Project and the City's failure to  
10 comply with the requirements of CEQA and the Municipal Code in connection with the Project.

11 12. Petitioner 6363 Partners, is a Florida Limited Liability Limited Partnership and an  
12 immediately neighboring landowner to the Project site, which will be affected by the Project and the  
13 City's failure to comply with the requirements of CEQA and the Municipal Code in connection with  
14 the Project.

15 13. Respondent City of Los Angeles is a California charter city located in the County of  
16 Los Angeles, California. The Project is within the jurisdictional limits of the City of Los Angeles.

17 14. Respondent Los Angeles City Council is the elected governing body of the City, and  
18 is the body responsible for the decisions at issue herein.

19 15. Petitioners are informed and believe, and based thereon allege, that Real Party in  
20 Interest R.D. Olson Construction, Inc. is believed to be a California Corporation doing business as  
21 Real Party in Interest R.D. Olson Development (the "Real Party" or "Developer"), which are  
22 collectively and/or individually believed to be the Project applicant and recipient of the Project  
23 Approval.

24 16. Petitioners are ignorant of the true names of respondents sued herein as DOES 1  
25 through 20, inclusive, and therefore sue said respondents by those fictitious names. Petitioners will  
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1 amend the petition to allege their true names and capacities when the same have been ascertained.  
2 Petitioners are informed and believe, and based thereon allege, that each of these fictitiously named  
3 respondents is in some manner responsible for the wrongful conduct alleged in this petition.  
4 Petitioners are informed and believe, and based thereon allege, that these fictitiously named  
5 respondents were, at all times mentioned in this petition, the agents, servants, and employees of  
6 their co-respondents and were acting within their authority as such with the consent and permission  
7 of their co-respondents.  
8

#### 9 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 17. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-  
11 16 through of this Petition. as if fully set forth herein.

12 18. Petitioners objected to the Approval of the Project during the administrative process.  
13 Petitioners have performed any and all conditions precedent to filing the instant action and have  
14 exhausted any and all available administrative remedies to the extent required by law.  
15

#### 16 **JURISDICTION AND VENUE**

17 19. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-  
18 18 through of this Petition. as if fully set forth herein.

19 20. This Court has jurisdiction under sections 21168 or 21168.5 of the Pub. Res. Code  
20 and sections 1085 or 1094.5 of the Code of Civil Procedure. The within action has been timely  
21 brought within 90 days of Project Approval pursuant to Gov. Code § 65009. The within action has  
22 been timely brought within 30 days of the August 11, 2017 posting of a CEQA Notice of  
23 Determination for the Project pursuant to Pub. Res. Code § 21167.  
24

25 21. Petitioners served a Notice of Intent to File this Petition on the City Clerk pursuant to  
26 Pub. Res. Code § 21167.5 by mail on September 7, 2017 as reflected in Exhibit A hereto.  
27 Concurrent with the filing of this action, Petitioners have notified the Attorney General of the State  
28 of California of the filing of the action in accordance with the requirements of Pub. Res. Code §

1 21167.

2 22. Venue is proper because the parties and the site of the Project are located in Los  
3 Angeles County.

4 **GENERAL ALLEGATIONS**

5 23. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-  
6 22 through of this Petition. as if fully set forth herein.

7 24. Petitioners are informed and believe, and based thereon allege, that the approved  
8 Project includes plans for development of a 21 story mixed-use building with a maximum of 275  
9 guestroom units with kitchenettes, approximately 1,900 square feet of ground floor commercial  
10 space, and a bar/restaurant serving alcohol to the public.

11 25. Petitioners are informed and believe, and based thereon allege, that the proposed  
12 Project required the following discretionary actions: a Vesting Zone Change (“VZC”) and Height  
13 District Change (“HD”) to amend the Project site’s ‘D’ limitation to allow a floor-to-area ratio  
14 (“FAR”) up to 6:1, a Conditional Use Permit (“CUB”) to allow sale for full line of alcohol for  
15 onsite consumption, a Zoning Administrator’s Adjustment (“ZAA”) for zero-foot rear yard setback,  
16 and a Site Plan Review (“SPR”) for a development that creates 50 or more guest rooms (collectively  
17 “Entitlements”) - all requiring certain findings to be made under the City’s Municipal Code.

