

1 Robert L. Glushon – State Bar No. 93840  
 2 Kristina Kropp – State Bar No. 279316  
 3 **LUNA & GLUSHON**  
 4 16255 Ventura Boulevard, Suite 950  
 Encino, California 91436  
 Tel: (818) 907-8755  
 Fax: (818) 907-8760

**CONFORMED COPY**  
 OF ORIGINAL FILED  
 Los Angeles Superior Court

AUG 09 2017

Sherril R. Carter, Executive Officer/clerk  
 By Shaunya Bolden, Deputy

5 Edwin F. McPherson – State Bar No. 106084  
 6 Pierre B. Pine – State Bar No. 211299  
**McPHERSON RANE LLP**  
 7 1801 Century Park East  
 24th Floor  
 Los Angeles, CA 90067  
 8 Tel: (310)553-8833  
 Fax: (310)553-9233

*Deputy*

*[Handwritten signature]*

9 Attorneys for Petitioner KEEPLAMOVING

10  
 11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 12 **FOR THE COUNTY OF LOS ANGELES**

**McPHERSON RANE LLP**  
 1801 CENTURY PARK EAST, 24<sup>TH</sup> FLOOR  
 LOS ANGELES, CALIFORNIA 90067

**BS 170464**

14 KEEPLAMOVING, a registered  
 unincorporated association,  
 15  
 Petitioner/Plaintiff,  
 16  
 vs.  
 17  
 CITY OF LOS ANGELES, a municipal  
 18 corporation; LOS ANGELES  
 DEPARTMENT OF  
 19 TRANSPORTATION; and DOES 1  
 through 100, inclusive,  
 20  
 Respondents/Defendants.  
 21

CASE NO. )  
 (1) **PETITION FOR WRIT OF MANDATE**  
 i. Violation of California Environmental Quality Act (CEQA)  
 ii. Error and Abuse  
 iii. Violation of Due Process  
 (2) **COMPLAINT FOR VIOLATION OF DUE PROCESS AND FIRST AMENDMENT RIGHTS**  
 (First Amendment to the U.S. Constitution; Fourteenth Amendment to the U.S. Constitution; 42 U.S.C. § 1983)

22  
 23  
 24  
 25  
 26  
 27  
 28

**INTRODUCTION**

1  
2 1. Petitioner/Plaintiff KEEPLAMOVING (hereinafter “Petitioner”) hereby  
3 challenges the actions of Respondent/Defendant CITY OF LOS ANGELES (hereinafter  
4 the “City”), and its various departments, including Respondent/Defendant LOS ANGELES  
5 DEPARTMENT OF TRANSPORTATION (“LADOT”), in implementing the following:

6 a. The reduction of lanes on Vista Del Mar, an oceanfront arterial  
7 thoroughfare, located between Manhattan Beach and El Segundo to the south, and Culver  
8 Boulevard in the community of Playa del Rey to the north, as well as the creation of  
9 dozens of additional parking spaces on the street, the removal of a left turn lane leading to  
10 west bound Culver Boulevard, the creation of a dedicated left turn lane at Pacific in its  
11 stead, the removal of bollards from the center/median which prevented unsafe u-turns, and  
12 the creation of new, permissive u-turn cutouts (collectively the “Vista Del Mar Project”);

13 b. The reduction of lanes on Culver Boulevard, between Vista Del Mar  
14 and the Marina Freeway, as well as the creation of dedicated bicycle lanes, with bollards  
15 marking the lanes, in the community of Playa del Rey (collectively the “Culver Project”);

16 c. The reduction of lanes on Pershing Drive, between Westchester  
17 Parkway and Cabora Drive, as well as the creation of dedicated bicycle lanes, in the  
18 community of Playa del Rey (“Pershing Project”); and

19 d. The reduction of lanes on Jefferson Boulevard, between Culver  
20 Boulevard and Lincoln, in the community of Playa del Rey (“Jefferson Project”)  
21 (collectively, the Vista del Mar Project, Culver Project, Pershing Project, Jefferson Project  
22 and the below described “Safe Streets for Playa del Rey Initiative,” which is comprised of  
23 the Culver, Pershing, and Jefferson Projects referred to herein as “the Projects”).

24 2. All such action was done without due process and fair notice to residents of  
25 Playa del Rey or Westchester, or any of the tens of thousands of affected drivers and  
26 commuters traveling daily on all such major public highways and without compliance  
27 with the California Environmental Quality Act (hereinafter “CEQA”).

28 3. In or about May 31, 2017, LADOT issued a “Notice of General Manager’s  
Determination” with regard to the Culver Project and/or the “Safe Streets for Playa del Rey

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Initiative<sup>1</sup>,” including an unspecified CEQA Exemption.

4. With regard to the Vista Del Mar, Pershing, and Jefferson Projects, Petitioner is informed and believes and based thereon alleges that LADOT did not issue any “Notice(s) of General Manager’s Determination”, as was done on the Culver Project and/or the “Safe Streets for Playa del Rey Initiative,” nor did LADOT make any CEQA determinations. Petitioner is further informed and believes and based thereon alleges that LADOT implemented the Vista Del Mar, Pershing and Jefferson Projects without a General Manager’s Determination and without any CEQA review or determinations based on a claim that such Projects were “emergencies”. Such Projects were in fact not emergencies.

5. As set forth herein, the actions of LADOT in implementing each of the Projects without compliance with CEQA and without due process or fair notice constitutes error and gross abuse of discretion.

6. The Projects have caused, are causing, and will continue to cause, significant adverse impacts, including significantly-increased risk of injury and death, significantly-increased traffic density, significantly-increased noise and pollution, significantly-decreased access/response time for emergency vehicles, significant blockage of the tsunami escape route, significantly-impaired access to public beaches, significant loss of income to neighborhood businesses, increased financial burdens on commuters (gasoline, childcare, etc.), and significantly-increased traffic on other roadways including Sepulveda Boulevard at the Los Angeles International Airport, which has significant national security implications. There was no notice given to the vast majority of impacted residents, and no notice whatsoever given to other greatly-affected communities. Nor were project-level meetings held, despite assurances to a Westchester Neighborhood Council member that such meetings would take place. Moreover, LADOT implemented the Projects without any public review or input, or any meaningful consideration of actual and potential significant adverse impacts, including impacts to public safety.

---

<sup>1</sup> Although the determination letter states it proposes changes to Culver Boulevard, it also includes changes to the other streets. Furthermore, the City is currently taking the position that the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURISDICTION**

7. This Court has jurisdiction over this action pursuant to §§1085 and 1094.5 of the Code of Civil Procedure, §§21168 and 21168.5 of the Public Resources Code, the First and Fourteenth Amendments to the U.S. Constitution, and 42 U.S.C. §1983.

**PARTIES**

8. Petitioner is a duly organized and registered California unincorporated association comprised of citizens, residents, and taxpayers of Respondent City and other affected cities, who are impacted by and concerned with the quality of life in and around the City. Petitioner was founded and organized for the purpose of keeping traffic flowing on Vista Del Mar, Culver, Jefferson, and Pershing without compromising public safety, and includes residents who have already been, and will continue to be, significantly adversely impacted by the Projects, and the CEQA violations and lack of due process in implementing the Projects.

9. Respondent/Defendant City is a municipal corporation, organized and existing under the laws of the State of California, located within the County of Los Angeles. At all relevant times hereto, the City has had the duty and responsibility to proceed in accordance with the law, to provide due process to everyone affected by its actions, and to ensure that all discretionary approvals comply with all applicable laws, including CEQA. Public Resources Code §21000 *et. seq.*, and 14 Cal. Code Regs. §15000 *et. seq.*

10. Respondent LADOT is a department and agency of Respondent City and at all times material hereto, has had the jurisdiction over traffic and transportation improvements within the City. LADOT was established to provide for the proper planning, coordination, direction, management and operation of the City’s various ground transportation and ground transportation related activities.

