

Public Comment

Council File: 13-1103-S1

Title: 14415 Sylvan Street / Old Fire Station 39 /
Exploring Potential Economic Development

Public Comment

Council File: 13-1103

Title: Van Nuys Fire Station No. 39

Van Nuys residents sue city over planned Oxnard Street fire station

By [Dakota Smith](#), Los Angeles Daily News Posted: 08/01/16, 7:27 PM PDT

Marking another legal fight over a planned Van Nuys fire station, a group of San Fernando Valley residents filed a lawsuit against the city of Los Angeles over the project.

Filed in Los Angeles Superior Court on Friday, the lawsuit challenges the environmental analysis for the 18,500-square-foot planned station at Oxnard Street and Vesper Avenue and asks the court to invalidate the station's approval.

This is the neighbors' second lawsuit against the city over the \$20 million station. Besides the Van Nuys residents, several other groups, including the Wilmington-based Coalition for a Safe Environment, an environmental health and justice nonprofit, are also listed as petitioners in the suit.

"This isn't an appropriate place for the station," said Jeffrey Lynn, who lives about 500 feet from the planned station and is one of the residents suing the city.

Lynn argues siren noise from exiting trucks will be a nuisance and questions whether soil contamination on the site is a risk for neighbors.

The Los Angeles City Council approved the station in July despite objections from some nearby residents. At that meeting, area Councilwoman Nury Martinez argued that the site is appropriate because of the neighborhood's commercial feel. A planned 400-foot sound wall will act as a buffer for homes from the siren noise, Martinez also argued.

Supporters, including the Los Angeles Fire Department, contend the new station is needed to replace the Valley's oldest firehouse, the 1930s-era Station 39 on Sylvan Street.

Martinez wasn't available Monday to comment on the lawsuit.

Neighbors first sued the city over the council's approval of the firehouse in June 2014, arguing the noise and other environmental effects from the proposed project weren't studied.

The lawsuit prompted City Hall to rescind the project's approval in December 2014 and order a fuller environmental report, which was finalized in June.

Asked about this new lawsuit, City Attorney Mike Feuer's spokesman, Rob Wilcox, said his office was reviewing the filing.

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FILED
 Superior Court of California
 County of Los Angeles

JUL 28 2016

Sherri R. Carter, Executive Officer/Clerk
 By M. Soto, Deputy
 Moses Soto

8 Attorney for Petitioners

D-1 BRAZILE

THE SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES
 CENTRAL DISTRICT

12 THE TIARA GROUP 2, COALITION FOR
 13 A SAFE ENVIRONMENT, CALIFORNIA
 14 KIDS IAQ, COMMUNITY DREAMS;

Case No.: **BS 163763**

PETITION FOR WRIT OF MANDATE

Petitioners,

(Code Civ. Proc. §1094.5; Pub. Res. Code §§
 21168; 21168.5 et seq.)

vs.

CITY OF LOS ANGELES,

Respondent;

DOES 1 through 25, inclusive,

By Fax

Real Parties in Interest.

07/28/2016

CIT/CASE: BS163763
 LEH/DEF#:
 RECEIPT #: CCH524880100
 DATE PAID: 07/28/16 03:48 PM
 PAYMENT: \$435.00
 RECEIVED: 310
 CHECK: \$435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

1 INTRODUCTION

2 With this lawsuit, Petitioners THE TIARA GROUP 2, COALITION FOR A SAFE
3 ENVIRONMENT, CALIFORNIA KIDS IAQ, and COMMUNITY DREAMS ("Petitioners")
4 challenge the July 1, 2016 action of Respondent CITY OF LOS ANGELES ("City"), taken by
5 and through its City Council, certifying an environmental impact report ("EIR") and approving
6 the construction and operation of Van Nuys Fire Station No. 39 (W.O. E170094B), to be
7 located on the 14600 block of Oxnard Street in the community of Van Nuys within the City
8 ("Project"). Petitioners contend the City violated applicable provisions of the California
9 Environmental Quality Act ("CEQA"), Pub. Resources Code § 21000 *et seq.* As certified by the
10 City, the Project's EIR fails to identify, evaluate, and/or require mitigation for all direct, indirect,
11 and cumulative environmental impacts the Project will foreseeably cause. As a result, there is no
12 substantial evidence in the record to support the City's findings that nearly all the Project's
13 environmental impacts will be less than significant after mitigation. Instead, substantial evidence
14 in the record shows the Project will have several significant unmitigated environmental effects
15 that the EIR either failed to identify, failed to evaluate adequately, or failed to mitigate where
16 feasible.

