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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12 CENTRAL JUDICIAL DISTRICT

13 CONCERNED CITIZENS OF SOUTH
14 CENTRAL LOS ANGELES, a California
15 nonprofit public benefit corporation,

16 Petitioner,

17 vs.

18 COUNTY OF LOS ANGELES, and DOES
19 1 through 30,

20 Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF
MANDATE

(Pub. Res. Code §§ 21168 & 21168.9;
CCP § 1085)

21 PLAINS EXPLORATION & PRODUCTION
22 COMPANY, a Delaware corporation, and
23 DOES 31 through 100,

24 Real Parties in Interest.

25 Petitioner CONCERNED CITIZENS OF SOUTH CENTRAL LOS ANGELES, a
26 California nonprofit public benefit corporation, files this Petition for Writ of Mandate
27 pursuant to California Public Resources Code Sections 21168 & 21168.9 and California
28 Code of Civil Procedure Section 1085, based on the following allegations:

PRELIMINARY STATEMENT

1. Petitioner is filing this lawsuit against Respondent COUNTY OF LOS ANGELES ("County") because the County's preparation of an Environmental Impact

PETITION FOR WRIT OF MANDATE

1 Report ("EIR") failed to comply with the California Environmental Quality Act ("CEQA")
2 (Pub. Res. Code §§ 21000, *et seq.*). The EIR involves the Baldwin Hills oil field
3 adjoining a dense and diverse urban community including people, homes, schools,
4 businesses and the Baldwin Hills parklands. The County's Statement of Overriding
5 Considerations is also incomplete. Moreover, the County failed to comply with the
6 procedural requirements of its County Code prior to adopting the oil drilling ordinance to
7 regulate the Baldwin Hills or Inglewood oil field ("Oil Field") that was the subject of the
8 EIR. Petitioner is challenging the EIR for the Baldwin Hills Community Standards
9 District (State Clearinghouse Number 2007061133).

10 2. Petitioner is also challenging Los Angeles County Ordinance No. 2008-0057
11 establishing the Baldwin Hills Community Standards District. The Baldwin Hills
12 Community Standards District ("CSD") is a special zoning overlay district adopted to
13 regulate oil and gas operations in the Oil Field in the unincorporated Baldwin Hills area
14 of Los Angeles County. The ordinance does not adequately protect people, health,
15 homes, and parks in the Baldwin Hills.

16 3. The oil drilling regulations studied in the EIR were a "strawman" drafted by
17 the oil company that operates the Baldwin Hills oil wells and were not similar to the
18 regulations ultimately adopted by the County. Thus, the EIR studied the impacts of 453
19 net new wells over the next 20 years, but the oil drilling ordinance as adopted by the
20 County allows 600 new wells to be drilled by ministerial permits over the next 20 years
21 without any further CEQA compliance and without regard to how many wells may be
22 abandoned over that timeframe.

23 4. The County refused to evaluate the proposed oil drilling regulations for
24 consistency with the Baldwin Hills Park Master Plan adopted in 2002 by the Baldwin
25 Hills Conservancy and California Department of Parks and Recreation.

26 5. By not simultaneously developing the implementation plans called for in the
27 EIR, the County has unlawfully deferred the development of mitigation measures critical
28 to the avoidance of potentially significant adverse environmental effects. Such

1 mitigation measures are crucial to ensuring that oil drilling in the Baldwin Hills proceeds
2 in a manner that is safe and protects human health, homes, and the environment.

3 6. The EIR studied an inadequate range of project alternatives. The studied
4 alternatives should have included: a reduced drilling alternative; a no-project alternative
5 that prohibits all new drilling activity in the existing oil field; the One Big Park alternative
6 outlined in the Baldwin Hills Master Plan; parkland and other alternatives that would
7 reduce the urban blight, urban decay, and human health, social and economic impacts
8 resulting from the physical impacts on the environment of the Oil Field and the oil
9 drilling ordinance; the oil drilling regulation proposed by the Greater Baldwin Hills
10 Alliance; and alternative oil drilling regulations that would include a conditional use
11 permit process for new drilling permits. Despite public comments suggesting these
12 alternatives for study when the EIR was commenced, none of these alternatives was
13 considered in the EIR.

14 7. The County's Statement of Overriding Considerations is inadequate based
15 upon the County's failure to identify and acknowledge the unmitigable impacts of
16 increasing and prolonging the extraction of nonrenewable oil and gas resources from
17 the Baldwin Hills, despite the mandate under CEQA to make such a determination as a
18 *per se* significant impact.

