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17 United Neighborhoods for Los Angeles and Angelenos for Trees

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

20 UNITED NEIGHBORHOODS FOR LOS	)	CASE NO.: 21STCP02401
21 ANGELES, a California non-profit corporation;	)	
22 ANGELENOS FOR TREES, a California non-	)	<b>PETITION FOR WRIT OF MANDATE</b>
23 profit corporation;	)	
24	)	(Code Civ. Proc. §1085 and/or 1094.5; Public
25 Petitioners,	)	Resources Code § 21168; California
26 v.	)	Environmental Quality Act)
27	)	
28 CITY OF LOS ANGELES, a municipal	)	
corporation and DOES 1-10;	)	
	)	
Respondents	)	
<hr/>		
ROES 1-10;	)	
	)	
Real Parties in Interest	)	
	)	
	)	
	)	

**INTRODUCTION**

Petitioners UNITED NEIGHBORHOODS FOR LOS ANGELES and ANGELENOS FOR TREES allege as follows:

1. Petitioners challenge the June 22, 2021 decisions of the City of Los Angeles to (i) certify that the Final Environmental Impact Report (FEIR) environmental impact report for the City’s Sidewalk Repair Program Project (“the Project”); (ii) adopt the Project’s California Environmental Quality Act (“CEQA”) Findings, which included a statement of overriding considerations; (iii) approve the Project’s “Street Tree Policy” and “Mandatory Project Features Policy”; and (iv) adopt the ordinance dated March 23, 2021 adding section 62.104.1 to the Los Angeles Municipal Code, codifying the City’s new Sidewalk Repair Program.

2. Petitioners contend that the City erred in certifying the FEIR and violated provisions of CEQA (Pub. Resources Code §§21000, et seq.) and the Guidelines for Implementation of CEQA. (Tit. 14 Cal. Code Regs, §§15000, et seq.)

**PARTIES AND BENEFICIAL INTEREST**

3. Plaintiff and Petitioner UNITED NEIGHBORHOODS FOR LOS ANGELES, a California non-profit corporation (“UN4LA”), is a community organization composed of residents of the City of Los Angeles frustrated by City Hall's unwillingness to listen to their concerns about poor planning, the lack of affordable housing, green space crumbling infrastructure and inconsistent enforcement of building codes. The interests UN4LA seeks to further in this action are within the purposes and goals of the organization. Members of UN4LA live, work and recreate in the area subject to the Sidewalk Repair Program and will be adversely affected by the Project’s environmental impacts. Accordingly, Petitioner UN4LA has standing as a beneficially interested party to this action.

4. Plaintiff and Petitioner ANGELENOS FOR TREES, a California Non-profit corporation (“AFT” or collectively with UN4LA as “Petitioners”), is a community organization composed of residents of the City who are committed to uniting Los Angeles neighborhoods to preserve and regenerate the City’s rapidly shrinking tree canopy. Members of AFT live, work and recreate in the area subject to the Sidewalk Repair Program and will be adversely affected by the Project’s environmental impacts. Accordingly, Petitioner AFT has standing as a beneficially interested party to this action.

5. Defendant and Respondent CITY OF LOS ANGELES (“City” or “Respondent”) is a California charter city located in the County of Los Angeles, California. The City has declared that it is the lead agency for the project under CEQA; it authorized the Notice of Determination for the Project

1 that was filed on June 24, 2021. The City is responsible for preparation of an initial study, environmental  
2 impact report, and other documents under CEQA that must fully describe the project and its impacts  
3 along with evaluate mitigation measures and/or alternatives to lessen or avoid significant environmental  
4 impacts caused by the Project.

5 6. Defendants and Respondents DOES 1 – 10 are entities which the true names, capacities,  
6 corporate, associate are unknown to Petitioners at this time who, therefore, sues said Respondents by  
7 fictitious names. Petitioners will amend this Petition to show the true names and capacities when  
8 ascertained.

