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 12 CITY OF CULVER CITY

13 SUPERIOR COURT OF CALIFORNIA  
 14 COUNTY OF LOS ANGELES

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 Los Angeles Superior Court

NOV 26 2008

John A. Clarke, Executive Officer/Clerk  
*MA Garcia*  
 BY MARY GARCIA, Deputy

*Dept. 1*

BS 118023

16 CITY OF CULVER CITY, municipal  
 17 corporation,  
 18 Petitioner and Plaintiff,

19 v.

20 COUNTY OF LOS ANGELES and LOS  
 21 ANGELES COUNTY BOARD OF  
 SUPERVISORS; and DOES 1 - 10,  
 22 Inclusive,

23 Respondents,

24 PLAINS EXPLORATION AND  
 PRODUCTION COMPANY, a Delaware  
 25 corporation; and DOES 11 - 20, Inclusive;

26 Real Parties in Interest.

Case No.  
 PETITION FOR WRIT OF MANDATE  
 (California Environmental Quality Act)  
 (Fee Exempt -- Gov't Code § 6103)

GREENBERG GLUSKER FIELDS CLAMAN  
 & MACHTINGER LLP  
 1900 Avenue of the Stars, 21st Floor  
 Los Angeles, California 90067-4590

1 Petitioner the City of Culver City ("City") alleges as follows:  
2

3 **INTRODUCTION**

4 1. Petitioner, the City, challenges respondents County of Los Angeles ("County")  
5 and Los Angeles County Board of Supervisors' ("County Board") (collectively "Respondents")  
6 approval of the Baldwin Hills Community Standards District (the "CSD" or "Project") on  
7 October 28, 2008 and certification of the Environmental Impact Report ("EIR") for the CSD on  
8 October 21, 2008 in violation of the California Environmental Quality Act ("CEQA"), Public  
9 Resources Code sections 21000 *et seq.*, and the CEQA Guidelines, title 14 California Code of  
10 Regulations sections 15000 *et seq.*

11 2. According to the EIR, the Project at issue in this action involves the establishment  
12 of "permanent development standards, operating requirements and procedures for the portions of  
13 the Inglewood Oil Field that is within Los Angeles County." EIR: ES-1.

14 3. The Inglewood Oil Field is located in the sprawling urban environment of Los  
15 Angeles County. The EIR predicts that over the next 20 years, approximately 1,065 new wells  
16 may be drilled within the Inglewood Oil Field. EIR: 3-3. According to the EIR, currently there  
17 are 1,463 wells (active, idle and abandoned) within the Inglewood Oil Field. EIR: ES-5.  
18 According to the EIR, none of the previous oil drilling or production operations within the  
19 Inglewood Oil Field have undergone any environmental review under CEQA, or otherwise. EIR:  
20 ES-5.

21 4. The stated purpose in the EIR for the establishment of the CSD "is to reduce  
22 environmental impacts of future development at the Inglewood Oil Field through the  
23 establishment of permanent development standards, operating requirements and procedures."  
24 EIR: ES-1.

25 5. The City is informed and believes and thereon alleges that the EIR prepared and  
26 relied upon by Respondents in establishing the CSD fails to comply with the requirements of  
27 CEQA. The City is informed and believes and thereon alleges that Respondents failed to fully  
28 evaluate and disclose the reasonably foreseeable effects of the CSD on air quality, public health,

1 risk of upset, noise, visual aesthetics, land use and climate change, among others, failed to  
2 consider and adopt appropriate mitigation measures, failed to adequately respond to comments,  
3 failed to recirculate the EIR, failed to properly consult with the City and otherwise failed to  
4 comply with CEQA in the preparation and certification of the EIR. These deficiencies render the  
5 EIR legally defective in informing the County, other public agencies, and the public of the  
6 environmental effects associated with oil operations within the Inglewood Oil Field and how  
7 these effects can be mitigated or avoided, all contrary to the requirements of CEQA. CAL. PUB.  
8 RES. CODE § 21002.1(a).

