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HOLLYWOOD HERITAGE, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS Angeles

HOLLYWOOD HERITAGE, INC., a
California non-profit corporation,

Petitioner,

vs.

COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF LOS
ANGELES; and DOES 1 through 20,
inclusive,

Respondents.

CITY OF LOS ANGELES, a municipal
corporation; the LOS ANGELES CITY
COUNCIL; WHITLEY INVESTMENT
GROUP, LLC; and ROES 1-200 inclusive,

Real Parties in Interest.

CASE NO. BS108249

**FIRST AMENDED PETITION FOR
WRIT OF MANDAMUS AND/OR
PROHIBITION, AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

[Code Civ. Proc. § 1085]

[Hon. David P. Yaffe, Dept. 86]

THE SILVERSTEIN LAW FIRM, APC
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1 5. For more than 20 years, the CRA has failed and refused to prepare and
2 complete the mandated Studies.

3 6. For more than 20 years, the CRA and the City have ignored the plain,
4 unambiguous words of the 1986 HRP regarding the implementation of the mandated
5 Studies.

6 7. For more than 20 years, the public has been denied the benefit of the
7 mandated Studies. The Studies were supposed to establish a framework for
8 environmentally responsible development, including with a high degree of protection for
9 architecturally and/or historically significant resources.

10 8. The 2003 HRP became effective July 12, 2003 by City of Los Angeles
11 Ordinance No. 175236. The 2003 HRP extended to approximately July 11, 2008 the
12 deadline by which certain of the Studies were to be completed and adopted, although the
13 deadlines for certain other of the Studies were not extended in the 2003 HRP. The CRA is
14 currently in violation of the 1986 HRP, 2003 HRP, and/or 2003 FEIR with regard to
15 preparation, completion and publication of those of the Studies whose deadlines for
16 completion were not extended in the 2003 HRP.

17 9. Compounding the already two-decade delay in the public's receipt of the
18 Studies, Petitioner is informed and believes, and based thereon alleges, that the CRA as of
19 March 2007 has failed to begin preparation of most or all of the Studies.

20 10. In the absence of the mandated Studies, the CRA and City for the past 20+
21 years have been approving, and at all times relevant herein continue to approve,
22 development projects in the Project Area. The CRA and City's approvals of development
23 projects, many of enormous size and traffic generation, have caused significant
24 environmental impacts in the Hollywood Project Area and surrounding locales in Los
25 Angeles and adjacent cities.

26 11. The CRA has also failed and refused to comply with Section 511 of the
27 1986 HRP, and Section 511 as readopted in the 2003 HRP, regarding preservation,
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1 protection, rehabilitation, and retention of architecturally and/or historically significant
2 buildings and resources in the Hollywood Project Area.

3 12. Over the repeated objections of Petitioner Hollywood Heritage, the CRA
4 has violated, and at all times relevant herein continues to violate, the 1986 HRP,
5 2003 HRP and 2003 FEIR, and in particular Section 511 of the 1986 HRP and 2003 HRP,
6 by refusing to require the City to delay the issuance of demolition, grading, foundation,
7 building, and other permits for development projects which involve or have been
8 determined by the CRA to adversely affect buildings or resources determined by the CRA
9 to be architecturally and/or historically significant, including but not limited to the
10 development project by Real Party in Interest Whitley Investment Group.

11 13. Because of the CRA's violations of Section 511 of the 1986 HRP,
12 2003 HRP and related provisions of the 2003 FEIR, numerous architecturally and/or
13 historically significant buildings and resources in the Hollywood Project Area have been
14 destroyed and/or are currently in danger of being destroyed.

15 14. Petitioner seeks a writ of mandamus from this Court, *inter alia*, compelling
16 the CRA to:

- 17 (a) Complete, approve, certify and implement the mandated Studies that
18 are currently overdue.
- 19 (b) Commence preparation of those other of the mandated Studies whose
20 deadlines were extended in the 2003 HRP so that, 21 years after they
21 were first mandated, the CRA will finally complete, approve, certify
22 and implement the Studies, including completing all CEQA review
23 for the Studies, by the July 11, 2008 deadline.
- 24 (c) Comply with Section 511 of the 1986 HRP and 2003 HRP and
25 related provisions and mitigation measures of the 2003 FEIR
26 regarding protection of architecturally and/or historically significant
27 buildings in the Hollywood Project Area.
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PARTIES

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2 15. Petitioner Hollywood Heritage, Inc. is a California non-profit corporation
3 formed in 1980 to advocate for the preservation of Hollywood’s architectural and
4 historical heritage. Petitioner is aggrieved specifically by the damaging and destruction of
5 architecturally and/or historically significant resources in the Hollywood Project Area, as
6 well as generally by environmentally damaging development in the Hollywood Project
7 Area. Petitioner was contracted by the CRA to prepare the architectural resources survey
8 that became the basis for Section 511 of the 1986 HRP.

9 16. Petitioner has a substantial interest in ensuring that the CRA and City’s
10 actions and land use decisions are in conformity with the requirements of law, including
11 the 1986 HRP, the 2003 HRP, and the 2003 FEIR, and in having those requirements
12 properly executed and the public duties of the CRA and City enforced. Petitioner and its
13 members are and will be adversely affected by impacts resulting from the CRA and City’s
14 actions and inactions as described herein, and are aggrieved by the acts, decisions and
15 omissions of the CRA and City as alleged in this petition. Petitioner is suing on its behalf,
16 and on behalf of others who are or will be affected in the Hollywood Project Area, the
17 Hollywood area generally, as well as all citizens of the City of Los Angeles.

18 17. Petitioner is informed and believes, and based thereon alleges, that
19 Respondent CRA is, and at all times relevant herein was, a public body, corporate and
20 politic, exercising governmental functions and powers as the Community Redevelopment
21 Agency for the City of Los Angeles, and is the entity responsible for promulgating,
22 approving and enforcing the 1986 HRP, 2003 HRP and 2003 FEIR.

23 18. Petitioner is informed and believes, and based thereon alleges, that Real
24 Party in Interest City of Los Angeles is, and at all times relevant herein was, a municipal
25 corporation duly chartered and incorporated under the laws of the State of California.
26 Petitioner is informed and believes, and based thereon alleges, that the City is a political
27 subdivision of the State of California located within the County of Los Angeles, and
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1 exercises its authority through respondent City Council and other commissions,
2 committees, staff, agencies, departments and officials.

3 19. Petitioner is informed and believes, and based thereon alleges, that Real
4 Party in Interest Los Angeles City Council is the elected governing body of the City, and
5 also approved and certified the 1986 HRP, 2003 HRP and 2003 FEIR. (The City and City
6 Council are collectively referred to as the “City”.) The City, as used collectively herein,
7 in conjunction with the CRA, is also responsible for enforcing the 1986 HRP, 2003 HRP
8 and 2003 FEIR.