18 26. By July 2016, the Project’s initial study (“IS”) of potential environmental impacts  
19 and MND was made available for public comment. Prior to the Project approval hearing before the  
20 City Planning Commission (“CPC”), various comment letters were submitted raising concerns over  
21 deficient analysis in the IS/MND and Project impacts. Nevertheless, on September 8, 2016, CPC  
22 adopted the CEQA and Municipal Code findings and approved or recommended Council approval  
23 of the Project Entitlements; which was made effective on December 5, 2016, with the mailing of  
24 CPC Letter of Determination (“LOD”).

25 27. Because of the Project’s potential impact on LAFS operations located just across  
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1 Ivar Avenue from the Project, the CPC's Project approval was appealed by LAFS, incorporating  
2 comments from its counsel and expert noise comments from Acoustical Engineering Services. The  
3 CPC's Project approval was also appealed by other appellants including Roberto Mazariegos, which  
4 incorporated comments submitted by his counsel and expert traffic comments from MRO  
5 Engineering and the Coalition for Responsible Equitable Economic Development ("CREED LA"),  
6 incorporating comments submitted by its counsel and expert air quality/GHG comments  
7 (collectively "Appellants").  
8

9 28. Leading up to the Project's appeal hearing before the City's Planning Land Use and  
10 Management ("PLUM") Committee and Council, Real Party and Appellants supplemented their  
11 comments and respective positions for PLUM's consideration. On August 1, 2017, PLUM  
12 Committee denied Appellants' appeals, adopted the CEQA/Municipal Code findings, and approved  
13 the Project's Entitlements, which were subsequently approved by Council on August 9, 2017, and  
14 this Approval was made effective by Ordinance No. 185112. The City filed its CEQA Notice of  
15 Determination two days later on August 11, 2017.  
16

#### 17 **FIRST CAUSE OF ACTION**

18 (Writ of Mandate Under Civil Procedure Code § 1094.5 - CEQA Violations)

19 29. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-  
20 28 through of this Petition. as if fully set forth herein.

21 30. CEQA requires public agencies to prepare an EIR whenever the approval of a project  
22 may cause significant adverse effects on the environment. The purpose of the EIR under CEQA, is  
23 to provide the agency and interested members of the public with detailed information about the  
24 effect that a proposed project is likely to have on the environment, to list ways in which the effects  
25 of the project might be minimized, and to indicate alternatives to the project. If a project may result  
26 in a significant effect on the environment, then the lead agency cannot adopt a negative declaration,  
27 but must instead prepare an EIR. (Pub. Resources Code §§ 21080, subd. (d); 21082.2, subd. (d);  
28

1 CEQA Guidelines, §§15063, subd. (b)(1), 15064.)

2 31. An agency **must** prepare an EIR whenever it can be fairly argued on the basis of  
3 substantial evidence that a project may have a significant environmental impact. If there is  
4 substantial evidence both for and against preparing an EIR, then the agency must prepare the EIR.  
5 Here, the City was presented with substantial evidence - including extensive expert opinion -  
6 demonstrating that the Project's MND was flawed and failed to fully disclose and analyze potential  
7 impacts (e.g. noise, traffic, GHG, air quality, land use consistency, etc.). Multiple objectors  
8 informed the City that there was a fair argument contrary to the MND's CEQA findings, and  
9 requested a more thorough Project-specific EIR. Despite this, the City proceeded to approve the  
10 Project without full disclosure and feasible mitigation of the impacts described below, among  
11 others.  
12

### 13 NOISE

14 32. CEQA requires full disclosure of expected and potential impacts using "plain  
15 language" suitable for the public's comprehension of the documents and making explicit  
16 connections between increased exposures to factors that will affect human health. *See* CEQA  
17 Guidelines § 15140.  
18

19 33. The MND's noise analysis violates CEQA on numerous grounds, particularly  
20 because it makes unreasonable and unfounded assumptions, lacks supporting evidence, and  
21 demonstrates there would be a significant impact on the LAFS, which is an adjacent sensitive  
22 receptor, while failing to require reasonable and necessary mitigation steps thereby threatening a  
23 substantial impact on LAFS facilities where the school operates programs critical to its educational  
24 mission, including sound stages, a dubbing stage, theatres, recording studios, and classrooms, all of  
25 which would be adversely impacted by the significant noise and vibration increase.  
26

27 34. LAFS identified the MND's inadequacies with respect to noise and vibration in a  
28 December 7, 2016 technical memoranda prepared by Acoustical Engineering Services (the "2016



1 AES Memo”), which was provided to the Developer in the hope of remedying various shortcomings  
2 of the noise study. In response, the Developer commissioned the April 14, 2017 Veneklasen  
3 Associates report (the “Supplemental Noise Analysis”) that was included with the Developer’s  
4 Response to Appeals. But, critical inadequacies in the MND remained unaddressed, as further  
5 explained in the May 12, 2017 technical memoranda prepared by Acoustical Engineering Services  
6 (the “2017 AES Memo”).