9 7. Real Parties in Interest ROES 1 – 10 are entities which the true names, capacities,  
10 corporate, associate are unknown to Petitioners at this time who, therefore, sues said Real Parties in  
11 Interest by fictitious names. Petitioners will amend this Petition to show the true names and capacities  
12 when ascertained.

13 8. Petitioners are informed and believe and thereon allege that at all relevant times, the City,  
14 the City Council, and the Doe Respondents were and are the agents of each other, authorized to perform  
15 the acts alleged herein, each of which was ratified by the others.

#### 14 **JURISDICTION AND VENUE**

15 9. This Court has jurisdiction over the writ action under Code of Civil Procedure section  
16 1094.5.

17 10. This Court also has jurisdiction over the writ action under Code of Civil Procedure  
18 section 1085, as well as Public Resources Code sections 21168 and 21168.5

19 11. Venue is proper in this Court because the Project lies entirely within the County of Los  
20 Angeles and the environmental impacts of the Project will be acutely felt in this County. The cause  
21 alleged in this Petition, or some part of that cause, arise in this county. (Code Civ. Proc. § 393; *Cal.*  
22 *State Parks Foundation v. Super. Ct.* (2007) 150 Cal.App.4th 826.) Venue is also proper in this Court  
23 pursuant to Code of Civil Procedure Sections 394 (actions against a city, county or local agency), and  
24 395 (actions generally) since the City of Los Angeles is in the County of Los Angeles.

24 12. This petition is timely filed.

25 13. Petitioners have provided written notice of their intention to file this petition to  
26 Respondent in compliance with Public Resources Code section 21167.5, and are including the notice as  
27 Exhibit A.

28 14. On July 26, 2021, Petitioners, through its counsel, served the California Attorney General  
with notice of the commencement of this lawsuit, together with a true and correct copy of this Petition.

1 A copy of such notice (without the copy of this Petition attached to such notice), is attached to this  
2 Petition as Exhibit B and is incorporated herein by this reference. Such notice satisfies Petitioner's  
3 duties under Public Resources Code section 21167.7 and California Code of Civil Procedure, section  
4 388.

5 15. Petitioners have concurrently filed a notice of their election to prepare the record of  
6 administrative proceedings relating to this action, in compliance with Public Resources Code Section  
7 21167.6 or other applicable laws, and are including the notice of this election as **Exhibit C**.

8 16. Petitioners have performed all conditions precedent to filing this instant action and have  
9 exhausted administrative remedies to the extent required by law under Public Resources Code section  
10 21177. Petitioners and/or other agencies and individuals raised each of the legal deficiencies asserted in  
11 this petition orally or in writing during the Respondents' decision-making process.

12 17. The violations by Respondent as alleged herein have affected the beneficial interests of  
13 Petitioners and/or their supporting members. The relief sought by way of this Petition will redress this  
14 beneficial interest and the likelihood of future injury and interference with Petitioners' interests, and  
15 those of its supporting members.

16 18. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law unless  
17 this Court grants the requested writ of mandate to require Respondent to set aside its certification of the  
18 Project and environmental documents. In the absence of such remedies, Respondent's decisions will  
19 remain in effect in violation of CEQA and other state law and injurious to Petitioners.

### 20 **STATUTORY FRAMEWORK**

#### 21 **California Environmental Quality Act**

22 19. CEQA requires state and local agencies to identify the potentially significant  
23 environmental impacts of their actions, and then to avoid or mitigate those impacts if feasible.

24 20. CEQA requires that, prior to approving and implementing a project subject to CEQA, an  
25 agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain  
26 limited circumstances). (See, e.g., PRC § 21100, et seq. The EIR is the very heart of CEQA. (*Dunn-  
27 Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA  
28 is that the Legislature intended the act to be read so as to afford the fullest possible protection to the  
environment within the reasonable scope of the statutory language." (*Cmtys. for a Better Env't v. Cal.  
Resources Agency* (2002) 103 Cal.App.4th 98, 109.)

21. CEQA has two primary purposes. First, CEQA is designed to inform decision makers and  
the public about the potential, significant environmental effects of a project prior to approval. (14 Cal.

