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

STOPTHEMILLENNIUMHOLLYWOOD.COM,  
a California unincorporated association,

Petitioner and Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal  
corporation; LOS ANGELES CITY PLANNING  
DEPARTMENT ADVISORY AGENCY; LOS  
ANGELES CITY COUNCIL; and DOES 1  
through 20, inclusive,

Respondents and Defendants.

MILLENNIUM HOLLYWOOD  
DEVELOPMENT LLC; MILLENNIUM  
HOLLYWOOD TOWERS LLC; MCAF VINE  
LLC; 1750 NORTH VINE LLC;  
1749 NORTH VINE STREET LLC; 1770 IVAR  
LLC; 1733 NORTH ARGYLE LLC; and 1720  
NORTH VINE LLC, all Delaware limited  
liability companies doing business in California;  
and ROES 1 through 20, inclusive,

Real Parties in Interest.

Case No. 21STCP00815

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

**[Code Civ. Proc. §§ 1060, 1085,  
1094.5; Pub. Res. Code §§ 21000,  
et seq. (CEQA)]**

1 Petitioner StopTheMillenniumHollywood.com (“Petitioner”) seeks a writ of  
2 mandamus and declaratory and injunctive relief against Respondents and Defendants City  
3 of Los Angeles, the Los Angeles City Council, and the Los Angeles City Planning  
4 Department Advisory Agency (collectively the “City” or “Respondents”).

5  
6 **PREFACE**

7 1. This Petition is a protective lawsuit filed because of an ambiguity created by  
8 the City in its purported approvals related to the “Hollywood Center” project (“Project”).  
9 Petitioner protectively files this lawsuit to ensure Petitioner’s rights to sue over and related  
10 to the City’s violations of CEQA regarding the Project. Petitioner will continue to pursue  
11 all available administrative remedies, if any, before the City. However, while Petitioner  
12 believes the filing of this Petition may be premature, in an abundance of caution, Petitioner  
13 files this Petition to foreclose the City and/or the Real Parties otherwise potentially  
14 asserting that the City’s Advisory Agency, acting as the lead agency for the Project,  
15 certified the Final Environmental Impact Report (“FEIR”) and adopted findings, a  
16 Mitigation Monitoring and Reporting Program (“MMRP”) and Statement of Overriding  
17 Considerations (“SOC”) on or about September 14, 2020, and filed a Letter of  
18 Determination (“LOD”) with the State Clearinghouse on or about September 16, 2020  
19 purporting to reflect such “final” approvals. This Petition is being filed to protect against  
20 the City and/or Real Parties claiming that CEQA’s sometimes-applicable 180-day default  
21 statute of limitations began to run from the City’s unusual filing of the LOD with the State  
22 Clearinghouse, despite the fact that appeals, by Petitioner and other members of the public,  
23 were timely filed against the City’s Advisory Agency approvals.

24 2. Without waiving any applicable rights, including to pursue all appeal rights  
25 at every City level including before the full Los Angeles City Council, Petitioner alleges as  
26 follows:  
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## INTRODUCTION

1  
2           3.       This case is a follow on to Stophthemillenniumhollywood.com, et al. v. City  
3 of Los Angeles, et al., LASC Case No. BS 144606 (in which the Hon. James C. Chalfant  
4 granted judgment in favor of Petitioner and issued a writ of mandamus against the City on  
5 multiple grounds related to an earlier incarnation of the Project), and  
6 Stophthemillenniumhollywood.com v. City of Los Angeles (2019) 39 Cal.App.5th 1, 20 (in  
7 which the Court of Appeal affirmed Judge Chalfant’s ruling), and Supreme Court Case No.  
8 S258643 (in which the Supreme Court denied review).

9           4.       The notorious proposed Project that is the subject of this lawsuit, and which  
10 would flank the Capitol Records Building in Hollywood just north of Hollywood & Vine,  
11 is sometimes referred to as the “Skyscrapers on the Earthquake Fault Case.” The same  
12 developer behind this Project, Millennium Partners, also built the notorious “Leaning and  
13 Sinking Tower of San Francisco,” perhaps the single biggest urban construction debacle in  
14 the last 50 years.

15           5.       A years-long FBI investigation into corruption and pay-to-play scandals at  
16 Los Angeles City Hall has resulted in, respectively, the indictment and conviction of  
17 former Councilman Mitch Englander, and the indictment of former Councilman Jose  
18 Huizar, who were two of the three Los Angeles City Councilmembers on the City  
19 Council’s Planning and Land Use Management Committee that voted to approve the  
20 earlier version of the Project and disregarded evidence of active earthquake faults running  
21 through the site. The FBI’s investigation has also resulted in the November 30, 2020  
22 indictment of the former head of the Los Angeles Building & Safety Dept., Raymond  
23 Chan, whose department approved many of the same seismic studies at issue in the EIR in  
24 this case, including in part while his son was being paid by the developer’s then chief  
25 lobbyist to Los Angeles City Hall. For more background, see, e.g., “Strong evidence  
26 quake faults run through site of Hollywood skyscrapers, state says”, Los Angeles Times  
27 (July 22, 2020), [https://www.latimes.com/california/story/2020-07-22/evidence-mounts-](https://www.latimes.com/california/story/2020-07-22/evidence-mounts-earthquake-fault-underlies-giant-hollywood-proposed-development)  
28 [earthquake-fault-underlies-giant-hollywood-proposed-development](https://www.latimes.com/california/story/2020-07-22/evidence-mounts-earthquake-fault-underlies-giant-hollywood-proposed-development).