11. Petitioner is ignorant of the true names and capacities of Respondents sued herein as DOES 1-100, inclusive, and, therefore, sues these individuals and/or entities by such fictitious names. Petitioner will amend this Petition to allege the true names and capacities of fictitiously named parties when ascertained. Petitioner is informed, believes

---

determination refers to the whole of the “Safe Streets for Playa del Rey Initiative.”

1 and based thereon alleges that each party designated herein as a DOE is responsible for the  
2 events and happenings alleged in this Petition or has a beneficial interest in the actions  
3 challenged herein.

4 12. Petitioner is informed and believes and, based upon such information and  
5 belief, alleges that, at all times herein mentioned, Respondents, and each of them, were the  
6 agents, servants, employees, partners, and alter egos of the remaining Respondents, that  
7 the acts complained of herein were done within the course and scope of said agency,  
8 service, employment, and partnership, and that the acts by each Respondent was ratified,  
9 approved and adopted by each of the remaining Respondents. Wherever the terms  
10 "Respondent(s)" or "City" is used herein, it shall mean "Respondents, and each of them."

11 **FACTUAL BACKGROUND**

12 *The Playa Vista Project*

13 13. In May of 2001, in anticipation of the massive and rapid development of  
14 Playa Vista, which is located in or adjacent to Playa Del Rey, the Playa Vista Community  
15 Plan was adopted, which called for the widening of Playa Del Rey arterial streets. The  
16 widening project was a required mitigation measure for the first phase of the Playa Vista  
17 project, and was required in the City's conditions of approval for Vesting Tentative Tract  
18 Map 49104 and in the mitigation measures required in the Environmental Impact Report  
19 for that first phase. The City cited this widening requirement in its review of the Playa  
20 Vista project, indicating that it was necessary to maintain traffic flow once the approved  
21 development was complete.

22 14. The widening was calculated to "increase operating efficiency and traffic  
23 flow." "In addition to providing safer operation of the intersection turning movements, the  
24 improvement is also designed to increase the operating efficiency of the intersection.  
25 Providing an additional southbound lane on Vista del Mar between Culver Boulevard and  
26 Pacific Avenue, together with re-striping the southbound Culver Boulevard approach to the  
27 intersection to add an additional left turn lane, would allow for improved traffic flow  
28 during the critical P.M. peak hour and would reduce queuing on Culver Boulevard at the  
Vista del Mar intersection. Currently, the southbound Culver Boulevard approach  
provides one dedicated left turn lane (connecting to southbound Vista del Mar), one shared

1 through/left turn lane, and one shared through/right turn lane. The re-striping would  
2 modify this to provide two dedicated left turn lanes and one shared through/left/right turn  
3 lane, thus allowing additional left turn capacity in the southbound direction. The additional  
4 left turn lane is accommodated by the widening of southbound Vista del Mar between  
5 Culver Boulevard and Pacific Avenue to add a third lane. At the Pacific Avenue  
6 intersection, Vista del Mar would then narrow back to its current two-lane width in the  
7 southbound direction.”

8 15. In 2003, a Coastal Development Permit was obtained for all of the  
9 anticipated widening work.

10 16. The first phase of the Playa Vista development was thereafter implemented,  
11 and many more phases after that.

12 17. Over the next twelve years (2000 to 2012), the population in Playa Vista  
13 grew by at least 925%.

14 18. In 2013, traffic engineers from LADOT made a recommendation to “install a  
15 new midblock traffic signal next to Dockweiler Beach on Vista Del Mar about 1200’ north  
16 of Imperial Highway and install median delineators between the two locations to prevent  
17 u-turns and post “No Ped Xing” signs between the two to prevent pedestrians from  
18 walking across a 50 mph highway.”

19 19. Notwithstanding the street widening mandates by the Playa Vista  
20 Community Plan, on which the entire Playa Vista development was conditioned, the City  
21 became interested in adding dedicated bicycle lanes to Culver Boulevard. On January 30,  
22 2015, Iteris Inc. conducted a comprehensive study of the likely effects of a bicycle lane  
23 being created on Culver Boulevard, and submitted a Draft Traffic Impact Analysis to the  
24 City.

25 20. The Iteris Analysis indicated that the lights at Vista Del Mar/Culver  
26 Boulevard and at Nicholson/Culver Boulevard already rated from “Fair Operation” to  
27 “Forced Flow” (jammed). Iteris concluded that implementation of the bicycle lane project  
28 would result in a significant delay at the study intersections along the corridor during the  
morning peak hour and during the afternoon peak hour. The ultimate conclusion was  
that the bicycle lane project would have “significant impact” on traffic flow. As a

1 result, no such bicycle lanes were implemented at that time.

2 *Vista Del Mar*

3 21. On August 11, 2015, the Los Angeles City Council approved “Mobility Plan  
4 2035” (hereinafter “MP2035”) which was an update to the circulation element of the  
5 City’s General Plan. The plan provided for a “multi-modal” transportation network  
6 throughout the City, identifying streets as appropriate for a variety of special treatments in  
7 the future. The City acknowledged that implementation of MP2035 would have  
8 significant, unavoidable impacts to transportation, including significantly increased  
9 congestion, intrusion of traffic into residential neighborhoods, failure to comply with the  
10 existing regional Congestion Management Plan, and diminished access and response time  
11 of emergency responders.

12 22. The policies set forth in MP2035 conflict with numerous policies in other  
13 existing elements of the City’s General Plan, including elements in its 35 Community  
14 Plans (which constitute the land use element of the General Plan). In fact, MP2035 is an  
15 *immobility* plan that has had, and will continue to have, significant, irreversible  
16 environmental impacts. In adopting a Statement of Overriding Considerations, the City  
17 adopted MP2035 in spite of these impacts, relying on purported “aspirational” benefits  
18 from reducing vehicle trips, and in spite of explicitly recognizing that the plan would  
19 actually increase congestion on existing streets and increase vehicular delay.

20 23. At or about the same time, “Vision Zero” was created by executive order of  
21 Los Angeles Mayor Eric Garcetti, as a “commitment to eliminate all traffic deaths by  
22 2025.” According to the Vision Zero website, LADOT “identified a network of streets, the  
23 High Injury Network (HIN) where strategic investments will have the biggest impact in  
24 reducing deaths and severe injuries.” The goal of LADOT in creating the HIN was to  
25 “spotlight[s] streets with a high concentration of traffic collisions that result in severe  
26 injuries and deaths, with an emphasis on those involving people walking and bicycling.”  
27 Nowhere on the list was Vista Del Mar, Culver, Pershing, or Jefferson.

28 24. According to the Los Angeles Times: “in 2016, the first full year that  
Garcetti’s Vision Zero policy was in effect in L.A., 260 people were killed in traffic  
crashes on city streets, an increase of almost 43% over the previous year. Rising traffic

1 deaths appear to be more than a one-year aberration: So far in 2017, crash fatalities are  
2 22% higher than in the same period last year . . . . Los Angeles' increase in traffic deaths  
3 outpaces national trends. In 2016, 40,200 people died in crashes involving cars, a 6%  
4 increase over the previous year, according to the National Safety Council.<sup>2</sup>

5 25. On February 21, 2015, a 16 year old girl named Naomi Larsen was at  
6 Dockweiler beach, using a fire pit with many friends. Dockweiler beach is adjacent to  
7 Vista Del Mar.

