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County of Los Angeles
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David W. Slayton,
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By S. Ruiz, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

13 GEORGE ABRAHAM'S FOUNDATION, a non-)
14 profit corporation;)
15 Petitioner,)
16 vs.)
17 CITY OF LOS ANGELES, a public body)
18 corporate and politic, CITY OF LOS ANGELES)
19 DEPARTMENT OF CITY PLANNING and)
20 DOES 1 through 10, inclusive,)
21 Respondents,)
22)
23)
24)
25)
26)
27)
28)

Case No. **25STCP01075**
**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT**
(California Environmental Quality Act)

1 **INTRODUCTION**

2 1. This action challenges the adoption of updates to the thresholds of significance and
3 methodologies related to construction noise and vibration and historical resources (“Project”) by the
4 City of Los Angeles (“City”) Department of City Planning (“Department”).

5 2. The City violated the California Environmental Quality Act (“CEQA”), Pub. Res. Code §
6 21000, *et seq.*, in several respects. Among other things, the City failed to adequately consider the
7 environmental impacts associated with the adoption of the new thresholds, failed to prepare and
8 circulate required environmental analysis, and failed to consider feasible alternatives and mitigation.

9 3. The City also violated its own General Plan in several respects.

10 4. Among other things, Petitioner seeks alternative and peremptory writs of mandate declaring
11 the City’s adoption of the new thresholds of significance invalid, and enjoining the City from taking steps
12 to implement the updated thresholds.

13 **PARTIES**

14 5. Petitioner George Abrahams Foundation is a non-profit public benefit organization focused on
15 environmental protection and conservation of the historical and cultural heritage of Los Angeles and
16 promoting greater transparency and accountability in government. Petitioner’s mission is to conserve and
17 protect the environment for the benefit of all by advocating for greater environmental protections,
18 safeguards for the welfare of animals, conservation of natural habitats, protections for residents, historic
19 preservation, and transparency and accountability in government in service of these purposes and with
20 regard to planning, zoning and the built environment. Members of Petitioner’s Board are residents of the
21 City of Los Angeles and have been injured as a result of Respondents’ actions. Respondents’ actions
22 adversely affect the recreational, vocational, aesthetic, scientific, and environmental interests of Petitioner.
23 The interests of Petitioner have been and will continue to be adversely affected by Respondents’ unlawful
24 actions. Petitioner and its board are filing this action as private attorneys general on behalf of themselves
25 and on behalf of all members of the community and residents of the City. The relief sought in this Petition
26 would redress Petitioner’s and members of its Board’s injuries.

1 agencies, without the ability to provide their opinions confidentially, may feel constrained from
2 providing their free and open opinions on the challenges of existing thresholds and methodologies and
3 the best available data, methodologies or approaches for identifying noise impacts.”

4 12. In December 2023, the Department published proposed updates to thresholds of
5 significance and methodologies related to construction noise and vibration and historical resources. In
6 the proposed updates for construction noise and vibration, the Department claimed that “use of the
7 [existing] thresholds in City CEQA documents for construction noise impact analysis has proven to be
8 overly sensitive and has resulted in impact conclusions that are not supported with substantial
9 evidence.” The updates proposed less strict thresholds and changed the methodology to assess
10 construction noise and vibration.

11 13. For instance, the proposed updates removed the impact assessment based on increase over
12 ambient noise levels during daytime. According to the 2019 thresholds, it would be considered a
13 significant impact if construction activities lasting more than one day exceeded existing ambient sound
14 levels by 10 dBA or construction activities lasting more than 10 days in a three-month period exceeded
15 existing ambient sound levels by 5 dBA. The proposed updates removed the increase above ambient
16 noise criteria in its entirety for daytime construction. Instead, the updates included an absolute
17 maximum threshold for daytime construction at 80 dBA Leq (Equivalent Continuous Sound Pressure
18 Level) over 8 hours, above which noise levels can cause hearing loss.

19 14. The updated thresholds also abandoned the previous methodology for construction
20 vibration which was based on the guidance from the Federal Transit Administration (FTA) to assess
21 ground-borne vibration impacts related to potential building damage and human annoyance. The
22 proposed updates increased thresholds for some types of building damage such as historic buildings.
23 And it provided no numerical threshold for human annoyance from daytime construction activities,
24 which was 72 VdB at off-site sensitive uses in the 2019 thresholds.