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6. On May 8, 2020 and July 16, 2020, the United States Geological Survey and California Geological Survey issued new and damning reports demonstrating at least four (4) active earthquake fault lines cross through the Project site.

7. Because of City and Real Parties' past activities that have demonstrated illegal conduct in approving the earlier version of the project, and which continues to severely call into question the legality and legitimacy of their ongoing conduct, and also because of the ambiguity created by the City's filing with the State Clearinghouse of the LOD that purports to be a final certification by a City decisionmaking body of the Final EIR for the Project, this protective lawsuit is being filed in an abundance of caution.

8. Petitioner seeks a writ of mandamus invalidating the City's purported certification of the Project's Final EIR and invalidating and setting aside the Project Approvals based upon the City's violations of the California Environmental Quality Act ("CEQA").

9. In the alternative, and if the City and Real Parties refuse to appropriately stipulate that this protective lawsuit is premature, then Petitioner also seeks a declaration from the Court that any CEQA default statute of limitations, including under Pub. Res. Code § 21167 and/or Guidelines § 15112(c), does not run and is not running when, as here, any administrative appeal is pending on the Project approval(s), and that no statute of limitations has been triggered in this case, including by the City's filing of the LOD with the State Clearinghouse.

**PARTIES**

10. Petitioner StopTheMillenniumHollywood.com is a California unincorporated association comprised of community organizations and individuals that participated in the administrative proceedings to date before the City. Petitioner opposes approval and construction of the Project, including because of its proposed location on and near the active Hollywood Earthquake Fault. Petitioner has been at the forefront of efforts to demand and ensure the City's full compliance with all laws as well as transparency in

1 local government activities and decisionmaking, and is the prevailing party in  
2 Stopthemillenniumhollywood.com v. City of Los Angeles (2019) 39 Cal.App.5th 1, 20.

3 11. The members of STMH include residents and property owners in the City of  
4 Los Angeles who advocate for health, safety and quality of life issues, and oppose  
5 worsening environmental impacts such as unwarranted density/height that renders  
6 municipal infrastructure lacking and unsafe (police, fire, utilities, roads), results in air  
7 pollution and GHG emissions in the most GHG-challenged area in the country, gridlocks  
8 Hollywood streets and freeways both individually and cumulatively with  
9 past/present/future projects, and results in direct and secondary effects impacting the safety  
10 of human beings and the significance of several historic resources, among multiple illegal  
11 and improperly disclosed, studied and mitigated environmental impacts.

12 12. Petitioner has a substantial interest in ensuring that the City's decisions are  
13 in conformity with the requirements of law, and in having those requirements properly  
14 executed and the public duties of the City enforced. Petitioner will be adversely affected  
15 by impacts resulting from the City's actions and approvals, and is aggrieved by the acts,  
16 decisions and omissions of the City as alleged herein. Petitioner is suing on behalf of itself  
17 and its members, and on behalf of all others who will be affected in the Hollywood area as  
18 well as all citizens of the City of Los Angeles and beyond.

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

22 14. Respondent Los Angeles City Council is the elected governing body of the  
23 City, and is the body that should have been responsible for any final approvals, including  
24 of the EIR, for the Project, but which has been called into question based on the City's  
25 unorthodox filing of the LOD with the State Clearinghouse.

26 15. Respondent Los Angeles City Planning Department's Advisory Agency is a  
27 non-elected decisionmaking body of the lead agency (City) and is the body responsible for  
28 some of the decisions at issue herein.

1           16.     Petitioner is informed and believes, and based thereon alleges, that  
2 Millennium Hollywood Development LLC, Millennium Hollywood Towers LLC, MCAF  
3 Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1733  
4 North Argyle LLC, and 1720 North Vine LLC (sometimes “Real Party” or “Real Parties”),  
5 named as Real Parties in Interest, are Delaware limited liability companies, doing business  
6 in California, to which the City purported to grant certification of the Final EIR and  
7 associated documents, as well as certain Project approvals to date.