19 8. Before adopting the oil drilling ordinance that was the subject of the EIR, the
20 County failed to refer the proposed zoning legislation with certain last minute revisions
21 back to the Regional Planning Commission as required by the County Municipal Code.

22 9. The Baldwin Hills rest at the environmentally and demographically diverse
23 center of Los Angeles. The community surrounding the Baldwin Hills is the historic
24 heart of African-American Los Angeles, and an epicenter of excellence for African-
25 Americans around the nation. CCSCLA and The City Project have worked with the
26 Greater Baldwin Hills Alliance to engage, educate, and empower the community to
27 better ensure that the Baldwin Hills are clean and green for all for generations to come.

28

1 10. Petitioner seeks a Writ of Mandate to compel the County to revise and
2 recirculate the EIR, to correct and reconsider the proposed Statement of Overriding
3 Considerations, and to allow the Planning Commission to consider and make
4 recommendations concerning the amended CSD ordinance.

5 **PARTIES**

6 11. At all relevant times, Petitioner CONCERNED CITIZENS OF SOUTH
7 CENTRAL LOS ANGELES (CCSCLA) was and is a nonprofit 501(c)(3) California public
8 benefit corporation and community-based organization whose mission is to work for
9 social justice and economic and environmental change within the South Central
10 community. CCSCLA was formed in 1985 to help organize against the development of
11 a mass waste incinerator (LANCER) which was planned for construction in the South
12 Central neighborhood. After defeating the LANCER Project, CCSCLA stayed together
13 to work on other issues impacting the community such as planning and land use,
14 access to parks and open space, affordable housing, banking, and recycling. CCSCLA
15 and The City Project have long worked with the community to protect the Baldwin Hills
16 community, parklands and environment. Members of CCSCLA use Baldwin Hills
17 parklands and are impacted by the Oil Field. CCSCLA submitted public comments
18 regarding the Draft EIR on or about August 19, 2008, with The City Project and other
19 members of the Greater Baldwin Hills Alliance. These public comments focused on the
20 Baldwin Hills community, parklands, urban blight, urban decay, and human health,
21 social and economic impacts resulting from the physical impacts on the environment of
22 the Oil Field and the oil drilling ordinance, and on the inadequacies of the
23 environmental justice section of the Draft EIR (§ 4.16). These public comments are
24 available at www.greaterbaldwinhillsalliance.org. In 2001, CCSCLA and The City
25 Project helped the community stop a proposed power plant that would have adversely
26 impacted the Baldwin Hills community and parklands. Currently, CCSCLA, The City
27 Project, and others are working to enforce a 2004 Consent Decree under the Clean
28 Water Act to fix the sewer system and stop sewer odors in the Baldwin Hills area.

1 12. At all relevant times, Respondent COUNTY OF LOS ANGELES ("County")
2 was and is a California charter county duly organized as such under the laws of the
3 State of California. Acting as the lead agency for purposes of CEQA, the County
4 prepared and certified the EIR, prepared and adopted the Statement of Overriding
5 Considerations, and prepared and adopted the Ordinance.

6 13. At all times herein mentioned, Real Party in Interest PLAINS
7 EXPLORATION & PRODUCTION COMPANY ("PXP") was and is a Delaware
8 corporation, existing under the laws of the State of Delaware and doing business in the
9 State of California and County of Los Angeles. PXP is the operator of the Baldwin Hills
10 Oil Field, also known as the Inglewood Oil Field ("Oil Field"). PXP filed an application
11 with the County to establish the CSD. PXP also drafted the CSD that was studied in
12 the EIR.

13 14. Petitioner does not know the true names or capacities of the parties sued
14 herein as DOES 1 through 100, inclusive, and therefore sue these Respondents/Real
15 Parties in Interest by such fictitious names. Petitioner will amend this Petition to state
16 their true names and capacities when they have been ascertained. Petitioner is
17 informed and believe and thereon allege that each of the fictitiously named
18 Respondents/Real Parties in Interest is responsible in some manner for the
19 occurrences herein alleged.