8 26. At approximately 12:15 a.m., Larsen and several of her friends crossed Vista  
9 Del Mar at the intersection of Ipswitch. The group ran across the southbound lane of Vista  
10 Del Mar and headed to their vehicle, which was parked illegally on the east side of the  
11 street. After stopping briefly on the median, three members of the group, including  
12 Larsen, ran across the northbound lane of Vista Del Mar in the dark, while the rest of the

---

13 <sup>2</sup> In 2015, LADOT prepared a report entitled "Enhanced Speed Enforcement And Tools to Reduce  
14 Speeding," in response to a motion made jointly by Councilmembers Mitchell Englander (12th  
15 District) and Mike Bonin (11th District) in support of Vision Zero. The Motion directed LADOT  
16 (in consultation with the L.A.P.D.) to identify and report to the Transportation and Public Safety  
17 Committees then-current hindrances to effective speed enforcement, and to provide  
18 recommendations for how to enhance the City's ability to enforce safe travel speeds. The Motion  
19 further requested that LADOT (in consultation with the L.A.P.D.) report back on any pilot  
20 projects that can quickly be implemented to reduce speeding.

21 Jay Beeber, the Executive Director of Safer Streets LA, prepared a response to this report,  
22 and submitted the response as public commentary on October 14, 2015. The LADOT report  
23 provided 11 countermeasure tools it stated could reduce prevailing speeds over a period of time.  
24 These tools included "Road diets (removal of traffic lanes), "Lane narrowing," and "Signal timing  
25 techniques." Beeber responded that some of these tools can have "unintended consequences and  
26 could serve to decrease safety overall."

27 With respect to "road diets," Beeber wrote that: "when traffic lanes are removed and traffic  
28 backs up, drivers seek alternative routes, often through otherwise quiet residential streets. These  
streets are not built to handle the additional traffic and increasing motor traffic can put residents,  
especially children, at greater risk." With respect to signal timing, Beeber assumed LADOT's  
strategy that drivers experience more red lights. In this respect Mr. Beeber said this tool would be  
counterproductive because it increases driver frustration and actually causes drivers to "speed up"  
between signals, and expose cross-traffic to more potential red-light running.

In conclusion, Beeber wrote that preventing collisions or improper behavior from happening  
in the first place can be better accomplished through proper engineering and education, more so  
than enforcement which occurs "after the fact."

It should be noted that LADOT stated in its report that, as of October 7, 2015, 81% of  
Engineering and Traffic Surveys needed renewal or extension, and that the Traffic Surveys section  
in LADOT was experiencing a back log because it only has two full-time employees (down from  
7) that complete the data collection and field investigations for these surveys for the entire City.



1 group safely remained on the median. A taxi cab heading north on Vista Del Mar,  
2 exceeding the speed limit, struck Larsen and a friend, killing Larsen.

3 27. On July 29, 2015, Larsen’s family filed a lawsuit against the City over her  
4 “wrongful death.” Larsen’s parents alleged that the City had created a substantial risk of  
5 injury to pedestrians because the City “did not maintain its design, condition and lighting  
6 in a reasonably safe condition. Specifically, they alleged that: (1) the City had previously  
7 removed a crosswalk from the intersection of Vista Del Mar and Ipswitch; and (2) the  
8 City had allowed the streetlights in the area to fall into disrepair. They further alleged  
9 that the unsafe condition on Vista Del Mar had been noted ten years earlier in the City’s  
10 General Plan, and that the City had longstanding knowledge of the condition and of  
11 multiple prior accidents involving pedestrians.

12 28. The City ultimately settled the case with Larsen’s family for \$9.5 Million on  
13 January 30, 2017, after the family had filed motions to compel the Depositions of several  
14 high level City officials.

15 29. On May 20, 2017, City Councilmember Mike Bonin (hereinafter “Bonin”)  
16 announced the “Safe Streets for Playa del Rey Initiative.” According to Bonin’s website,  
17 the “Safe Streets for Playa del Rey Initiative” “is an effort on Pershing Drive, Culver  
18 Boulevard, and Jefferson Boulevard to re-stripe and add buffered bicycle lanes that will  
19 create safe routes for bicyclists to connect to facilities on Westchester Parkway, Lincoln  
20 Boulevard, and the Dockweiler State Beach bicycle path.” According to the website,  
21 “these ‘safety improvements,’ which also include lane designs intended to slow vehicle  
22 speeds as cars drive through the Playa del Rey neighborhood, come after two-and-a-half  
23 years of outreach and engagement in the community-initiated safety initiative.”

24 30. On approximately May 24, 2017, just four days following Bonin’s  
25 announcement, with no notice or warning to commuters, without a Coastal Development  
26 Permit, no meaningful community outreach, and without CEQA compliance, LADOT  
27 began a radical restriping and reconfiguring of Vista Del Mar. In justifying this action, the  
28 City claimed that all such changes were implemented, not as a result of MP2035 or the  
“Safe Streets for Playa Del Rey Initiative,” but solely as a result of the death of Naomi

1 Larsen, in an effort to make Vista Del Mar safer.

2 31. City officials also characterized the traffic on Vista Del Mar as “cut through”  
3 traffic, for South Bay drivers who wanted to take “short cuts” through Playa Del Rey to  
4 avoid getting onto the 405 Freeway. However, Vista Del Mar (and in fact Culver) existed  
5 as an arterial thoroughfare for northbound commuters long before the 405 Freeway even  
6 existed.<sup>3</sup>

7 32. LADOT made the following changes to Vista Del Mar at that time:

8 a. Most of the (legal) parking on the east side of the street was  
9 eliminated<sup>4</sup>;

10 b. The number two lane northbound (the lane closest to the east curb)  
11 was turned into the only northbound lane;

12 c. The number one lane northbound was eliminated in certain areas and  
13 turned into a center median in others, creating terrible gridlock at virtually all times of day  
14 and night;

15 d. The left turn lane just south of Culver Boulevard was eliminated, so  
16 that the only way to access the restaurants and other businesses west of Vista Del Mar in  
17 Playa Del Rey is to turn left onto Pacific, approximately 100 yards south of Culver, which  
18 is extremely unsafe<sup>5</sup>;

19 e. The number two lane southbound (the lane closest to the west curb)  
20 was eliminated, from Culver to Imperial Highway;

21 <sup>3</sup> In response to raised concerns, Councilmember Bonin wrote, in an e-mail: “With respect to our  
22 friends in the South Bay, many of whom have made clear they would rather see a four-lane  
23 highway traverse our neighborhood in Playa del Rey, I won’t solve their 405 traffic problem on  
24 the backs of the people I represent. I will not risk the lives of those who live in and visit our  
25 neighborhood in order to provide a convenient cut through for their commute to Santa Monica or  
26 Marina del Rey. And I can’t, in good conscience, give in to people who are aggressively anti-  
27 Playa del Rey, including those who are now objecting to City efforts to repave Playa del Rey  
28 streets as an intolerable ‘final straw.’” Of course, the vast majority of Playa del Rey residents and  
businesses (the “people that [Bonin] represents”) are/were extremely opposed to the road diets, as  
those road diets have brought business in Playa del Rey, like the traffic, to a virtual standstill.

<sup>4</sup> Naomi Larsen’s vehicle was parked illegally on the east side of Vista Del Mar.

<sup>5</sup> On July 28, 2017, after City officials had announced on July 26 that they had decided to restore  
the lanes on Vista Del Mar, LADOT created a dedicated left turn lane at Pacific. Taking a left  
turn at Pacific, dedicated lane or not, is extremely dangerous because that is the point that Vista

1 f. Dozens of free parking spaces were added to the west side of the  
2 street, most of which were diagonal;

3 g. Rubber tire stops/headstones were installed at the head of each  
4 diagonal parking space;

5 h. Numerous bollards that were designed to prevent unsafe u-turns on  
6 the street were removed;

7 i. Dedicated u-turn lanes/areas were created with no traffic lights to stop  
8 or slow oncoming traffic; and

9 j. A large area behind the diagonal parking spaces (between the parking  
10 spaces and oncoming traffic) was added, creating confusion to many, who have used the  
11 area alternatively as a bicycle lane, a waiting lane for the diagonal parking spaces, or a  
12 walking lane – all of which prevents emergency vehicles from using the lane.