25 15. In relation to historical resources, the Department adopted two chapters as part of the
26 Department’s CEQA Guide: “Chapter 4: Guide to Preparation of Impact Analyses - Cultural Resources
27 - Historical Resources” and “Chapter 5: Technical Studies - Cultural Resources - Historical
28 Resources.” The memorandum stated that these chapters are proposed to “be used in the analysis of

1 Appendix G, V. Cultural Resources, question (a), for impacts to historical resources.” Question (a) is
2 an assessment of whether a project would cause a substantial adverse change in the significance of a
3 historical resource as defined in CEQA Guidelines Section 15064.5.

4 16. A public comment period was held from December 8, 2023 to December 20, 2023. On
5 December 20, 2023, the Department conducted a director-level virtual public hearing. Several groups
6 and individuals submitted letters to the City that they were not provided “with adequate notice and
7 sufficient opportunity to meaningfully comment” on the proposed changes. In response to the requests
8 from the public, the Department announced at the hearing that the public comment period was
9 extended to February 19, 2024. Many residents, groups and interested parties submitted comments to
10 the Department raising concerns regarding the proposed changes.

11 17. On February 18, 2024, Petitioner submitted a letter raising concerns about the updates’
12 impacts, the lack of compliance with CEQA and inconsistency with the General Plan. It noted that the
13 proposed changes would have direct or indirect physical impacts on the environment, which required
14 environmental analysis to be conducted prior to the adoption of such updates. But the Department
15 failed to do so. Among other things, Petitioner observed that the proposed update would lead to
16 increased construction and excavation and would have biological resources, historical and cultural
17 resources, air quality, noise and health impacts. But the Department provided no data or evidence in
18 relation to these impacts. It further noted the updates were inconsistent with the City’s General Plan
19 Noise Element and City Noise Ordinances which provide that “the intent is to maintain identified
20 ambient noise levels and to limit, mitigate, or eliminate intrusive noise that exceeds the ambient noise
21 levels within the zones specified.”

22 18. Moreover, many residents and public interest groups raised concerns with the Department’s
23 consideration of construction impacts as “temporary” in nature. The residents observed that it is
24 common for many neighborhoods of the City to have multiple construction projects taking place in
25 proximity to each other simultaneously for months, sometimes 2-3 years, causing health problems due
26 to the constant construction noise and vibration. They were appalled by the Department’s contention
27 that “residents of urban areas are used to temporary construction noise and its increase to ambient
28 noise levels of 10 to 25 dBA and higher” and the lack of consideration for the impacts on them.

1 19. Some residents raised concerns with the potential impacts of additional construction noise
2 due to the less strict thresholds in addition to the existing high noise levels from the commercial
3 airplanes routing to and from Hollywood Burbank Airport and Van Nuys Airport. They noted the City
4 ignored these cumulative impacts in adopting the proposed updates.

5 20. The Pacific Palisades Community Council, a nonprofit working on community issues since
6 1973, raised similar concerns while emphasizing that the City ignored how these changes would
7 impact neighborhoods that are not “used to” experiencing frequent construction:

8 No evidence is shown that residents of areas with higher ambient noise levels are not
9 *already disturbed by noise levels* that circumstances require them to tolerate, or that they
10 would not be materially affected if the threshold level were changed as proposed.
11 Moreover, even if some City neighborhoods may now experience high ambient noise
12 levels, a large number of quiet, residential and hillside areas of the City, such as Pacific
13 Palisades, do not routinely experience the same level of ambient noise. The DCP
14 proposal fails to address the obvious material impact of such a change on residential
15 neighborhoods citywide.

16 21. Various groups and residents stated the increased thresholds for noise and vibration will
17 have adverse impacts on the wildlife and open space that is habitat to many species and provide
18 recreational opportunities for the residents, such as the Kagel Canyon, Haines Canyon Creek and Santa
19 Monica Mountains.

20 22. Many pointed out that the City’s inappropriately deferred environmental analysis to later
21 projects and implementation of future measures. For instance, in its noise analysis the City noted: “In
22 the future, the City proposes to require environmental protection measures (EPMs) to be implemented
23 as part of development projects.” A nonprofit organization criticized this approach stating: “The use of
24 so-called ‘environmental protection measures’ sounds suspiciously like the City is trying to incorporate
25 mitigation measures into projects before environmental review in order to avoid findings of significant
26 impacts. The courts have rejected this approach.”