20 **STATEMENT OF FACTS**

21 **The Baldwin Hills Community**

22 15. The Baldwin Hills rest at the environmentally and demographically diverse
23 center of Los Angeles. The area lies at the intersection of the African-American, Latino
24 and non-Hispanic white communities. Within a three mile radius of the Baldwin Hills,
25 the population is 40% African American, 23% Latino, 8% Asian-Pacific Islander and
26 11% non-Hispanic white. 18% of the households have incomes that fall below the
27 poverty line. The community just east of the Baldwin Hills is over 90% African-
28 American, compared to about 11% in Los Angeles generally. East of the Baldwin Hills,

1 22% of residents live in poverty, and the median household income is \$39,244. (The
2 annual income needed for a family of four to provide for its basic needs in Los Angeles
3 was over \$63,000 in 2005, more than three times the federal poverty level.) The
4 African-American community surrounding the Baldwin Hills is the historic heart of
5 African-American Los Angeles, and an epicenter of excellence for African-Americans
6 around the nation.

7 16. Professor Josh Sides in his book *L.A. City Limits* describes the unique role
8 of the Baldwin Hills in the history of African Americans in Los Angeles and across the
9 nation:

10 By the late 1950s and early 1960s, blacks had pushed west and south
11 of West Adams into Leimert Park and the exclusive area of Baldwin Hills,
12 which quickly became the heart of affluent black Los Angeles, a position it
13 still holds today.

14 A five-square-mile area of unincorporated hillside west of Leimert Park/
15 Crenshaw and south of West Adams, Baldwin Hills boasted large homes
16 and expansive views. Largely undeveloped until the 1940s, hundreds of
17 houses and apartment complexes were built there in the 1950s. As they
18 had in Compton, blacks moved into new and large homes, with an
19 average of four to six bedrooms per household. African Americans in
20 Baldwin Hills were generally much better educated than their South
21 Central counterparts, a fact that translated into greater job opportunities in
22 the post-boom economy. Accordingly, just over 71 percent of
23 all employed African Americans in Baldwin Hills were white-collar
24 workers. Many Baldwin Hills residents were typical of those who fled
25 South Central after the Watts riot; according to the 1970 census, 57
26 percent of blacks in Baldwin Hills had lived in the central city in 1965.

27 In addition to superior housing, residents of Baldwin Hills and the
28 nearby Leimert Park and Crenshaw areas also enjoyed many more

1 conveniences as consumers. While many Watts and Willowbrook
2 residents were forced to buy groceries at overpriced liquor stores, Baldwin
3 Hills residents had other options. The Crenshaw Shopping Center --
4 opened in 1947, as one of the first planned suburban malls in the United
5 States -- was the most popular shopping area for local residents. And,
6 during the 1960s, the Baldwin Hills Center and the Ladera Center also
7 opened, offering residents even greater selection and convenience.
8 Central to this improved consumer selection, and middle-class life in
9 general, was the greater mobility of Baldwin Hills residents relative to
10 blacks in the central city. Whereas 57 percent of Baldwin Hills
11 households had one car, and 37 percent had two or more cars, a survey
12 of Watts residents found that 57 percent did not own a car.

13 Perhaps the greatest advantage to residing in Baldwin Hills was the
14 superior quality of the area's public schools. In 1971, the Los Angeles
15 Department of City Planning described Baldwin Hills public schools as the
16 "the best schools of any city area inhabited primarily by black people" and
17 "on par with those in West Los Angeles and the San Fernando Valley." In
18 addition to boasting low dropout rates and small class sizes relative to
19 public schools in Watts and South Central, public schools in Baldwin Hills
20 were also more racially integrated.

21 Josh Sides, *L.A. City Limits: African American Los Angeles from the Great*
22 *Depression to the Present 190-91* (University of California Press 2003).

23 17. Today there are numerous established residential neighborhoods around the
24 Oil Field. Schools in the vicinity include West Los Angeles College, Windsor Hills
25 Elementary, Baldwin Hills Elementary, Hillcrest Elementary and the Ohr Eliyahu
26 Academy.

1 18. There are also various parks and recreation areas surrounding the Oil Field,
2 including Kenneth Hahn State Recreation Area, the Ladera Ball fields, the Baldwin Hills
3 Scenic Overlook, Culver City Park, and Norman O. Houston Park.

4 19. The Final EIR includes 22 images and text that graphically illustrate urban
5 blight and urban decay resulting from the physical impacts of the Oil Field and the oil
6 drilling ordinance on homes, schools, parks, and the environment in the Baldwin Hills
7 (FEIR 4.13-2 to -21.)

8 **The Oil Field**

9 20. The Oil Field consists of approximately 750 to 1,000 acres of unincorporated
10 land located in the Baldwin Hills. The Oil Field is bisected by La Cienega Boulevard,
11 north of Slauson Avenue. The Oil Field is bounded by the cities of Los Angeles and
12 Culver City, as well as the West Los Angeles Community College campus and the
13 Kenneth Hahn State Recreation Area. Nearby communities include South Los
14 Angeles, Leimert Park, Crenshaw, West Adams, Hyde Park, Ladera Park, Inglewood,
15 Windsor Hills, and Culver City.