17 Petitioners accordingly seek a peremptory writ of mandate under Code of Civil
18 Procedure section 1094.5, and Public Resources Code section 21168 and/or 21168.5,
19 commanding the City to set aside its certification of the EIR and its approval of the Project.
20 Petitioners further seek a stay of the effect of the City's actions during the pendency of these
21 proceedings. Finally, Petitioners seek an award of costs and attorneys' fees under Code of Civil
22 Procedure section 1021.5, together with any other relief the Court deems necessary and proper.

23 In support whereof, Petitioners allege:

24 PARTIES

25 Tiara Group 2

26 1. Petitioner TIARA GROUP 2 is an unincorporated association of residents,
27 citizens, property owners, taxpayers and electors residing in the Van Nuys community of the
28 City of Los Angeles. Its organizational purpose includes advocating for equitable and

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1 responsible land use development policies, maintaining political accountability by elected local
2 officials, and diligent enforcement of land use planning and environmental laws in and around
3 Van Nuys and Los Angeles. Tiara Groups 2's membership includes but is not limited to Jeffrey
4 Lynn and Robina Suwol, both of whom are citizens of Los Angeles over the age of eighteen
5 living in the residential area immediately adjacent to the Project.

6 2. Tiara Group 2 and certain of its individual members objected to the City's
7 approvals of the Project orally and/or in writing prior to the close of the final public hearing on
8 the Project before the Los Angeles City Council.

9 Coalition for a Safe Environment

10 3. Petitioner COALITION FOR A SAFE ENVIRONMENT ("CFASE") is an
11 unincorporated, non-profit, membership-based association maintaining a principal place of
12 business in Wilmington, California, and with members in over 25 cities in California and in Baja
13 California, Mexico. Its organizational purpose includes protection, promotion, preservation and
14 restoration of the environment and natural resources, advocating for equitable and responsible
15 land use development policies, maintaining political accountability by elected local officials, and
16 diligent enforcement of land use planning and environmental laws in and around Los Angeles.
17 CFASE members live and/or work in the Van Nuys area of the City near the Project site.

18 4. Petitioner CFASE objected to the City's approvals of the Project orally and/or in
19 writing prior to the close of the final public hearing on the Project before the Los Angeles City
20 Council.

21 California Kids IAQ

22 5. Petitioner CALIFORNIA KIDS IAQ is an unincorporated, non-profit,
23 membership-based association maintaining a principal place of business in Wilmington,
24 California. Its organizational purpose includes advocating for equitable and responsible land use
25 development policies, maintaining political accountability by elected local officials, and diligent
26 enforcement of land use planning and environmental laws in and around Los Angeles. Its
27 members live and/or work in the Van Nuys area of the City near the Project site.

28

1 6. Petitioner CALIFORNIA KIDS IAQ objected to the City's approvals of the
2 Project orally and/or in writing prior to the close of the final public hearing on the Project
3 before the Los Angeles City Council.

4 Community Dreams

5 7. Petitioner COMMUNITY DREAMS is an unincorporated, non-profit,
6 membership-based association maintaining a principal place of business in Wilmington,
7 California. Its organizational purpose includes advocating for equitable and responsible land use
8 development policies, maintaining political accountability by elected local officials, and diligent
9 enforcement of land use planning and environmental laws in and around Los Angeles. Its
10 members live and/or work in the Van Nuys area of the City near the Project site.

11 8. Petitioner COMMUNITY DREAMS objected to the City's approvals of the
12 Project orally and/or in writing prior to the close of the final public hearing on the Project
13 before the Los Angeles City Council.