27 23. There were also concerns about the Department’s justifications for the proposed changes
28 and the lack of evidence thereof. For example, in support of removing the thresholds for a numeric
increase in ambient noise levels, the Department referenced other cities that allegedly follow the same
approach, the cities of Beverly Hills, Pasadena, and Fresno. However, these jurisdictions are not
comparable to the City of Los Angeles. Comments pointed out the stark difference in population: the

1 City has a population of approximately 3.8 million whereas the other cities' population are
2 approximately 30,000, 138,000 and 550,000, respectively. Many groups and residents urged the City to
3 consider the existing conditions and unique issues of the City.

4 24. Another unique feature of the City is the hillside and other historic resources that are
5 sensitive to construction impacts. Commenters asserted: "In the Bel Air – Beverly Crest Community
6 Plan Area alone, situated in the Hollywood Hills, 286 properties have been identified as potential
7 historic resources in SurveyLA, the Citywide historic resources survey. 17 properties in the Bel Air –
8 Beverly Crest Community Plan Area have been designated City Historic-Cultural Monuments."

9 Various groups were concerned with the impacts on these historical resources:

10 The proposed updates would more than double the existing vibration damage threshold
11 for historic resources from 0.12 PPV to 0.25 Peak Particle Velocity (PPV) measured in
12 inches per second (in/sec), with no clear consideration of surrounding environmental
13 factors that may treat such properties on hillsides differently from properties on more flat
14 and stable ground. Risk of landslide and already designated dangerous slide areas is not
15 considered, particularly for construction at properties directly adjacent and below historic
16 resources where stronger vibrations can cause land settlement, movement and collapse.

17 25. In addition, comments from an expert the City consulted for the historical resources chapter
18 of the CEQA Guide demonstrated concerns with the Guide's compliance with CEQA and insufficiency
19 of mitigation measures with regard to historic resources. He opined: "I believe the Guide is or may be
20 inconsistent with the CEQA statute and the State CEQA Guidelines in several meaningful ways,
21 including whether demolition can never be mitigated to below the level of significance, use of the
22 Secretary of the Interior's Standards and some of the provisions on impact analysis." He further
23 warned the City about deferring analysis: "As with all mitigation, deferral of analysis is not permitted.
24 Hence requiring a later determination of compliance with the Standards may constitute impermissible
25 deferral."

26 26. On or about September 25, 2024, the Director of Planning adopted updated CEQA
27 thresholds of significance and methodologies related to construction noise and vibration and historical
28 resources ("Project") by an advisory memorandum. The Department published a Fact Sheet
summarizing and addressing public comments on construction noise and vibration.

29 27. The Department claimed that "substantial evidence has been fully considered per the CEQA
Guidelines in the development of the thresholds," reasoning that the thresholds were developed with

1 input from experts and a Technical Advisory Panel. The Department did not require or conduct any
2 studies or environmental review to analyze the impacts associated with adoption of the updates.
3 Instead, the Department deferred such analysis to later projects, claiming for instance “a noise study
4 would have to be performed for individual projects,” and “noise impacts (i.e., substantial adverse
5 effects) to wildlife are analyzed under the Biological Resources Section.”

6 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
7 **AND INADEQUATE REMEDIES AT LAW**

8 28. Petitioner has exhausted all available administrative remedies, and objections to adoption of
9 the proposed updates to the thresholds have been presented orally and in writing to the City, as
10 required by Public Resources Code Section 21177. These include, but are not limited to, letters and
11 oral comments presented during public hearings.

12 29. Petitioner has complied with the requirements of Public Resources Code Section 21167.5
13 by mailing a written notice of commencement of this action to the City. A true and correct copy of that
14 notice is attached hereto as Exhibit 1.

15 30. Petitioner has advised the City that Petitioner has elected to prepare the record of
16 proceedings relevant to the approval of the Project, pursuant to Public Resources Code Section
17 21167.6. A true and correct copy of that notice is attached hereto as Exhibit 2.

18 31. Petitioner has complied with Public Resources Code Section 21167.7 by filing a copy of
19 the original petition with the California Attorney General. A true and correct copy of the notification is
20 attached hereto as Exhibit 3.

21 32. Petitioner has no adequate remedy at law unless the Court grants the requested relief
22 requiring the City to set aside its approvals of the Project. In the absence of such remedy, the City’s
23 approvals will remain in effect in violation of law, and Petitioner will suffer irreparable harm because
24 of the significant adverse impacts generated by the Project.

25 **FIRST CAUSE OF ACTION**
26 **(FAILURE TO COMPLY WITH CEQA PROCEDURAL REQUIREMENTS)**

27 33. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set
28 forth herein in full.