9 20. Petitioner is informed and believes, and based thereon alleges, that Real
10 Party in Interest Whitley Investment Group, LLC (“Whitley Investment Group”) is a
11 limited liability company organized under the laws of the State of California and is the
12 owner and/or proposed or actual developer of those certain properties located at 1802-
13 1808 North Whitley Avenue and 1810-1816 North Whitley Avenue in the Hollywood
14 Project Area, which properties contain and/or contained, and are also in proximity to,
15 architecturally and/or historically significant buildings and resources in the Hollywood
16 Project Area. Petitioner is informed and believes, and based thereon alleges, that Whitley
17 Investment Group seeks to construct approximately 32 condominium units on the 1802-
18 1808 and 1810-1816 North Whitley Avenue properties. Petitioner is further informed and
19 believes, and based thereon alleges, that Whitley Investment Group began seeking
20 approval for said construction from the City and the CRA within the past three years.

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

3 22. Petitioner is ignorant of the true names of real parties sued herein as ROES
4 1 through 200, inclusive, and therefore sues said real parties by those fictitious names.
5 Petitioner will amend the petition to allege their true names and capacities when the same
6 have been ascertained. Petitioner is informed and believes, and based thereon alleges, that
7 each of these fictitiously named real parties is in some manner responsible for the
8 wrongful conduct alleged in this petition. Petitioner is informed and believes, and based
9 thereon alleges, that these fictitiously named real parties were, at all times mentioned in
10 this petition, the agents, servants, and employees of their co-real parties and were acting
11 within their authority as such with the consent and permission of their co-real parties.

12 23. Petitioner has no plain, speedy or adequate remedy available to it in the
13 ordinary course of law to redress the claims alleged in this petition. Petitioner and the
14 public generally will suffer irreparable harm if the CRA and City are not required to
15 comply with the 1986 HRP, the 2003 HRP, and the 2003 FEIR, as alleged herein.

16 **BACKGROUND**

17 **THE 1986 HOLLYWOOD REDEVELOPMENT PLAN ("1986 HRP")**

18 24. On or about May 7, 1986, the City Council adopted and certified the
19 1986 HRP, which had previously been approved by the CRA.

20 25. The 1986 HRP requires the preparation of several guidelines, plans, and/or
21 studies (the "Studies"). The Studies required by the 1986 HRP include the following:

- 22 (a) A detailed design plan for the Franklin Avenue Design District which
23 addresses preservation of architecturally and/or historically
24 significant buildings, parking, circulation, and views to and from the
25 Hollywood Hills including the height, orientation and massing of
26 new development within this District (hereinafter the "Franklin
27 Avenue Design Plan"). The deadline given in the 1986 HRP for the
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Franklin Avenue Design Plan to be completed was within **four years** after adoption of the 1986 HRP. (1986 HRP, p. 27.)

(b) An Urban Design Plan for the Hollywood Boulevard District including design guidelines and criteria and a parking and circulation program to achieve these objectives (hereinafter the “Hollywood Boulevard District Urban Design Plan”). The deadline given in the 1986 HRP for the Hollywood Boulevard District Urban Design Plan to be completed was within **two years** of adoption of the 1986 HRP. (1986 HRP, pp. 32-33.)

(c) Development guidelines for the Hollywood Core Transition District to ensure that new development is compatible with adjacent residential areas (hereinafter the “Hollywood Core Transition District Development Guidelines”). The deadline given in the 1986 HRP for the Hollywood Core Transition District Development Guidelines to be completed was within **five years** of the adoption of the 1986 HRP. (1986 HRP, pp. 33-34.)

(d) An ordinance, for City Council consideration, establishing a transportation program (hereinafter the “Transportation and Parking Ordinance”). The Ordinance shall include but not be limited to the following: (1) a transportation improvement and management plan creating an integrated program of transportation mitigation measures such as traffic flow management, demand management programs, street widenings, public transit and private transit, including their associated operating costs; (2) a commitment of public and private funding sources to implement the transportation improvement and management plan. This shall recognize that the transportation in Hollywood services regional and local needs; (3) procedures to require mitigation of the transportation impacts of new development

1 within the Hollywood Redevelopment Plan area which are expected
2 to have significant transportation impact; (4) a program including a
3 comprehensive study to establish trip generation rates which reflect
4 the unique travel conditions in Hollywood; (5) a program including a
5 comprehensive study to establish parking requirements for new
6 development of the various kinds of land use within the Hollywood
7 Redevelopment Project Area. The deadline given in the 1986 HRP
8 for the Transportation and Parking Ordinance to be prepared was
9 within two years of the adoption of the 1986 HRP. (1986 HRP,
10 pp. 46-47.)

- 11 (e) Section 511 of the 1986 HRP provides that the CRA “shall maintain
12 a publicly available list of all buildings within the Project Area which
13 it determines to be architecturally and/or historically significant.”
14 (1986 HRP, p. 42.) While the publicly available list of
15 architecturally significant buildings within the Project Area was
16 completed and is the basis for Appendix G of the 2003 FEIR, the
17 publicly available list of historically significant buildings (hereinafter
18 the “Historical Survey”) has never been prepared. No deadline was
19 given in the 1986 HRP with regard to the development of the
20 Historical Survey. (1986 HRP, p. 42.) Petitioner alleges that
21 preparation of the Historical Survey was to occur within a reasonable
22 amount of time, i.e., less than 20 years. The 2003 HRP restated the
23 requirement that the Historical Survey be prepared. (2003 HRP,
24 pp. 34-35.) To this date, nearly 21 years after first being mandated,
25 and nearly four additional years after being re-mandated in the
26 2003 HRP, the CRA has failed and refused to prepare, complete and
27 implement the Historical Survey. Petitioner further alleges that the
28 reasonable time period within which to prepare the Historical Survey

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was exceeded within three years prior to the filing of this petition, and that the CRA and/or City have abused their discretion in failing to do so.

(f) Section 511 of the 1986 HRP states that “in order to provide incentives to preserve architecturally and/or historically significant structures, the unused density from architecturally and/or historically significant structures may be transferred to other development sites.” The CRA is to “promulgate procedures for such transfer proposals consistent with the procedures and requirements as established in Section 506.2.3, Regional Center Commercial Density, the procedures and requirements of Section 505.3, Housing Incentive Units for housing developments, and the procedures of Section 521, Variations” (hereinafter the “Density Transfer Procedures”). No deadline was given in the 1986 HRP with regard to the development of the Density Transfer Procedures. (1986 HRP, p. 43.) Petitioner alleges that preparation of the Density Transfer Procedures was to occur within a reasonable amount of time, i.e., less than 20 years. The 2003 HRP restated the requirement that the Density Transfer Procedures be prepared. (2003 HRP, p. 35.) To this date, nearly 21 years after first being mandated, and nearly four additional years since being re-mandated in the 2003 HRP, the CRA has failed and refused to prepare, complete and implement the Density Transfer Procedures. Petitioner further alleges that the reasonable time period within which to prepare the Density Transfer Procedures was exceeded within three years prior to the filing of this petition, and that the CRA and/or City have abused their discretion in failing to do so.