14 9. All Petitioners and their respective members maintain a direct and regular
15 geographic nexus with the City of Los Angeles and the Van Nuys area, and will suffer direct
16 harm as a result of any adverse environmental and/or public health impacts caused by the
17 Project.

18 10. Petitioners have a clear and present right to, and beneficial interest in, the City's
19 performance of its duties to comply with CEQA. As comprising Los Angeles citizens,
20 homeowners, taxpayers, workers, and/or electors, Petitioners' members are within the class of
21 persons to whom the City owes such duties.

22 11. By this action, Petitioners seek to protect the interests of their members and the
23 public at large, and to enforce a public duty owed to them by the City. Because the claims
24 asserted and the relief sought in this petition are broad-based and of a public as opposed to a
25 purely private or pecuniary nature, direct participation in this litigation by Petitioners' individual
26 members is not necessary.

27 12. Petitioners and/or their respective individual members or constituents presented
28 oral and/or written comments in opposition to the Project prior to and/or during the public

1 hearings culminating in the City's July 1, 2016 approval actions, and raised or supported all
2 objections to the Project and alleged grounds for noncompliance with CEQA and other
3 applicable law presented herein.

4 **City of Los Angeles**

5 13. Respondent CITY OF LOS ANGELES ("City") is a California Charter City
6 situated in Los Angeles County. On or around July 1, 2016, the City, acting through its City
7 Council, certified an EIR under CEQA and approved the construction and operation of Van
8 Nuys Fire Station No. 39 (W.O. E170094B). At all times relevant hereto, the City served as the
9 "lead agency" under CEQA responsible for evaluating the environmental impacts of the Project.

10 **Does**

11 14. Petitioner currently does not know the true names of Real Parties In Interest
12 DOES 1 through 25 inclusive, and therefore names them by such fictitious names. Petitioner
13 will seek leave from the court to amend this petition to reflect the true names and capacities of
14 DOES 1 through 25 inclusive if and when ascertained.

15 **JURISDICTION & VENUE**

16 15. This action is brought pursuant to Public Resources Code sections 21167, 21168,
17 and 21168.5, and Code of Civil Procedure section 1094.5. Venue is proper in Los Angeles
18 County under Code of Civil Procedure section 395. The action is filed in the Central District in
19 accordance with Los Angeles County Superior Court Local Rule 3.232(b).

20 **FACTUAL BACKGROUND**

21 **Project Description**

22 16. The Project consists of the construction of a two-story, approximately 18,533-
23 square-foot fire station on an approximately 1.19-acre site located on the corner of Oxnard
24 Street and Vesper Avenue in the Van Nuys area of Los Angeles. The new facility would replace
25 the existing Fire Station 39, which currently operates approximately one-half mile to the
26 northeast.

27 17. The Project site is located in an urban mixed-use residential setting, surrounded
28 by small commercial and manufacturing businesses to the north and east, a Department of

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1 Water and Power building to the west, and numerous single-family residences immediately to
2 the south. The site lies within the Van Nuys-North Sherman Oaks Community Plan Area, and
3 is bounded by Aetna Street to the north, Oxnard Street to the South, Vesper Avenue to the east,
4 and Cedros Avenue to the west. Currently an undeveloped vacant lot, the site contains an
5 abandoned underground storage tank ("UST") in its northeastern portion, and a 10,000-gallon
6 gasoline UST and former 900-gallon kerosene UST in its eastern portion.

7 18. Once built, the Project would house three fire engines, one ladder truck, two
8 rescue ambulances, and one battalion chief vehicle, together with an above-ground, 4,000 gallon
9 diesel fuel storage tank. Approximately 40 parking spaces would be provided on-site to
10 accommodate staff, emergency vehicles, and visitors. Additionally, 12 covered parking spaces
11 intended for parking and storage of reserve apparatus would be included under the proposed
12 project. The Project also includes construction of a wall approximately 400 feet long and 6 to 8
13 feet high in the existing Oxnard Street public right of way, between the sidewalk on the south
14 side of Oxnard Street and the abutting residential properties between Vesper Avenue and
15 Cedros Avenue.