8           17.     Petitioner is ignorant of the true names of respondents sued herein as DOES  
9 1 through 20, inclusive, and therefore sues said respondents by those fictitious names.  
10 Petitioner will amend the petition to allege their true names and capacities when the same  
11 have been ascertained. Petitioner is informed and believes, and based thereon alleges, that  
12 each of these fictitiously named respondents is in some manner responsible for the  
13 wrongful conduct alleged in this petition. Petitioner is informed and believes, and based  
14 thereon alleges, that these fictitiously named respondents were, at all times mentioned in  
15 this petition, the agents, servants, and employees of their co-respondents and were acting  
16 within their authority as such with the consent and permission of their co-respondents.

17           18.     Petitioner is ignorant of the true names of real parties sued herein as ROES  
18 1 through 20, inclusive, and therefore sues said real parties by those fictitious names.  
19 Petitioners will amend the petition to allege their true names and capacities when the same  
20 have been ascertained. Petitioner is informed and believes, and based thereon alleges, that  
21 each of these fictitiously named real parties is in some manner responsible for the wrongful  
22 conduct alleged in this petition. Petitioner is informed and believes, and based thereon  
23 alleges, that these fictitiously named real parties were, at all times mentioned in this  
24 petition, the agents, servants, and employees of their co-real parties and were acting within  
25 their authority as such with the consent and permission of their co-real parties.

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**JURISDICTION AND VENUE**

19. Jurisdiction over Respondents and Real Parties, and each of them, exists because each of the Respondents and Real Parties named in this litigation are present and operating within the jurisdictional limits of the County of Los Angeles.

20. Venue is proper because most or all of the acts and omissions complained of in this litigation took place within this judicial district.

21. This Court has personal jurisdiction over Real Parties because they have purposefully availed themselves of California's benefits and the controversy at issue arises out of their contacts with California.

**GENERAL ALLEGATIONS**

22. On or about August 28, 2018, the City issued a Notice of Preparation of an EIR (“NOP”) for Real Parties’ rebranded “Hollywood Center Project” and filed the NOP with the State Clearinghouse, SCH Number 2018051002.

23. The NOP described the Project in pertinent part as “a new mixed-use development on an approximately 4.46-acre site in the Hollywood Community Plan area of the city. . . . Four new buildings are proposed, including a 35-story ‘West Building,’ a 46-story ‘East Building,’ and two 11-story senior buildings set aside for extremely-low and very-low income households. The project would develop approximately 1,287,150 sf of developed area, including 1,005 residential dwelling units (872 market-rate units and 133 senior affordable housing units) totaling approximately 1,256,974 sf of residential floor area, approximately 30,176 sf of commercial floor area (retail and restaurant uses), approximately 160,707 sf of open space and amenities, 1,521 vehicle parking spaces, and 551 bicycle parking spaces.”

24. On September 24, 2018, the California Geological Survey (“CGS”) submitted comments in response to the Project’s NOP. The Draft and Final EIR ignored the majority of this expert agency’s comments about the dangers and illegalities of approving the Project.

1           25.     Petitioner and numerous other community members filed objections to the  
2 NOP during the NOP comment period of September 4 - October 4, 2018.

3           26.     Since the beginning of 2020, California was affected by the COVID-19  
4 global pandemic, resulting in the closure of business, including City Hall and libraries, and  
5 stay-at-home orders by the California Governor since mid-March, 2020.

6           27.     On or about April 16, 2020 – during the COVID-19 stay-at-home orders –  
7 the City issued a Notice of Completion of the Draft EIR (“NOC”), circulated an  
8 approximately 13,000-page Draft EIR, and provided only a 45-day comment period  
9 through June 1, 2020 for the public and other agencies to comment.

10          28.     The City refused countless pleas from the public for the City to extend the  
11 public comment period during the height of the pandemic, when government offices like  
12 the California Geological Survey and Caltrans were partially closed and understaffed, and  
13 with massive restrictions and lack of access to public libraries and computers, and as a  
14 result for some, the internet. While a teary-eyed Mayor Eric Garcetti took to televised  
15 press conferences during that period and appropriately bemoaned the catastrophic loss of  
16 life, loss of jobs and income, and devastating impacts from the pandemic, including to City  
17 services and the potential furloughing of thousands of City employees, the City and its  
18 officials refused to extend the public comment period by even a single day.

19          29.     Petitioner is informed and believes, and based thereon alleges, that the  
20 Project area is surrounded by disadvantaged and low income populations, with limited  
21 access to computers and the internet, which access is essential, especially when public  
22 libraries and offices where Draft EIRs are normally placed were shut down. Again, the  
23 City refused to extend the public comment period on the Draft EIR.