7  
8 35. As a starting point, the Supplemental Noise Analysis (on which the Project Approval  
9 was based) baseline for establishing the existing noise levels at the LAFS was unsubstantiated, as  
10 there was no evidence in the record (empirical measurements or methodological explanation)  
11 supporting the so-called “prediction” of 70 dBA as the existing noise level in the most noise-  
12 sensitive area of the school as claimed in the Supplemental Noise Analysis (at pg. 2). The  
13 artificially inflated 70 dBA was apparently fabricated in order to downplay the Project’s  
14 construction noise impacts. In fact, actual measurements established that the existing ambient noise  
15 level along the eastern boundary of the Project site was as low as 65 dBA. In addition, there is no  
16 explanation for how the Supplemental Noise Analysis determined the location of the “LAFS  
17 Studio” receptor. Nor did the Supplemental Noise Analysis even specify the physical distance  
18 between the Project construction site and the adjoining LAFS Studio receptor. As a result of errors  
19 in the Supplemental Noise Analysis, the estimated construction-related noise level at a distance of  
20 70 feet, with no mitigation, should be 86 dBA (not 79 dBA, as claimed in the Supplemental Noise  
21 Analysis). There is no evidence that the proposed mitigation measures would mitigate this impact  
22 below the applicable threshold.  
23  
24

25 36. CEQA requires the inclusion of all feasible mitigation measures. Pub. Res. Code §§  
26 21002.1, 21100. The mitigation measures set forth in the MND are plainly inadequate on their face.  
27 For instance, the Supplemental Noise Analysis called for only a “voluntary mitigation measure”  
28 through a 16-foot high temporary noise barrier. Thus, placing sound barriers on the easterly

1 property line is clearly both a necessary and feasible mitigation measure, but such measures must be  
2 mandated to reduce the Project's noise impacts, not merely included as a *voluntary* measure.  
3 Worse, construction of a *single* sound barrier is inadequate on its face, as even the Developer's  
4 Supplemental Noise Analysis implicitly acknowledges that an *additional* 10-foot barrier is required  
5 to reduce the construction noise to below the significance threshold. (Supplemental Noise Analysis  
6 at 4.) Therefore, even the Developer's *own* expert analysis concluded that **two barriers** – one with  
7 a height of 16 feet at the property line and one with a height of 10 feet near the construction  
8 equipment – would be required at a minimum, even if the estimated noise generation levels were  
9 accurate, which they are not. However, the Project, as approved, only calls for *one barrier*. This is  
10 effectively an admission that the MND is inadequate to protect Petitioners from illegal and  
11 unnecessary noise impact from the Project and that an EIR is required.  
12

13         37. Indeed, the MND also concedes construction noise impacts would be potentially  
14 significant but concludes that impacts would be less than significant because the incorporated  
15 mitigation efforts would reduce construction noise to “the maximum extent feasible ....” However,  
16 there is no evidentiary support for this or attempt to quantify said reductions. Equally bad, the City  
17 improperly foreclosed the consideration of substantial evidence showing that there might be a  
18 significant noise impact on adjacent properties, like those to LAFS and other nearby sensitive  
19 receptors, by relying on compliance with its general noise ordinance. *See Protect the Historic*  
20 *Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-09 (“the fact that  
21 a particular environmental effect meets a particular threshold cannot be used as an automatic  
22 determinant that the effect is or is not significant ...”); *see also Mejia v. City of Los Angeles* (2005)  
23 130 Cal.App.4th 322, 331 (“A [MND] is proper, however, only if project revisions would avoid or  
24 mitigate the potentially significant effects ... to a point where clearly no significant effect on the  
25 environmental would occur ....” (emphasis added, internal quotations omitted)).  
26  
27

28         38. The MND's noise analysis also notes that “interior noise levels are more important

1 than exterior noise levels” for the sensitive receptors, and includes an “estimated” interior noise  
2 level at each sensitive receptor. MND at III-83. This improperly conflates the analysis between  
3 existing exterior ambient noise and the resulting interior ambient noise, which is, at best, extremely  
4 misleading.