16 Relevant Procedural History

17 19. The City adopted a mitigated negative declaration under CEQA and approved
18 the Project in June, 2014. Members of Petitioner Tiara Group 2 filed a petition for writ of
19 mandate challenging the City's reliance on a negative declaration in lieu of an EIR. The case
20 settled before trial, with the City agreeing to rescind its approval and to prepare an EIR for the
21 Project.

22 20. In March, 2016, the City released a draft EIR for public comment in accordance
23 with CEQA. The draft EIR concluded the Project would have no significant environmental
24 impacts after mitigation.

25 21. Petitioners Tiara Group 2 and CFASE submitted timely written comments
26 disputing the EIR's analysis and conclusions and objecting to the Project.

27 22. In May, 2016 the City released a final EIR that purported to respond the these
28 and other comments received from the public and sister agencies.

1 23. In June, 2016, public hearings on the Project were held before the City's Board of
2 Public Works and the City Council's Public Works and Gang Reduction Committee on the EIR
3 and Project. All Petitioners appeared and objected further to the EIR and Project at these
4 hearings.

5 24. On July 1, 2016, the City Council held a final public hearing on the EIR and
6 Project. Petitioners appeared at this hearing as well, presenting additional oral and written
7 testimony in opposition to the Project and disputing the conclusions in the EIR. After closing
8 the public hearing, the City Council voted to certify the final EIR and approve the Project.

9 25. Petitioners are informed and believe that the City posted a Notice of
10 Determination in accordance with Public Resources Code section 21152 on July 1, 2016.

11 CLAIM FOR RELIEF

12 (Violations of CEQA)

13 26. Petitioners here incorporate by reference all preceding paragraphs in their entirety.

14 27. At all times relevant to this action the City was the "Lead Agency" responsible for
15 the review and approval of the Project under Public Resources Code section 21067.

16 28. CEQA requires public agencies to first identify the environmental effects of its
17 project or program, and then to mitigate those adverse environmental effects through the
18 imposition of feasible mitigation measures or the analysis and selection of feasible alternatives.
19 Public Resources Code, § 21002. CEQA requires a lead agency to establish that either: (1)
20 impacts will not have a significant effect on the environment or (2) the agency has adopted
21 findings that all significant environmental effects have been avoided or mitigated to the extent
22 feasible, and any remaining effects found to be unavoidable are acceptable due to specific
23 overriding economic, social, technological, or other benefits.

24 29. An EIR must include a finite, stable, accurate and meaningful project description.
25 14 C.C.R., § 15124. An EIR must include a description of the physical environmental conditions
26 in the vicinity of the project as they existed at the time the notice of preparation is published,
27 with particular focus on the regional setting. 14 C.C.R., § 15125. An EIR must identify and
28 evaluate the direct, indirect, and cumulative environmental impacts of all phases of a project. 14

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1 C.C.R., § 15126. The discussion must include relevant specifics of the area, the resources
2 involved, physical changes, alterations to ecological systems, and changes induced in population
3 distribution, population concentration, the human use of the land (including commercial and
4 residential development), health and safety problems caused by the physical changes, and other
5 aspects of the resource base such as water, historical resources, scenic quality, and public services.
6 14 C.C.R., § 15126.2.

7 30. A lead agency must describe and evaluate feasible measures for minimizing or
8 avoiding a project's direct, indirect, and cumulative impacts on the environment. Public
9 Resources Code, § 21100(b)(3); 14 C.C.R., § 15126.4. A lead agency may not improperly defer
10 the formulation of mitigation measures until a future time. 14 C.C.R., § 15126.4.

11 31. A lead agency must identify all significant effects on the environment caused by a
12 proposed project that cannot be avoided. Public Resources Code, § 21100(b)(2)(A). A lead
13 agency must also provide information in the record to justify rejecting mitigation measures as
14 infeasible based on economic, social, or housing reasons. 14 C.C.R., § 15131(c).