9 6. The City respectfully requests that this Court vacate and set aside the CSD, any  
10 related approvals and the certification of the EIR on the ground that Respondents failed to comply  
11 with CEQA and the CEQA Guidelines.

### 12 JURISDICTION AND VENUE

13  
14 7. Pursuant to California Code of Civil Procedure section 1094.5 and Public  
15 Resources Code sections 21168 and 21168.5, this Court has jurisdiction to hear this matter.

16 8. Venue is proper in this Court because the Project is located in Los Angeles  
17 County, Respondents are public entities located in Los Angeles County and the violations of  
18 CEQA occurred in Los Angeles County.

### 19 THE PARTIES

20  
21 9. Petitioner the City is now, and at all relevant times herein was, a municipal  
22 corporation, duly chartered and formed under the Constitution of the State of California and the  
23 City's Charter. The unincorporated areas of the County within which the Inglewood Oil Field is  
24 located border on the City's southerly boundary.

25 10. The City is informed and believes and thereon alleges that Respondent County is  
26 duly organized and existing under the Constitution and laws of the State of California, is a "public  
27 agency" and is the "lead agency" for adoption and execution of the Project, as those terms are  
28 used in CEQA and the CEQA Guidelines.

1           11.     The City is informed and believes and thereon alleges Respondent County Board  
2 is the governing body of the County and is responsible for approval of land use, development  
3 projects and zoning ordinances within the County's jurisdiction, and specifically for adoption of  
4 the CSD. They are sued in their official capacity only.

5           12.     The City is unaware of the true names and capacities of the respondents sued  
6 herein as DOES 1 through 10, inclusive, and therefore, sue such respondents under such fictitious  
7 names. The City will seek leave to amend this Petition to set forth the true names and capacities  
8 of said respondents when the same may be ascertained. The City is further informed and believes  
9 and thereon alleges that each of said fictitiously named respondents was and is in some manner  
10 responsible or liable for the acts and/or omissions alleged herein and that the City is entitled to  
11 relief against such respondents therefor.

12           13.     The City is informed and believes and thereon alleges that real party in interest  
13 Plains Exploration and Production Company ("PXP") is and at all relevant times herein was a  
14 corporation organized and existing under the laws of the State of Delaware, with its principal  
15 place of business in Houston, Texas, and maintains offices and does business in the County of  
16 Los Angeles. PXP is the sole applicant for the Project, the CSD. Based on PXP's status as the  
17 sole identified applicant for the Project, and on City's information and belief, PXP adequately  
18 represents the interests of any and all other non-joined parties in the Project.

19           14.     The City is unaware of the true names and capacities of the real parties in interest  
20 sued herein as DOES 11 through 20, inclusive, and therefore sue such real parties in interest  
21 under such fictitious names. The City will seek leave to amend this Petition to set forth the true  
22 names and capacities of said real parties in interest when the same may be ascertained. The City  
23 is further informed and believes and thereon alleges that each of said fictitiously named real  
24 parties in interest was and is in some manner responsible or liable for the acts and/or omissions or  
25 interested in the subject matter alleged herein and that the City is entitled to relief against such  
26 real parties in interest as prayed herein.

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1 **STATEMENT OF FACTS**

2 History of Oil Operations within the Project Area

3 15. The Inglewood Oil Field lies primarily within an area commonly known as the  
4 Baldwin Hills. Most of Baldwin Hills is unincorporated and is bounded by the City, Los  
5 Angeles, and Inglewood. Three City neighborhoods immediately abut the Inglewood Oil Field:  
6 Culver Crest, Blair Hills and the Raintree complex. Culver City Park, a large regional public park  
7 of the City used by youth soccer and baseball teams immediately abuts the Inglewood Oil Field.  
8 Much of the Inglewood Oil Field is within the City's viewshed.

9 16. The City is informed and believes and thereon alleges that despite the adverse  
10 impacts to the public's health, safety and the environment, oil operations have been conducted in  
11 the Inglewood Oil Field since the 1920's without any environmental review.

12 17. The City is informed and believes and thereon alleges that PXP has operated and  
13 continues to operate certain oil and gas wells, tank farms, and pipelines and conducts related  
14 activities within the Inglewood Oil Field.