5 39. The MND acknowledges a significant increase in ambient noise above the 5 dBA  
6 threshold of significance but leaps to the unfounded conclusion that “voluntary mitigation” will  
7 reduce that impact to a less than significant level. Reliance on “voluntary” mitigation efforts  
8 effectively constitutes yet another recognition that that the Project noise impacts are significant and  
9 an EIR is required, as discussed in detail in the 2016 AES Memo and the 2017 AES Memo.  
10

11 40. Indeed, the MND explicitly finds that the Project as designed will result in  
12 “substantial temporary or periodic increase in ambient noise levels above existing ambient noise[;]”  
13 increasing ambient noise approximately 9.3 dBA at the LAFS’s campus, which is a sensitive use,  
14 and by 46.8 dBA at Grandmaster Records, another sensitive use. This exceeds the MND’s  
15 thresholds of an increase in ambient exterior noise of 5 dBA or more, an excursion that is rendered  
16 more serious by the MND’s exclusion of heavy construction trip traffic that was not cured by the  
17 Developer’s Supplemental Noise Analysis.  
18

19 41. The shortcomings of the MND are further demonstrated by the fact that the Approval  
20 permits amplified music the Project’s pool deck area, yet the MND fails to even *identify* amplified  
21 music as a potential source of operational noise. Further, the MND’s analyses of operational noise  
22 impacts from stationary noise sources, parking noise, and open space noise all generally rely on  
23 Municipal Code provisions to conclude that impacts would be less than significant. This rationale  
24 violates CEQA, as the Municipal Code is not a sufficient basis for making such conclusions without  
25 any evidence or factual analysis, and there is no guarantee of compliance with municipal noise  
26 ordinances. The MND’s conclusions as to vibration impacts are also deficient and lack evidentiary  
27 basis.  
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**TRAFFIC**

18 42. CEQA requires analysis of traffic impacts related to a project. *Kings County Farm*  
19 *Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 717. Here, expert traffic comments submitted by  
20 MRO Engineers on September 1 and December 13, 2016, and May 11, 2017, demonstrate that the  
21 traffic analysis was deficient for multiple reasons and that a “corrected analysis would [likely]  
22 reveal a previously-unreported significant impact at the intersection of Sunset Boulevard/Cahuenga  
23 Boulevard.” As established by expert comments, traffic impacts are ignored and masked by  
24 improper and missing analysis, including but not limited to conducting traffic counts during a  
25 holiday week in clear violation of Los Angeles Department of Transportation guidelines with no  
26 evidence provided to confirm that the data represents typical conditions in the vicinity of the  
27 proposed Project.

28 43. The MND’s traffic analysis is improper and unsubstantiated for a variety of other  
reasons, including inadequate analysis of queuing, conflating uses of the facilities (extended stay vs.  
normal hotel); weekend traffic, and street closures.

**GREENHOUSE GAS EMISSIONS**

44. The CEQA Guidelines and recent decisions by the California Supreme Court,  
including *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204,  
confirm the importance of undertaking a robust Greenhouse Gas Emissions (“GHG”) analysis for  
any and all projects. *See Cleveland National Forest Foundation v. San Diego Assn. of Governments*  
(2017) 3 Cal.5th 497, 515-516 (the finding that GHG impacts are insignificant must be “based to  
the extent possible on scientific and factual data” and “in a manner calculated to adequately inform  
the public and decision makers.”(internal quotations omitted) Here, the Project’s GHG analysis  
fails to demonstrate consistency with GHG-targets beyond 2020, improperly based its significance  
thresholds on Developer-driven calculations inconsistent with recognized practices, and  
impermissibly waters down Project impacts to avoid feasible mitigation, and has a number of other

1 fatal shortcomings, including but not limited to the failure to use 2030 and beyond GHG emission  
2 targets; and violation of guidelines provided by the Office of Planning and Research.