1 Code Reg. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible  
2 officials of the environmental consequences of their decisions *before they are made*. Thus, the EIR  
3 ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v.*  
4 *Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 [emphasis added]). The EIR has been described as “an  
5 environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to  
6 environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets*  
7 *Over the Bay v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”).)

8 22. Second, CEQA requires public agencies to avoid or reduce environmental damage when  
9 “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (14  
10 CCR § 15002(a)(2) and (3); *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564.) The EIR serves to  
11 provide agencies and the public with information about the environmental impacts of a proposed project  
12 and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA  
13 Guidelines § 15002(a)(2).)

14 23. Finally, CEQA requires public agencies to consider the environmental effects of a Project  
15 prior to approving a Project as part of a public agency’s decision-making process. Section 21002.1(d) of  
16 the Cal. Public Resources Code requires a public agency to “consider[] the effects, both individual and  
17 collective, of all activities involved in a project.”

18 24. CEQA requires that a public agency considers approval of a Project *concurrently* with the  
19 public agency’s decision as to whether to approve or disapprove a specific project. Section 21003(a) of  
20 the Cal. Public Resources Code specifically requires that [l]ocal agencies integrate the requirements of  
21 this division with planning and environmental review procedures otherwise required by law or by local  
22 practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than  
23 consecutively.

24 25. Consistent with the mandate that the CEQA process runs concurrently with a public  
25 agency’s decision as to whether to approve or disapprove a specific project, CEQA requires that a public  
26 agency considers a project’s environmental impacts when “determining whether to approve the project”  
27 CEQA Guidelines § 15093(a).

28 26. A project is approved for the purposes of CEQA when a public agency commits “to a  
definite course of action . . . [including an] entitlement for use of the project.” (CEQA Guidelines §  
15352).

27 27. An agency cannot adopt a CEQA determination for a Project prior to approval of a  
28 project. (*Cty. of Amador v. El Dorado Cty. Water Agency*, 76 Cal. App. 4th 931, 965 (1999) (citing CEQA

1 Guidelines § 15352(a); *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal. App. 4th 408, 423.)

2 28. Similarly, a CEQA determination cannot be adopted after a project has been approved.  
3 *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 127, 132 (finding that subsequent  
4 “preparation and certification of an EIR” does not render a lawsuit moot and that “an agency has no  
5 discretion to define approval so as to make its commitment to a project precede the required preparation  
6 of an EIR.”).

7 29. CEQA requires that public agency allow the public to appeal a CEQA determination to a  
8 public “agency’s elected decision making body.” (PRC § 21151(c)). A CEQA determination and project  
9 approval is not “final” until “the final adjudicatory administrative decision.” (*Hensler v. City of  
10 Glendale* (1994) 8 Cal. 4th 1, 22).

11 30. The required CEQA environmental review involves both substantive and procedural  
12 steps. Public participation plays an important and protected role in the CEQA process. (*Laurel Heights  
13 Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 (“The  
14 EIR process protects not only the environment but also informed self government.”); *Concerned  
15 Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 936  
16 (members of the public have a “privileged position” in the CEQA process)), “Each public agency should  
17 include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent  
18 with its existing activities and procedures, in order to receive and evaluate public reactions to  
19 environmental issues related to the agency’s activities.” (CEQA Guidelines § 15201). The lead agency  
20 must consider all “comments it receives on a draft environmental impact report, proposed negative  
21 declaration, or proposed mitigated declaration.” (PRC § 21091(d)(1); CEQA Guidelines § 15074(b)).

22 31. Procedurally, a lead agency may not approve a project until the public has been given a  
23 full and adequate opportunity to participate and comment on the project.

24 32. CEQA also disallows approval of a project that fails to comply with other laws. A lead  
25 agency may not approve a project with significant unavoidable impacts unless it is “otherwise  
26 permissible under applicable laws and regulations.” (PRC § 21002.1(c).)