1 26. The 1986 HRP and 2003 HRP claim that “[r]edevlopment of the Project
2 Area pursuant to this Plan will attain the purposes of the California Community
3 Redevelopment Law . . . by protecting and promoting sound development”
4 (1986 HRP, p. 2; 2003 HRP, p. 2.) The CRA, and by extension the City, cannot protect
5 and promote sound development in the Hollywood Project Area in view of the CRA’s
6 failure to prepare and approve the mandated Studies, including the critical Transportation
7 and Parking Ordinance, for more than 20 years.

8 27. On March 13, 2007, City of Los Angeles Controller Laura Chick issued an
9 audit of the City’s transportation department, finding, *inter alia*, that the City’s
10 Department of Transportation lacks short- and long-term goals and has no strategic plan.

11 28. The goals listed in the 1986 HRP and 2003 HRP include: “(a) adopting land
12 use standards; (b) promoting architectural and urban design standards; . . . (d) encouraging
13 maintenance of the built environment; . . . (g) promoting rehabilitation and restoration
14 guidelines” (1986 HRP, p. 3; 2003 HRP, pp. 2-3.) The 1986 HRP and 2003 HRP
15 provide as additional goals to “recognize, promote and support the retention, restoration
16 and appropriate reuse of existing buildings, groupings of buildings and other physical
17 features especially those having significant historic and/or architectural value and ensure
18 that new development is sensitive to those features through land use and development
19 criteria.” (1986 HRP, p. 4; 2003 HRP, p. 3.)

20 29. Another purpose of the 1986 HRP and 2003 HRP is “to encourage the
21 retention of existing structures by a program of conservation and rehabilitation”
22 (1986 HRP, p. 17; 2003 HRP, p. 14.)

23 30. Section 511 of the 1986 HRP and 2003 HRP states in pertinent part:

24 “No grading, foundation, demolition, building or any
25 other kind of permit shall be issued by the City for any
26 property within the Redevelopment Project Area which
27 involves or is determined by the Agency to adversely affect
28 any building or resource determined by the Agency to be

1 architecturally or historically significant, unless and until the
2 following procedure occurs:

3 “Upon notice to the City of such determinations by the
4 Agency, the issuance of any such permit shall be delayed for a
5 reasonable period of time requested by the Agency, not to
6 exceed one hundred and eighty (180) days, to permit
7 negotiations to occur and opportunities to be explored by all
8 parties concerned to seek to avoid or mitigate any adverse
9 impact on any such architecturally or historically significant
10 building or resource. (Emphasis added.)

11 “If the Agency determines that arrangements for the
12 preservation of the building or resource cannot be
13 accomplished within the original 180 day period and further
14 determines that such arrangements are likely to be
15 satisfactorily completed within an additional period not to
16 exceed one hundred and eighty (180) days, then the Agency
17 may extend the initial 180 day delay period, up to a maximum
18 extension of an additional 180 days.

19 “No application for any grading, foundation,
20 demolition, building or any other kind of permit filed with the
21 City shall be considered to conform with this Redevelopment
22 Plan unless and until the requirements of this Section are
23 satisfied.” (Emphasis added.)

24 “The Agency shall coordinate the implementation of
25 this section with the efforts of the Cultural Heritage
26 Commission of the City.” (1986 HRP, pp. 42-44; 2003 HRP,
27 pp. 34-36.)
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1 **THE 2003 HOLLYWOOD REDEVELOPMENT PLAN (“2003 HRP”)**

2 31. On or about May 20, 2003, the City Council adopted and certified the
3 2003 HRP, which had previously been approved by the CRA. The 2003 HRP readopted
4 and restated almost verbatim the text of the 1986 HRP, but extended the completion
5 deadlines for four of the six Studies, as explained in ¶ 25 herein.

6 32. Under the 2003 HRP, the stated deadline for preparation of the Franklin
7 Avenue Design Plan is within five years following adoption of the 2003 HRP.
8 (2003 HRP, p. 22.)

9 33. Under the 2003 HRP, the stated deadline for preparation of the Hollywood
10 Boulevard District Urban Design Plan is within five years following adoption of the
11 2003 HRP. (2003 HRP, p. 27.)

12 34. Under the 2003 HRP, the stated deadline for preparation of the Hollywood
13 Core Transition District Development Guidelines is within five years following adoption
14 of the 2003 HRP. (2003 HRP, p. 27.)

15 35. Under the 2003 HRP, the stated deadline for the preparation of the
16 Transportation and Parking Ordinance is within five years following adoption of the
17 2003 HRP. (2003 HRP, p. 37.)

18 **THE 2003 FINAL ENVIRONMENTAL IMPACT REPORT (“2003 FEIR”)**

19 36. The 2003 FEIR for the 2003 HRP was approved and certified by both the
20 CRA and City in 2003.

21 37. The 2003 FEIR was prepared to evaluate, assess and mitigate the potential
22 environmental impacts associated with implementation of the 2003 HRP in the
23 Hollywood Project Area.

24 38. Among other things, the 2003 FEIR states that the 2003 HRP authorizes the
25 CRA, *inter alia*, to undertake redevelopment activities which rehabilitate and reuse
26 existing developments and preserve and reuse historic resources (2003 FEIR, p. ES-2),
27 and that the “[p]reservation of historic resources is an important priority” under the
28 1986 HRP and 2003 HRP. (2003 FEIR, p. A-48.)

1 39. The 2003 FEIR states:

2 “In the event that a future development project within
3 the Hollywood Redevelopment Project Area is proposed on or
4 in proximity to a site containing an historical resource
5 identified in the survey contained in Appendix G to the EIR,
6 the Agency shall require a study to be made by a qualified
7 architectural historian to determine whether the proposed
8 development project would result in a substantial adverse
9 change in the significance of the historical resource. If the
10 study concludes that the project would not result in a
11 substantial adverse change in the significance of the historical
12 resource, no further action would be required.” (2003 FEIR,
13 p. III.D-11; emphasis added.)

14 40. Pursuant to Section 511 of the 1986 HRP and 2003 HRP, Appendix G of the
15 2003 FEIR was used by the CRA to identify the architecturally significant buildings in the
16 Hollywood Project Area.

17 41. On or about January 3, 2003, Petitioner submitted written comments on the
18 Draft EIR, which comments were incorporated into the 2003 FEIR. Petitioner’s written
19 comments included the following:

20 “The DEIR fails to address the CRA’s inability to create and
21 implement specific ordinance plans within the 1986 Plan
22 approval. These included sections 518.1 ‘Circulation,’ 505.2
23 ‘Franklin Avenue Design District,’ and 506.2.1 ‘Hollywood
24 Boulevard District,’ all due in 2-4 years after the May 7, 1986
25 Plan adoption date. These reports are key points of the Plan.
26 Their failure to be in effect is a major default of the city and
27 the CRA in their legal obligations to Hollywood. They also
28 have created a design and development vacuum in Hollywood

1 discretion in failing to complete the Studies for more than 20 years while simultaneously
2 permitting development in the Hollywood Project Area that was to be evaluated, regulated
3 and mitigated in accordance with the mandated Studies.