16 21. The Oil Field began operation in 1924 when the area was primarily farm
17 land. (FEIR at p. 4.8-1.) Over 1,600 wells have been drilled in the Oil Field since the
18 first well in 1924. (EIR § 2.0, Project Description.) Altogether some 368 million barrels
19 of oil and 269 billion cubic feet of natural gas have been produced from the Oil Field to
20 date. (FEIR at p. 1-1.)

21 22. Over the years, the Oil Field's operators have transitioned from Standard Oil
22 to Texaco and Chevron to Stocker Resources and now to PXP.

23 23. PXP owns the mineral rights to the Oil Field. For the most part, PXP does
24 not own the land within the Field.

25 24. The portion of the Oil Field covered by the CSD consists of 26 separate
26 parcels. The land is owned by at least 20 diverse interests, including various family
27 trusts, various companies and corporations, Chevron USA, the City of Los Angeles, the
28 Los Angeles Community College District, the Baldwin Hills Conservancy, various utility

1 companies, and others, as well as PXP. (FEIR Table 2.1.) Pursuant to a master lease,
2 PXP pays royalties to the land owners based on the volume of oil and gas production.

3 25. The Oil Field currently has 436 active producing wells, 207 active water
4 injection wells, 177 idle wells (i.e., not currently producing, but also not closed or
5 "abandoned" in accordance with State regulatory requirements), and 643 abandoned
6 (i.e., closed) wells. (FEIR at p. 2-16.)

7 26. The Oil Field also includes an existing gas plant flare. The existing flare is
8 quite large and unregulated. When in use, the existing flare can cause major vibration
9 to homes in the region. Petitioner asserts that unconstrained use of the existing flare
10 constitutes a public nuisance.

11 27. The Oil Field is designated as Open Space in the Los Angeles County
12 General Plan. According to the Planning Commission Resolution in this matter, the
13 intent of the Open Space category is to maintain land in an open character for public
14 safety, recreation, scenic enjoyment, resource production, and for the protection and
15 study of natural ecosystems. Agricultural, recreational, and mineral extraction are
16 defined as compatible land uses in the Open Space land use category.

17 28. Most of the Oil Field is zoned Heavy Agricultural (A-2), and one parcel of the
18 Oil Field containing the processing plant facilities is zoned Restricted Heavy
19 Manufacturing (M-1½). Pursuant to Los Angeles County Code Section 22.24.120.D, oil
20 and gas extraction operations are allowed by right in the A-2 zoning district; most other
21 zones, including the residential, commercial and manufacturing zones, only allow oil
22 wells and oil well drilling with a conditional use permit from the County.

23 29. Until the adoption of the CSD, oil operations in the Baldwin Hills were
24 ministerial as to the County and did not trigger requirements for compliance with CEQA
25 within the County.

26 ////
27 ////
28 ////

1 **The Baldwin Hills Conservancy Act and**
2 **The Baldwin Hills Park Master Plan**

3 30. The Baldwin Hills represent one of the last largely undeveloped areas of
4 open space in urban Los Angeles County. Over one million people live within five miles
5 of the Baldwin Hills, and, with barely one acre of parkland per one thousand people,
6 this is one of the most park-poor regions in California. The Baldwin Hills present a
7 unique opportunity to enrich the quality of life and health of millions by creating one of
8 the most dramatic new parks in a dense and diverse urban setting desperately in need
9 of critical park space.

10 31. In 1999, the State Legislature passed Senate Bill No. 1048 (Murray, 1999)
11 declaring the Legislature's intent to provide for the expansion of the Kenneth Hahn
12 State Recreation Area in the Baldwin Hills. This legislation contemplated the
13 development of a master plan to accomplish the following goals: (A) increase active
14 recreation opportunities for underserved communities, (B) create a comprehensive trail
15 system, (C) provide for public access and entry ways, (D) protect and restore natural
16 habitat, (E) protect critical viewsheds, (F) protect and improve urban water quality,
17 (G) emphasize connections between existing parks, trails, and urban streams,
18 (H) restore industrial lands to park and open-space use, and (I) protect watersheds
19 connecting to Santa Monica Bay. This legislation assumes eventual conversion of the
20 Oil Field into the largest urban park created in the last century anywhere in the nation.