1 40. The City failed to consider all aspects of the Project and related activities.

2 41. The City failed to consider future development that foreseeably will occur as a result of the
3 updates.

4 42. The City improperly segmented the Project, piecemealing or otherwise avoiding reasonably
5 foreseeable impacts, and separately focusing on isolated parts of the whole.

6 **THIRD CAUSE OF ACTION**
7 **(FAILURE TO PREPARE ENVIRONMENTAL ANALYSIS AS REQUIRED BY CEQA)**

8 43. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set
9 forth herein in full.

10 44. The City failed to prepare environmental analysis consistent with CEQA, including Public
11 Resources Code Section 21084(a) and CEQA Guidelines Section 15063.

12 45. The City failed to consider feasible alternatives, including but not limited to, alternatives
13 requiring less impacts that meet some or all of the Project objectives.

14 46. The City failed to consider feasible mitigation measures, failed to mitigate for each
15 environmental effect, illegally deferred mitigation, and failed to provide for effective and enforceable
16 mitigation.

17 **FOURTH CAUSE OF ACTION**
18 **(FAILURE TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AS REQUIRED BY**
19 **CEQA)**

20 47. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set
21 forth herein in full.

22 48. The City failed to prepare an Environmental Impact Report (“EIR”) to address the significant
23 environmental impacts of the Project, as required by CEQA. Environmental impacts of the Project will
24 include, but are not limited to, impacts to land use, population, air quality, water quality, noise, geologic
25 resources, hazardous materials, public services, historical resources, aesthetics, community character,
26 biological resources, water resources, climate change, traffic, parking, recreation, public safety, and
27 human health. The Project will impact the “environmental baseline” of the existing conditions.

28 49. The Project will significantly contribute to cumulative impacts.

FIFTH CAUSE OF ACTION
(FAILURE TO ADOPT FEASIBLE MITIGATION MEASURES AND ALTERNATIVES
REQUIRED BY CEQA)

1
2 50. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set
3 forth herein in full.

4 51. The City failed to adopt feasible alternatives, including but not limited to, alternatives
5 requiring less impacts that meet some or all of the Project objectives.

6 52. The City failed to adopt the environmentally superior alternative.

7 53. The City failed to adopt feasible mitigation measures, failed to mitigate for each environmental
8 effect, illegally deferred mitigation, and failed to provide for effective and enforceable mitigation.

9 **SIXTH CAUSE OF ACTION**
10 **(FAILURE TO ADOPT FINDINGS THAT ARE SUPPORTED BY EVIDENCE IN THE**
11 **RECORD)**

12 54. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set
13 forth herein in full.

14 55. The City failed to adopt findings that are supported by substantial evidence in the record.

15 56. The City failed to comply with CEQA Guidelines Section 15064.7 as the adopted thresholds
16 of significance are not supported by substantial evidence.

17 **SEVENTH CAUSE OF ACTION**
18 **(VIOLATIONS OF GENERAL PLAN AND SPECIFIC PLAN)**

19 57. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set
20 forth herein in full.

21 58. The Project violates numerous goals and policies of the City's General Plan, including goals
22 and policies found in the Noise Element. These include goals and policies specifically designed to limit,
23 mitigate or eliminate intrusive noise that exceeds the ambient noise levels and reduce or eliminate noise
24 impacts associated with proposed land development projects.

25 59. The Project is inconsistent with the Noise Element policies including, Policy 3.1, which
26 requires the City to "develop land use policies and programs that will reduce or eliminate potential
27 and existing noise impacts;" P11, including that the Project consider "potentially significant noise
28 impacts on noise sensitive uses" and that the Project does not "require that potential noise impacts
associated with project construction be minimized."

1 B. For alternative and preemptory writs of mandate, vacating approval of all aspects of the
2 Project, and enjoining the City from taking any steps to further the Project until lawful approval is
3 obtained from the City after the preparation and consideration of adequate environmental analysis, with
4 adequate notice to interested parties, compliance with General Plan requirements, and adoption of findings
5 supported by substantial evidence;

6 C. For declaratory relief that the City has violated its General Plan,

7 D. For costs of suit;

8 E. For reasonable attorneys' fees; and

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

10 DATED: March 24, 2025

Respectfully Submitted,

11 **DELANO & DELANO**

12 By: 
13 Everett L. DeLano III
14 Attorneys for Petitioner

1 **VERIFICATION**

2 I have read the foregoing Verified Petition for Writ of Mandate and know its contents.

3
4 .. I am a party to this action. The matters stated in it are true of my own knowledge
5 except as to those matters which are stated on information and belief, and as to those
6 matters I believe them to be true.