27 **California Street Improvement Act of 1911, Los Angeles Municipal Code Section 62.104 and**  
28 **Sidewalk Repair and Maintenance**

33. The California Improvement Act of 1911, Cal. Streets and Highways Code §§ 5000, *et  
seq* (“Improvements Act”) imposes responsibility on property owners in front of a public street to  
maintain sidewalks to “not endanger persons or property” or “interfere with the public convenience.”  
(Cal. Streets and Highways Code §§5610.)

1           34. In 1974, the City adopted LAMC Section 62.104, Ordinance No. 146,040 exempting  
2 property owners from responsibility for sidewalk repairs caused by street tree root growth. In 2016, the  
3 City amended LAMC Section 62.104 to remove the exemption for street tree root growth, placing  
4 responsibility for maintaining sidewalks on property owners, as well as providing a rebate and incentive  
5 program incentivizing property owners to repair the sidewalks in front of their properties. (LAMC §  
6 62.104, Ordinance No. 184,596.) Property owners are required to obtain a permit from the City prior to  
7 attempting any sidewalk repair. (LAMC § 62.105).

8   **PRIVATE ATTORNEY GENERAL**

9           35. This proceeding involves enforcement of important rights affecting the public interest.  
10 Issuance of the relief requested in this Petition will confer a substantial benefit on the public, including  
11 citizens, residents, businesses and taxpayers of the City, and will result in the enforcement of important  
12 public rights by requiring Respondents to comply with CEQA and other legal requirements applicable to  
13 the proposed Project; by voiding the Project approvals and prohibiting Respondents and Real Parties in  
14 Interest from taking further actions with respect to the Project until it has complied with those legal  
15 requirements; and by prohibiting the Respondents from undertaking any portion of the Project until they  
16 have fully complied with these legal requirements

17           36. Petitioners are entitled to recover attorneys’ fees as provided in Code of Civil Procedure  
18 section 1021.5 if they prevail in this action. The necessity and financial burden of enforcement of these  
19 public rights entitle Petitioner to an award of reasonable attorneys’ fees pursuant to that section.

20   **STATEMENT OF FACTS**

21           37. The Sidewalk Repair Program Project will modify the manner in which the City of Los  
22 Angeles undertakes sidewalk repair projects. The project consists, among other things, of procedures for  
23 tree removal and replacement and canopy and root pruning.

24           38. The Program also provides for a “streamlined discretionary approval process under  
25 CEQA” for sidewalk repair projects that fall outside the general parameters for ministerial approval.

26           39. On July 26, 2017, the City issued a Notice of Preparation of a Draft Environmental  
27 Impact Report for the Program as well as an Initial Study / Environmental Checklist. The City  
28 conducted public scoping meetings to assist preparation of the Environmental Impact Report from the  
Project on August 9, 14 and 24, 2017.

          40. The Draft Environmental Impact Report was circulated for public review and comment  
from December 26, 2019 through February 24, 2020. The comment period was extended twice, through  
May 31, 2020.

1 41. The Final Environmental Impact Report was published in April 2021.

2 42. On May 14, 2021, the Los Angeles Board of Public Works held a special meeting to  
3 consider the Final Environmental Impact Report. Petitioner UN4LA submitted a comment letter in  
4 objection to that meeting being held without proper notice to the public.

5 43. The Public Works Committee held a meeting on May 26, 2021 offering an opportunity  
6 for public comment.

7 44. On May 26, 2021, the Public Works Committee (“PWC”) issued a report recommending  
8 that the City Council certify that the FEIR was completed in compliance with CEQA and that potentially  
9 significant environmental effects of the project had been disclosed and evaluated in conformance with  
10 CEQA. The PWC further recommended that the City adopt the Project’s CEQA findings, including the  
11 Statement of Overriding Considerations. The PWC also advised the Council to adopt the ordinance to  
12 add section 62.104.1 to the Los Angeles Municipal Code, which would codify the Sidewalk Repair  
13 Program.