15 32. An EIR must describe a range of reasonable alternatives to the project, or to the
16 location of the project, that would feasibly attain most of the basic objectives of the project but
17 would avoid or substantially lessen any of the significant effects of the project, and must evaluate
18 the comparative merits of the alternatives. 14 C.C.R., § 15126.6. An EIR must also include
19 sufficient information about each alternative to allow meaningful evaluation, analysis, and
20 comparison with the proposed project. *Id.*

21 33. An EIR is required to contain a statement briefly indicating the reasons for
22 determining that various effects on the environment were not significant and consequently were
23 not discussed in detail in the EIR. Public Resources Code, § 21100(c).

24 34. A lead agency must provide good faith, reasoned analysis in response to comments
25 on a draft EIR. 14 C.C.R., § 15088(c). The Final EIR must address recommendations and
26 objections raised in comments in detail, giving reasons why they were not accepted. *Id.* Specific
27 responses are required to comments raising specific questions about significant issues.
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1 35. A lead agency may not approve a project for which an EIR identifies a significant
2 environmental impact unless the impact has been mitigated or avoided by changes in the project,
3 or unless the agency specifically finds that overriding benefits outweigh the significant effects on
4 the environment. Public Resources Code, § 21081.

5 **Inadequate Analysis and Mitigation of Significant Impacts**

6 36. The EIR for this Project fails to evaluate adequately all of the Project's significant
7 direct, indirect, and cumulative impacts, including impacts on: aesthetics, agricultural resources,
8 air quality, human health, global climate change, biological resources, geology and soils, hazards
9 and hazardous materials, hydrology and water quality, land use and planning, mineral resources,
10 noise, population and housing, public services, recreation, transportation and traffic, utilities, and
11 urban decay.

12 37. The City therefore prejudicially abused its discretion in certifying the EIR by failing
13 to proceed in the manner required by CEQA, and by adopting findings that are not supported by
14 the evidence.

15 **Failure To Require All Feasible Mitigation Measures**

16 38. An EIR must describe, evaluate, and require feasible measures for minimizing or
17 avoiding a project's direct, indirect, and cumulative impacts on the environment. 14 C.C.R. §
18 15126.4.

19 39. The EIR for this Project fails to describe, evaluate, and require all reasonable,
20 feasible mitigation measures for the Project's direct, indirect, and cumulative impacts, including
21 impacts on aesthetics, air quality, human health, geology and soils, hazards and hazardous
22 materials, hydrology and water quality, land use and planning, noise, public services,
23 transportation and traffic. It also improperly defers formulation of mitigation measures until
24 future studies are completed.

25 40. The City therefore prejudicially abused its discretion in certifying the EIR by failing
26 to proceed in the manner required by CEQA, and by adopting findings that are not supported by
27 the evidence.
28

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1 **Inadequate Discussion Of Project Alternatives**

2 41. An EIR must describe a range of reasonable alternatives to the project, or to the
3 location of the project, which would feasibly attain most of the basic objectives of the project but
4 would avoid or substantially lessen any of the significant effects of the project, and evaluate the
5 comparative merits of the alternatives. 14 C.C.R. § 15126.6. An EIR must include sufficient
6 information about each alternative to allow meaningful evaluation, analysis, and comparison with
7 the proposed project. *Id.*

8 42. The EIR for this Project fails to identify and evaluate a reasonable range of
9 alternatives to the Project, including alternative site designs, layouts, facilities placements, and
10 configurations that would avoid or minimize significant impacts while attaining most project
11 objectives. The EIR further fails to include sufficient information about each alternative to allow
12 meaningful evaluation, analysis, and comparison with the City's chosen alternative.

13 43. The City therefore prejudicially abused its discretion in certifying the EIR by failing
14 to proceed in the manner required by CEQA, and by adopting findings that are not supported by
15 the evidence.

16 **Failure To Respond Adequately To Comments On Draft EIR**

17 44. A lead agency must evaluate comments on environmental issues received from
18 persons who reviewed a draft EIR during the public comment period, and must prepare a written
19 response. 14 C.C.R. § 15088(a). The written response must describe the disposition of
20 significant environmental issues raised. *Id.* at subd. (c). In particular, the major environmental
21 issues raised when the lead agency's position is at variance with recommendations and objections
22 raised in the comments must be addressed in detail, giving reasons why specific comments and
23 suggestions were not accepted. *Id.* There must be good faith, reasoned analysis in response;
24 conclusory statements unsupported by factual information will not suffice. *Id.*; see *Berkeley Keep*
25 *Jets Over The Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344.

