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Griffith J. Griffith Charitable Trust and Friends of Griffith Park

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

GRIFFITH J. GRIFFITH CHARITABLE) CASE NO.:
TRUST and FRIENDS OF GRIFFITH PARK)

Petitioners,
v.

PETITION FOR WRIT OF MANDATE

CITY OF LOS ANGELES, CITY OF LOS
ANGELES DEPT. OF PUBLIC WORKS,
BUREAU OF ENGINEERING and CITY
COUNCIL OF CITY OF LOS ANGELES

(California Environmental Quality Act)

Respondent.

Real Parties In Interest

Does 1-10

INTRODUCTION

1. Over immense public opposition and in violation of the California Environmental Quality Act (CEQA), on August 2, 2023, the City of Los Angeles certified an environmental impact report (EIR) and approved a statement of overriding considerations for the Los Angeles Zoo Vision Plan (“Project”), which the City plans to implement in Griffith Park.

2. The Los Angeles Zoo Vision Plan is intended to modernize the Los Angeles Zoo, improve exhibition space, and enhance the visitor experience for the Zoo’s nearly 1.75 million annual visitors so that it may serve up to 3 million annual visitors.

3. Colonel Griffith J. Griffith donated the land that became Griffith Park in order to provide a respite from the pressures of urban life for all the people of Los Angeles.

4. The Project will destroy 16 acres of Griffith Park’s native California chaparral habitat in order to develop the California Planning Area. While some of the Project provides for improved animal habitat and enhancements consistent with the Zoo’s education and conservation purposes, much of the Vision Plan is centered around increasing the use of the Los Angeles Zoo (“Zoo”) as an entertainment venue and event center.

5. One of these event centers, the California Visitor Center, would be located atop a significant Santa Monica Mountains ridgeline. The Project’s event centers could be used for both educational and entertainment purposes year-round, both during the daytime and nighttime hours.

6. Griffith Park serves as a sanctuary for sensitive bat species that have otherwise declined or been extirpated from urban Los Angeles. The Project’s intensification of light, noise, and human activity may harm these important species, including several California Species of Special Concern, but the EIR fails to adequately disclose, analyze, or mitigate these impacts.

7. The Project’s plans for the California Planning Area call for the excavation and removal of 16 acres of native California habitat for the ironic purpose of constructing an exhibit to showcase California’s wildlife and biodiversity.

8. The California Planning area would include “Condor Canyon,” a new, 60-foot-

1 deep canyon which would be excavated from the existing ridgeline.

2 9. Griffith Park provides a crucial wildlife linkage between the Santa Monica and
3 Verdugo Mountains. The excavation of this canyon and the introduction of exhibit space and
4 more intense human uses into the California Planning Area would introduce new barriers to
5 wildlife movement.

6 10. The California Planning Area contains rare plant species including the endemic
7 Nevin's barberry, which is found in only three Southern California counties.

8 11. Although the Project would excavate a new canyon, destroy the existing ridgeline,
9 remove native vegetation, and introduce year-round, day and night human activities to the 16
10 acres of the California Planning Area, the EIR prepared for the Project concluded that
11 implementation of the Vision Plan would not adversely affect Griffith Park's biological
12 resources, its recreational values, or public views treasured by Angelenos seeking respite from
13 urban life in the country's second-largest city.

14 12. Instead, and without evidence, the EIR concludes that the Project's potentially
15 severe impacts to natural habitats will be avoided through mitigation measures that will be
16 determined far in the future, and outside the view of the public, once the Project reaches a 30-
17 percent level of design.

18 13. The EIR's biological resources analysis was conducted without performing
19 vegetation community mapping requested by the California Department of Fish and Wildlife
20 (CDFW) or protocol surveys for wildlife species of special concern known to be or likely to be
21 found in Griffith Park. For example, the EIR did not survey for San Diego desert woodrats,
22 even though supporting documents disclosed the locations of six middens in the area. Protocol
23 level surveys were also not conducted for the Southern California Legless Lizard, Blainville's
24 Horned Lizard, and San Diegan Tiger Whiptail, among others.

25 14. The Project's mitigation measures state that surveys for sensitive species will
26 occur after the Project reaches the 30 percent design level, but this is too late. The City has
27 already certified the EIR and approved the Project, without the informed decisionmaking
28 required by CEQA.