14 45. On June 22, 2021, the Los Angeles City Council met and took official action to adopt the  
15 Public Works Committee Report and Ordinance. Mayor Garcetti approved that action on June 28, 2021

16 46. Ordinance number 187106, implementing Los Angeles Municipal Code section 62.104.1  
17 titled “Sidewalk Repair Program Projects,” was passed on June 22, 2021, approved by the mayor on  
18 June 28, 2021, and published July 2, 2021 with an effective date of August 2, 2021.

19 **FIRST CAUSE OF ACTION**

20 **(Violations of the California Environmental Quality Act)**

21 47. Petitioners hereby reallege and incorporate all the above paragraphs as if fully set forth  
22 herein.

23 48. As outlined below, the City abused its discretion in multiple ways. The City failed to  
24 proceed in the manner required by law; the City failed to make findings supported by substantial  
25 evidence and the City failed to make findings required by law. Further, the City failed comply with  
26 CEQA in that they failed to provide an adequate project description and sufficient environmental  
27 analysis to allow both decisionmakers and the general public to adequately consider the environmental  
28 consequences of the proposed project.

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Inadequate Findings

1           49. CEQA requires that a lead agency’s findings for the approval of a project be supported by  
2 substantial evidence in the administrative record. CEQA further requires that a lead agency provide an  
3 explanation of how evidence in the record supports the conclusions it has reached.

4           50. Respondent violated CEQA by adopting findings that are inadequate as a matter of law in  
5 that they are not supported by substantial evidence in the record, including, but not limited to, the  
6 following.

- 7           a. The determination that certain impacts would be less than significant and/or that “project  
8 design features” would avoid or lessen the Project’s significant effects on the environment;
- 9           b. The determination that alternatives to the Project and mitigation measures that would  
10 have avoided or lessened the significant impacts of the Project were unnecessary and/or infeasible;
- 11           c. All determinations which relied on the inadequate EIR and other legally defective  
12 documents or analyses.

Usage of “Mandatory Project Design Features” Violated CEQA

13           51. The City erroneously concluded that no mitigation measures were necessary for the  
14 Project by attempting to incorporate mitigation measures into project and characterizing them as  
15 “mandatory design features. A public agency cannot simply incorporate measures into the description  
16 of a project in an effort to purposely understate a project’s impacts. In *Lotus v. Department of*  
17 *Transportation* (2014) 223 Cal. App. 4th 645 (“Lotus”), Caltrans was found to have certified an  
18 insufficient EIR based on its failure to properly evaluate the potential impacts of a highway project.  
19 The *Lotus* court found that Caltrans erred by:

20           . . . incorporating the proposed mitigation measures into its description of the project and then  
21 concluding that any potential impacts from the project will be less than significant. As the trial  
22 court held, the “avoidance, minimization and/or mitigation measures,” as they are characterized  
23 in the EIR, are not “part of the project.” They are mitigation measures designed to reduce or  
24 eliminate the damage to the redwoods anticipated from disturbing the structural root zone of the  
25 trees by excavation and placement of impermeable materials over the root zones. By  
26 compressing the analysis of impacts and mitigation measures into a single issue, the EIR  
27 disregards the requirements of CEQA.

28           (Id. at 655–656, *emph. added.*) The court ordered Caltrans’ certification of the EIR be set aside,  
finding:

          . . . this shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material  
necessary to informed decision-making and informed public participation. It precludes both  
identification of potential environmental consequences arising from the project and also  
thoughtful analysis of the sufficiency of measures to mitigate those consequences. The  
deficiency cannot be considered harmless.

1 Here, the City made the same mistake as Caltrans by attempting to characterize what were in reality  
2 mitigation measures as “Mandatory Project Design Features.”