26 45. The City here failed to provide a detailed, written, good faith, reasoned analysis in
27 response to comments received on the draft EIR during the public comment period from
28 individuals and responsible agencies, and failed to give adequate reasons why specific comments

1 and suggestions were not accepted. Instead, the City merely gave conclusory statements
2 unsupported by factual information.

3 46. The City therefore prejudicially abused its discretion in certifying the EIR by failing
4 to proceed in the manner required by CEQA.

5 EXHAUSTION OF ADMINISTRATIVE REMEDIES

6 47. This action is brought consistent with the requirements of Public Resources Code
7 section 21177 and Code of Civil Procedure section 1094.5. Petitioners objected to the City's
8 approval of the Project orally or in writing during the public comment period provided by
9 CEQA, and/or prior to the close of the public hearing on the project before the issuance of the
10 Notice of Determination. Petitioners, their members, and/or other agencies, organizations and
11 individuals raised or affirmed each of the legal deficiencies asserted in this petition orally or in
12 writing during the public comment provided by CEQA, or prior to the close of the public
13 hearing on the project before the issuance of the Notice of Determination.

14 48. Petitioners have performed all conditions precedent to filing this action by
15 complying with the requirements of Public Resources Code section 21167.5 in serving notice of
16 the commencement of this action July 29, 2016.

17 INADEQUATE REMEDY AT LAW

18 49. Petitioners declare that they have no plain, speedy, and adequate remedy in the
19 ordinary course of law for the improper action of the City.

20 NEWLY PRODUCED EVIDENCE

21 50. In accordance with Code of Civil Procedure section 1094.5(e), Petitioners may,
22 prior to or during the hearing on this petition, offer additional relevant evidence that could not,
23 in the exercise of reasonable diligence, have been produced at the administrative hearing.

24 ATTORNEYS FEES

25 51. Petitioners are entitled to recover attorneys' fees as provided under Code of Civil
26 Procedure section 1021.5 if they prevail in this action and the Court finds that a significant
27 benefit has been conferred on the general public or a large class of persons, and that the necessity
28 and burden of private enforcement is such as to make an award of fees appropriate.

FILED

1 PRAYER

2 WHEREFORE, Petitioners pray for entry of judgment as follows:

3 1. For a peremptory writ of mandate directing the City:

4 (a) to set aside its action taken on or about July 1, 2016 certifying an EIR for the
5 Project under CEQA;

6 (b) to set aside its action taken on or about July 1, 2016 approving the Project; and

7 (c) to comply fully with CEQA in any subsequent action or actions taken to approve
8 the Project.

9 2. For an order staying the effect of the City's actions pending the outcome of this
10 proceeding.

11 3. For a preliminary and permanent injunction directing the City to cease and refrain
12 from engaging in any action in reliance upon the approval actions challenged herein until the
13 City takes any necessary action to bring its actions into compliance with.

14 4. For costs of suit.

15 5. For an award of attorneys' fees.

16 6. For other legal or equitable relief that the court deems just and proper.

17
18 Dated: July 28, 2016

M. R. WOLFE AND ASSOCIATES, P.C.

19
20
21 By: 

Mark R. Wolfe
Attorney for Petitioners

VERIFICATION

I, Jeffrey Lynn, declare:

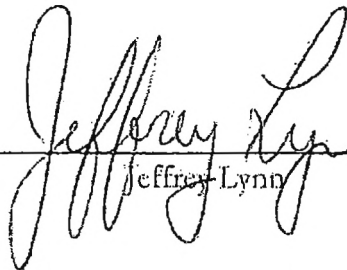
I am a principal member of THE TIARA GROUP 2, a Petitioner in the above-captioned action. I am authorized to make this verification on its behalf.