4 47. In the absence of the mandated Studies, the CRA and City continue to
5 approve massive projects in the Hollywood Project Area which cannot be granted because
6 the stated conditions for approval cannot be met. For example, in a March 8, 2007
7 Recommendation Report from the City’s Planning Department related to a proposed
8 project at 1540 North Vine Street, the findings of the Recommendation Report
9 recommended and approved multiple actions, including a zone change and a 50% floor
10 area ratio increase to permit an 11-story, approximately 430,000 square foot mixed use
11 building consisting of 306 apartment units and a 67,500 square foot grocery store, based
12 in part on a legally impossible CRA Board finding “that the project conforms to: . . . a
13 Transportation Program adopted by the Community Redevelopment Agency Board”
14 Yet on the following page, the Recommendation Report admits that no such
15 Transportation Program has been adopted by the CRA. (Attached hereto as **Exhibit 2** are
16 true and correct copies of excerpts of the March 8, 2007 Recommendation Report.)

17 48. Regarding the Franklin Avenue Corridor, the 1986 HRP and 2003 HRP
18 recognize the need for “preservation of architecturally and/or historically significant
19 buildings, parking, circulation, and views to and from the Hollywood Hills including the
20 height, orientation and massing of new development within this District.” (1986 HRP,
21 p. 27; 2003 HRP, p. 22.) However, the CRA has failed to prepare the Franklin Avenue
22 Design Plan, one of the mandated Studies, for more than 20 years.

23 49. Petitioner is informed and believes, and based thereon alleges, that
24 historically and/or architecturally significant resources are not being sufficiently
25 protected, and irreparable harm is occurring because of the CRA’s failure to complete and
26 implement the Franklin Avenue Design Plan while the CRA and City approve projects in
27 the absence of the Franklin Avenue Design Plan.
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1 50. Shortly before the filing of this Petition, the CRA indicated that the Franklin
2 Avenue Design Plan does not exist, is not being prepared, and no budget has been
3 allocated for its preparation. (Attached hereto as **Exhibit 3** is a true and correct copy of a
4 February 14, 2007 letter from the CRA in response to a January 23, 2007 Public Records
5 Act request from Petitioner in which Petitioner requested all “documents which refer or
6 relate to whether any of the studies called for as part of the 1986 Hollywood
7 Redevelopment Plan and the 2003 Hollywood Redevelopment Plan Amendment,
8 including but not limited to the transportation and parking study, the detailed design plan
9 for the Franklin Avenue Design District, the urban design plan for the Hollywood
10 Boulevard District, design and/or development guidelines for the Hollywood Core
11 Transition District, and the preparation of an ordinance establishing a transportation
12 program”)

13 51. The 1986 HRP and 2003 HRP recognize the importance of “preservation,
14 restoration, and appropriate reuse of historically and/or architecturally significant
15 structures” in the Hollywood Boulevard District. (1986 HRP, p. 32; 2003 HRP, p. 27.)
16 The 1986 HRP and 2003 HRP state that the objectives of the Hollywood Boulevard
17 District, *inter alia*, are to “Assure that new development is sympathetic to and
18 complements the existing scale of development.” (1986 HRP, p. 33; 2003 HRP, p. 27.)
19 The 1986 HRP and 2003 HRP also require that “All new development in the District shall
20 meet the design guidelines [of the Hollywood Boulevard District Urban Design Plan] to
21 ensure that the objectives of the District are achieved.” (1986 HRP, p. 33; 2003 HRP,
22 p. 27 [emphasis added].)

23 52. The 1986 HRP states that the Hollywood Boulevard District Urban Design
24 Plan “including design guidelines and criteria and a parking and circulation program to
25 achieve [its] objectives shall be developed by the Agency within two (2) years of the
26 adoption of the” 1986 HRP. (1986 HRP, p. 33.)

27 53. The 2003 HRP generally mirrors the language of the 1986 HRP, and again
28 states that the Hollywood Boulevard District Urban Design Plan “including design

1 guidelines and criteria and a parking and circulation program to achieve [its] objectives
2 shall be developed by the Agency within five (5) years following the adoption of the First
3 Amendment to this Plan,” i.e., the 2003 HRP. (2003 HRP, p. 27.)

4 54. However, for more than 20 years the CRA has ignored the plain,
5 unambiguous words of the 1986 HRP and 2003 HRP, and has failed to complete the
6 Hollywood Boulevard District Urban Design Plan to ensure that the objectives of the
7 1986 HRP and 2003 HRP are met. Petitioner is informed and believes, and based thereon
8 alleges, that because the Hollywood Boulevard District Urban Design Plan has not been
9 prepared and/or completed, any and all development projects in the Hollywood Boulevard
10 District *per se* cannot be in compliance with the 1986 HRP and the 2003 HRP because the
11 method to approve them, i.e., that “All new development in the District shall meet the
12 design guidelines” (1986 HRP, p. 33; 2003 HRP, p. 27) does not exist.

13 55. Petitioner is informed and believes, and based thereon alleges, that
14 historically and/or architecturally significant resources are not being sufficiently
15 protected, and irreparable damage is occurring as a result of the CRA’s failure to complete
16 and implement the Hollywood Boulevard District Urban Design Plan, while the CRA and
17 City continue to approve projects in the absence of the Hollywood Boulevard District
18 Urban Design Plan.

19 56. As of the date of the filing of this Petition, the CRA has indicated that the
20 Hollywood Boulevard District Urban Design Plan does not exist, is not being prepared,
21 and no budget has been allocated for its preparation. (**Exhibit 3.**)

22 57. The CRA’s failure to complete and implement these required Studies has
23 deprived the public of the protections mandated by CEQA and the 1986 HRP, the
24 2003 HRP, and the 2003 FEIR which the Studies were to provide, including but not
25 limited to mitigation of environmental impacts and added protection of historical and/or
26 architecturally significant resources in the Project Area.

27 58. The 1986 HRP and 2003 HRP recognize that properties designated on the
28 Redevelopment Plan Map as “Hollywood Core Transition District” shall be given special

1 consideration due to the low density of the adjacent residential areas. (1986 HRP, p. 33;
2 2003 HPR, p. 27.) However, the Hollywood Core Transition District Development
3 Guidelines that were meant to ensure that new development is compatible with adjacent
4 residential areas have not been prepared after more than 20 years. Petitioner is informed
5 and believes, and based thereon alleges, that because the Hollywood Core Transition
6 District Development Guidelines do not yet exist, there is no method in place for ensuring
7 that new developments are compatible with adjacent residential areas, including but not
8 limited to historically and/or architecturally significant residential areas.