### 3 AIR QUALITY

4 45. The MND ignores the likely carcinogens exposure to the sensitive uses during the  
5 Project's construction and operational phase. Absent a Health Risk Assessment ("HRA"), the  
6 MND's conclusion that exposure to nearby sensitive receptors to diesel particulate matter ("DPM")  
7 is less than significant is not supported by substantial evidence. As noted by expert comment in the  
8 record, a HRA is recommended by the Office of Environmental Health Hazard Assessment  
9 ("OEHHA") and South Coast Air Quality Management District ("SCAQMD") to assess the cancer  
10 risks of projects lasting at least two months that generate mobile source emission, including on-road  
11 heavy-duty truck trips during construction and operations (as is the case here). These trucks will  
12 emit diesel engine exhaust, designated as a Toxic Air Contaminant by the California Air Resources  
13 Board (*see* 17 Cal. Code of Regs., § 93000) and listed by the State of California as a known  
14 carcinogen. Despite a "fair argument" that DPM emissions are significant requiring analysis and  
15 mitigation, the City approved the Project without imposing any potentially feasible mitigation  
16 contrary to CEQA.  
17  
18

### 19 LAND USE INCONSISTENCY

20 46. The MND fails to disclose and address inconsistencies between the Project and  
21 applicable land use plans and zoning. *See* CEQA Guidelines § 15125(d). Here, the Project's 275-  
22 guestroom hotel will take away land otherwise available to develop much needed housing  
23 (affordable and/or market-rate) reflected in the goals and policies of the City's General Plan,  
24 Hollywood Community Plan, and Hollywood Redevelopment Plan governing the site.  
25 Additionally, Redevelopment Plan section 506.2.3 allows the removal of the site's "D" limitation  
26 (allowing development in excess of 4:5:1 FAR) *only* upon the Developer entering into a "binding  
27 written agreement" (*e.g.* owner participation agreement ["OPA"]) assuring compliance with the  
28

1 objectives of the Redevelopment Plan, including that “[a]ny adverse environmental effects,  
2 especially impacts upon the transportation and circulation system of the area caused by proposed  
3 development shall be mitigated or are overridden by other social, economic or physical  
4 considerations ....” Here, the OPA was not provided in conjunction with the Project Approvals.

#### 5 **HAZARDOUS SUBSTANCES**

6 47. The existence of toxic contamination on a project site is a significant impact and  
7 CEQA documents must propose a feasible cleanup plan to safeguard public health and the  
8 environment. Additionally, CEQA disallows deferring the formulation of mitigation measures to  
9 post approval studies with no performance standards to guide the mitigation. *See Communities for a*  
10 *Better Environ. v. City of Richmond* (2010) 184 Cal.App.4th 70, 92; CEQA Guidelines§  
11 15126.4(a)(1)(B). Here, the MND expressly acknowledges that there is a potentially significant  
12 impact associated with the site’s previous use as a gas station and laundromat, including possible  
13 contamination from perchloroethylene (“PCE”) and benzene, known and/or likely human  
14 carcinogen. Rather than including an independent review of the site, the MND relied on a three  
15 decade-old closure letter from Regional Water Quality Control Board with the City requiring only  
16 that Developer obtains sign-off from the Los Angeles Fire Department (“LAFD”) that soil and  
17 groundwater will be suitably remediated. No specific plan for regulatory oversight is required and it  
18 is impossible to determine which regulations and performance standards might apply. Furthermore,  
19 without an evaluation of the nature and extent of the site’s contamination (e.g. human health risks  
20 from the soil, soil vapor, and groundwater contamination), there is no evidence that LAFD is the  
21 appropriate agency rather than the California Department of Toxic Substances Control. CEQA does  
22 not permit this type of deferred analysis without a meaningful commitment by the Developer to  
23 remediate the Project site to a specific performance standards that will be overseen by the  
24 appropriate agency.  
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**SECOND CAUSE OF ACTION**

(Writ of Mandate Under Civil Procedure Code § 1094.5 - Municipal Code Violations)

48. Petitioners hereby reallege and incorporate the allegations contained in Paragraphs 1-47 through of this Petition. as if fully set forth herein.