21 32. To advance that goal, the Baldwin Hills Conservancy ("Conservancy") was
22 created by Senate Bill No. 1625 (2000, Murray) as part of the Baldwin Hills
23 Conservancy Act. (Pub. Res. Code §§ 32550, *et seq.*) The Conservancy is within the
24 California Resources Agency. (Pub. Res. Code § 32555.)

25 33. After at least eight public workshops involving more than 800 participants,
26 the Conservancy adopted the Baldwin Hills Park Master Plan as required by Public
27 Resources Code Section 32565.5(f): "[T]he conservancy shall, by May 1, 2002,

28

1 approve the master plan." Prior to its adoption, the Park Master Plan was also
2 submitted to the California Department of Parks and Recreation in August 2001.

3 34. The County was an active participant in the development and adoption of
4 the Baldwin Hills Park Master Plan, as were Stocker Resources (i.e., PXP's
5 predecessor in interest) and multiple landowners of the Oil Field including
6 representatives of the Cone Family, the Bickers Group, the Airey Family Trust and
7 others.

8 35. The CSD is located within the area encompassed by the Baldwin Hills Park
9 Master Plan.

10 36. This Petition is filed within 30 days after the County's posting of the Notice of
11 Determination. On October 29, 2008, the County posted its Notice of Determination
12 dated October 28, 2008, concerning the EIR and the Statement of Overriding
13 Considerations.

14 37. Petitioner incorporates by reference as if fully set forth here the factual
15 allegations and legal claims in paragraphs 1-158 and the exhibits in the Petition
16 *Community Health Councils, Inc., et al. v. County of Los Angeles, et al.*, Case No.
17 BS118018, filed November 25, 2008, and assigned for all purposes to the Honorable
18 James C. Chalfant in Department 85. Petitioner CCSCCLA is submitting a notice of
19 related cases and intends to coordinate with other petitioners.

20 **FIRST CAUSE OF ACTION**

21 **(For Writ of Mandate as to EIR)**

22 (By Petitioner Against Respondent County)

23 38. Petitioner refers to, repleads and realleges Paragraphs 1 through 37,
24 inclusive, of this Petition and by this reference incorporates the same herein as though
25 set forth in full in this First Cause of Action.

26 39. Public Resources Code Section 21168.9 provides that a writ of mandate is
27 the proper remedy for the County's failure to comply with CEQA before enacting the
28 CSD (i.e., Ordinance No. 2008-0057).

1 40. Public Resources Code Section 21168.5 governs this action.

2 41. The County's failure to comply with CEQA constitutes a prejudicial abuse of
3 discretion.

4 42. Petitioner has performed all conditions precedent to the filing of this action,
5 including the submission of oral and written comments to the County at the public
6 hearings on these matters, describing the County's failure to comply with its legal
7 obligations under CEQA. Petitioner has also complied with the requirements of Public
8 Resources Code Section 21167.5 by serving notice of this action on November 25,
9 2008. The Notice and proof of service are attached as Exhibit A to this Petition.

10 43. Petitioner has exhausted all administrative remedies available to Petitioner.
11 There are no additional administrative remedies available to Petitioner, and thus
12 Petitioner is seeking judicial relief in this action.

13 44. Concurrently with the filing of this Petition, Petitioner is serving a copy of this
14 Petition on the California Attorney General's office pursuant to Public Resources Code
15 Section 21167.7 and Code of Civil Procedure Section 388.

16 45. The record of proceedings in this matter is being prepared by petitioner
17 Community Health Councils and others or through an alternative method of record
18 preparation pursuant to Public Resources Code Section 21167.6(b)(2).

19 46. At all relevant times, the County has been able to perform its obligations
20 under CEQA to evaluate the potential adverse environmental effects of the CSD and
21 mitigation measures and alternatives. Notwithstanding such ability and despite
22 Petitioner's objections, the County has failed and refused and continues to fail and
23 refuse to perform its legal obligations under CEQA as described above.

24 47. The Final EIR fails to comply with the substantive requirements of CEQA in
25 the following respects, among others:

- 26 • The EIR studied the wrong project. At all times herein mentioned the County
27 intended to draft a CSD, but instead of studying the County's CSD, the EIR
28

1 studied only PXP's draft CSD. The County's CSD is substantially different
2 from PXP's draft CSD. Thus, the project description is legally inadequate.