3 52. Additionally, failing to acknowledge a “mitigation” measure as what it truly is robs the  
4 public from the benefits of a Mitigation Monitoring and Reporting Program. A public agency must  
5 adopt a monitoring program to ensure that any mitigation measures are implemented. Pub. Resources  
6 Code, § 21081.6, subd. (a). The purpose of these requirements is to ensure that feasible mitigation  
7 measures will actually be implemented as a condition of development, and not merely adopted and  
8 then neglected or disregarded. § 21002.1, subd. (b); *Federation of Hillside & Canyon Ass’ns v. City of*  
9 *Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

#### 10 Inadequate Analysis and Mitigation of Impacts

11 53. CEQA requires the lead agency for a project, the City in this instance, to conduct an  
12 adequate environmental review prior to making a formal decision on a project subject to CEQA.  
13 (CEQA Guidelines, 14 Cal. Code Regs. §15004.) The lead agency must also provide for public review  
14 and comment on the project and associated environmental documentation. An EIR must provide  
15 sufficient environmental analysis such that decision-makers can intelligently consider environmental  
16 consequences when acting on proposed projects.

17 54. CEQA imposes on the City a clear, present, and mandatory duty to certify an EIR only if  
18 that EIR fully discloses to the public the Project’s significant environmental effects. The EIR for the  
19 Sidewalk Repair Program Project lacks the required analysis.

20 55. Further, CEQA requires that the City adopt all feasible mitigation measures that would  
21 reduce adverse environmental impacts; a number of feasible mitigation measures were ignored in the  
22 EIR. Other mitigation measures were improperly characterized as “Mandatory Project Design Features.”

23 56. A Project’s effect on the environment is considered significant when it causes a  
24 substantial or potentially substantial change in the environment. (Pub. Resources Code §§21068,  
25 21100(d); 14 Cal. Code Regs §15360.) The environment is comprised of physical conditions within the  
26 Project’s area which will be affected by the proposed project; these include land, air, water, minerals,  
27 flora, fauna, noise, and objects of historic or aesthetic significance. (Pub. Resources Code §21060.5.) If  
28 a project will worsen existing environmental hazards, then any impacts of the changed conditions caused  
by the project must be analyzed. The City failed to adequately undertake this analysis

57. Additionally, Respondent violated CEQA by certifying an EIR for the Project that is  
inadequate and fails to comply with CEQA. Among other things, Respondent:

1 a. Failed to adequately analyze identified alternatives to the project and to mitigate impacts  
2 by selecting a less impactful, feasible alternative to the Project without adopting a valid statement of  
3 overriding considerations;

4 b. Failed to adequately analyze the environmental impacts of the Project by screening out  
5 environmental factors related to the following: Mineral Resources, Population and Housing and  
6 Recreation. Notably, the EIR failed to adequately analyze and mitigate the loss of the City's Tree  
7 Canopy and failed to adequately analyze the Project's air quality impacts. The City also failed to  
8 adequately analyze and mitigate the loss and/or destruction of historic resources. The City also failed  
9 to adequately analyze and mitigate the Project's effect on public health. Finally, the City failed to  
adequately analyze the Project's cumulative impacts.

10 58. The City also failed to conduct the required alternatives analysis required by 14 Cal Code  
11 Regs §15126.6(a). An EIR must evaluate the comparative merits of the alternatives identified in an EIR.  
12 14 Cal Code Regs §15126.6(a). The range of alternatives analyzed by the City was inadequate and  
13 unreasonable. Further, the City did not make an objective, good faith effort to compare the project with  
the alternatives.

14 The City Failed To Adequately Respond to Comments Made on the Draft EIR

15 59. Petitioners, interested organizations and members of the public submitted comments  
16 which questioned the adequacy of the Projects' environmental analyses CEQA requires that the lead  
17 agency provide written responses to comments submitted during the EIR comment period. (Pub.  
18 Resources Code §21092.5.) Those responses require good faith, reasoned analysis. (14 Cal. Code Regs  
19 §15088(c).)

20 60. Instead of providing the required good faith responses, required by CEQA, the City's  
21 responses were often reductive and non-responsive. Moreover, despite receiving hundreds of comments,  
many of which provided alternatives and suggested mitigation measures, the FEIR was dismissive.