9 59. Petitioner is informed and believes, and based thereon alleges, that
10 historically and/or architecturally significant resources are not being sufficiently
11 protected, and irreparable damage is occurring as a result of the CRA's failure to complete
12 and implement the Hollywood Core Transition District Development Guidelines, while
13 the CRA and City continue to approve projects in the absence of the Hollywood Core
14 Transition District Development Guidelines.

15 60. As of the date of the filing of this Petition, the CRA has indicated that the
16 Hollywood Core Transition District Development Guidelines do not exist, are not being
17 prepared, and no budget has been allocated for their preparation. (**Exhibit 3.**)

18 61. The 1986 HRP and 2003 HRP recognize the critical need for developing the
19 Transportation and Parking Ordinance. (1986 HRP, p. 46-47; 2003 HPR, pp. 37-39.)
20 However, the Transportation and Parking Ordinance has not been prepared after more
21 than 20 years.

22 62. Petitioner is informed and believes, and based thereon alleges, that
23 environmentally responsible development has not occurred and is not occurring in the
24 Project Area, and historically and/or architecturally significant resources are being
25 adversely impacted, as a result of the CRA's failure to complete and implement the
26 Transportation and Parking Ordinance while the CRA and City continue to approve
27 projects in the absence of the Transportation and Parking Ordinance.
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1 63. As of the date of the filing of this Petition, the CRA has indicated that the
2 Transportation and Parking Ordinance does not exist, is not being prepared, and no budget
3 has been allocated for its preparation. (**Exhibit 3.**)

4 64. The CRA's failure to complete and implement the fifth study, i.e., the
5 Historical Survey, is a further abuse of discretion and violation of the 1986 HRP and
6 2003 HRP. The CRA has failed to complete the Historical Survey for more than 20 years.

7 65. Petitioner is informed and believes, and based thereon alleges, that
8 environmentally responsible development has not occurred and is not occurring in the
9 Project Area, and historically and/or architecturally significant resources are being
10 adversely impacted, as a result of the CRA's failure to complete and implement the
11 Historical Survey while the CRA and City continue to approve projects in the absence of
12 the Historical Survey.

13 66. As of the date of the filing of this Petition, the CRA has indicated that the
14 Historical Survey does not exist, is not being prepared, and no budget has been allocated
15 for its preparation. (**Exhibit 3.**)

16 67. The CRA's failure to complete and implement the sixth study, i.e., the
17 Density Transfer Procedures, is a further abuse of discretion and violation of the
18 1986 HRP and 2003 HRP. The CRA has failed to complete the Density Transfer
19 Procedures study for more than 20 years.

20 68. Petitioner is informed and believes, and based thereon alleges, that
21 environmentally responsible development has not occurred and is not occurring in the
22 Project Area, and historically and/or architecturally significant resources are being
23 adversely impacted, as a result of the CRA's failure to complete and implement the
24 Density Transfer Procedures while the CRA and City continue to approve projects in the
25 absence of the Density Transfer Procedures.

26 69. As of the date of the filing of this Petition, the CRA has indicated that the
27 Historical Survey does not exist, is not being prepared, and no budget has been allocated
28 for its preparation. (**Exhibit 3.**)

1 70. The 2003 FEIR also includes Response No. 13-2, responding to comments
2 received from Petitioner. (**Exhibit 1.**) (2003 FEIR, p. A-47.) Petitioner’s comments
3 noted that the CRA had failed to prepare the Franklin Avenue Design Plan, the
4 Hollywood Boulevard District Urban Design Plan, and the Transportation and Parking
5 Ordinance. The CRA’s response notes that with regard to the Urban Design Plan, the
6 CRA has “included funding for preparation of this Plan in its work program for the
7 current fiscal year and the following fiscal year.” The CRA’s response to comments in
8 the 2003 FEIR states that “[t]hese plans are expected to be completed within” “the current
9 fiscal year [2003] and the following fiscal year.” However, these studies still have not
10 been completed, and the CRA has failed and refused to require their preparation.

11 71. Petitioner is informed and believes, and based thereon alleges, that the CRA
12 has exhibited a pattern and practice of failing and refusing to prepare, complete and
13 implement the Studies required by the 1986 HRP, 2003 HRP and 2003 FEIR. The CRA’s
14 pattern of ignoring and otherwise violating its own adopted land use and planning
15 documents has continued for more than 20 years.

16 72. Petitioner is informed and believes, and based thereon alleges, that the CRA
17 has taken little or no action in compliance with the extended timeframes granted in the
18 2003 HRP to prepare and complete the required Studies. (**Exhibit 3.**)

19 73. As shown in **Exhibit 3**, the CRA admits that “it does not have any
20 documentation in its care, custody or control which would be responsive to this request”
21 related to: “(i) the design plan for the Franklin Avenue Design District, (ii) the
22 design/development guidelines for the Hollywood Core Transition District, and (iii) an
23 ordinance establishing a transportation program” As to the remainder of Petitioner’s
24 request, the CRA appears to refer to limited documents from 1988 and 1990, as well as
25 undated documents which Petitioner is informed and believes, and based thereon alleges,
26 come from the same time frame. These documents do not pertain to or in any manner
27 meet the requirements of preparing the Studies called for in the 2003 HRP and/or
28 2003 FEIR.

1 74. As further shown in **Exhibit 3**, Petitioner requested “All documents which
2 refer or relate to the current status of all studies called for in the 1986 Hollywood
3 Redevelopment Plan and the 2003 Hollywood Redevelopment Plan Amendment,
4 including but not limited to staff reports, studies, photographs, memoranda and internal
5 memoranda, agenda items, agenda statements, correspondence, emails, notes, photos, and
6 audio and/or video recordings.”

7 75. As shown in **Exhibit 3**, the CRA admits that “A diligent search and
8 reasonable inquiry has been made, and this Agency affirms that it does not have any
9 documentation within its care, custody, or control, which would be responsive to this
10 request.”

11 76. Petitioner is informed and believes, and based thereon alleges, that because
12 the CRA has failed and refused to prepare, complete and implement the Studies, it is
13 impossible for new development to occur in compliance with the 1986 HRP, 2003 HRP,
14 and 2003 FEIR, and as a result, all new development and approvals thereof by the CRA
15 and City are, *per se*, in violation of the 1986 HRP, 2003 HRP, and 2003 FEIR, and
16 thereby illegal.

17 77. Petitioner is informed and believes, and based thereon alleges, that because
18 the CRA has failed and refused to prepare, complete and implement the Studies, the
19 environmental mitigation measures and protections, including for historically and/or
20 architecturally significant resources, which were to result from the Studies have been
21 denied to the public. Petitioner is further informed and believes, and based thereon
22 alleges, that the environmental mitigation measures which the Studies were to provide are,
23 in the absence of the required Studies, unenforceable and illusory.