13 33. In defending the decision not to eliminate parking on Vista Del Mar entirely,  
14 City officials represented that the California Coastal Commission requires a certain  
15 amount of free parking on Vista Del Mar, and that the Commission would not allow any  
16 reduction in parking spaces on Vista Del Mar.

17 34. However, Petitioner is informed and believes and, based upon such  
18 information and belief, alleges that, not only did City officials fail to consult the Coastal  
19 Commission before implementing any of the changes on Vista Del Mar, the Coastal  
20 Commission does not require any free parking on Vista Del Mar or anywhere else and that  
21 the Commission only requires *affordable* access to the beach, of which there is plenty in  
22 the parking lots below Vista Del Mar.

23 35. There have been at least three accidents on Vista Del Mar since the changes  
24 were implemented. Emergency vehicles have had an extremely difficult time getting to the  
25 situs of the injured parties.

26 ***Culver/Jefferson/Pershing***

27 36. On May 31, 2017, LADOT issued a Notice of General Manager's  
28 Determination for the Culver Project and/or the "Safe Streets for Playa del Rey Initiative."

---

Del Mar angles to the right, and it is extremely difficult for drivers turning left on Pacific to see oncoming traffic that is turning onto southbound Vista Del Mar from Culver.

1 Therein, LADOT “proposed to install the following Project elements: new and upgraded  
2 pedestrian crossings, signal timing changes, speed feedback signs, and 0.9 miles of new  
3 standard and buffered bicycle lanes; bicycle lanes on 0.6 miles Jefferson Boulevard  
4 between Culver Boulevard and Lincoln Boulevard; and the following Project elements  
5 within the existing right-of-way on Pershing Drive between Culver Boulevard and  
6 Westchester Parkway: flashing beacons, speed feedback signs, and 0.9 miles of new  
7 standard and buffered bicycle lanes.”

8 37. On June 15, 2017, Petitioner filed an Appeal of ENV-2016-1099-SE, the  
9 CEQA exemption adopted in connection with the May 31, 2017 General Manager’s  
10 Determination.

11 38. The May 31, 2017 Notice of Determination provided that the Determination  
12 would become effective and final 15 days after the mailing date. Contrary to the  
13 representations in the Notice, LADOT implemented all of the “proposed” work that was  
14 the subject of the Determination long before this date including reconfiguring/restriping  
15 Culver Boulevard, and narrowing the street to one lane with a very wide bicycle lane  
16 (adjacent to seven miles of bicycle paths in Playa Vista that are not part of major arterials)  
17 – making Culver extremely dangerous, and causing tremendous traffic jams at almost all  
18 times of day and night.

19 39. At or about the same time, LADOT also took the following actions to  
20 implement the Pershing Project: The reduction of lanes of Pershing Drive between  
21 Westchester Parkway and Cabora Drive, as well as the creation of dedicated bicycle lanes.  
22 The bicycle lanes literally stop in the middle of Playa del Rey, and the sole lane through  
23 Playa del Rey causes a significant backup, additional gridlock, and considerable noise and  
24 air pollution, along with a significant loss of business for local businesses.<sup>6</sup>

25 40. At or about the same time, LADOT also took the following actions to  
26 implement the Jefferson Project: The reduction of lanes of Jefferson Boulevard between  
27 Culver Boulevard and Lincoln, as well as the creation of dedicated bicycle lanes. Pursuant

28 <sup>6</sup> Numerous Playa del Rey businesses have been reporting that their businesses, particularly  
lunchtime business, has plummeted. If someone has just one hour for lunch, it is not possible to  
enter the affected area, have lunch, and make it back to the office. One such business reported, on  
the date on which it was interviewed, that it did not have enough sales that day to pay its staff.

1 to the Playa Vista Plan, the City had just reconfigured westbound Jefferson, particularly at  
2 the intersection of Culver, where vehicles in the right lane could turn right or left, and  
3 vehicles in the number one (left) lane could turn left as well. Now, there is one lane for  
4 vehicles turning left and right on Culver, thereby backing up Jefferson considerably, and  
5 creating additional gridlock.

6 41. With regard to the Vista Del Mar, Pershing, and Jefferson Projects, Petitioner  
7 is informed and believes and based thereon alleges that LADOT has taken the position that  
8 no “General Manager’s Determination(s)”, due process notice, or CEQA review was  
9 necessary to implement the lane reductions and other changes to those streets because such  
10 changes were necessary as an “emergency.” The nature of that “emergency” has never  
11 been specified by LADOT and in fact no such emergency required the implementation of  
12 those Projects. All of the Projects and changes to Vista Del Mar, Culver, Pershing, and  
13 Jefferson were made without any due process or notice required by law; without any  
14 meaningful public review or input; and without compliance with CEQA.

15 42. Petitioner is informed and believes and, based upon such information and  
16 belief, alleges that LADOT further failed to consult Los Angeles World Airports or any  
17 other airport-related entities, even though the airport and related traffic are significantly  
18 impacted by the Projects and changes to all four of these arterial streets; nor did they  
19 consult with law enforcement, local fire departments, or any other emergency responders,  
20 or with a majority of the residents and businesses in Playa Del Rey and Westchester.

21 43. According to City officials, the average amount of traffic accidents that  
22 occurred on Culver Boulevard and Jefferson Boulevard from 2011–2016 was 11.6  
23 accidents per year. Since the aforementioned changes were implemented, **there have been**  
24 **at least twenty (20) traffic accidents on Culver and Jefferson, another four (4) on**  
25 **Vista Del Mar, and three (3) on Pershing – in just two months.**

26 44. Out of Playa del Rey’s population of 12,000, City officials engaged the input  
27 of just 150 Playa del Rey residents to help lay the groundwork for the “Safe Streets for  
28 Playa del Rey Initiative.” LADOT thereafter populated neighborhood forums with  
outside, paid supporters to make it appear that local residents were overwhelmingly  
supporting the Projects.

1           45.    On June 21, 2017, in response to overwhelming criticism for making  
2 significant changes to Culver Boulevard with no fair notice to residents of Playa Del Rey,  
3 Westchester (or anywhere else), City officials sent an e-mail to everyone who had made  
4 comments on the City’s website. The e-mail was entitled: “Preventing the Next Tragedy,”  
5 and started with “Dear (name of responder),” followed by a photograph of an attractive  
6 woman, appearing to be approximately 25 years old. The e-mail indicated her name, that  
7 she “had a heart of gold,” that “her friends called her ‘a mother to everyone’,” and that she  
8 was “their shoulder, their rock.” The e-mail then went on to discuss why she moved to  
9 Los Angeles (to break into the entertainment industry), and that she was planning a  
10 fundraiser to raise money for a friend with cancer when she was killed by a car on Culver  
11 Boulevard.

12           46.    What the e-mail failed to disclose was that the woman was 47 years old  
13 when she died (and that the photograph was therefore very old and misleading); that the  
14 accident on Culver had taken place over six years before the narrowing of Culver  
15 Boulevard; and that the woman had been drinking at a Playa del Rey bar, had a fight with  
16 her boyfriend, and, at 1:45 a.m., was walking eastbound down the middle of Culver, where  
17 she was struck by a hit and run driver.

18           47.    The e-mail did not explain how narrowing Culver Boulevard into one lane  
19 and adding a dedicated bicycle lane could have saved this woman’s life, or how this  
20 woman’s story had any relevance whatsoever to the Culver Project.<sup>7</sup>

21           48.    The e-mail also mentioned three other pedestrian deaths on Vista Del Mar  
22 and Culver as justification for the lane reductions. One of them was not a pedestrian, but a  
23 motorcyclist, who was killed when he broadsided a car turning across traffic at Culver and  
24 Jefferson in 2015 (involving alcohol, according to CHP records).