15 18. The City is informed and believes and thereon alleges that PXP's past operations  
16 have caused a number of environmental impacts. The City is informed and believes and thereon  
17 alleges that the oil operations that the CSD will authorize will result in even greater impacts to the  
18 City, its residents, and other parties. The City is further informed and believes and thereon  
19 alleges that in some respects the CSD as adopted has relaxed some of the requirements currently  
20 required in the County's ordinance including, without limitation, prohibiting all oil operations  
21 that may result in a public nuisance.

22 19. The City is informed and believes and thereon alleges that commencing in 2005,  
23 PXP significantly increased the drilling activity in the Inglewood Oil Field without any  
24 environmental review pursuant to CEQA. The City is informed and believes and thereon alleges  
25 that in January and February 2006, PXP conducted deep drilling operations below the surface  
26 which resulted in adverse impacts to the public, including the City's residents, and the  
27 environment. The City is informed and believes and thereon alleges that on or about January 10,  
28 2006, PXP's deep drilling operations hit a large pocket of natural gas, which released an unknown

1 amount of methane gas and hydrogen sulfide into the atmosphere. The City is informed and  
2 believes and thereon alleges that a similar incident occurred on or about February 6, 2006.

3 20. The City is informed and believes and thereon alleges that a third incident  
4 occurred on or about March 22, 2008, during which a pipeline leak resulted in a release of crude  
5 oil that reached the City storm drain system and threatened to enter La Ballona Creek.

6 21. The City is informed and believes and thereon alleges that these incidents caused  
7 complaints from hundreds of impacted parties, including residents and businesses, and  
8 necessitated emergency responses from local government agencies, including the Culver City Fire  
9 Department, Los Angeles County Fire Department, Los Angeles County Health and Hazardous  
10 Materials Division, the South Coast Air Quality Management District and the Division of Oil Gas  
11 and Geothermal Resources ("DOGGR").

12 22. As a result of the adverse impacts to the City residents and surrounding  
13 communities, the City inquired into the environmental review that should have supported the new  
14 drilling permits and learned that new drilling permits were being issued without any  
15 environmental review under CEQA. The City discovered that under the then-existing County  
16 ordinance the County takes no "discretionary" action sufficient to trigger County CEQA review  
17 of oil operations within the Inglewood Oil Field.

18 23. Based on the City's inquire, the City is informed and believes and thereon alleges  
19 that in 2005 and 2006 DOGGR exercised discretion in issuing dozens of permits to PXP without  
20 undergoing any environmental review as required by CEQA. In Spring of 2006, the City notified  
21 DOGGR that because the County was taking no discretionary action under CEQA, DOGGR is the  
22 lead agency for purposes of CEQA review of oil operations within the Inglewood Oil Field and  
23 that it is required to subject all new drilling permits to CEQA review. Since that time, on  
24 information and belief, DOGGR has issued no permits for new drilling or redrilling without  
25 performing an environmental review under CEQA.

26 24. The City is informed and believes and thereon alleges that unless and until the  
27 County exercises discretion over the approval of oil operations within the Inglewood Oil Field  
28 and becomes the lead agency for purposes of conducting CEQA review of such oil operations,

1 DOGGR will remain the lead agency and continue to be required to undertake CEQA review of  
2 the environmental impacts of any new projects that it approves within the Inglewood Oil Field,  
3 including all oil operations prior to issuing any permits to drill.  
4

5 The County's Adoption of the CSD and Environmental Review

6 25. The City is informed and believes and thereon alleges that as a result of the  
7 adverse impacts from the oil operations and the County's acknowledgment that environmental  
8 review needed to be conducted, on or about June 27, 2006, the County adopted for a period of 45  
9 days an Interim Ordinance ("Interim Ordinance"), which imposed temporary restrictions on oil  
10 operations within the Inglewood Oil Field. The County extended the Interim Ordinance twice.  
11 The last extension, which the County Board approved on May 29, 2007, placed a moratorium on  
12 drilling new wells or deepening existing wells through June 26, 2008.