- 3 • The EIR ignored the significance of the Baldwin Hills Park Master Plan. The
4 EIR dismissed the significance of the Baldwin Hills Park Master Plan and the
5 enabling legislation creating the Baldwin Hills Conservancy and mandating
6 development of a park master plan. The EIR ignores the significant adverse
7 impact of the proposed CSD project on the Park Master Plan, including
8 aspects of the Park Master Plan related to protection of the environment and
9 County General Plan Recreation Policies 30, 31 and 33.
- 10 • The EIR ignored inconsistencies with the General Plan requirement to
11 rehabilitate the Oil Field at the conclusion of its use for oil and gas
12 production. The DEIR fails to evaluate various County General Plan policies
13 with which the proposed project conflicts and therefore fails to identify certain
14 significant adverse impacts of the proposed project. For example, the EIR
15 does not identify the proposed project's inconsistency with the following
16 requirement: "[A]ll mining activities in operation as of January, 1976 and
17 those placed in operation after that date shall be required to submit a
18 reclamation plan which shall provide for appropriate measures to rehabilitate
19 the site prior to its abandonment." The CSD as adopted contains no such
20 requirement.
- 21 • The analysis in the EIR of Social and Economic Impacts Resulting from
22 Physical Impacts and of Environmental Justice is inaccurate and incomplete.
23 While the EIR has a section entitled Environmental Justice (EIR § 4.16), that
24 section fails to adequately identify, assess and mitigate urban blight, urban
25 decay, and human health, social and economic impacts resulting from the
26 physical impacts on the environment of the Oil Field and the oil drilling
27 ordinance, and the environmental justice impacts of the project. Section 4.16
28 specifically and the EIR as a whole do not adequately identify and analyze

1 the relevant legal authorities, despite the public comments analyzing these
2 inadequacies in the Draft EIR submitted by Petitioner and others. The
3 purported analysis of environmental justice regarding the CSD is limited to
4 two conclusory sentences, contains no mitigation measures and is both
5 inaccurate and inadequate. (EIR § 4.16.5.)

- 6 • Environmental Setting. The EIR failed to adequately describe the
7 environmental setting as required by CEQA Guidelines Section 15125.
- 8 • Significant Impacts. The EIR failed to adequately consider and discuss
9 significant environmental impacts associated with the CSD as required by
10 State CEQA Guidelines Section 15126.2, including, without limitation, risk of
11 upset, air quality, greenhouse gases, geology, public health, water, land use,
12 noise/vibration, water quality, recreation and physical activity to promote
13 human health and reduce the obesity epidemic, visual impacts, and urban
14 blight, urban decay, and human health, social and economic impacts
15 resulting from the physical impacts on the environment of the Oil Field and
16 the oil drilling ordinance.
- 17 • Thresholds of Significance. The EIR fails to use, evaluate and consider
18 proper thresholds of significance for determining impacts of the CSD as
19 required by State CEQA Guidelines Section 15064.
- 20 • Mitigation Measures. The EIR lacks a legally adequate discussion of
21 feasible and effective mitigation measures that would reduce impacts to
22 levels of insignificance as required by State CEQA Guidelines Section
23 15126.4, including, but not limited to, deferral of the preparation of mitigation
24 measures through the future adoption of the County's implementation
25 plan(s) as to emergency response, odor minimization, air monitoring, fugitive
26 dust control, erosion control, accumulated ground movement study, ground
27 movement monitoring, drilling quiet mode, special status species and habitat
28 protection, emergency response, construction treatment of historic/cultural

1 resources, landscaping, recycling, water management, groundwater quality
2 monitoring, unused/abandoned equipment removal, hazardous materials
3 storage, environmental quality assurance, safety inspection, maintenance
4 and quality assurance, recreation and physical activity to promote human
5 health and reduce the obesity epidemic, visual impacts, and urban blight,
6 urban decay, and human health, social and economic impacts resulting from
7 the physical impacts on the environment of the Oil Field and the oil drilling
8 ordinance.

- 9 • Project Alternatives. The EIR lacks a legally adequate consideration and
10 discussion of a reasonable range of project alternatives as required by State
11 CEQA Guidelines Section 15126.6, including, but not limited to, the "One Big
12 Park" alternative summarized in the Baldwin Hills Park Master Plan, a "no
13 new drilling" alternative consistent with applicable vested rights case law, a
14 "no project" alternative consistent with Los Angeles County Ordinance
15 No. 2007-0064U (which was in place on the NOP date), a "reduced new
16 drilling" alternative, and an alternative CSD that would include a conditional
17 use permit ("CUP") process for all new drilling permits.
- 18 • Per Se Significant Irreversible Environmental Changes. The EIR fails to
19 satisfy State CEQA Guidelines Section 15126.2(c). Specifically, Section
20 15126.2(c) requires the EIR to identify significant irreversible environmental
21 changes which would be caused by the proposed project. State CEQA
22 Guideline Section 15126.2(c) specifically states: "Uses of nonrenewable
23 resources during the initial and continued phases of the project may be
24 irreversible since a large commitment of such resources makes removal or
25 nonuse thereafter unlikely." Notwithstanding Section 15126.2(c), and
26 notwithstanding the removal of oil and gas reserves from the Oil Field that
27 will occur under the CSD, the EIR incorrectly concludes that the proposed
28 project will not result in any significant irreversible environmental change.