25           49.    One of the pedestrians mentioned, a Playa del Rey cobbler, was killed 14

26 <sup>7</sup> In June of 2016, the City published “Who Wins When Streets Lose Lanes – An Analysis of  
27 Safety on Road Diet Corridors in Los Angeles” on its website. The Analysis was conducted at the  
28 request and direction of the DOT by Severin Vincent Martinez in connection with his Master’s  
Degree in Urban & Regional planning at U.C.L.A. After studying road diets on four Los Angeles  
streets, the Analysis found that, not only did the road diets fail to decrease the rate of severe and  
fatal injuries on even one of those streets, on one such street the rate of severe and fatal injuries  
actually *increased* by 200%.

1 years ago, when he walked across the street in the middle of the night, wearing all black  
2 (with no streetlights or crosswalks). Significantly, the cobbler's son now owns his father's  
3 shop, and has complained that his business is getting crushed because of the changes  
4 complained of in this Petition.

5 50. The second pedestrian mentioned was also killed in the middle of the night,  
6 approximately a year ago, walking across Vista Del Mar, south of Imperial (where no  
7 changes have been implemented).

8 51. In none of these cases was the unfortunate death caused by too many  
9 lanes on the road, or the lack of dedicated bicycle lanes.<sup>8</sup>

10 *Adverse Impacts*

11 52. The changes made to Vista Del Mar, Culver, Pershing, and Jefferson, while  
12 ostensibly to promote safety, have actually made all such streets much less safe and much  
13 more environmentally toxic. Following are just some of the adverse effects of LADOT's  
14 road diets:

15 a. When bicycles are in the one lane on northbound Vista Del Mar,  
16 vehicles have driven in the median and partially into the southbound lane to move around  
17 the bicycles. True and correct copies of photographs depicting such acts are attached  
18 hereto collectively as Exhibit "A," and are incorporated herein by this reference as though  
19 set forth in full;

20 b. Complete gridlock and backup has occurred on Vista Del Mar and  
21 Culver which has drastically increased the response time of emergency vehicles. True and  
22 correct copies of photographs depicting the gridlock are attached hereto collectively as  
23 Exhibit "B," and are incorporated herein by this reference as though set forth in full. True  
24 and correct copies of photographs depicting the difficulty for emergency vehicles are  
25 attached hereto collectively as Exhibit "C," and are incorporated herein by this reference as

26 <sup>8</sup> Attached hereto as Exhibit "N," and incorporated herein by this reference as though set forth in  
27 full, is a list (from data compiled by the CHP) of all of the fatal accidents on Vista Del Mar,  
28 Culver, and Jefferson from 2003 through 2016, along with a map of the locations of the accidents.  
Of the 13 fatalities, four occurred during daylight commute times (but two of which nevertheless  
involved alcohol), nine were in the middle of the night, eight involved pedestrians, six involved  
alcohol, five were unclear whether or not alcohol was a factor, and only two definitively did not  
involve alcohol.

1 though set forth in full;

2 c. Vista Del Mar, and the streets that run into it, Grand, Imperial, and  
3 Culver, are all very important elements of the Area G tsunami evacuation route that was  
4 defined by the California Department of Conservation official Tsunami Inundation Maps  
5 for Emergency Planning.<sup>9</sup> The complete gridlock and backup that has occurred on Vista  
6 Del Mar and Culver have drastically increased the tsunami escape time to critical levels.

7 d. There is still parking available on the east side of Vista Del Mar, so  
8 people are still crossing the street without a crosswalk. True and correct copies of  
9  
10  
11

---

12 <sup>9</sup> According to the California Department of Conservation, the official Tsunami Inundation Map  
13 for Emergency Planning was a collective project by “tsunami modelers, geologic hazard mapping  
14 specialists, and emergency planning scientists from the California Geological Survey, the  
15 Governor’s Office of Emergency Service (“Cal OES”), and the Tsunami Research Center at the  
16 University of Southern California.” As coordinated by Cal OES, the Maps were developed for all  
17 populated areas at risk to tsunamis in California, and “represent a combination of the maximum  
18 considered tsunamis for each area.” With respect to Los Angeles County, the red Inundation Line  
19 runs along mapped quadrangles from Triunfo Pass to Los Alamitos/Seal Beach. The Map that  
20 includes Vista Del Mar is entitled the “Venice Quadrangle.” **The red Inundation Line within  
21 the Venice Quadrangle runs from Hermosa Beach, then north around Ballona Creek and  
22 Marina del Rey, and then up to Santa Monica. A portion of the red Inundation Line within  
23 the Venice Quadrangle Map runs parallel to Vista Del Mar, from approximately Rosecrans  
24 Avenue up to Culver Boulevard in Playa del Rey (approximately five miles). Within these  
25 five miles, and to the east of Vista Del Mar, is the Chevron oil refinery and LAX (which are a  
26 barrier to more eastbound exit routes). In the case of a tsunami (or any other disaster, natural  
27 or otherwise, such as a landslide, earthquake, flooding, or fires), there are only four  
28 eastbound exit routes from Vista Del Mar along the red Tsunami Inundation Line:  
Rosecrans Avenue, Grand Avenue, Imperial Highway, and Culver Boulevard. The report  
states that a large tsunami hitting California would “force 750,000 to evacuate coastal areas  
in just a few hours.” The particular communities vulnerable include Marina del Rey and the  
ports of Los Angeles and Long Beach, as well as low-lying coastal areas extending from the ports  
to Newport Beach. Using a simulation of a 9.1 earthquake off the coast of Alaska, the report,  
which was compiled by dozens of scientists, emergency responders, and industry  
representatives, is the “most extensive examination of what a tsunami would do to  
California’s coastline.” The report states that damage would be greater in Southern California  
because of more coastal development and fewer cliffs. The largest challenge would be an  
evacuation *before* the tsunami hits because some areas have “only narrow roads for escape  
routes.” Also, during the summer months, evacuation could be significantly more difficult,  
due to an estimated 1,000,000 people at the beaches and coastal parks, versus 250,000 in the  
springtime. According to *The Argonaut*, in an article published on November 26, 2008,**



1 photographs depicting such pedestrian acts are attached hereto collectively as Exhibit "D,"  
2 and are incorporated herein by this reference as though set forth in full;

3 e. Drivers have been forced to take, among other routes, Sepulveda  
4 Boulevard past the airport, through the tunnel, creating severe gridlock and posing a  
5 serious national security risk;

6 f. Drivers have been forced to take neighborhood streets through Playa  
7 del Rey, putting children at risk;

8 g. Because of the extreme backup on Vista Del Mar near Culver  
9 Boulevard and the extreme backup on Culver, vehicles must sit, idling, for long periods of  
10 time, causing a significant increase in air and noise pollution, and significantly greater  
11 commute times. True and correct copies of photographs depicting that backup on Vista  
12 Del Mar are attached hereto collectively as Exhibit "E," and are incorporated herein by this  
13 reference as though set forth in full;

14 h. People who avail themselves of the increased free parking on Vista  
15 Del Mar have left extraordinary amounts of trash on the road. The trash has accumulated  
16 significantly on the west side of Vista Del Mar, and it is very difficult to remove because  
17 of the rubber headstones at the head of each diagonal parking space that render it  
18 impossible for the street sweepers to get into those areas to pick up the trash. True and  
19 correct copies of photographs depicting the disgusting trashed areas are attached hereto  
20 collectively as Exhibit "F," and are incorporated herein by this reference as though set  
21 forth in full;

22 i. Vehicles are driving southbound in the non-lane behind the diagonal  
23 parking spaces. Vehicles are also stopping in the non-lane for long periods of time,  
24 waiting for the free diagonal spaces to open up, making it impossible for any emergency  
25 vehicles to park there, and limiting their options to parking in the middle of the only lane.  
26 True and correct copies of photographs depicting the driving and parking in the non-lane  
27 are attached hereto collectively as Exhibit "G," and are incorporated herein by this  
28 reference as though set forth in full;

---

regarding the installation of tsunami evacuation signs, "areas west of Lincoln Boulevard are  
expected to be drastically impacted in the event a tsunami strikes the coast."