I have read the foregoing PETITION FOR WRIT OF MANDATE and know its contents. The statements made therein are true of my own knowledge, except as to those matters which are alleged on information and belief, and as to those matters I believe them to be true.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Dated: July 27, 2014

By: _____


Jeffrey Lynn

07/28/2014

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address).
Mark R. Wolfe, CSB 176753
M. R. WOLFE & ASSOCIATES, P.C.
555 Sutter Street, Suite 405
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TELEPHONE NO. 415-369-9400 FAX NO.: 415-369-9405
ATTORNEY FOR (Name): Petitioners Tiara Group 2, et al.

FOR COURT USE ONLY
FILED
Superior Court of California
County of Los Angeles
JUL 28 2016
Sherri R. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 N. Hill St.
MAILING ADDRESS: 111 N. Hill St.
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Central District - Stanley Mosk Courthouse

CASE NAME:
Tiara Group 2, et al. v. City of Los Angeles

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
BS 163763
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties
 - b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 - c. Substantial amount of documentary evidence
 - d. Large number of witnesses
 - e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 - f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 1
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 28, 2016
Mark R. Wolfe

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE: TIARA GROUP 2, et. al. v. CITY OF LOS ANGELES

CASE NUMBER

BS 1 6 3 7 6 3

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

By Fax

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one).	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

Auto
Tort

Other Personal Injury/Property
Damage/Wrongful Death Tort

07/28/2016

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
<input type="checkbox"/> A6012 Other Promissory Note/Collections Case		5, 11	
<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)		5, 6, 11	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5	
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
<input type="checkbox"/> A6032 Quiet Title		2, 6	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus	(2, 8)
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

103032420

SHORT TITLE TIARA GROUP 2, et. al. v. CITY OF LOS ANGELES	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input checked="" type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11. <input type="checkbox"/>			ADDRESS: City of Los Angeles 200 N. Spring Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: July 28, 2016



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

LACIV 109 (Rev 2/16)

1 Mark R. Wolfe, CSB No. 176753
2 M. R. WOLFE & ASSOCIATES, P.C.
3 555 Sutter Street, Suite 405
4 San Francisco, CA 94102
5 Telephone: (415) 369-9400
6 Fax: (415) 369-9405
7 mrw@mrwolfeassociates.com

FILED
Superior Court of California
County of Los Angeles

JUL 28 2016

Sherri R. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

6 Attorney for Petitioner

8 THE SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10 CENTRAL DISTRICT

11
12 THE TIARA GROUP 2, COALITION FOR
13 A SAFE ENVIRONMENT, CALIFORNIA
14 KIDS IAQ, COMMUNITY DREAMS;
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16 Petitioner,
17 vs.
18 CITY OF LOS ANGELES,
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20 Respondent;
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Case No.: **BS 1 6 3 7 6 3**

**NOTICE OF COMMENCEMENT OF
ACTION UNDER CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

[Pub. Resources Code § 21167.5]

By Fax

NOTICE OF COMMENCEMENT OF ACTION
Tiara Group 2, et al. v. City of Los Angeles
Case No.

1 Notice is hereby given to Respondent CITY OF LOS ANGELES of commencement of
2 this lawsuit challenging its July 1, 2016 actions certifying an environmental impact report and
3 approving the construction and operation of Van Nuys Fire Station No. 39 (W.O. E170094B),
4 located on the 14600 block of Oxnard Street in the community of Van Nuys within the City.

5 The action is brought by Petitioners THE TIARA GROUP 2, COALITION FOR A
6 SAFE ENVIRONMENT, CALIFORNIA KIDS IAQ, and COMMUNITY DREAMS
7 pursuant to the judicial review provisions of the California Environmental Quality Act
8 ("CEQA"), Public Resources Code sections 21167 and 21168, and the writ of mandate
9 provisions of Code of Civil Procedure section 1094.5.

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Dated: July 28, 2016

M. R. WOLFE AND ASSOCIATES, P.C.



By: _____

Mark R. Wolfe
Attorney for Petitioner

07/28/2016
M. R. Wolfe & Associates, PC
555 Sutter Street, Suite 405
San Francisco, CA 94102
(415) 369-9480

NOTICE OF COMMENCEMENT OF ACTION
Tiara Group 2, et al. v. City of Los Angeles
Case No.