24 78. Petitioner is informed and believes, and based thereon alleges, that the
25 CEQA review for numerous development projects in the Project Area have purported to
26 and continue to purport to “tier off” of the 2003 FEIR. However, the 2003 FEIR, as the
27 1986 HRP and 2003 HRP, are devoid of the mandated Studies, including the six Studies
28

1 alleged in ¶ 23 above. As a result, the CRA and City have and continue to illegally grant
2 development approvals based upon nonexistent design and environmental studies.

3 79. The CRA and City have violated and continue to violate the holding of
4 Federation of Hillside & Canyon Associations v. City of Los Angeles (2000) 83
5 Cal.App.4th 1252, 1260-1261, which states that the purpose of providing measures to
6 mitigate or avoid significant effects on the environment “is to ensure that feasible
7 mitigation measures will actually be implemented as a condition of development, and not
8 merely adopted and then neglected or disregarded.”

9 **SECOND CAUSE OF ACTION**

10 **(Petition for Writ of Mandamus And/Or Prohibition for The CRA’s**
11 **Violations Of Section 511 of the 1986 HRP and 2003 HRP, And Related Provisions**
12 **Of The 2003 FEIR, And For Declaratory Relief --**
13 **Against CRA, City and Whitley Investment Group)**

14 80. Petitioners reallege and incorporate herein by reference the allegations of
15 Paragraphs 1 through 79, inclusive, of this petition.

16 81. As noted above, Section 511 of the 1986 HRP and 2003 HRP states in
17 pertinent part:

18 “Buildings listed as Cultural-Historic Monuments by
19 the City and listed in, determined or appear to be eligible for
20 listing in the National Register of Historic Places are
21 determined to be of architectural and/or historic significance.
22 The Agency shall use established criteria for determining
23 additional architectural and/or historical resources and shall
24 maintain a publicly available list of all buildings within the
25 Project Area which it determines to be architecturally and/or
26 historically significant. (Emphasis added.)

27 “No grading, foundation, demolition, building or any
28 other kind of permit shall be issued by the City for any

1 property within the Redevelopment Project Area which
2 involves or is determined by the Agency to adversely affect
3 any building or resource determined by the Agency to be
4 architecturally or historically significant, unless and until the
5 following procedure occurs:

6 “Upon notice to the City of such determinations by the
7 Agency, the issuance of any such permit shall be delayed for a
8 reasonable period of time requested by the Agency, not to
9 exceed one hundred and eighty (180) days, to permit
10 negotiations to occur and opportunities to be explored by all
11 parties concerned to seek to avoid or mitigate any adverse
12 impact on any such architecturally or historically significant
13 building or resource. (Emphasis added.)

14 “If the Agency determines that arrangements for the
15 preservation of the building or resource cannot be
16 accomplished within the original 180 day period and further
17 determines that such arrangements are likely to be
18 satisfactorily completed within an additional period not to
19 exceed one hundred and eighty (180) days, then the Agency
20 may extend the initial 180 day delay period, up to a maximum
21 extension of an additional 180 days.

22 “No application for any grading, foundation,
23 demolition, building or any other kind of permit filed with the
24 City shall be considered to conform with this Redevelopment
25 Plan unless and until the requirements of this Section are
26 satisfied.” (Emphasis added.)

27 “The Agency shall coordinate the implementation of
28 this section with the efforts of the Cultural Heritage

1 Commission of the City.” (1986 HRP, p. 42-44; 2003 HRP,
2 pp. 34-36.)

3 82. The “publicly available list” referenced in Section 511 is Appendix G to the
4 2003 FEIR for the 2003 HRP. (2003 FEIR, p. III.D-5; p. ES-20.) (A true and correct
5 copy of Appendix G to the 2003 FEIR is attached hereto as **Exhibit 4**.)

6 83. While Petitioner contends that the Historical Survey as described in ¶ 23(e)
7 has not been prepared or completed, Appendix G to the 2003 FEIR refers to
8 architecturally and/or historically significant resources. Appendix G divides these
9 resources into five categories of relative significance, from 1 to 5. Buildings from all five
10 categories, including 5S1, 5S3, and 5D, are included in Appendix G as being “Historical
11 Resources in the Hollywood Community Redevelopment Area.” (Appendix G, pp. 1-48.)

12 84. The 2003 FEIR further states that the “448 identified historical resources
13 located within the Project Area” (2003 FEIR, p. ES-18; p. III.D-4) include all category
14 5S1, 5S3, and 5D properties. (2003 FEIR, p. III.D-6.) Although Appendix G defines 5S3
15 and 5D, it omitted the definition of 5S1. 5S1 is defined elsewhere in the 2003 FEIR at
16 p. III.D-6. 5S1 is defined as “Individually listed on or eligible for the California Register
17 or a local landmark ordinance.” 5S3 is defined as “Ineligible for the National or
18 California Register, but is worthy of special consideration in local planning.” 5D is
19 defined as “Ineligible for the National Register but appears eligible for the California
20 Register and/or under a local Register and/or under a local landmark ordinance.”

21 85. The 2003 FEIR states that “in the event that a future development project
22 within the Project Area is proposed on or in proximity to a site containing an historical
23 resource identified in the survey contained in Appendix G to this EIR, the Agency shall
24 require a study to be made by a qualified architectural historian to determine whether the
25 proposed development project would result in a substantial adverse change in the
26 significance of the historical resource.” (2003 FEIR, p. ES-20; emphasis added.) The
27 2003 FEIR continues: “If the study concludes that the project would result in a substantial
28 adverse change in the significance of the historical resource,” then the CRA must comply

1 with the requirements of Section 511. (2003 FEIR, p. ES-20.) Such requirements include
2 the CRA’s prevention of the City’s issuing of any and all permits, including demolition,
3 grading, foundation and building permits. Such requirements further include the CRA’s
4 imposition of up to two, 180-day periods for negotiation regarding preservation of the
5 resource.

6 86. With regard to the “study to be made by a qualified architectural historian to
7 determine whether the proposed development project would result in a substantial adverse
8 change in the significance of the historical resource” (2003 FEIR, p. ES-20), the
9 2003 FEIR does not permit or otherwise authorize a new study to re-evaluate the
10 architecturally and/or historically significant status determinations of Appendix G.

11 87. Petitioner is informed and believes, and based thereon alleges, that the CRA
12 has *de facto* adopted a policy or procedure which violates the plain language of the
13 2003 FEIR by allowing self-interested developers to prepare and submit re-evaluations of
14 the CRA’s architecturally and/or historically significant status determinations as contained
15 in Appendix G. The CRA’s *de facto* policy amounts to an unlawful delisting of resources
16 from Appendix G, and therefore results in illegal amendments to the 1986 HRP,
17 2003 HRP and 2003 FEIR without due process and CEQA review.