24          30.     Per the NOC, Real Parties seek, *inter alia*, the following entitlements:  
25 (1) Vesting Zone Change from C4-2-SN to C2-2-SN; (2) Height District Change to remove  
26 “D” limitation to allow 7:1 Floor Area Ratio (“FAR”); (3) density bonus in excess of the  
27 35% state density bonus, to exceed the cap of 6:1 FAR in the area, as well as exclusion of  
28 balconies and terraces from the calculation of FAR to allow up to 7:1 FAR; (4) a Master



1 Conditional Use Permit for the sale or dispensing of alcoholic beverages on site and off  
2 site within 12 establishments; (5) a Conditional Use Permit to allow averaging and  
3 residential density transfer between the East and the West Sites (non-contiguous sites); (6)  
4 Site Plan Review; (7) Vesting Tentative Tract (“VTT”) Map No. 82152 to allow the  
5 merger of 16 existing lots and the subsequent re-subdivision of a 4.613-acre site into three  
6 ground lots and 35 airspace lots for a total of 38 lots, the merger of an alley to add 1,313  
7 square feet to the Project Site and portions along the sidewalk of Yucca Street and both  
8 sides of Vine Street to add 5,163 square feet to the Project Site, an associated haul route for  
9 the export of 542,300 cubic yards of soil, and the removal of 16 street trees; and (8) a  
10 Development Agreement.

11 31. Petitioner is informed and believes and based thereon alleges that the EIR  
12 and the City’s approval of it are replete with violations of CEQA. These include related to  
13 land use conflicts and impacts; improper use of a faulty baseline; improper presentation  
14 and analysis of Project alternatives; improper analysis of growth inducing impacts;  
15 understating of various impact areas including noise, traffic, air quality, GHG; engaging in  
16 deferred study and mitigation; understating the cumulative impacts of the Project together  
17 with other related projects in the area, including cumulative traffic and safety impacts of  
18 the Project on the 101 Freeway; understating or avoiding analysis of impacts on historic  
19 resources; ignoring the Project’s direct and secondary parking impacts and impacts on  
20 aesthetics; failing to disclose and analyze the Project’s impacts on open space and  
21 recreation; failing to disclose and analyze the Project’s impacts on public services; and  
22 understating the seismic and geologic impacts of the Project and the Project’s impacts on  
23 the surrounding environment, including from potential catastrophe from skyscrapers  
24 collapsing onto people, structures and streets in the surrounding environment, with the  
25 potential for massive loss of life and property damage.

26 32. Petitioner is informed and believes and based thereon alleges that the EIR  
27 further violates CEQA by failing to disclose in plain language readily comprehensible to  
28 the general public the Project’s impacts, and is prejudicially riddled with largely

1 incomprehensibly technical information, with some of its technical appendices even  
2 corrupted and impossible to access during the public comment period on the Draft EIR

3 33. Petitioner is informed and believes and based thereon alleges that on May  
4 13, 2020 – while the public’s head was down desperately trying to review the 13,000-page  
5 Draft EIR released during COVID-19 – Councilmember Mitch O’Farrell’s staff emailed  
6 the Planning Department and requested that what is Alternative 8 in the Draft EIR be  
7 studied in more detail, outside of the Draft EIR.

8 34. On or about May 8, 2020, after circulation of the Draft EIR, the United  
9 States Geological Survey (“USGS”) issued a new, peer-reviewed analysis of the  
10 Hollywood Fault Zone. The USGS analysis indicates multiple near-surface fault lines of  
11 the Hollywood Earthquake Fault cross the Project site.

12 35. Based on the location of active faults on, in and across the Project site, as  
13 well as the proposed Project’s height, construction materials, and location in a densely  
14 populated area, the California Geological Survey (“CGS”) determined this USGS  
15 information was critically important to convey through additional comment on the Draft  
16 EIR from the CGS. The CGS summarized its findings in a subsequent July 16, 2021 letter.  
17 This CGS letter stated, *inter alia*, that there are active earthquake fault traces, not identified  
18 in the Draft EIR or its Appendix G, that cross the Project site. These facts make building  
19 on the site – much less skyscrapers and senior housing – illegal under California law.

20 36. The Los Angeles Department of Building and Safety (“LADBS”)  
21 acknowledged the property and Project’s seismic threat to public health and safety and,  
22 including in light of the CGS’s and USGS’s findings, required additional (albeit not  
23 enough) exploratory trenching.

24 37. Petitioner is informed and believes and based thereon alleges that the  
25 additional information provided by the USGS and CGS, and the additional trenching  
26 required by LADBS, individually and cumulatively, constituted significant new  
27 information regarding significant new impacts to the environment from the Project that  
28 were not disclosed, analyzed, studied or mitigated in the Draft EIR.

1           38.     Petitioner is informed and believes and based thereon alleges that the Draft  
2 EIR failed to respond to all comments related to the Project, including critical life and  
3 safety comments from the CGS and derivatively the USGS.

4           39.     Subsequently, and without remedying any of the above-described CEQA  
5 violations, and despite the lack of a published Final EIR, the City gave notice of its  
6 Advisory Agency’s (“AA”) hearing scheduled for August 26, 2020. The AA public  
7 hearing notice improperly claimed the AA would consider an August 2020 Final EIR and  
8 hear public comments on said August 2020 Final EIR, when in reality no August 2020  
9 Final EIR existed *prior to* or even *at the time* of the AA hearing on August 26, 2020.  
10 Notwithstanding objections to the AA proceeding with such a hearing, the City failed and  
11 refused to continue the AA’s hearing.