13 26. The City is informed and believes and thereon alleges that during the period of the  
14 Interim Ordinance, PXP submitted an application to the County to establish a CSD for the  
15 Inglewood Oil Field. EIR: 2-1.

16 27. The Project at issue in this action is the CSD, adopted by County Ordinance.

17 28. The Project is a discretionary project subject to the requirements of CEQA as  
18 defined in Public Resources Code sections 21065 and 21080(a).

19 29. Respondents are the lead agency, as defined in Public Resources Code section  
20 21067, with principal responsibility for approving the Project.

21 30. According to the EIR, the "CSD would establish permanent development  
22 standards, operating requirements and procedures for the portion of the Inglewood Oil Field that  
23 is within the unincorporated area of Los Angeles County." EIR: 2-1.

24 31. The County issued the Notice of Preparation for the Project on June 28, 2007.

25 32. The City is informed and believes and thereon alleges that on or about January 8,  
26 2008, PXP submitted a proposed CSD to the County. EIR: 2-1. According to the EIR, "[i]t is the  
27 applicant-proposed CSD that is the project description for the Baldwin Hills CSD EIR." EIR: 2-  
28 1. Thus, the "project" that the EIR reviewed was the CSD proposed by PXP.

1           33.     The Draft EIR was made publicly available on June 20, 2008, with a 60 day public  
2 comment period ending on August 19, 2008. The City was not provided with access to the Draft  
3 EIR or any prior version of the Draft EIR prior to June 20, 2008.

4           34.     Although the CSD reviewed by the EIR was the PXP-proposed CSD (EIR: 2-1),  
5 the City is informed and believes and thereon alleges that the County revised the CSD at least five  
6 separate times from the original CSD proposed by PXP, including a revision to the CSD after the  
7 County Board certified the Final EIR.

8           35.     The City is informed and believes and thereon alleges that the first version of the  
9 County's revised CSD was made publicly available only days before the conclusion of the public  
10 comment period on the Draft EIR. The Draft EIR does not address the CSD that the County  
11 ultimately adopted.

12          36.     The City, along with numerous other parties, requested that the County extend the  
13 public comment period by at least thirty (30) days from August 19, 2008 to September 18, 2008  
14 to provide the City, public and other interested parties with an opportunity to comment on the  
15 Draft EIR and the County's revised CSD.

16          37.     Respondents did not extend the public comment period.

17          38.     The City submitted extensive comments to the Draft EIR, including lengthy  
18 technical comments, which addressed the inadequacy of the Draft EIR. The City also commented  
19 that the Draft EIR should be revised and recirculated to evaluate the environmental impacts of the  
20 County's revised CSD and because the Draft EIR was so fundamentally flawed as to preclude  
21 meaningful public review.

22          39.     Respondents did not recirculate the Draft EIR.

23          40.     On or about October 4, 2008, the County released the Final EIR.

24          41.     The Final EIR did not consider the County's revised CSD. The Final EIR also  
25 added significant new information, including, without limitation, potentially significant  
26 environmental impacts related to the risk of oil spills.

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1           42.     The City submitted preliminary comments to the Final EIR on October 8, 2008  
2 and final comments on the Final EIR on October 21, 2008. These comment letters reiterated the  
3 inadequacies with the EIR and again requested Respondents recirculate the EIR.

4           43.     On October 21, 2008, Respondent County Board held a public hearing on the  
5 Project and Final EIR, received public comments and voted to approve and certify the Final EIR.  
6 The County Board also instructed the County Counsel and Regional Planning Department to  
7 prepare certain changes to the CSD and submit the revised CSD to the County Board for final  
8 consideration on October 28, 2008.

9           44.     On October 28, 2008, the County Board adopted the revised CSD by motion.

10          45.     The City is informed and believes and thereon alleges that on October 29, 2008,  
11 Respondents filed with the County of Los Angeles Clerk a Notice of Determination.