22 61. By failing to provide adequate responses to public comments and proposed alternatives,  
23 Respondent failed to proceed in the manner required by law. Moreover, Respondent's finding that  
24 adequate responses to comments were provided is not supported by substantial evidence.

25 62. As a result of the foregoing defects, Respondent prejudicially abused its discretion by  
26 failing to comply with the procedures outlined in the CEQA Guidelines and failing to conduct an  
27 adequate environmental review for the Project. Accordingly, Respondent's EIR must be set aside.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray as set forth below:

1. For a temporary restraining order and preliminary and permanent injunctions setting aside and rescinding Respondents' approval of the FEIR and further prohibiting Respondent from implementing the project; or, alternatively, for a judgment granting a peremptory writ of mandate commanding Respondent to set aside its approval of the project and ordering Respondent to take no further steps toward implementing the project unless and until Respondent fully complies with CEQA guidelines;

2. For a writ of mandate pursuant to Code of Civil Procedure Sections 1085 and/or 1094.5 commanding Respondents to set aside their approval of the EIR and the Project and ordering that they take no further steps toward implementing the project;

3. For petitioners' fees and costs, including reasonable attorneys' fees and costs, as authorized by California Code of Civil Procedure section 1021.5 and any other applicable provisions of law; and

4. For such other relief as this Court deems appropriate and just.

DATED: July 26, 2021

VENSKUS & ASSOCIATES, APC

CHANNEL LAW GROUP, LLP

By: 

Jamie T. Hall  
Attorneys for Petitioners United  
Neighborhoods for Los Angeles and Angelenos  
for Trees


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**VERIFICATION**

I am the President of United Neighborhoods for Los Angeles and I am authorized to execute this verification on behalf of petitioner. I have read the foregoing first amended petition and am familiar with its contents. The facts recited in the petition are true and of my personal knowledge.

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

Dated: July 26, 2021

By:   
Casey Maddren

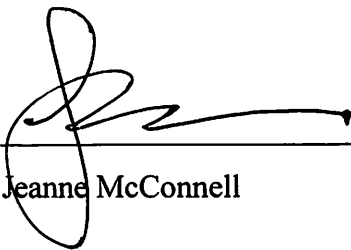
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8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211

1  
2  
3 **VERIFICATION**

4 I am the President of Angelenos for Trees and I am authorized to execute this verification  
5 on behalf of petitioner. I have read the foregoing first amended petition and am familiar with its  
6 contents. The facts recited in the petition are true and of my personal knowledge.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct.

9 Dated: July 26, 2021

10  
11 By:   
12 Jeanne McConnell

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**EXHIBIT LIST**

<u>Exhibit No.</u>	<u>Exhibit</u>
A.	Notice of Intent to File CEQA Petition
B.	Notice to California Attorney General
C.	Notice of Election to Prepare Administrative Record

**Channel Law Group, LLP**  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211

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# Exhibit A



# Channel Law Group, LLP

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Beverly Hills, CA 90211

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JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

---

\*ALSO Admitted in Texas

July 25, 2021

**Via U.S. Mail and Electronic Mail**

City of Los Angeles - City Clerk  
200 N. Spring Street  
3rd Floor, Room 395  
Los Angeles, CA 90012  
[CityClerk@lacity.org](mailto:CityClerk@lacity.org)

**Re: Challenge to EIR for Sidewalk Repair Program *United Neighborhoods for Los Angeles et al. v. City of Los Angeles et al.*; CF 14-0163-S3, State Clearinghouse Number 2017071063**

To Whom It May Concern:

**PLEASE TAKE NOTICE**, under California Public Resources Code section 21167.5, that United Neighborhoods for Los Angeles and Angelenos for Trees (collectively referred to as "Petitioners") intends to immediately file a Petition for Writ of Mandate ("Petition") under the provisions of the California Environmental Quality Act ("CEQA"), inter alia, against the City of Los Angeles ("City"). The Petition will be filed in Los Angeles County Superior Court. Petitioners will challenge the June 22, 2021 decisions of the City of Los Angeles to (i) certify that the Final Environmental Impact Report (FEIR) environmental impact report for the City's Sidewalk Repair Program Project ("the Project"); (ii) adopt the Project's California Environmental Quality Act ("CEQA") Findings, which included a statement of overriding considerations; (iii) approve the Project's "Street Tree Policy" and "Mandatory Project Features Policy"; and (iv) adopt the ordinance dated March 23, 2021 adding section 62.104.1 to the Los Angeles Municipal Code, codifying the City's new Sidewalk Repair Program.