18 88. The only study permitted by the 2003 FEIR is one which analyzes whether
19 the proposed development project “would result in a substantial adverse change in the
20 significance of the historical resource,” not a study which purports to re-evaluate the
21 architecturally and/or historically significant resource classification. The identification of
22 properties as architectural or historical resources as defined by the 1986 HRP, 2003 HRP
23 and the 2003 FEIR has been established through the CRA’s “publicly available list,” i.e.,
24 Appendix G.

25 89. The 2003 FEIR states:

26 “If the study concludes that the project would result in
27 a substantial adverse change in the significance of the
28 historical resource, the issuance of any grading, foundation,

1 demolition, building, or any other kind of permit issued by the
2 City of Los Angeles shall be delayed for a reasonable period
3 of time requested by the Agency, up to 180 days. During this
4 time period, the Agency shall conduct negotiations and
5 explore opportunities with all parties concerned to seek to
6 avoid or mitigate any adverse impact on the historical
7 resource. Potential modifications to the project to avoid or
8 mitigate adverse impacts on historical resources would
9 include, but not be limited to, design changes related to height,
10 density, upper story step-backs, architectural features, or
11 materials, changes in the proposed development program to
12 include compatible uses, site plan modifications that
13 incorporate historic structures, or sale of the property to
14 another party. If the Agency determines that arrangements for
15 preservation of the building or resource cannot be
16 accomplished within the original 180 day period and further
17 determines that such arrangements are likely to be
18 satisfactorily completed within an additional period not to
19 exceed 180 days, then the Agency may extend the initial
20 period up to a maximum extension of an additional 180 days.”
21 (2003 FEIR, p. III.D-11; emphasis added.)

22 90. The 2003 FEIR further states:

23 “If negotiations with all concerned parties do not
24 identify alternatives to a proposal that would significantly
25 affect an historic resource, then the impact shall be deemed to
26 be a new significant environmental effect requiring major
27 revisions of the previous EIR as it applies to the project per
28 State CEQA Guidelines Section 15162 and a Supplemental

1 EIR shall be prepared for the project which addresses the
2 impacts to the affected historical resource and identifies
3 overriding considerations for approving the project, if any, per
4 State CEQA Guidelines Section 15093.” (2003 FEIR,
5 p. III.D-11; emphasis added.)

6 91. The 2003 FEIR further states:

7 “In the event that arrangements for preservation of the
8 building or resource cannot be accomplished within the time
9 frames set forth above, then the impact shall be deemed to be a
10 new significant environmental effect requiring major revisions
11 of the previous EIR as it applies to the project per State CEQA
12 Guidelines Section 15162 and a Supplemental EIR shall be
13 prepared for the project which addresses the impacts to the
14 affected historical resource.” (2003 FEIR, p. ES-20; emphasis
15 added.)

16 92. Petitioner is informed and believes, and based thereon alleges, that the
17 Supplemental EIR is the only procedural method in the 2003 FEIR that states how an
18 identified historical resource from Appendix G may possibly be demolished. The
19 Supplemental EIR requirement is triggered only after the CRA has delayed the City’s
20 issuance or caused the rescission by the City of the issuance of permits for the subject site;
21 then only if “arrangements for preservation of the building or resource cannot be
22 accomplished”; only after the two, up to 180-day periods for negotiation required by the
23 2003 FEIR have occurred; then only after a Supplemental EIR has been prepared; and
24 then only if a Statement of Overriding Considerations is allowed and approved.
25 (2003 FEIR, p. III.D-11; p. ES-20.)

26 93. Over Petitioner’s timely and prompt objections, the CRA failed and refused
27 to comply with Section 511 of the 1986 HRP and 2003 HRP, as well as mandatory
28 provisions of the 2003 FEIR, in allowing the issuance of a demolition permit by the City

1 to Real Party Whitley Investment Group for the Category 5 building at 1810-1816
2 Whitley Avenue.

3 94. Real Party Whitley Investment Group has improperly demolished properties
4 identified in Appendix G as being architecturally and/or historically significant over
5 Petitioner’s objections to the CRA and City regarding the then-threatened demolition of a
6 1921 Mediterranean Revival apartment building in near-original condition. Petitioner is
7 informed and believes, and based thereon alleges, that Appendix G’s reference to
8 1812 Whitley is to the 1810-1816 Whitley building.

9 95. In response to Petitioner’s prompt written objections to the issuance of a
10 demolition permit to Whitley Investment Group, the CRA claimed that, notwithstanding
11 the listing of 1812 Whitley in Appendix G, 1812 Whitley did not come within the
12 protection of Section 511 of the 1986 HRP and 2003 HRP, nor within the protection of the
13 2003 FEIR, allegedly because Category 5 resources are not protected under Section 511.

14 96. Petitioner is informed and believes, and based thereon alleges, that the CRA
15 and the City have refused and continue to refuse to delay the issuance of permits when
16 Category 5 resources, including but not limited to the 1812 Whitley building, would be
17 substantially adversely changed.

18 97. The 2003 FEIR refers not only to a substantial adverse change in the
19 significance of the architecturally and/or historically significant resource directly
20 impacted, but also to those “historical resource[s] identified in the survey contained in
21 Appendix G to the EIR” “in proximity to” it, of which there are at least seven on Whitley
22 Avenue alone as listed in Appendix G, including Los Angeles Historic-Cultural landmarks
23 and categories 2, 3 and 5 buildings. (2003 FEIR, p. III.D-11; App. G.) Accordingly, the
24 issuance of any building, grading, foundation or other permit by the City to Real Party
25 Whitley Investment Group or to any successor owner and/or successor developer would
26 be subject to this section, as such issuance would impact the “integrity of setting” due to
27 “incompatible massing, size, scale or architectural style of new development” vis-à-vis
28

1 these designated architecturally and/or historically significant resources in proximity to
2 the 1812 Whitley Property. (2003 FEIR, p. III.D-8-9.)

3 98. The proposed condominium development project by Real Party Whitley
4 Investment Group or by any successor owner and/or successor developer violates the
5 context of architecturally significant resources in proximity to it, as it has “incompatible
6 massing, size, scale or architectural style” vis-à-vis these designated architecturally and/or
7 historically significant resources in proximity to the 1812 Whitley property. (2003 FEIR,
8 p. III.D-8-9.) Allowing the proposed project to be completed would result in permanent
9 and irreparable damage and injury to the community and to Petitioner and the public in
10 general due to incompatible massing, size, scale, and architectural style of the project, and
11 the resulting impairment of, damage to and/or destruction of architecturally and
12 historically significant resources in the Hollywood Project Area. The petitioner will
13 suffer irreparable injury if injunctive relief is not issued, and said irreparable damage is
14 clear and imminent, including based upon the plain language of Section 511, in the case of
15 the Whitley project. Further, to comply with Section 511 and the 2003 FEIR, the
16 proposed condominium development project or any other development project by Real
17 Party Whitley Investment Group or by any successor owner and/or successor developer
18 should include modifications “to avoid or mitigate adverse impacts on historical resources
19 [that] would include, but not be limited to, design changes related to height, density, upper
20 story step-backs, architectural features, or materials, changes in the proposed development
21 program to include compatible uses, site plan modifications that incorporate historic
22 structures, or sale of the property to another party.” (2003 FEIR, p. III.D-11.)