12           40.     The City published its Final EIR on or about September 3, 2020 – 8 days  
13 *after* the AA hearing – and filed notice of the Final EIR and of the AA’s purported  
14 certification of the Final EIR with the State Clearinghouse, thus causing the uncertainty  
15 and ambiguity in the process that are complained of in this petition.

16           41.     Without any hearing and opportunity for the public to make any comments  
17 on the Final EIR and for the decisionmakers to hear those comments and to deliberate on  
18 them (as previously assured in the August 26, 2020 public hearing notice), on or about  
19 September 14, 2020, the City issued a Letter of Determination (“LOD”) asserting, in part,  
20 that that AA, as the decisionmaking body of the lead agency, certified the Final EIR,  
21 adopted all the Findings, MMRPs, and SOC, and approved the VTT for Alternative 8.

22           42.     The AA approval of the VTT was timely appealed by several parties,  
23 including Petitioner, and an appeal hearing was scheduled by the City for October 15,  
24 2020.

25           43.     Petitioner is informed and believes and based thereon alleges that in  
26 response to appellants who inquired about or attempted to submit appeals of the AA’s  
27 CEQA decision along with the VTT approval, the City struck or otherwise disallowed the  
28 CEQA “ENV” number from the appeal forms and stated that a CEQA appeal would not be

1 proper under the City’s CEQA appeal ordinance, which purports to provide for appeals to  
2 the City Council only after all administrative appeals were exhausted. In doing so, the City  
3 created additional confusion.

4 44. Petitioner is informed and believes and based thereon alleges that the  
5 uncertainty created by the City’s actions presents a genuine concern that Petitioner’s and  
6 others’ legal challenges of the Project’s CEQA determinations and administrative  
7 violations would be argued by the City and/or Real Parties as being time barred if brought  
8 after 180 days from the City’s filing of the LOD with the State Clearinghouse.

9 45. Petitioner has performed all conditions imposed by law precedent to filing  
10 this action, including complying with the requirement of Public Res. Code § 21167.5 by  
11 providing notice to the City that this action would be filed.

12 46. Petitioner will also serve a copy of this Petition on the California Attorney  
13 General as required by law.

14 47. Petitioner has no plain, speedy or adequate remedy available in the ordinary  
15 course of law to redress the claims alleged in this petition.

16 48. Petitioner as well as members of the general public will suffer irreparable  
17 harm if the relief requested herein is not granted and the Project is commenced based upon  
18 the EIR and Project Approval(s) officially or unofficially granted for the Project.

19  
20 **FIRST CAUSE OF ACTION**

21 **(Violation of CEQA and CEQA Guidelines**

22 **Regarding Deficient Analysis Throughout The EIR)**

23 49. Petitioner realleges and incorporates herein by reference the allegations of  
24 Paragraphs 1 through 48 inclusive of this petition.

25 50. CEQA requires a lead agency for a project to prepare an EIR that complies  
26 with the requirements of the statute. The lead agency must also provide for public review  
27 and comment on the project and associated environmental documentation. An EIR must  
28

1 provide sufficient environmental analysis such that decision-makers can intelligently  
2 consider environmental consequences when acting on proposed projects.

3 51. An EIR must contain a detailed statement setting forth all of the following:

4 “(1) All significant effects on the environment of the proposed project.

5 “(2) In a separate section:

6 “(A) Any significant effects on the environment that cannot be  
7 avoided if the project is implemented.

8 “(B) Any significant effect on the environment that would be  
9 irreversible if the project is implemented.

10 “(3) Mitigation measures proposed to minimize the significant effects on  
11 the environment, including, but not limited to, measures to reduce the  
12 wasteful, inefficient, and unnecessary consumption of energy.

13 “(4) Alternatives to the proposed project.

14 “(5) The growth-inducing impacts of the proposed project.”

15 (Pub. Res. Code § 21100, subd. (b).) EIRs must discuss substantial, as well as potentially  
16 substantial, adverse changes in physical conditions existing within the area which will be  
17 affected by the proposed project, including land, air, water, minerals, flora, fauna, noise,  
18 and objects of historic or aesthetic significance. (*Id.*, subd. (d).)

19 52. Guidelines Sections 15122 through 15131 implement these statutory  
20 provisions and set forth detailed mandatory content requirements for Draft EIRs.

21 (Guidelines § 15120, subs. (a), (c).)