1 48. Notwithstanding its legal obligation under Public Resources Code Section
2 21091(d) to respond in writing to public comments on the EIR, the County failed to
3 adequately and fully do so, including without limitation the written public comments
4 submitted by Petitioner.

5 49. Notwithstanding its legal obligation under State CEQA Guidelines Section
6 15086 and 15186 to consult with other public agencies, the County failed to adequately
7 consult with, among others, the City of Culver City and the Los Angeles Unified School
8 District.

9 50. Pursuant to State CEQA Guidelines Section 15088.5(a), an EIR must be
10 recirculated for additional public review and comment "when significant new information
11 is added to the EIR after public notice is given of the availability of the draft EIR for
12 public review." As used in this Section, the term "information" includes "changes in the
13 project or environmental setting as well as additional data or other information."

14 51. The County added significant new information in the Final EIR, including, but
15 not limited to, the map showing the entire area of potential significant odor impacts
16 during drilling.

17 52. Notwithstanding the errors and omissions in the Draft EIR, and certain
18 significant new information contained in the Final EIR, the County failed and refused to
19 recirculate the EIR prior to its certification by the Board of Supervisors.

20 53. The County's actions in failing to revise and recirculate the Draft EIR and
21 instead certifying the Final EIR constitute a prejudicial abuse of discretion in that the
22 County failed to proceed in the manner required by law. The County thereby violated
23 its duties to prepare an EIR conforming to the requirements of CEQA and the State
24 CEQA Guidelines before adopting Ordinance No. 2008-0057.

25 54. Accordingly, Petitioner is entitled to an order compelling issuance of a Writ
26 of Mandate against the County requiring the County to revise and recirculate a legally
27 adequate EIR.

28

1 55. Petitioner is entitled to an award of attorneys' fees pursuant to the Private
2 Attorney General Doctrine codified in Section 1021.5 of the Code of Civil Procedure
3 because the successful resolution of this action will confer a substantial benefit upon a
4 significant portion of the general public and because the necessity and financial burden
5 of private enforcement are such as to make an award of attorneys' fees appropriate.
6 Moreover, the successful resolution of this action will not involve an award of monetary
7 damages, and thus the attorneys' fees cannot be paid from any recovery in this action.

8 56. Petitioner is also entitled to an award of attorneys' fees pursuant to
9 Government Code Section 800 because the County has acted arbitrarily and
10 capriciously in certifying the challenged EIR without complying with CEQA.

11 **SECOND CAUSE OF ACTION**

12 **(For Writ of Mandate as to the County's**

13 **Statement of Overriding Considerations)**

14 **(By Petitioner Against Respondent County)**

15 57. Petitioner refers to, repleads and realleges Paragraphs 1 through 56,
16 inclusive, of the Petition and by this reference incorporate the same herein as though
17 set forth in full in this Second Cause of Action.

18 58. CEQA requires the decision-making agency to balance the economic, legal,
19 social, technological or other benefits of a proposed project against its unavoidable
20 environmental risks when determining whether to approve the project.

21 59. If the specific economic, legal, social, technological or other benefits of a
22 proposed project are deemed to outweigh the unavoidable adverse environmental
23 effects, the adverse environmental effects may be considered acceptable. When this
24 occurs, the agency must state in writing the specific reasons to support its action. This
25 document is called a Statement of Overriding Considerations, and the Statement of
26 Overriding Considerations must be supported by substantial evidence in the record.

27 60. As discussed above, the removal of oil and gas reserves under the CSD is a
28 *per se* significant adverse environmental effect. State CEQA Guidelines § 15126.2(c).

1 61. The County failed to identify the removal of oil and gas reserves as a
2 significant adverse environmental effect of the proposed project.

3 62. The Board of Supervisors failed to consider this significant adverse impact
4 before adopting the Statement of Overriding Considerations for this project.