Sincerely,



Jamie T. Hall  
*Attorney for Petitioner*

**Channel Law Group, LLP**  
8383 Wilshire Blvd., Suite 750  
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# Exhibit B

# Channel Law Group, LLP

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8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Main Line: (310) 347-0050  
Fax: (323) 723-3960

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

---

\*ALSO Admitted in Texas

July 26, 2021

*By U.S. Mail*

Office of the Attorney General  
1300 "I" Street Suite 125  
Sacramento, CA 94244-2550

**Re: Challenge to EIR for Sidewalk Repair Program *United Neighborhoods for Los Angeles et al. v. City of Los Angeles et al.*; CF 14-0163-S3, State Clearinghouse Number 2017071063**

Honorable Attorney General Bonta:

Enclosed please find a copy of the Petition for Writ of Mandate filed by United Neighborhoods for Los Angeles and Angelenos for Trees (collectively referred to as "Petitioners") to challenge the City of Los Angeles's Sidewalk Repair Program Project ("Project"). Petitioners challenge the June 22, 2021 decisions of the City of Los Angeles to (i) certify that the Final Environmental Impact Report (FEIR) environmental impact report for the City's Sidewalk Repair Program Project ("the Project"); (ii) adopt the Project's California Environmental Quality Act ("CEQA") Findings, which included a statement of overriding considerations; (iii) approve the Project's "Street Tree Policy" and "Mandatory Project Features Policy"; and (iv) adopt the ordinance dated March 23, 2021 adding section 62.104.1 to the Los Angeles Municipal Code, codifying the City's new Sidewalk Repair Program.

Please call if you have any questions.

Sincerely,



Jamie T. Hall

Enclosure: Petition for Writ of Mandate

**Channel Law Group, LLP**  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211

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# Exhibit C

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2 Rachael J. Kimball (SBN 310421)  
3 VENSKUS & ASSOCIATES, A.P.C.  
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9 Julian K. Quattlebaum III (SBN 214378)  
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12 Beverly Hills, California 90211  
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14 Facsimile: (323) 723-3960  
15 Email: [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com)

16 Attorneys for Plaintiffs and Petitioners,  
17 United Neighborhoods for Los Angeles and Angelenos for Trees

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **COUNTY OF LOS ANGELES**

20 UNITED NEIGHBORHOODS FOR LOS  
21 ANGELES, a California non-profit corporation;  
22 ANGELENOS FOR TREES, a California non-  
23 profit corporation;

24 Petitioners,

25 v.

26 CITY OF LOS ANGELES, a municipal  
27 corporation and DOES 1-10;

28 Respondents

ROES 1-10;

Real Parties in Interest

**PETITIONER'S NOTICE OF ELECTION  
TO PREPARE THE ADMINISTRATIVE  
RECORD**

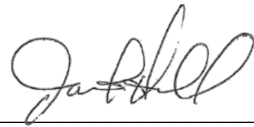
[Public Resources Code Section  
21167.6(b)(2)]

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Pursuant to Public Resources Code Section 21167.6(b)(2), UNITED NEIGHBORHOODS FOR LOS ANGELES and ANGELENOS FOR TREES (collectively referred to as “Petitioners”) hereby elect to prepare the administrative record and the record of proceedings in connection with this action as provided by Public Resources Code Section 21167.6.

Dated: July 26, 2021

By:   
\_\_\_\_\_  
Jamie T. Hall  
CHANNEL LAW GROUP, LLP  
*Attorneys for Petitioner*