7
8 X I am an officer of George Abrahams Foundation, a party to this action, and am
9 authorized to make this verification for and on its behalf, and I make this verification
10 for that reason. I have read the foregoing document(s). I am informed and believe
11 and on that ground allege that the matters stated in it are true.

12
13 .. I am one of the attorneys for _____ a party to this action. Such party is absent
14 from the County Los Angeles, California, where such attorneys have their offices, and
15 I make this verification for and on behalf of that party for that reason. I have read the
16 foregoing document(s). I am informed and believe that on that ground allege that the
17 matters stated in it are true.

18
19 Executed on March 24, 2025 at Los Angeles, California.

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

22 
23 Jennifer Getz

EXHIBIT 1



DELANO & DELANO

March 24, 2025

City Clerk
City of Los Angeles
200 North Spring Street,
City Hall - Room 395
Los Angeles, CA 90012

Vince Bertoni
Planning Director
City of Los Angeles
Department of City Planning
200 N. Figueroa Street, Room 525
Los Angeles, CA 90012

Re: Notice of Intention to Commence Action Under the California Environmental Quality Act

Dear City Clerk:

Please take notice that George Abrahams Foundation intends to commence an action in California Superior Court, alleging, among other things, violations of the California Environmental Quality Act ("CEQA") against the City of Los Angeles and City of Los Angeles Department of City Planning to challenge the adoption of updates to the thresholds of significance and methodologies related to construction noise and vibration and historical resources ("Project"). Among other things, the petition will seek to vacate the approvals of the Project, and to enjoin the City from taking any further steps to implement the approvals.

If the City would like to discuss these concerns and their possible resolution, please contact the undersigned immediately. Thank you for your attention to this matter.

Sincerely,


Ezgi Kuyumcu

EXHIBIT 2

1 Everett L. DeLano, III (Calif. Bar No. 162608)
2 Ezgi Kuyumcu (Calif. Bar No. 353069)
3 **DELANO & DELANO**
4 104 W. Grand Avenue, Suite A
5 Escondido, California 92025
6 (760) 741-1200

7 Attorneys for Petitioners

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

12 GEORGE ABRAHAMAS FOUNDATION, a non-)
13 profit corporation;)

14 Petitioner,)

15 vs.)

16 CITY OF LOS ANGELES, a public body)
17 corporate and politic, CITY OF LOS ANGELES)
18 DEPARTMENT OF CITY PLANNING and)
19 DOES 1 through 10, inclusive,)

20 Respondents,)
21)

Case No.

**NOTICE OF ELECTION TO PREPARE
RECORD**

(California Environmental Quality Act)

22 By this notice, Petitioner gives notice that Petitioner elects to prepare the administrative record in
23 the above-entitled action.

24 DATED: March 24, 2025

Respectfully Submitted,

DELANO & DELANO

25
26
27 By: 
28 Ezgi Kuyumcu
Attorneys for Petitioner

EXHIBIT 3

1 **PROOF OF SERVICE**

2 *George Abrahams Foundation v. City of Los Angeles*

3 I, the undersigned, declare:

- 4 1. I am over the age of 18 years and not a party to this action. I am employed in the County of San
- 5 Diego, California, in which county the within mentioned service occurred. My business address
- 6 is 104 W. Grand Avenue, Suite A, Escondido CA 92025.
- 7 2. I am familiar with this office's normal business practice for collection and processing of
- 8 correspondence for mailing with the U.S. Postal Service. That practice is to deposit
- 9 correspondence with the U.S. Postal Service the same day as the day of collection in the ordinary
- 10 course of business.
- 11 3. On March 28, 2024, I served a copy of **VERIFIED PETITION FOR WRIT OF MANDATE**
- 12 **and COMPLAINT** to the following by the following means:

13 CEQA Coordinator
 14 Office of the Attorney General
 15 Environment Section
 16 1300 "I" Street
 17 Sacramento, CA 95814-2919

18 Electronic Service/ Email
 19 CEQA@doj.ca.gov.

20 I declare under penalty of perjury that the foregoing is true and
 21 correct. Dated this March 24, 2025 at Escondido, California,

22 s//Ivy Harris

23 _____
 24 Ivy Harris