1 j. Bicyclists are riding northbound on Vista Del Mar (on the west/wrong  
2 side of the street) and southbound, in the non-lane behind the diagonal parking spaces.  
3 At a May 4, 2017 meeting at LMU, City officials assured attendees that there would be no  
4 bicycle lanes on Vista Del Mar, and that they would post “No Bikes” signs along the road.  
5 However, no such signs have been posted, and bicycles continue to use the non-lanes.  
6 True and correct copies of photographs depicting such bicycle riding are attached hereto  
7 collectively as Exhibit “H,” and are incorporated herein by this reference as though set  
8 forth in full;

9 k. Pedestrians are walking, northbound and southbound, in the non-lane  
10 behind the diagonal parking spaces (between the diagonally-parked cars and the  
11 southbound driving lane on Vista Del Mar. True and correct copies of photographs  
12 depicting such pedestrian travel are attached hereto collectively as Exhibit “I,” and are  
13 incorporated herein by this reference as though set forth in full;

14 l. Drivers on northbound Vista Del Mar are making U-turns and backing  
15 across traffic lanes to move into southbound diagonal parking spaces or to avoid the  
16 horrible northbound traffic. True and correct copies of photographs depicting such u-turns  
17 are attached hereto collectively as Exhibit “J,” and are incorporated herein by this  
18 reference as though set forth in full;

19 m. Drivers are parking in the diagonal southbound spaces and pulling out  
20 of those spaces without looking or otherwise making certain that no cars, bicycles, or  
21 pedestrians are behind them;

22 n. Most people exiting their vehicles that are parked on southbound  
23 Vista Del Mar are descending to the beach by sliding down the cliff, eroding the cliff, and  
24 destabilizing the road;

25 o. Because it takes so long for Uber and Lyft drivers to get to the beach  
26 area west of Vista Del Mar, many of them refuse to service the area, making it nearly  
27 impossible for beachgoers who need car services to get such services, the net effect of  
28 which is more intoxicated drivers on the road coming from the beach area headed east;

p. Vehicle drivers heading west on Culver Boulevard routinely enter the  
new bicycle lane to turn right. True and correct copies of photographs depicting those acts

1 are attached hereto collectively as Exhibit “K,” and are incorporated herein by this  
2 reference as though set forth in full;

3 q. There have been at least twenty (20) traffic accidents on Culver and  
4 Jefferson, another four (4) traffic accidents on Vista Del Mar, and three (3) traffic  
5 accidents on Pershing – in just two months. True and correct copies of photographs of the  
6 aftermath of some of those accidents are attached hereto collectively as Exhibit “L,” and  
7 are incorporated herein by this reference as though set forth in full;

8 r. FedEx and other delivery vehicles are parking in the center median on  
9 Culver, so that the median cannot be used as a turn lane to get into Playa del Rey  
10 businesses;

11 s. The stress levels of drivers traveling from the South Bay to Santa  
12 Monica, the West Side, Century City, and Beverly Hills has increased exponentially, as  
13 has their travel time, creating significant stress, and greatly reducing their time with their  
14 families;<sup>10</sup>

15 t. Because there is no longer a left turn lane from Vista Del Mar to  
16 Culver Boulevard, drivers who want to go to the restaurants and bars in Playa Del Rey that  
17 are west of Vista Del Mar are turning left onto Pacific, with no visibility of oncoming  
18 traffic turning left onto Vista Del Mar (southbound) from Culver;

19 u. On Pershing, the bicycle path, which literally just stops in the middle  
20 of Playa del Rey (earning it the name: “the bike path to nowhere”), is cut off by a  
21 dedicated right turn lane on westbound Pershing onto Westchester Parkway; ever vehicle  
22 that turns right onto Westchester must go directly through the westbound bicycle path;

23 v. Residents and businesses along the bike path routes have nowhere to  
24 put out their trash to be picked up, because it is illegal to place trash barrels in bike paths,  
25 and there is nowhere else to put the trash; and

26 w. Local realtors in Playa del Rey, Westchester, El Segundo, and

27 <sup>10</sup> In 2012, a study on the physical effects of driving stress was reported in the American Journal  
28 of Preventive Medicine by Christine M. Hoehner, PhD, Carolyn E. Barlow, MS, Peg Allen, MPH,  
and Mario Schootman, PhD. The researchers found that the longer one’s commute by vehicle, the  
higher one’s blood pressure and body mass index is likely to be. They also found that the farther  
the commute, the less physical activity the person was likely to get.

1 elsewhere have already experienced a significant slowdown in home purchases in those  
2 areas due to LADOT's road diets. Realtors have reported that, although they continue to  
3 attempt to show property in those areas, many individuals who work in Santa Monica,  
4 Venice, and the West Side are refusing to view those properties because of the road diet-  
5 precipitated longer commute. The decline in property values in those areas is both  
6 inevitable and imminent.

7 *The City's Promise To Restore Vista Del Mar*

8 53. An e-mail sent on June 30, 2017 announced that there would be a DOT  
9 meeting at the end of July (ultimately set for July 29), "to present information on the  
10 impacts of the changes, to get additional input, and to discuss potential future changes."  
11 Angry residents of Playa del Rey and other Los Angeles communities, as well as residents  
12 of the South Bay, made it very clear that they would be attending this meeting in full force,  
13 and would be very vocal about their objections to the changes.

14 54. Two days before the LADOT meeting, on July 27, 2017, in the face of  
15 overwhelming backlash and criticism from constituents, neighboring government entities  
16 and the public, as well as a significant recall effort for one of the Los Angeles City  
17 Councilmembers, the City sent out an e-mail announcing that it would reverse the changes  
18 made to Vista Del Mar.

19 55. The email cited the need to provide free parking on Vista Del Mar as the  
20 reason for lane reductions (and presumably the reason for adding dozens of additional  
21 spaces along that road) and gave credit to Fourth District County Supervisor Janice Hahn  
22 for agreeing to "create an equivalent number of public parking spaces below Vista Del  
23 Mar, at the beach itself."<sup>11</sup> However, no such restoration has been made.

24 56. After this well-publicized public announcement on July 27, the long-  
25 anticipated July 29 public meeting with the LADOT was abruptly cancelled, with no  
26 warning or explanation.

27 57. Within 1-2 days of the announcement that all of the ill-conceived and unsafe  
28 changes to Vista Del Mar would be reversed, and notwithstanding Councilmember Bonin's

<sup>11</sup> Significantly, the existing parking spaces "below Vista Del Mar, at the beach itself," are rarely full – primarily because of the free spaces on Vista Del Mar.

1 statement that he was “truly sorry” for all of the people that were late to work, or who were  
2 missing bedtime stories with their children, City trucks once again crowded Culver and  
3 Vista Del Mar – not to eliminate parking spaces; not to widen the road and adding lanes –  
4 but to eliminate one of the two left turn lanes on westbound Culver onto southbound Vista  
5 Del Mar, and to place permanent blockades in what used to be the number one lane on  
6 northbound Vista Del Mar, at Culver, where morning drivers turn right on to eastbound  
7 Culver to get to work and school, so that drivers cannot use that lane to go right, left, or  
8 straight (cutting off access to all of the businesses on the west side of Playa del Rey.

9 ***Measure M Monies - Misappropriated***

10 58. “Measure M” was a Los Angeles County ballot initiative in the November  
11 2016 election, entitled “Los Angeles County Traffic Improvement Plan.” The purpose of  
12 Measure M was to raise money through increased sales taxes for the following, according  
13 to the text of the Measure: “to improve freeway traffic flow/safety; repair potholes/  
14 sidewalks; repave local streets; earthquake retrofit bridges; synchronize signals; keep  
15 senior/disabled/student fares affordable; expand rail/subway/bus systems; improve  
16 job/school/airport connections; and create jobs.” This text/description appeared on the  
17 ballot, followed by the following question: “Shall voters authorize a Los Angeles County  
18 Traffic Improvement Plan through a ½ ¢ sales tax and continue the existing ½ ¢ traffic  
19 relief tax until voters decide to end it, with independent audits/oversight and funds  
20 controlled locally?”