49. The City's Project Approval and findings include but are not limited to whether the proposed land use will be in conformity with public necessity, convenience, general welfare; consistent with good zoning practice; would protect the best interests of and assure a development more compatible with the surrounding property or neighborhood; secure an appropriate development in harmony with the objectives of the General Plan; and prevent or mitigate potential adverse environmental effects of the zone change. See LAMC §§ 12.24.E, 12.24.W.1, 12.28.C, 12.32.F and Q, 16.05.F. As discussed above, the removal of the "D" limitation allowing development in excess of 4:5: 1 FAR is inconsistent with the General Plan, Hollywood Community Plan, the Hollywood Redevelopment Plan, and their related environmental reviews. Without a Project-specific EIR, these required land use findings cannot be made given the numerous potential impacts related to traffic, GHG, air quality, noise, land use inconsistency, hazardous substances, energy, and other CEQA deficiencies. All this is inconsistent with the City's Municipal Code and applicable land use plans as set forth in the numerous comment letters and Project appeals.

50. Petitioners have no plain, speedy or adequate remedy at law other than the relief sought in this Petition. If Respondents persist in their refusal to rescind the Project Approval and Entitlements, and if Respondents and Real Party are not enjoined or stayed from undertaking acts in furtherance of the Project, Petitioners and the public will suffer irreparable harm from which there is no adequate remedy at law in that the Project can be occupied, operations commence and significant adverse impacts on the environment would occur, contrary to the requirements of State and local law.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray for the following relief:

1. That the Court enters a peremptory writ of mandate ordering the City, the Los Angeles City Council and Planning Department to set aside and void the Project Approval, pending the City's full compliance with CEQA and its Municipal Code including preparation of appropriate CEQA documentation and zoning findings.
2. That the Court issue a temporary stay, stay, temporary restraining order, and/or an injunction ordering the City, Real Party in Interest, and (its) their agents and successors to refrain from proceeding with the Project and issuing further permits while this Petition is pending.
3. That the Court issue a permanent injunction ordering the City and Real Party in Interest to refrain from proceeding with the Project pending the City's full compliance with CEQA and the Municipal Code including preparation of appropriate CEQA documentation and zoning findings.
4. For Petitioners' costs and fees pursuant to Code of Civil Procedure; and
5. For other and further relief as the Court finds proper.

Dated: September 8, 2017

Timothy D. McGonigle Professional Corporation



By: \_\_\_\_\_

Timothy D. McGonigle, Esq.  
Attorney for Petitioners



1 VERIFICATION

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES ) ss:

4  
5 I, DIANA DERYCZ KESSLER, declare as follows:

6 I am a Managing Member of 6363 Partners, LLC which is, in turn, general partner of  
7 Petitioner 6363 Partners LLLP, and am authorized to make this verification on 6363 Partners  
8 LLLP's behalf. I have read the foregoing Petition for Writ of Mandate and am familiar with its  
9 contents. The same is true of my own knowledge, except as to those matters which are therein  
10 stated on information and belief, and, as to those matters, I believe them to be true. I declare  
11 under penalty of perjury under the laws of the State of California that the foregoing is true and  
12 correct.  
13

14 Executed at Los Angeles, California, on September 7, 2017.

15   
16 Diana Derycz Kessler

VERIFICATION

STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES ) ss:

I, JENNA LANGER, declare as follows:

I am the Chief Academic Officer of Petitioner Los Angeles Film Schools, LLC, and am authorized to make this verification on its behalf. I have read the foregoing Petition for Writ of Mandate and am familiar with its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Los Angeles, California, on September 7, 2017

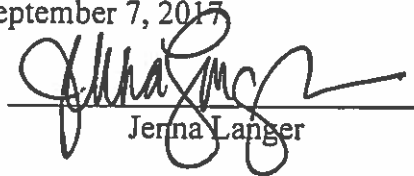
  
Jenna Langer

EXHIBIT A

1 Timothy D. McGonigle, Esq. (State Bar No. 115979)  
2 TIMOTHY D. MCGONIGLE PROF. CORP.  
3 1880 Century Park East, Suite 516  
4 Los Angeles, California 90067  
5 Telephone: (310) 478-7110  
6 Facsimile: (888) 266-9410

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9 Attorney for Petitioners,  
10 LOS ANGELES FILM SCHOOLS, LLC and  
11 6363 PARTNERS, LLLP

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

12 LOS ANGELES FILM SCHOOLS, LLC, a  
13 California Limited Liability Company, and 6363  
14 PARTNERS, LLLP a Florida Limited Liability  
15 Limited Partnership,

16 Petitioners,

17 vs.