12  
13                   **EXHAUSTION OF ADMINISTRATIVE REMEDIES AND ATTORNEYS' FEES**

14          46.     The City has exhausted all administrative remedies by submitting written  
15 comments on the Project, the Draft EIR and Final EIR. All issues raised in this Petition were  
16 raised before Respondents by the City, and other members of the public, or public agencies prior  
17 to approval of the Project and certification of the EIR:

- 18                   a.     On August 19, 2008, the City submitted a comment letter to the Draft EIR  
19 and PXP's proposed CSD.
- 20                   b.     On September 10, 2008, the City submitted preliminary comments to  
21 Versions 1 and 2 of the County revised CSD.
- 22                   c.     On October 1, 2008, the City submitted comments to Version 3 of the  
23 County revised CSD.
- 24                   d.     On October 8, 2008, the City submitted comments to Version 4 of the  
25 County revised CSD and preliminary comments to the Final EIR.
- 26                   e.     On October 21, 2008, the City submitted final comments to the Final EIR.

27          47.     In addition to the foregoing written comments, the City made oral comments  
28 regarding the CSD and EIR throughout the comment period.



1 environment; to list ways in which the significant effects of such a project might be minimized;  
2 and to indicate alternatives to such a project.” CAL. PUB. RES. CODE § 21061.

3 56. The City is informed and believes and thereon alleges that the EIR does not  
4 comply with and is in violation of CEQA and the CEQA Guidelines of the State of California in  
5 that, among other reasons, it:

- 6 a. Lacks an adequate project description because the EIR fails to include an  
7 accurate and detailed description of the future oil development activities  
8 within the proposed project boundaries (CAL. CODE REGS. TIT. 14 §  
9 15124);
- 10 b. Lacks an adequate baseline because, among other reasons, it improperly  
11 and unlawfully includes drilling operations and construction activities that  
12 should not be included in the baseline and fails to provide an accurate  
13 baseline for risk of upset and biological resources analysis (CAL. CODE  
14 REGS. TIT. 14 § 15125);
- 15 c. Lacks an adequate discussion and consideration of significant  
16 environmental impacts of the Project including, without limitation, impacts  
17 to or from air quality, public health, risk of upset, groundwater, surface  
18 water (including La Ballona Creek), land subsidence, visual aesthetics,  
19 future land use, greenhouse gases, noise and construction (CAL. CODE  
20 REGS. TIT. 14 § 15126.2);
- 21 d. Includes new mitigation measures that may have secondary impacts that  
22 have not been reviewed including, without limitation, impacts arising from  
23 the construction of secondary containment, noise barriers and use of odor  
24 suppressants;
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- e. Fails to use, evaluate and consider proper thresholds of significance for impacts from or to, among other things, greenhouse gas emissions, noise and public health (CAL. CODE REGS. TIT. 14 § 15064);
- f. Lacks an adequate discussion and consideration of alternative feasible mitigation measures (CAL. PUB. RES. CODE § 21100(b)(3); CAL. CODE REGS. TIT. 14 § 15126.4(a)(1));
- g. Fails to recommend mitigation measures that will reduce impacts to a level of insignificance and fails to quantify and substantiate how they will reduce impacts to a level of insignificance including, without limitation, impacts to or from air quality, noise, visual aesthetics, future land use, gas seeps, risk of upset and greenhouse gas emissions (CAL. CODE REGS. TIT. 14 §§ 15121(a) and 15126.4(a));
- h. Improperly delays implementing and formulating mitigation measures by, among other things, relying upon the creation of future “plans” to address the significant impacts from oil operations (CAL. CODE REGS. TIT. 14 § 15126.4(a)(1)(B));
- i. Lacks an adequate discussion and consideration of Project alternatives (CAL. PUB. RES. CODE §§ 21002 and 21002.1(a));
- j. Lacks an adequate discussion and consideration of cumulative impacts of the Project including, without limitation, impacts from or to air quality, greenhouse gas emissions and visual aesthetics (CAL. PUB. RES. CODE § 21083(b)(2); CAL. CODE REGS. TIT. 14 § 15065(a)(3)); and
- k. Fails to comply with the requirements of CEQA with regard to preparation of and action on the EIR.