21 59. The official argument that was “submitted in favor of the measure” included  
22 the following:

23 a. YES ON MEASURE M creates a comprehensive Los Angeles County  
24 Traffic Improvement Plan to ease congestion and build a 21st Century transportation  
25 network. In 2015, the average driver on LA freeways spent 81 hours stuck in traffic. We  
26 can stop wasting time away from our families and jobs by making smart investments in  
27 both transit and roads.

28 b. YES ON MEASURE M will modernize Los Angeles County’s aging  
transportation system.

c. YES ON MEASURE M will build more light rail, Rapid Bus,

1 Metrolink, and better freeways and highways all across Los Angeles County. And, with  
2 Measure M, we can finally do earthquake retrofitting on our overpasses and bridges.

3 d. YES ON MEASURE M will keep seniors, disabled, and student fares  
4 affordable. In 15 years, the number of Los Angeles County residents 65 or older will  
5 expand to over 2 million. Yes on Measure M invests in van services and public transit so  
6 more seniors, veterans, and people with disabilities can live independently.

7 e. The non-profit Los Angeles County Economic Development  
8 Corporation estimates that Measure M will create 465,000 new jobs throughout Los  
9 Angeles County.

10 f. YES ON MEASURE M gives Los Angeles County a guaranteed  
11 source of funding that can be used to get hundreds of millions of dollars in state and  
12 federal matching dollars. Without Measure M, these matching dollars will go to other  
13 places.

14 g. YES ON MEASURE M will help each of LA County's 88 cities fix  
15 their streets and repair their potholes and sidewalks.

16 h. YES ON MEASURE M includes strict accountability, an Oversight  
17 Committee, and an Annual Financial and Performance Audit, which will be available  
18 online.

19 i. All Measure M money is for local use only and cannot be taken by the  
20 state government in Sacramento.

21 j. Join business, labor, environmentalists, transportation experts, and  
22 leaders from every corner of Los Angeles County and vote YES ON MEASURE M.

23 60. **Significantly, not one of these points in the "official argument"**  
24 **mentioned anything about road diets and bike lanes.** Clearly, Measure M monies were  
25 to be used, in large part to improve traffic in Los Angeles and to assist the elderly, and not  
26 to force the elderly (and families and the disabled and firemen and policemen) to use  
27 bicycles to get around the city.

28 61. The City Council's Transportation Committee passed a plan that allocated  
60% of the \$56 Million Measure M funds that the City was expected to receive, to Vision  
Zero. In so doing, the Committee rejected the City staff recommendation that two-thirds

1 of the Measure M money be used for repaving the City's most deteriorated streets (which  
2 was actually one of the anticipated uses for which the public voted for Measure M).

3 62. Petitioner is informed and believes and, based upon such information and  
4 belief, alleges that Measure M funds were, in fact, used for all of the aforementioned  
5 changes to Vista Del Mar, Culver, Jefferson, and Pershing, among others, and the  
6 almost weekly changes that have been made to Vista Del Mar since the initial changes  
7 were made. This use is antithetical to the stated purpose of Measure M.

### 8 FIRST CAUSE OF ACTION

9 (Violation of CEQA)

10 63. Petitioner adopts, realleges, and by this reference incorporates, Paragraphs 1  
11 through 62, inclusive, hereinabove.

12 64. Petitioner has complied with California Public Resources Code §21167.5, by  
13 providing the City with notice of intention to commence the within action. A true and  
14 correct copy of such notice is attached hereto as Exhibit "M," and is incorporated herein by  
15 this reference as though set forth in full.

16 65. CEQA, enacted in California Public Resources Code §§21000-21177, was  
17 enacted to ensure that the long-term protection of the environment, consistent with the  
18 provision of a decent home and suitable living environment for every Californian, shall be  
19 the guiding criterion in public decisions.

20 66. CEQA requires that *prior* to approval of any discretionary project, the  
21 environmental effects of that project be evaluated on the existing environment. (CEQA  
22 Guidelines §15004).

23 67. Failure to comply with the substantive requirements of CEQA or to carry out  
24 the full CEQA procedures so that complete information of a project's impacts is developed  
25 and publicly disclosed constitutes a prejudicial abuse of discretion that requires  
26 invalidation of the public agency action regardless of whether full compliance would have  
27 produced a different result.

28 68. CEQA is not merely a procedural statute. It imposes clear and substantive  
responsibilities on agencies that propose to approve projects, requiring such agencies to  
not approve projects that harm the environment unless and until all feasible mitigation

1 measures are employed to minimize that harm. CEQA requires strict compliance with the  
2 procedures and mandates of the statute.

3 69. In taking the actions set forth above, including the adoption of the  
4 Categorical Exemption which does not apply and/or for which exceptions apply for the  
5 Culver Project and/or the “Safe Streets for Playa del Rey Initiative,” and *no CEQA*  
6 *determination whatsoever* with regard to the Vista Del Mar, Pershing, and Jefferson  
7 Projects, Respondents have erred and abused their discretion.

8 70. Respondents’ actions warrant the issuance of a Writ of Mandamus setting  
9 aside the Categorical Exemption for the Culver Project and/or the “Safe Streets for Playa  
10 del Rey Initiative,” and setting aside the other Projects which had no CEQA determination  
11 whatsoever.

12 71. Petitioner, as well as members of the public, will suffer irreparable harm if  
13 the relief requested herein is not granted and if Respondents are not required to vacate and  
14 set aside the Projects’ implementation based upon violations of CEQA.

15 72. Petitioner has no plain, speedy or adequate remedy available to it in the  
16 ordinary course of law to redress the claims alleged herein.

17 73. Petitioner has incurred and will incur attorneys’ fees for seeking this judicial  
18 action to force the City follow state law. This action will benefit the public interest in  
19 having the City follow the state’s environmental laws. Based thereon, Petitioner is entitled  
20 to recovery attorneys’ fees pursuant to *California Code of Civil Procedure* §1021.5.

## 21 SECOND CAUSE OF ACTION

22 (Error and Abuse -Unsupported by Substantial Evidence)

23 74. Petitioner adopts, realleges, and by this reference incorporates, Paragraphs 1  
24 through 73, inclusive, hereinabove.

25 75. In approving any discretionary project, the City must proceed in accordance  
26 with law, provide a fair hearing, and support its decision with findings which are supported  
27 by substantial evidence.

28 76. The General Manager’s Determination approving the Culver Project and/or  
the “Safe Streets for Playa del Rey Initiative” was and is without adequate findings and  
unsupported by substantial evidence. Based thereon, such General Manager’s



1 Determination should be set aside.

2 77. Similarly, the City's actions with regard to the Vista Del Mar, Pershing, and  
3 Jefferson Projects, for which no "General Manager's Determinations," or any other type of  
4 determinations were made were not just unsupported by substantial evidence, but *no*  
5 evidence at all. Based thereon, they should be set aside.

6 **THIRD CAUSE OF ACTION**

7 (Denial of Due Process and Fair Notice)

8 78. Petitioner adopts, realleges, and by this reference incorporates, Paragraphs 1  
9 through 77, inclusive, hereinabove.

10 79. Despite claiming to have conducted community outreach and engaged  
11 community members prior to implementation of the aforementioned Projects, no notice of  
12 the Projects was given to the vast majority of impacted residents; no notice whatsoever to  
13 other greatly-affected communities; no consultation took place with law enforcement, local  
14 fire departments, or any other emergency responders, or the majority of the residents and  
15 businesses in Playa Del Rey and Westchester.