22 53. “The EIR has been aptly described as the ‘heart of CEQA.’ [Citations.] . . .  
23 Its purpose is to inform the public and its responsible officials of the environmental  
24 consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the  
25 environment but also informed self-government.’ [Citation.]” Citizens of Goleta Valley v.  
26 Board of Supervisors (1990) 52 Cal.3d 553, 564 (emphasis in original). “The foremost  
27 principle under CEQA is that the Legislature intended the act ‘to be interpreted in such  
28 manner as to afford the fullest possible protection to the environment within the reasonable

1 scope of the statutory language.’ (Friends of Mammoth v. Board of Supervisors (1972) 8  
2 Cal.3d 247, 259.)” Laurel Heights Improvement Assn. v. Regents of University of  
3 California (1988) 47 Cal.3d 376, 390.

4 54. When evaluating a lead agency’s determinations, courts must “scrupulously  
5 enforce all legislatively mandated CEQA requirements.” Citizens of Goleta Valley v.  
6 Board of Supervisors (1990) 52 Cal.3d 553, 564.

7 55. Guidelines section 15125, subdivision (c) provides: “Knowledge of the  
8 regional setting [of a project] is critical to the assessment of environmental impacts.  
9 Special emphasis should be placed on environmental resources that are rare or unique to  
10 that region and would be affected by the project. The EIR must demonstrate that the  
11 significant environmental impacts of the proposed project were adequately investigated  
12 and discussed and it must permit the significant effects of the project to be considered in  
13 the full environmental context.” Also, an “EIR shall discuss any inconsistencies between  
14 the proposed project and applicable general plans, specific plans and regional plans.” Id.,  
15 subd. (d).

16 56. CEQA and the Guidelines require EIRs to disclose and evaluate a project’s  
17 cumulative impacts and lead agencies may not, *ipso jure*, equate individually minor effects  
18 with cumulatively minor effects. Rather, CEQA mandates “a finding that a project *may*  
19 have ‘a significant effect on the environment’” where the “possible effects of a project are  
20 individually limited but cumulatively considerable.” Pub. Res. Code § 21083, subd. (b)  
21 (emphasis added); Guidelines, § 15065, subd. (a)(3). “[C]umulatively considerable means  
22 that the incremental effects of an individual project are considerable when viewed in  
23 connection with the effects of past projects, the effects of other current projects, and the  
24 effects of probable future projects.” Pub. Res. Code § 21083, subd. (b)(2). Cumulative  
25 impacts may compound or increase other environmental impacts, and an EIR must inquire  
26 into and discuss the incremental impacts of a project, such as incremental water or air  
27 pollution, incremental demands on water supply and other public services, or habitat loss,  
28 when added to closely related past, present, and reasonably foreseeable probable future

1 development projects taking place over a period of time. Guidelines §§ 15130, 15355,  
2 15358. “An EIR shall discuss cumulative impacts of a project when the project’s  
3 incremental effect is cumulatively considerable, as defined in [Guidelines] section 15065  
4 (a) (3).” Guidelines § 15130, subd. (a). “A Lead Agency shall identify facts and analysis  
5 supporting the lead agency’s conclusion that the cumulative impact is less than  
6 significant.” Id.

7 57. All required EIR content and discussion must be contained in the EIR itself.  
8 Thus, ““what any official might have known from other writings or oral presentations  
9 cannot supply what is lacking in the report.” [Citation.]” Laurel Heights, supra, 47  
10 Cal.3d at 405. In their final form, EIRs must incorporate the lead agency’s written  
11 responses to public comments. The responses must explain the disposition of significant  
12 environmental issues raised (e.g., revisions to the project to mitigate anticipated impacts),  
13 and comply with substantive information disclosure standards contained in Guidelines  
14 Section 15088. Pub. Res. Code § 21091, subd. (d); Guidelines §§ 15088, 15132.

15 58. Because the City must determine all significant impacts of a project (as  
16 defined in Public Resources Code Section 21068), including the project’s cumulative,  
17 indirect, or secondary impacts, “substantial adverse effects on human beings, either  
18 directly or indirectly,” are cognizable under CEQA whenever such effects are caused by  
19 the project’s environmental effects. Pub. Res. Code § 21083, subd. (b)(2) & (3);  
20 Guidelines § 15065, subd. (a)(3) & (4); id., Appen. G, §§ XIII, subs. (b) & (c), XVIII,  
21 subs. (b) & (c).) Hence, the EIR for the Project was required to disclose and assess the  
22 substantial adverse human health and safety effects caused by the physical changes to the  
23 environment proposed by or due to the Project, and whenever adverse effects on human  
24 beings, either directly or indirectly, result from those physical changes, the City must find  
25 them significant. Id. A mandatory finding of environmental significance must likewise be  
26 made whenever cumulatively considerable effects may occur. Id.