57. The City is informed and believes and thereon alleges that, as a result of the foregoing, Respondents prejudicially abused their discretion by certifying an EIR that does not

1 comply with CEQA and the CEQA Guidelines of the State of California and by approving the  
2 Project in reliance on the defective and improper EIR.

3  
4 **SECOND CAUSE OF ACTION**

5 **(VIOLATION OF CEQA: EIR SHOULD BE RECIRCULATED)**

6 58. The City incorporates by reference paragraphs 1 through 57, inclusive, of this  
7 Petition as if set forth fully herein by reference.

8 59. CEQA mandates that an EIR be recirculated for comments and consultation  
9 whenever there has been a significant change in the "project," significant new information has  
10 been added or the Draft EIR was so fundamentally and basically inadequate and conclusory in  
11 nature that meaningful public review and comment was precluded. CAL. PUB. RES. CODE §  
12 21092.1; CAL. CODE REGS. TIT. 14 § 15088.5.

13 60. The City is informed and believes and thereon alleges that in failing to recirculate  
14 the EIR Respondents violated CEQA for the following reasons, among others:

- 15 a. **The "Project" Changed.** CEQA requires that an EIR be recirculated for  
16 comments and consultation whenever there has been a significant change  
17 in the project. CAL. PUB. RES. CODE § 21092.1; CAL. CODE REGS. TIT. 14 §  
18 15088.5. The EIR reviewed the environmental effects of the CSD  
19 proposed by PXP. The City is informed and believes and thereon alleges  
20 that the County revised the CSD at least five separate times from the  
21 version proposed by PXP. The City is informed and believes and thereon  
22 alleges that the Project actually considered and acted on by the County was  
23 the County revised CSD. The CSD approved by the Respondent County  
24 Board was not the CSD reviewed by the EIR and upon which the public  
25 commented.
- 26 b. **Significant New Information Was Added to the Final EIR.** CEQA  
27 requires that an EIR be recirculated for comments and consultation  
28 whenever "significant new information" is added to an EIR after notice of

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public review, but prior to certification. CAL. PUB. RES. CODE § 21092.1; CAL. CODE REGS. TIT. 14 § 15088.5. Comments submitted to Respondents after the Draft EIR was circulated provided significant new information within the meaning of Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5 including, without limitation, information regarding significant environmental impacts related to the risk of oil spills, air quality impacts and greenhouse gas emissions. The Final EIR also included significant new information regarding, without limitation, air emissions calculations, health risk assessments, mitigation measures and impact discussions. The Final EIR also failed to address the environmental impacts that may be caused by the recommended mitigation measures.

c. **The Draft EIR Was So Inadequate that Meaningful Public Review and Comment Were Precluded.** CEQA requires that an EIR be recirculated when the “draft EIR [is] so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” CAL. CODE REGS. TIT. 14 § 15088.5. The Draft EIR was inadequate within the meaning of CEQA Guidelines section 15088.5 because, among other reasons, the Draft EIR failed to provide an accurate project description, failed to establish an appropriate baseline, failed to properly evaluate the impacts of the Project on public health and safety and on visual and aesthetic resources and failed to discuss appropriate enforcement and mitigation measures.

61. Respondents failed to recirculate the EIR, or any portion of the EIR.

62. The City is informed and believes and thereon alleges that Respondents’ failure to recirculate the EIR deprived the City, other public agencies and the public of any meaningful opportunity to review and comment on the Project and its environmental impacts.



1 **(FOURTH CAUSE OF ACTION)**

2 **(VIOLATIONS OF CEQA: FAILURE TO CONSULT WITH THE CITY)**

3 68. The City incorporates by reference paragraphs 1 through 67, inclusive, of this  
4 Petition as if set forth fully herein by reference.

5 69. CEQA requires the lead agency to consult with and request comments on the EIR  
6 from any city "which borders on a city or county within which the project is located" when  
7 "significant new information" is added after the lead agency previously consulted with the city.  
8 CAL. PUB. RES. CODE §§ 21092.1, 21104 and 21153. CEQA prohibits the lead agency from  
9 certifying the EIR prior to undergoing this second consultation. CAL. PUB. RES. CODE § 21092.1.

