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Thursday, December 17, 2015

The Hon. Eric Garcetti
Mayor, City of Los Angeles
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Via email and US mail
mayor.garcetti@lacity.org

Ms. Holly L. Wolcott
City Clerk for City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, California 90012

Via email and US mail
holly.wolcott@lacity.org

The Hon. Herb Wesson
President of the City Council
200 North Spring Street, Room 430
Los Angeles, CA 90012

Via email and US mail
councilmember.wesson@lacity.org

Re: Notice of Commencement of CEQA Action:
Mobility Plan 2035, Council File # 15-0719, et seq.
As rescinded and as adopted November 25, 2015

Dear Gentilepersons:

Pursuant to Public Resources Code, § 21167.5, Petitioners Hollywoodians Encouraging Logical Planning [HELP], an unincorporated association, and Citizens Coalition [CCLA], an unincorporated association, intend to file a

petition against The City of Los Angeles, The City Council of the City of Los Angeles, challenging the certification of the Final Environment Impact Report [FEIR] and approval of the Mobility Plan 2035, Council File # 15-0719 et seq. and associated ordinances enacted in conjunction therewith.

The August 2015 certification of the Final EIR and the approval of Mobility Plan 2035 with three amendments, which had not been vetted by City Planning Commission or by the Mayor, were improper under the California Environmental Quality Act [CEQA] because of:

(1) the three amendments had not been part of the CEQA Administrative Process and were adopted contrary to statute and charter requirements;

(2) the numerous violations of CEQA as shown by the comments which HELP and CCLA have made for the public record for Mobility Plan 2035.

The August 2015 adoption of MP 2035 with three un-vetted amendments was contrary to the City Charter and other statutes, rules, and regulations concerning the adoption of a Transportation Element to the City's General Plan. HELP and CCLA reserve the right to assert in their petition any other basis which other comments may have raised.

After the adoption of MP 2035 with the three amendments, The City began an administrative procedure about the rescission of MP 2035 with its three amendments. HELP and CCLA participated in this administrative process by submitting additional comments and documents prior to the November 10, 2015 joint meeting of the Transportation Committee and the PLUM Committee.

The November 25, 2015 rescission and simultaneous adoption of Mobility Plan 2035 **without** the three amendments, which had been part of MP 2035, is contrary to CEQA and contrary to the City Charter and violates 42 U.S.C. § 1983.

During the post August 2015 Administrative Process leading up to the November 25, 2015 rescission and adoption of MP 2035 without the three amendments, The City had the opportunity to rectify serious flaws in MP 2035 including but not limited to the removal of false data and the addition of significant data and studies which would have supported other CEQA Alternatives. As a result of MP 2035's being adopted with false data and the exclusion of necessary accurate data, The City violated the civil rights of its citizens. The City's persistence in the use of false data and exclusion of accurate data violates CEQA and 42 U.S.C. § 1983.

HELP's and CCLA's petition will include the failure of the city to provide a reasonable population forecasts and its failure to provide CEQA alternatives which would be realistic with a smaller population increase. The City had the duty to also discuss the alternative of a smaller City population by 2035. Furthermore, The City failed to study the adverse impacts that MP 2035 would have on the City's economy and the number of residents who would leave the City due to the adverse impacts of implementing MP 2035. The City also failed to consider all forms of transportation such as Virtual Presence, and the City did not consider the health dangers to its citizens in adopting MP 2035.

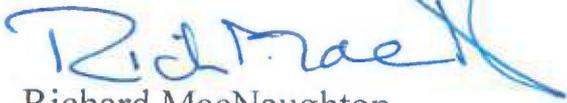
Furthermore, the City obtained approval of MP 2035 on November 25, 2015 by representations that the City would add certain amendments, the first set of amendments to be heard in December 2015 and the second set of amendments to be heard in or but February 2016. These express representations raise the issue whether the November 25, 2015 rescission and adoption were

Mayor Garcetti, City Clerk Wolcott, Council President Wesson
Mobility Plan 2035, CF 15-0719 et seq. Notice of Intent
December 17, 2015

passed subject to conditions subsequent. Such an agreement constituted vote trading contrary to *Penal Code*, § 86.

The CEQA, statutory and Charter violations with respect to the August 11, 2015 passage of MP 2035 with the three amendments and its subsequent rescission and adoption without the three amendments on November 25, 2015 have created a legal quagmire, resulting in the need for HELP and CCLA to file a new lawsuit.

Very truly yours,



Richard MacNaughton

Co-council for Hollywoodians Encouraging Logical Planning [HELP] and Citizens Coalition Los Angeles [CCLA]

RMN:ra

2035Mobility:2035-1042

cc: AdamRLid Adam.Lid@lacity.org

Sharon.Dickinson@lacity.org

Proof of Service By Email and US MAIL

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California and I am over the age of eighteen (18) years and I am not a party to this within action. My business address is 1916 North Saint Andrews Place, Hollywood, CA 90068. On December 17, 2015, I served the following documents:

1. Notice of Commencement of CEQA Action: Mobility Plan 2035, Council File # 15-0719, et seq., As rescinded and as adopted November 25, 2015 on all interested parties by Mailing via US mail and/or Emailing a true and correct copies as indicated below:

Via email and US mail

The Hon. Eric Garcetti
Mayor, City of Los Angeles

Ms. Holly L. Wolcott
City Clerk for City of Los Angeles

The Hon. Herb Wesson
President of the City Council
Los Angeles City Hall
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Via email and US mail
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Related case by Email

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Facsimile: (310) 319-0156

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed at Hollywood, California on December 17, 2015



Richard MacNaughton