23 99. To the extent that any demolition, grading, foundation, building or other
24 permits have been issued by the CRA and/or City to Real Party Whitley Investment Group
25 or to any successor owner and/or successor developer concerning 1802-1808 North
26 Whitley Avenue and 1810-1816 North Whitley Avenue, the CRA should be compelled to
27 require the revocation and/or rescission of same by the City pending fulfillment of the
28 requirements of Section 511 of the 2003 HRP and all relevant provisions of the

1 2003 FEIR, including, depending upon the CRA’s decisions, the preparation of an EIR for
2 the proposed condominium development project or any other development project on the
3 Whitley site by Real Party Whitley Investment Group or by any successor owner and/or
4 successor developer. (2003 FEIR, p. ES-20.)

5 100. Petitioner is informed and believes, and based thereon alleges, that the CRA
6 should be compelled to require the City to suspend or withhold the issuance of any and all
7 permits to Real Party Whitley Investment Group or to any successor owner and/or
8 successor developer, including but not limited to grading and building permits, in part
9 because of the impacts of the proposed condominium development project by Real Party
10 Whitley Investment Group or by any successor owner and/or successor developer on
11 historic resources in proximity to the 1802-1808 North Whitley Avenue and 1810-1816
12 North Whitley Avenue properties. There are at least seven other CRA-designated
13 architecturally and/or historically significant resources in close proximity to 1802-1808
14 North Whitley Avenue and 1810-1816 North Whitley Avenue on Whitley, including
15 properties designated in Appendix G as Categories 2, 3 and 5.

16 101. A present controversy exists as to the applicability of Section 511 of the
17 1986 HRP and 2003 HRP to Category 5 resources. Furthermore, the *de facto* policy and
18 procedure used by the CRA of “de-listing” the architecturally and/or historically
19 significant designation of properties through the use of developer-sponsored re-
20 evaluations endangers all resources in Appendix G. This Court should declare that
21 Section 511 applies to all Category 5 properties, and should order the CRA not to change
22 or otherwise disregard existing designations in Appendix G without the required
23 conditions and CEQA review as provided in the 2003 FEIR.

24 102. Real Party Whitley Investment Group has a direct interest in the relief
25 sought in this Second Cause of Action.

PRAYER

WHEREAS, Petitioner prays that the Court enter judgment in its favor as follows:

On The First Cause Of Action:

1. Issue a writ of mandamus directing the CRA immediately to prepare, and then to approve, certify and implement the:

- (a) Franklin Avenue Design Plan;
- (a) Hollywood Boulevard District Urban Design Plan;
- (b) Hollywood Core Transition District Development Guidelines; and
- (c) Transportation and Parking Ordinance

as referenced in ¶¶ 25(a) - (d), to ensure that the public hearing and CEQA processes for these studies will be completed by the 2008 deadline, and in accordance with the conditions for these studies as set out in the 1986 HRP, 2003 HRP and 2003 FEIR.

2. Issue a writ of mandamus directing the CRA immediately to prepare, and then to approve, certify and implement consistent with the required public hearing and CEQA processes the:

- (a) Historical Survey; and
- (b) Density Transfer Procedures

as referenced in ¶¶ 25(e) - (f), which have been required since approval of the 1986 HRP, and to give a date certain, but in any event no later than the 2008 deadline for the aforementioned Studies in ¶ 1 of this Prayer, when these studies will finally be completed, certified and implemented.

3. Issue a writ of mandamus directing the CRA and the City to suspend processing of all new development projects in the Hollywood Project Area that require compliance with the 2003 HRP and/or 2003 FEIR until the Studies are complete, certified and implemented, excepting only those projects subject to CEQA that have already received final CEQA certification as of the date of the filing of this petition.

4. Issue a writ of prohibition prohibiting the CRA and the City from approving and/or permitting in the Hollywood Project Area all new development projects and/or

1 issuing demolition permits that would require compliance with the 2003 HRP and/or
2 2003 FEIR until the Studies are complete, certified and implemented, excepting only
3 those projects subject to CEQA that have already received final CEQA certification as of
4 the date of the filing of this petition.

5 5. Declare that any approvals and permitting of new development projects
6 and/or issuance of demolition permits for projects in the Hollywood Project Area that
7 require compliance with the 2003 HRP and/or 2003 FEIR are void and illegal until such
8 time as the new development projects can be evaluated in accordance with the Studies, as
9 required in the 2003 HRP and/or 2003 FEIR, excepting only those projects subject to
10 CEQA that have already received final CEQA certification as of the date of the filing of
11 this petition.

12 **On The Second Cause Of Action:**

13 6. Issue a writ of mandamus directing the CRA and the City to enforce,
14 implement and otherwise comply with Section 511 of the 2003 HRP and/or 2003 FEIR.

15 7. Issue a writ of mandamus enjoining the CRA and City from violating the
16 requirements of Section 511 of the 2003 HRP and/or 2003 FEIR.

17 8. Declare that Section 511 of the 2003 HRP and relevant provisions of the
18 2003 FEIR apply to all Category 5 buildings and resources, including but not limited to
19 those resources contained in Appendix G of the 2003 FEIR.

20 9. Issue a writ of mandamus requiring the CRA and/or City to suspend and/or
21 rescind any and all permits that have been or may be issued to Real Party Whitley
22 Investment Group and any successor owner and/or successor developer at the 1802-1808
23 North Whitley Avenue and/or 1810-1816 North Whitley Avenue properties, and enjoin
24 the CRA and City from issuing any permits to Whitley Investment Group and any
25 successor owner and/or successor developer until and unless the requirements of Section
26 511 of the 2003 HRP and relevant provisions of the 2003 FEIR, as well as the Hollywood
27 Core Transition District Development Guidelines, have been satisfied.
28

PROOF OF SERVICE

I, Tina Zabala, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is The Silverstein Law Firm, 215 North Marengo Ave, 3rd Floor, Pasadena, California 91101-1504. On June 21, 2007, I served the within document(s):

FIRST AMENDED PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION, AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF [Code Civ. Proc. § 1085]

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below.
- by transmitting via email a copy of said document(s) listed above to the email address(es) set forth below.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

- by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.
- by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

CASE NAME:	HOLLYWOOD HERITAGE, INC. v. COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES
CASE No.:	BS108249

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CASE NAME: **HOLLYWOOD HERITAGE, INC. v. COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES**
CASE No.: **BS108249**

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

Executed on June 21, 2007, at Pasadena, California.

Tina Zabala

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