10 70. The City is informed and believes and thereon alleges that Respondents added  
11 significant new information to the Final EIR including, without limitation, information regarding  
12 significant environmental impacts related to the risk of oil spills, air quality impacts, new  
13 mitigation measures, additional monitoring data and additional impact discussions regarding  
14 geological resources and noise and vibration.

15 71. Respondents did not consult with or request comments on the Final EIR from the  
16 City regarding this new information prior to certifying the EIR.

17 72. The City is informed and believes and thereon alleges that Respondents' failure to  
18 consult with the City represents a failure to proceed in the manner required by law.

19  
20 **FIFTH CAUSE OF ACTION**

21 **(VIOLATIONS OF CEQA: FINDINGS ARE NOT SUPPORTED BY SUBSTANTIAL**  
22 **EVIDENCE)**

23 73. The City incorporates by reference paragraphs 1 through 72, inclusive, of this  
24 Petition as if set forth fully herein by reference.

25 74. CEQA requires the findings adopted by the lead agency be supported by  
26 substantial evidence in the administrative record. CAL. PUB. RES. CODE § 21081.5.

27 75. The City is informed and believes and thereon alleges that Respondents violated  
28 CEQA by adopting findings that are inadequate as a matter of law in that they are not supported

1 by substantial evidence in the record including, without limitation, the determination that certain  
2 impacts would be less than significant and/or that adopted mitigation measures would avoid or  
3 lessen the CSD's significant effects on the environment including impacts from greenhouse gases.  
4 The City is informed and believes and thereon alleges that as a result of the foregoing,  
5 Respondents committed prejudicial abuse of discretion in that Respondents' findings were not  
6 supported by substantial evidence and Respondents failed to proceed in the manner required by  
7 law.

8 **SIXTH CAUSE OF ACTION**

9 **(VIOLATION OF CEQA: IMPROPER STATEMENT OF OVERRIDING**  
10 **CONSIDERATIONS)**

11 76. The City incorporates by reference paragraphs 1 through 75, inclusive, of this  
12 Petition as if set forth fully herein by reference.

13 77. CEQA requires that agencies not approve projects that will have significant effects  
14 on the environment unless all feasible mitigation measures are incorporated in the project and the  
15 agency states specific reasons supported by substantial evidence in the record that overriding  
16 considerations outbalance the adverse environmental effects. CAL. PUB. RES. CODE § 21081;  
17 CAL. CODE REGS. TIT. 14 § 15093.

18 78. The City is informed and believes and thereon alleges that Respondents abused  
19 their discretion and failed to act in the manner required by law in that the Statement of Overriding  
20 Considerations fails to acknowledge and/or address all of the adverse environmental effects that  
21 the Project will do including, without limitation, impacts from greenhouse gases, fails to adopt  
22 feasible mitigation measures, and fails to address the feasibility of mitigation measures not  
23 adopted.

24  
25 **PRAAYER FOR RELIEF**

26 WHEREFORE, the City prays for relief as follows:

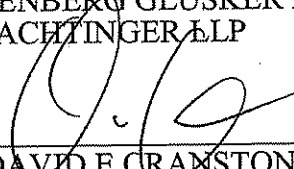
27 1. For this Court to issue an alternative and a peremptory writ of mandate  
28 commanding Respondents:

- 1 a. to vacate and set aside approval of the Project CSD;
- 2 b. to vacate and set aside its approval and certification of the Final EIR for the
- 3 Project;
- 4 c. to prepare and circulate a revised EIR for public review and comment that
- 5 is in compliance with the requirements of CEQA; and
- 6 d. to suspend all activity pursuant to the certification of the Final EIR and its
- 7 approval of the Project that could result in any change or alteration to the
- 8 physical environment until Respondents have taken all actions necessary to
- 9 comply with CEQA;

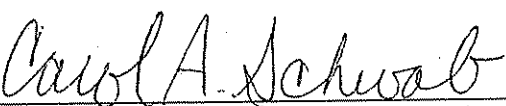
10 2. Preliminary and permanent injunctions should be issued restraining Respondents  
11 and Real Parties in Interest from taking any actions pursuant to Respondents' approval of the  
12 Project and certification of the EIR for the Project until Respondents have taken all actions  
13 necessary to comply with CEQA;

- 14 3. For costs of suit;
- 15 4. For attorneys' fees pursuant to Code of Civil Procedure section 1021.5 and/or
- 16 Government Code section 800; and
- 17 5. For such other and further relief as the Court deems just and proper.