1 PROOF OF SERVICE

2 I hereby declare that I am employed in the City San Francisco, County of San Francisco,
3 California. I am over the age of eighteen years and not a party to this action. My business
4 address is 555 Sutter Street, Suite 405, San Francisco, CA 94102. I am familiar with this firm's
5 practice for the collection and processing of mail sent via U.S. Mail, which provides that mail be
6 deposited with the U.S. Postal Service on the same day in the ordinary court of business.

7 On July 28, 2016 I served the attached **NOTICE OF COMMENCEMENT OF**
8 **ACTION** in this action via the U.S. Mail by placing a true copy thereof enclosed in a sealed
9 envelope with postage thereon fully prepaid addressed to:

10
11 City of Los Angeles
12 Attn: City Clerk
13 200 N. Spring Street, Room 360
Los Angeles, CA 90012

14 for collection and deposit with the U.S. mail on this date according to ordinary business
15 practices.

16 I declare under penalty of perjury that the foregoing is true and correct and that this
17 declaration was executed at San Francisco, California on July 28, 2016.

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21 _____
22 Alexis Mackenzie

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NOTICE

1 Mark R. Wolfe, CSB No. 176753
2 M. R. WOLFE & ASSOCIATES, P.C.
3 555 Sutter Street, Suite 405
4 San Francisco, CA 94102
5 Telephone: (415) 369-9400
6 Fax: (415) 369-9405
7 mrw@mrwolfeassociates.com

8 Attorney for Petitioner

FILED
Superior Court of California
County of Los Angeles

JUL 28 2016

Sherri K. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

9 THE SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 THE TIARA GROUP 2, COALITION FOR
13 A SAFE ENVIRONMENT, CALIFORNIA
14 KIDS IAQ, COMMUNITY DREAMS;

15 Petitioner,

16 vs.

17 CITY OF LOS ANGELES,

18 Respondent;

19 DOES 1 through 25, inclusive,

20 Real Parties in Interest.
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Case No.: **BS 1 6 3 7 6 3**

REQUEST TO PREPARE RECORD OF
PROCEEDINGS (COST ESTIMATE);
CONDITIONAL NOTICE OF
ELECTION OF PREPARATION BY
PETITIONER

(California Environmental Quality Act, Public
Res. Code § 21167.6.)

By Fax

1 Pursuant to Public Resources Code section 21167.6, and Code of Civil Procedure section
2 1094.5(a), Petitioners THE TIARA GROUP 2, COALITION FOR A SAFE
3 ENVIRONMENT, CALIFORNIA KIDS IAQ, and COMMUNITY DREAMS hereby request
4 that Respondent CITY OF LOS ANGELES provide Petitioners with a cost estimate for
5 preparing the administrative record in the above-captioned matter, including indexing, page-
6 numbering, and photocopying.


7 Petitioners request that Respondent designate in the record all documents, including all
8 transcripts, minutes of meetings, notices, correspondence, reports, studies, proposed decisions,
9 final decisions, findings, and any and all other documents relating to its actions made July 1, 2016
10 through its City Council certifying an environmental impact report ("EIR") and approving the
11 construction and operation of Van Nuys Fire Station No. 39 (W.O. E170094B), located on the
12 14600 block of Oxnard Street in the community of Van Nuys within the City ("Project"). Please
13 refer to Public Resources Code section 21167.6(e) for a list of materials required to be included
14 in the administrative record.

15 PLEASE TAKE NOTICE that pursuant to Public Resources Code section
16 21167.6(b)(2), Petitioners hereby reserve the right to elect to prepare the record itself after
17 receiving Respondent's cost estimate, subject to future discussion and any alternative
18 arrangement to which the parties to this action may agree

19 Dated: July 28, 2016

M. R. WOLFE AND ASSOCIATES, P.C.

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23 By: _____


Mark R. Wolfe
Attorney for Petitioner

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San Francisco, CA 94102
(415) 369-9400
REQUEST TO PREPARE RECORD
Tiara Group 2, et al. v. City of Los Angeles
Case No.