16 80. To the surprise of Petitioners and vast members of the public affected by the  
17 Projects, almost overnight and without any notice, LADOT took action to implement the  
18 projects.

19 81. The Projects are causing and will continue to cause substantial and  
20 significant impacts including significantly-increased risk of injury and death, significantly-  
21 increased traffic density, significantly-increased noise and pollution, significantly-  
22 decreased access/response time for emergency vehicles, significant blockage of the  
23 tsunami escape route, significantly-impaired access to public beaches, significant loss of  
24 income to neighborhood businesses, increased financial burdens on commuters (gasoline,  
25 childcare, etc.), and significantly-increased traffic on other roadways including Sepulveda  
26 Boulevard at the Los Angeles International Airport, which has significant national security  
27 implications.

28 82. As such, approval of the Projects constitutes governmental action which  
results in significant and substantial deprivations of property.

83. Petitioners are informed, believe and based thereon allege that the Projects

1 will also diminish the value of their, and the surrounding neighborhoods', property values.

2 84. By failing to provide notice and opportunity to be heard to the Petitioners  
3 and the vast members of the public affected by the Projects, the City has violated  
4 Petitioners' rights to due process and fair notice.

5 **COMPLAINT FOR VIOLATION OF DUE PROCESS**

6 **AND FIRST AMENDMENT RIGHTS**

7 (Violation of First and Fourteenth Amendments to the U.S. Constitution;

8 Violation of 42 U.S.C. §1983)

9 85. Petitioner adopts, realleges, and by this reference incorporates, Paragraphs 1  
10 through 84, inclusive, hereinabove.

11 86. Petitioner's members and the general public were entitled to a CEQA  
12 process including an Environmental Impact Report ("EIR") before being subjected to the  
13 adverse effects of "Safe Streets for Playa Del Rey" and other road diet projects.

14 87. Throughout this process, from the beginning of the City's reduction actions  
15 through the present, City officials have engaged in a campaign of misinformation, name  
16 calling, and race bating, claiming that the aforementioned changes were made for "safety"  
17 reasons, while the changes have made the affected roadways exponentially unsafe.

18 88. Most egregious of all, however, is the repeated and ongoing censorship of  
19 Petitioner's Constitutionally-protected speech.

20 89. The City established a government Facebook account for Councilmember  
21 Bonin, creating a forum for the exchange of views and information about the  
22 Councilman's actions and policies. Members of Petitioner and others have posted  
23 comments on such Facebook page that indicate disagreement with the City's policies,  
24 which comments have not been profane or particularly accusatory. Nevertheless, in clear  
25 violation of Petitioners' and others' First and Fourteenth Amendment rights, and in  
26 violation of the Civil Rights Act (42 U.S.C. §1983), such comments were not only deleted,  
27 but also those individuals who expressed their concerns have been blocked from posting  
28 any further comments to the page. In so doing, the City ignores the fact that the First  
Amendment "was fashioned to assure unfettered interchange of ideas for the bringing  
about of political and social changes desired by the people." *Roth v. U.S.*, 354 U.S. 476,

1 484 (1957), and that “[p]rotection of the public interest in having debate on matters of  
2 public importance is at the heart of the First Amendment.” *McVey v. Stacy*, 157 F.3d 271,  
3 277 (4th Cir. 1998).

4 90. This civil rights action seeks to protect and vindicate the First and Fourteenth  
5 Amendment rights of Petitioner, and of all California citizens, whose rights to free  
6 expression have been violated, striking at core protections for political speech and  
7 petitioning the government.

8 91. The City has engaged, and continues to engage, in unconstitutional  
9 viewpoint discrimination to remove certain ideas or perspectives from a broader public  
10 debate. The Supreme Court has “long recognized that, when government regulates  
11 political speech or the expression of editorial opinion on matters of public importance,  
12 First Amendment protectio[n] is at its zenith.” *R.A.V. v. City of St. Paul, Minn.*, 505 U.S.  
13 377, 429 (1992).

14 92. As a direct and proximate result of the aforementioned actions by  
15 Respondents, and each of them, Petitioner has been damaged in an amount that has yet to  
16 be ascertained, including consequential and incidental damages, costs, and interest. When  
17 Petitioner ascertains the exact amount of said damages, it will seek leave of Court to  
18 amend this Petition/Complaint to set forth said amount prior to the time of trial.

19 93. As a further direct and proximate result of the aforementioned actions by  
20 Respondents, and each of them, which have subjected Petitioner and others to the adverse  
21 effects of the “Safe Streets” program, Petitioner is entitled to injunctive relief prohibiting  
22 Respondents from continuing to implement the “Safe Streets” program, and requiring  
23 Respondents to restore all of the streets in Playa Del Rey that they have reconfigured  
24 pursuant to the program to their prior configurations until such time as they have fully  
25 complied with the EIR and hearing requirements of CEQA.

26 94. Petitioner has incurred and will incur attorneys’ fees, expert witness fees,  
27 and other significant costs as a result of this proceeding, in amounts that cannot yet be  
28 ascertained, but which are recoverable pursuant to 42 U.S.C. §1988.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WHEREFORE, Petitioner prays for judgment against Respondents/Defendants, and each of them, as follows:

1. For a Writ of Mandamus directing the City and its departments, including LADOT, to set aside their approval of the Projects, and to require preparation of legally adequate environmental review, as well as adequate notice and a hearing;

2. For a Temporary Restraining Order and Preliminary and Permanent Injunctions mandating that Respondents restore Vista Del Mar, Culver Boulevard, Pershing Drive, and Jefferson Boulevard to their original condition, pending such further environmental review, and until this action can be decided on the merits;

3. For attorneys' fees in accordance with the law, including Code of Civil Procedure §1021.5;

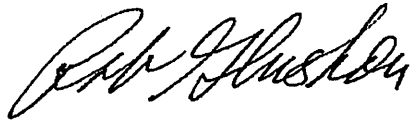
4. For costs of suit herein incurred; and

5. For such other and further relief as the Court deems just and proper.

Dated: August 9, 2017

**LUNA & GLUSHON**  
Robert L. Glushon  
Kristina Kropp

**McPHERSON RANE LLP**  
Edwin F. McPherson  
Pierre B. Pine



By: \_\_\_\_\_  
ROBERT L. GLUSHON  
Attorneys for Petitioner

1 VERIFICATION

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )

4 I, KARLA MENDELSON, have read the foregoing PETITION FOR WRIT OF  
5 MANDATE and COMPLAINT FOR VIOLATION OF DUE PROCESS AND FIRST  
6 AMENDMENT RIGHTS and know its contents.

7 CHECK APPLICABLE PARAGRAPH

8  I am a party to this action. The matters stated in the foregoing document are true to my  
9 own knowledge except as to those matters which are stated on information and belief, and as to  
10 those matters I believe them to be true.

11  I am  an Officer  a partner  a managing member  a \_\_\_\_\_  
12 of KEEPLAMOVING, a registered California unincorporated association, a party to this action  
13 and am authorized to make this verification for and on its behalf, and I make this verification for  
14 that reason.  I am informed and believe and on that ground allege that the matters stated in the  
15 foregoing document are true.  The matters stated in the foregoing document are true of my  
16 own knowledge except as to those matters which are stated on information and belief, and as to  
17 those matters I believe them to be true.

18  I am one of the attorneys for a party to this action. Such party is absent from the county  
19 of aforesaid where such attorneys have their offices, and I make this verification for and on behalf  
20 of that party for that reason. I am informed and believe and on that ground allege that the matters  
21 stated in the foregoing document are true.

22 Executed this \_\_\_\_\_ day of August 2017, at Los Angeles, California.

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

25 KEEPLAMOVING

26 *Karla Mendelson*

27 KARLA MENDELSON, Chief Executive Officer