15. During the Project’s approval hearings, the City claimed it might construct a tunnel instead of a canyon in “Condor Canyon,” if a tunnel was determined to be feasible. Yet the City’s Project approvals contain no mention of a tunnel, and, as the EIR contains no analysis of the potential environmental impacts of tunnel construction, the Project has not mitigated these impacts.

16. Since the EIR fails to adequately disclose, analyze, and mitigate the Project's significant impacts, and the Statement of Overriding Considerations lacks substantial evidence, the City's approval violates CEQA, and the Project approvals for the Los Angeles Zoo Vision Plan must be rescinded.

JURISDICTION

17. This Court has jurisdiction over the writ action under section 1094.5 of the Code of Civil Procedure.

18. This Court also has jurisdiction over the writ action under section 1085 of the Code of Civil Procedure, and sections 21168 and 21168.5 of the Public Resources Code.

PARTIES

19. Petitioner Griffith J. Griffith Charitable Trust was established by Colonel Griffith, the namesake of Griffith Park, prior to his death to administer his estate. Since the Park's inception, the Trust has worked to complete Griffith-endowed projects such as the Greek Theatre and Griffith Observatory, while protecting the Park's natural spaces. The trust upholds Colonel Griffith's vision for a free public park in perpetuity for his beloved "plain people" -- a respite from urban pressures. In 2008, it was the Trust that applied to have Griffith Park in its entirety declared a City of Los Angeles Historic-Cultural Monument.

20. Petitioner Friends of Griffith Park is a non-profit charitable organization concerned about the sustainability of Griffith Park as a regional park where nature can be enjoyed by future generations, and where the balance of recreational opportunities and a thriving ecosystem must be met. Friends of Griffith Park seeks to conserve the essence of the Park as a whole -- its irreplaceable environment and history. In addition to conducting graffiti removals and cleanups of the Park, Friends of Griffith Park has funded surveys of the Park's

1 unique biological resources, spearheaded efforts to restore Fern Dell, and has enhanced a
2 segment of the Juan Bautista de Anza National Historic Trail that runs through the Park.

3 21. Respondent City of Los Angeles is a political subdivision of the State of
4 California. The Department of Public Works and Bureau of Engineering are political
5 subdivisions of the City of Los Angeles listed on the Notice of Determination filed in
6 connection with the certification of the Project EIR.

7 **STATEMENT OF FACTS**

8 **Griffith Park and the Los Angeles Zoo**

9 22. Griffith Park is one of the largest municipal parks in the United States.

10 23. Colonel Griffith J. Griffith deeded Griffith Park to the City of Los Angeles on
11 December 25, 1896 so that all city residents, regardless of means, had a place to enjoy the
12 outdoors. Colonel Griffith envisioned a park that would be an antidote to the city, a resort for
13 the plain people, open and free. In 1910, Colonel Griffith wrote, "Public parks are a safety
14 valve of great cities and should be accessible and attractive, where neither race, creed or color
15 should be excluded." While Colonel Griffith's vision did include a zoo, it was limited in size
16 and had no admission fee.

17 24. In 2008, the Griffith J. Griffith Charitable Trust submitted an application to the
18 City seeking the designation of Griffith Park as a Historic-Cultural Monument. More than 50
19 civic and community organizations lined up to support the Trust's application. On January 27,
20 2009, the City Council voted unanimously to designate Griffith Park L.A. Historic-Cultural
21 Monument Number 942. The designation includes the Park's numerous architecturally and
22 historically significant buildings and its natural areas.

23 25. Griffith Park's hills and ridgelines are visible for many miles from large portions
24 of Los Angeles and several freeways. Views of the undeveloped hillsides and ridgelines are
25 treasured by millions of Angelenos.

26 26. The Los Angeles Zoo's status as a top family destination owes, in part, to its
27 setting in Griffith Park, the crown jewel of the City's park system. The Los Angeles Zoo is
28 located in the northeastern portion of Griffith Park, where the Los Angeles River curves to the

1 south. As Griffith Park is located at the eastern edge of the Santa Monica Mountains, it is
2 generally characterized by rolling and steep terrain.

3 27. In addition to being one of the largest municipal parks in the country, Griffith Park
4 is also one of the wildest, with rugged, chaparral-cloaked slopes, spectacular topographic
5 features, and arroyos. It is also home to large and significant populations of wildlife, including
6 species of plants and animals locally extinct from most of the Los Angeles Basin.