27 59. The City also had a public duty to refrain from deferring the formulation of  
28 mitigation measures to the future; and a public duty to adopt legally sufficient findings of

1 approval, supported by substantial evidence in the light of the whole record. Pub. Res.  
2 Code §§ 21002, 21002.1, 21081, 21081.5, 21081.6; Guidelines §§ 15089, 15090, 15091,  
3 15092, 15097, 15126.4, subd. (a). “A public agency shall provide that measures to  
4 mitigate or avoid significant effects on the environment are fully enforceable through  
5 permit conditions, agreements, or other measures.” Pub. Res. Code § 21081.6, subd. (b);  
6 see Guidelines §§ 15091, subd. (d), 15126.4, subd. (a)(2). When making the findings  
7 required by Public Resources Code Section 21081, subdivision (a)(1), to the effect that  
8 changes have been required in or incorporated into a project, mitigating or avoiding each  
9 significant effect identified in the final EIR, “[t]he public agency shall adopt a reporting or  
10 monitoring program for the changes made to the project or conditions of project approval,  
11 adopted in order to mitigate or avoid significant effects on the environment.” Pub. Res.  
12 Code § 21081.6, subd. (a)(1). “The reporting or monitoring program shall be designed to  
13 ensure compliance during project implementation.” Id.

14 60. Mitigation measures must be fully enforceable and not speculative or vague.  
15 Pub. Res. Code § 21081.6(b) (mitigation measures must be enforceable); Guidelines §  
16 15126.4(a)(2).

17 61. CEQA’s first objective is to identify the impacts. Citizens of Goleta Valley  
18 v. Board of Supervisors (1990) 52 Cal.3d 553, 563-564; Guidelines §§ 15002, 15003(a).  
19 Without an adequate baseline, “analysis of impacts, mitigation measures and project  
20 alternatives becomes impossible.” County of Amador v. El Dorado County Water Agency  
21 (1999) 76 Cal.App.4th 931, 953. Baseline assumptions are environmental conditions  
22 existing at the time the notice of preparation is published. Guidelines § 15125(a)(1).

23 62. “An accurate, stable and finite project description is the sine qua non of an  
24 informative and legally sufficient EIR; the defined project and not some different project  
25 must be the EIR’s bona fide subject.” Burbank-Glendale-Pasadena Airport Authority v.  
26 Hensler (1991) 233 Cal.App.3d 577, 592. See also Stophemillenniumhollywood.com v.  
27 City of Los Angeles (2019) 39 Cal.App.5th 1, 16-17.

28



1           63.    When “[s]pecific economic, legal, social, technological, or other  
2 considerations, including considerations for the provision of employment opportunities for  
3 highly trained workers, make infeasible the mitigation measures or alternatives identified  
4 in the [EIR],” the lead agency may not approve the project unless it finds that these  
5 considerations or other project benefits “outweigh the significant effects on the  
6 environment.” Pub. Res. Code § 21081, subd. (a)(3), (b); Guidelines §§ 15091, subd.  
7 (a)(3), 15092, subd. (b)(2)(B), 15093. In that case, a written statement of overriding  
8 considerations must be prepared and included in the record, disclosing “the specific  
9 reasons” in support of the agency’s approval action. Guidelines § 15093, subd. (b). While  
10 overriding considerations “contrast with mitigation and feasibility findings” in that they  
11 represent larger policy reasons for approving a project (Woodward Park Homeowners  
12 Assn. v. City of Fresno (2007) 150 Cal.App.4th 683, 717), a statement of overriding  
13 considerations is still meant to be “an informational document” and its “purposes are  
14 undermined if its conclusions are based on misrepresentations of the contents of the EIR or  
15 it misleads the reader about the relative magnitude of the impacts and benefits the agency  
16 has considered.” Id. at 718. But even where a statement of overriding considerations is  
17 allowed under CEQA, the Project may not be approved when it is in conflict with other  
18 applicable laws and regulation. Pub. Res. Code § 21002.1(c) (project may be approved “if  
19 it is otherwise permissible under applicable laws and regulations”).

20           64.    The City’s final EIR, including the Draft EIR, CEQA findings, MMRP, and  
21 its statement of overriding considerations fall substantially short of the standards set forth  
22 above. The EIR is inadequate, incomplete, evasive, and nonresponsive to public  
23 comments, and fails to meet CEQA’s and the Guidelines’ content requirements and  
24 standards of adequacy, completeness and good faith effort at full disclosure, as shown in  
25 detailed comments provided to the City by Petitioner and other public commenters, and as  
26 further summarized in the subparagraphs below regarding the EIR’s:

- 27           a.    failure to provide an accurate, stable, and finite project description;
- 28           b.    failure to identify a preferred project;