18 CITY OF LOS ANGELES, a municipal  
19 corporation; LOS ANGELES CITY COUNCIL;  
20 and DOES 1-20, inclusive,

21 Respondents.

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R.D. OLSON DEVELOPMENT; a business  
entity of unknown form; R.D. OLSON  
CONSTRUCTION, INC., a California  
Corporation,

Real Parties in Interest

) Case No.:

) **NOTICE OF INTENT TO SUE**

) **[Cal. Pub. Res. Code §21000 *et seq.*, and**  
) **Municipal Code Violations]**

1 PETITIONERS LOS ANGELES FILM SCHOOLS, LLC AND 6363 PARTNERS LLLP  
2 (COLLECTIVELY, "PETITIONERS") HEREBY PROVIDE NOTICE OF INTENT TO  
3 SUE the City of Los Angeles and the Los Angeles City Council for its actions in Council  
4 File No. 17-0029 (connected to Council File No. 17-0029-S1) related to the rezoning and  
5 granting of various land use entitlements (Case No. CPC 2015-2893-VZC-HD-CUB-ZAA-  
6 SPR) and adoption of the environmental review (Case No. ENV-2015-2895-MND), made  
7 effective by Ordinance 185112, (collectively "Approval") to demolish a one-story drive-  
8 through fast-food restaurant and existing surface parking lot and construct a 21-story,  
9 141,895,621 square foot hotel building and other related improvements 6407 -6411 West  
10 Sunset Boulevard, 1512 North Cahuenga Blvd., and 1511 North Ivar Avenue in Los  
11 Angeles, California (the "Project").

12  
13 Petitioners allege that the approval of the Project violated the California Environmental  
14 Quality Act ("CEQA") and the City's Municipal Code. Specifically, a Mitigated Negative  
15 Declaration was used for the Project, not a more comprehensive Environmental Impact  
16 Report pursuant to CEQA. This means the less deferential "fair argument" standard applies.  
17 The suit will allege the Project may have a "fair argument" of environmental impacts,  
18 including but not limited to traffic, greenhouse gas, air quality, noise, land use  
19 inconsistency, hazardous substances, energy, public services, and other CEQA deficiencies.  
20  
21 Petitioners intend to pray for the following relief:

22  
23 1. That the Court enters a peremptory writ of mandate ordering the City, the Los  
24 Angeles City Council and Planning Department to set aside and void the Project Approval, pending  
25 the City's full compliance with CEQA and its Municipal Code including preparation of appropriate  
26 CEQA documentation and zoning findings.

27 2. That the Court issue a temporary stay, stay, temporary restraining order, and/or an  
28 injunction ordering the City, Real Party in Interest, and (its) their agents and successors to refrain

1 from proceeding with the Project and issuing further permits while this Petition is pending.

2 3. That the Court issue a permanent injunction ordering the City and Real Party in  
3 Interest to refrain from proceeding with the Project pending the City's full compliance with CEQA  
4 and the Municipal Code including preparation of appropriate CEQA documentation and zoning  
5 findings.

6 4. For Petitioners' costs and fees pursuant to Code of Civil Procedure; and

7 5. For other and further relief as the Court finds proper.  
8

9  
10 Dated: September 7, 2017

Timothy D. McGonigle Professional Corporation

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13  
14 By: \_\_\_\_\_

Timothy D. McGonigle, Esq.  
Attorney for Petitioners

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PROOF OF SERVICE  
(Code of Civil Procedure §1013a)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1880 Century Park East, Suite 516, Los Angeles, California 90067

On September 7, 2017, I served the foregoing document described as:

**NOTICE OF INTENT TO SUE**

Said document was served on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Holly Wolcott  
LOS ANGELES CITY CLERK  
200 N. Spring Street, Room 395  
Los Angeles, CA 90012

Vincent P. Bertoni  
DIRECTOR  
LOS ANGELES DEPARTMENT OF CITY PLANNING  
201 N Figueroa St# 600  
Los Angeles, CA 90012

Michael Feuer  
Los Angeles City Attorney  
James K. Hahn City Hall East  
200 North Main Street, 8th Floor  
Los Angeles, CA. 90012

XX BY MAIL: I am readily familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at a Postal Service collection box at 1880 Century Park East, Suite 516, Los Angeles, California 90067 in the ordinary course of business. The envelope was sealed and placed for collection that same day following ordinary business practices, addressed to the above-referenced attorney.

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

Executed on September 7, 2017, at Los Angeles, California.



\_\_\_\_\_  
Timothy McGonigle