7 28. Boasting 423 native or naturalized flora species documented during a recent
8 formal survey, it would be difficult to find any other area in the Los Angeles area with more
9 biodiversity than Griffith Park. Nearly 300 bird species have been sighted in the Park.

10 29. Accordingly, Griffith Park contains thousands of acres of County-designated
11 Significant Ecological Area and serves as a crucial wildlife linkage between the Santa Monica
12 and Verdugo Mountains.

13 30. While biological surveys have not been performed by the Petitioners, the 16-acre
14 California Planning Area comprises shrub/chaparral plant community which appear similar to
15 adjacent habitat and other areas of Griffith Park. Much of the park has been subject to mistakes
16 of the past, such as planting non-native eucalyptus trees and cattle grazing. However, as more
17 than 15 years of continuous ecological research in Griffith Park has shown, areas of Griffith
18 Park, including some similar to the California Planning Area, are extremely biologically
19 significant, particularly as they are located within a major global metropolis.

20 31. Contrary to the EIR's description of the area as "degraded," the California
21 Planning Area in 2023 is lush, heavily vegetated, and hosts rare plant species and increasingly
22 rare native California chaparral.

23 32. These species include the Nevin's barberry, which is endemic to only three
24 Southern California counties and known from a mere 30 occurrences. The California Planning
25 Area contains at least nine Nevin's barberry bushes scattered across the California Planning
26 Area, including its ridgeline.

27 33. Griffith Park draws ten million visitors each year who visit the Park's natural and
28 developed areas to hike, bike, run, picnic, and sightsee. Visitors are also drawn to the Park's

1 attractions, which include the Griffith Observatory, Greek Theater, Shane's Inspiration and
2 other playgrounds, Travel Town, and gardens such as Fern Dell. For many visitors, Griffith
3 Park is one of few places where they may escape the demands, noise, lights, and bustle of Los
4 Angeles.

5 **Project Review and Approval**

6 34. Petitioner Friends of Griffith Park notified the City of its concerns even before the
7 Project's environmental review began, including during each step of the Project's review
8 process. Petitioner Griffith J. Griffith Charitable Trust and its representatives also commented
9 on the Project.

10 35. Since the City's announcement of the Zoo Vision Plan, Petitioners have sought to
11 reduce the Project's impact on the California Planning Area vegetation, ridgeline, and wildlife
12 corridor, alternatives to "Condor Canyon," and relocation of the California Visitor's Center to a
less visible location below the ridgeline.

13 36. On December 02, 2017, Petitioner Friends of Griffith Park discovered a website
14 describing a major zoo overhaul, www.lazoomasterplan.com. This website is now inactive.

15 37. On January 25, 2019, members of Friends of Griffith Park were informed that the
16 City had begun a scoping period for a zoo project. No notification was sent by City to Friends
17 of Griffith Park.

18 38. On January 28, 2019, Petitioner was contacted by The Robert Group to set up
19 time for an interview.

20 39. On February 7, 2019, Friends of Griffith Park members attended a public scoping
21 meeting held for the Initial Study at the Los Angeles Zoo's Witherbee Auditorium. The Zoo
22 presented its vision for a zoo project that included modernization of facilities, improved zoo
23 animal exhibition space, and many new elements aimed at increasing zoo tourism and
24 visitation.

25 40. On February 11, 2019, the Robert Group, interviewed Friends of Griffith Park's
26 Marian Dodge and Gerry Hans with Zoo staff present.

27 41. Friends of Griffith Park submitted a scoping letter to the City on March 9, 2019.
28 No further conversations with The Robert Group occurred.

1 42. The Zoo presented the Vision Plan Project to the Griffith Park Advisory Board on
2 March 28, 2019. Petitioners attended, and the Zoo presented the same materials that were
3 presented at the scoping meeting.

4 43. The City released the draft environmental impact report (DEIR) on December 17,
5 2020 for a 60-day comment period of February 15, 2021.

6 44. While the EIR indicates it is a “programmatic” EIR and not a “project” EIR, the
7 Zoo has given no indication that future environmental review will occur. Instead, the EIR and
8 Mitigation Monitoring and Reporting Program propose to survey for species and design
9 specific mitigation measures after the Project reaches a 30-percent design level.

10 45. The City held a virtual meeting for the DEIR on January 13, 2021.