- 1 c. failure to provide an accurate baseline and population estimates;
- 2 d. failure to disclose, analyze and mitigate all air quality impacts;
- 3 e. failure to disclose, analyze and mitigate all land use impacts;
- 4 f. failure to disclose, analyze and mitigate all GHG impacts;
- 5 g. failure to disclose, analyze and mitigate all traffic impacts;
- 6 h. failure to disclose, analyze and mitigate traffic and circulation
- 7 impacts, including but not limited to the staging of construction
- 8 trucks and equipment and hazards for pedestrians;
- 9 i. failure to disclose, analyze and mitigate all impacts on human beings
- 10 (including pedestrians and surrounding sensitive receptors);
- 11 j. failure to disclose, analyze and mitigate all impact on historic and
- 12 cultural resources;
- 13 k. failure to disclose, analyze and mitigate all noise impacts;
- 14 l. failure to disclose, analyze and mitigate all impacts on open space
- 15 and recreation;
- 16 m. failure to disclose, analyze and mitigate all impacts on parking and
- 17 aesthetics;
- 18 n. failure to disclose, analyze and mitigate all impacts on public
- 19 services, including impacts on police, fire, and emergency services;
- 20 o. failure to address public comments in good faith, reasoned responses;
- 21 p. illegally deferred study and/or mitigation;
- 22 q. failure to identify enforceable, feasible, and clear mitigation
- 23 measures;
- 24 r. failure to disclose, analyze and mitigate all cumulative and growth
- 25 inducing impacts;
- 26 s. failure to select and analyze a reasonable range of alternatives;
- 27 t. selection of manifestly unreasonable alternatives;
- 28 u. failure to provide a plain language EIR;

1 v. failure to disclose, analyze and mitigate all seismic/geologic impacts.

2 65. The City's action in certifying the Final EIR for the Project and recording  
3 same with the State Clearinghouse constitutes a prejudicial abuse of discretion, including  
4 because the City failed to proceed in the manner required by law and failed to support its  
5 decision by substantial evidence.

6 66. As a result of the City's violations of CEQA, Petitioner has been harmed in  
7 that Petitioner and other members of the public were not fully informed about the  
8 significant environmental impacts of the Project prior to the City's approval of the Project  
9 and certification of the Project EIR, and have been and will be injured by the City's  
10 violations of CEQA.

11 67. Petitioner as well as members of the general public will suffer irreparable  
12 harm if the relief requested herein is not granted or if the Project construction commences  
13 in the absence of a full and adequate EIR and absent compliance with all other applicable  
14 provisions of CEQA and other laws.

15 68. CEQA requires that a lead agency's findings for the approval of a project be  
16 supported by substantial evidence in the administrative record. CEQA further requires that  
17 a lead agency provide an explanation of how evidence in the record supports the  
18 conclusions it has reached.

19 69. The City further violated CEQA by adopting findings that are inadequate as  
20 a matter of law in that they are not supported by substantial evidence in the record,  
21 including, but not limited to, the following:

22 a. The determination that certain impacts would be less than significant  
23 and/or that adopted mitigation measures would avoid or lessen the  
24 Project's significant effects on the environment;

25 b. The determination that overriding economic, legal, social,  
26 technological, or other benefits of the Project outweighed its  
27 significant impacts on the environment – including because the so-  
28

1 called community or public benefits are speculative and/or  
2 unenforceable.

3 70. The City also violated CEQA by failing to recirculate the EIR based upon  
4 the existence of significant new information.

5 71. As a result of the foregoing defects, the City prejudicially abused its  
6 discretion by adopting findings that do not comply with the requirements of CEQA and by  
7 approving the Project or portions thereof in reliance thereon. Accordingly, the City's  
8 certification of the EIR, adoption of Findings, Statement of Overriding Considerations, and  
9 the associated MMRP, as well as any and all approvals of and for the Project that rely on  
10 the defective EIR must be invalidated and set aside.

11  
12 **PRAYER**

13 WHEREFORE, Petitioner prays for judgment in its favor as follows:

14 1. For a peremptory writ of mandamus directing the City and Advisory  
15 Agency and/or City Council to vacate and set aside the actions purporting to approve and  
16 otherwise certify the Final EIR and associated approval documents;

17 2. That the Court enjoin the City, City Council, City Planning Commission,  
18 Advisory Agency, their officers, employees, agents, boards, commissions and other  
19 subdivisions from granting any authority, permits or entitlements as part of the Project  
20 pursuant to the City's purported approvals of the Final EIR and related Project approvals.

21 3. That the Court enjoin Real Parties and any successors in interest from  
22 undertaking any Project construction pursuant to the City's purported approval of the Final  
23 EIR and any other Project approvals.

24 4. In the alternative, for a declaration that the City's AA certification of the  
25 Final EIR, MMRP, SOD and related approvals, and recordation of same with the State  
26 Clearinghouse, did not and does not operate or in any manner act, including for statute of  
27 limitations purposes, as a final CEQA or other approval for the Project by the City, and  
28 that not until after a Notice of Determination is properly filed after all administrative



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VERIFICATION

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

I, Brian Dyer, declare as follows:

I am a representative of Petitioner StopTheMillenniumHollywood.com. I am authorized to make this verification on behalf of Petitioner.

I have read the foregoing PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF 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 on the 12th day of March, 2021.

\_\_\_\_\_  
*/s/ Brian Dyer*  
BRIAN DYER