18 DATED: November 25, 2008

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
By:   
DAVID E CRANSTON (SBN 122558)  
Attorneys for CITY OF CULVER CITY

22 DATED: November 25, 2008

CITY OF CULVER CITY  
By:   
CAROL A. SCHWAB (SBN 120183)  
City Attorney

1 CAROL A. SCHWAB (SBN 120183)  
City Attorney  
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8 GREENBERG GLUSKER FIELDS CLAMAN &  
MACHTINGER LLP  
9 1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590  
10 Telephone: 310.553.3610  
Fax: 310.553.0687  
11  
12 Attorneys for Petitioner and Plaintiff  
CITY OF CULVER CITY

13 SUPERIOR COURT OF CALIFORNIA  
14 COUNTY OF LOS ANGELES  
15

16 CITY OF CULVER CITY, municipal  
17 corporation,  
18 Petitioner and Plaintiff,  
19 v.  
20 COUNTY OF LOS ANGELES and LOS  
21 ANGELES COUNTY BOARD OF  
SUPERVISORS; and DOES 1 - 10,  
22 Inclusive,  
23 Respondents,  
24 PLAINS EXPLORATION AND  
25 PRODUCTION COMPANY, a Delaware  
26 corporation; and DOES 11 - 20, Inclusive;  
27 Real Parties in Interest.

Case No.  
NOTICE OF INTENT TO FILE CEQA  
PETITION  
(California Environmental Quality Act)  
(Fee Exempt -- Gov't Code § 6103)

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TO RESPONDENTS COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY  
BOARD OF SUPERVISORS:


PLEASE TAKE NOTICE, under Public Resources Code section 21167.5, that Petitioner, the City of Culver City, intends to file a petition under the provisions of the California Environmental Quality Act against respondents, County of Los Angeles and Los Angeles County Board of Supervisors (collectively "Respondents"), challenging Respondents' approval of the Baldwin Hills Community Standards District ("Project") on October 28, 2008 and certification of the Environmental Impact Report ("EIR") on October 21, 2008 for the Project.

The Petition will seek to vacate and set aside the approval of the Project and certification of the Final EIR for the Project, requires Respondents to prepare and circulate a revised EIR for public review and comment that is in compliance with the requirements of CEQA and to suspend all activity pursuant to the certification of the Final EIR and its approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken all actions necessary to comply with CEQA.

A copy of the Petition to be filed by Petitioner is attached to this notice.

DATED: November 25, 2008

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP

By:   
DAVID E CRANSTON (SBN 122558)  
Attorneys for Petitioner  
CITY OF CULVER CITY

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**PROOF OF SERVICE BY OVERNIGHT COURIER**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067. On November 25, 2008, I caused to be served by FEDEX:

**NOTICE OF INTENT TO FILE CEQA LAWSUIT**

by delivering copies thereof to:

Sachi A. Hamai  
Executive Officer  
Los Angeles County Board of Supervisors  
500 West Temple Street, Room 383  
Los Angeles CA 90012  
  
Steve Rusch, Vice President  
PXP  
Environmental, Health & Safety and  
Government Affairs  
Plains Exploration & Production Company  
5640 South Fairfax Avenue  
Los Angeles, CA 90056

Elaine M. Lemke, Esq.  
County of Los Angeles  
Office of the County Counsel  
500 West Temple Street, Room 648  
Los Angeles CA 90012-2713

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

Executed on November 25, 2008, at Los Angeles, California.

Cynthia C. Stremmel  
CYNTHIA C. STREMMEL