5 63. As discussed above, Petitioner further alleges that there are other significant
6 adverse impacts that have not been adequately identified by the County and, once
7 identified, may or may not be mitigated to levels of insignificance. If they cannot be
8 mitigated to less than significant levels, then they too will require consideration in the
9 Statement of Overriding Considerations.

10 64. The EIR identified significant unavoidable seismic risk and cumulative traffic
11 impacts. The Board of Supervisors adopted a Statement of Overriding Considerations
12 as to the traffic and earthquake impacts only.

13 65. The Board of Supervisors must by law reconsider the Statement of
14 Overriding Considerations in this matter.

15 66. Accordingly, Petitioner is entitled to an order against the County compelling
16 reconsideration of the Statement of Overriding Considerations.

17 **THIRD CAUSE OF ACTION**

18 **(For Writ of Mandate as to Los Angeles County Code)**

19 **(By Petitioner against Respondent County)**

20 67. Petitioner refers to, repleads and realleges Paragraphs 1 through 66,
21 inclusive, of the Petition and by this reference incorporates the same herein as though
22 set forth in full in this Third Cause of Action.

23 68. For the reasons stated above, Petitioner is entitled to an order against the
24 County compelling the following October 21, 2008 amendments to the CSD to be
25 referred back to the Planning Commission for report and recommendation pursuant to
26 Los Angeles County Code Section 22.16.210:

27

28

- 1 • Adding a new "modification" procedure that would allow variances to be
- 2 granted by County staff from the requirements of the CSD on an
- 3 administrative basis;
- 4 • Allowing the existing gas plant flare to remain on-site as back-up;
- 5 • Deleting the requirement for a periodic five-year audit of the condition and
- 6 operations of the Oil Field to assess the effectiveness of the CSD; and
- 7 • Eliminating requirements for equipment storage at the Oil Field.

8 69. Petitioner is entitled to an award of attorneys' fees pursuant to the Private
9 Attorney General Doctrine codified in Section 1021.5 of the Code of Civil Procedure
10 because the successful resolution of this action will confer a substantial benefit upon a
11 significant portion of the general public and because the necessity and financial burden
12 of private enforcement are such as to make an award of attorneys' fees appropriate.
13 Moreover, the successful resolution of this action will not involve an award of monetary
14 damages, and thus the attorneys' fees cannot be paid from any recovery in this action.

15 70. Petitioner is also entitled to an award of attorneys' fees pursuant to
16 Government Code Section 800 because the County has acted arbitrarily and
17 capriciously in certifying the challenged EIR without complying with CEQA.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioner prays for judgment against Respondents, and each of
20 them, as follows:

21 1. **AS TO THE FIRST CAUSE OF ACTION:**

22 For issuance of a Writ of Mandate against Respondents, and each of
23 them, requiring Respondent County to revise the EIR to comply fully with the California
24 Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*) and recirculate the
25 revised EIR for further public review and comment.

26 2. **AS TO THE SECOND CAUSE OF ACTION:**

27 For issuance of a Writ of Mandate against Respondents, and each of
28 them, requiring Respondent County to revise any necessary Statement of Overriding

1 Considerations to comply fully with the California Environmental Quality Act (Pub. Res.
2 Code §§ 21000, *et seq.*).

3 3. **AS TO THE THIRD CAUSE OF ACTION:**

4 For issuance of a Writ of Mandate against Respondents, and each of
5 them, requiring Respondent County to refer the following October 21, 2008
6 amendments to the CSD back to the Planning Commission for report and
7 recommendation pursuant to Los Angeles County Code Section 22.16.210:

- 8 A. Adding a new "modification" procedure that would allow variances to be
9 granted by County staff from the requirements of the CSD on an
10 administrative basis;
- 11 B. Allowing the existing gas plant flare to remain on-site as back-up;
- 12 C. Deleting the requirement for a periodic five-year audit of the condition and
13 operations of the Oil Field to assess the effectiveness of the CSD; and
- 14 D. Eliminating requirements for equipment storage at the Oil Field.

15 4. **AS TO ALL CAUSES OF ACTION:**

16 For a judgment against all Respondents, and each of them, that includes
17 each of the following:

- 18 A. An award of reasonable attorneys' fees pursuant to Code of Civil Procedure
19 Section 1021.5 and Government Code Section 800;
- 20 B. An award of costs of suit herein incurred; and
- 21 C. Such other and further relief as the Court deems proper.

22
23 Dated: November ____, 2008

THE CITY PROJECT
a California nonprofit public benefit corporation

24
25 By: _____
26 Robert García
27 President and Counsel
28 Attorneys for Petitioner