11 46. On January 28, 2021, Friends of Griffith Park board members viewed a virtual
12 presentation given to the Griffith Park Advisory Board.

13 47. Griffith Park Advisory Board submitted a comment letter on the DEIR on
14 February 12, 2021. The letter focused on the Project’s contributions to vehicle miles travelled
15 and recommended an Alternative focused on reducing car trips to the Zoo (and Griffith Park).

16 48. The California Native Plant Society submitted a letter on February 14, 2021,
17 warning the Zoo that the EIR’s description of the plant species and communities onsite was
18 incomplete and downplayed the Zoo’s floristic importance and diversity.

19 49. On February 15, 2021, Friends of Griffith Park delivered a DEIR comment letter
20 to the Zoo that explained its concerns about the Project’s impacts on habitat connectivity,
21 impacts on recreational users and equestrians in the Park, the blasting of Condor Canyon, the
22 removal of protected trees, and the impacts on wildlife species inhabiting Griffith Park. The
23 comments detailed the animal and plant surveys and plans applicable to the Zoo, as well as
24 Friends of Griffith Park’s knowledge about the presence of plants and animals within the Park
25 that was not reflected in the EIR. The comments further asked whether the Zoo was intended to
26 become an entertainment center, and raised concerns about how the use of the California
27 Visitor Center at night would impact animals. In particular, Friends of Griffith Park noted,
28 “One cannot escape the irony of destroying 16.5 acres of native California habitat to create an

1 artificial California.” Friends of Griffith Park indicated its support for Alternative 1, which
2 would eliminate the need to destroy acres of vegetation.

3 50. The California Department of Fish and Wildlife’s February 19, 2021 DEIR
4 comment letter articulated a concern that the California Planning Area “may be particularly
5 impactful as the City proposes expansion into nearby open space that will result in the removal
6 of significant acreage of vegetation,” including native oak trees and chaparral. CDFW
7 recommended avoidance of habitat removal and disturbance of sensitive species, where
8 possible, and included detailed mitigation that should be incorporated into the Project.

9 51. On June 10, 2021, Friends of Griffith Park was informed that the Final EIR (FEIR)
10 for the Los Angeles Zoo Vision Plan had been released. Petitioners were not notified of the
11 FEIR release by the City.

12 52. On June 15, 2021, the Board of Zoo Commissioners reviewed and considered the
13 FEIR. This meeting was advanced one week from its regular schedule. There was no public
14 comment.

15 53. On August 16, 2021, the Griffith Park Advisory Board sent a letter rebutting the
16 Zoo’s failure to choose Alternative 2, the Multi-modal Transportation Alternative.

17 54. The Los Feliz Neighborhood Council announced a March 16, 2022 Zoo Forum on
18 February 2, 2022. The forum was cancelled a few weeks later.

19 55. On February 7, 2022, at the Hollywood Hills West Neighborhood Council
20 meeting, Zoo Representative Carol Armstrong stated, “The EIR is not really emblematic of the
21 project.” Gerry Hans of Friends of Griffith Park questioned her about this statement.

22 56. On June 16, 2022, the Los Angeles City Council’s Committee Rules, Elections,
23 approve bond measure moved forward and added Phase 1 of the Vision Plan.

24 57. On June 21, 2022, the Los Angeles City Council considered the motion for the
25 parks bond measure, with Phase 1 Zoo amendments.

26 58. The Zoo announced Alternative 1.5, which removed some of the Vision Plan
27 elements, on July 14, 2022. A Focused Recirculated EIR (FREIR) was released for which the
28 City provided a comment deadline of August 29, 2022.

1 59. The FREIR comment deadline was later extended to September 23, 2022.

2 60. Friends of Griffith Park responded to the City's announcement of Alternative 1.5
3 by submitting another comment letter on August 12, 2022.

4 61. On August 15, 2022, the City held a meeting to discuss Alternative 1.5 to the Los
5 Angeles Zoo Vision Plan.

6 62. Despite the fact that 13 days remained in the official public comment period, on
7 August 16, 2022, the Zoo Commission voted unanimously to support Alternative 1.5.

8 63. On August 20, 2022, Friends of Griffith Park sent a letter to the City indicating
9 their concern that the Zoo Commission's vote, before public comments had even been
10 processed, demonstrated a clear disregard for public comment and for the CEQA process
11 because the purpose of the comment period is to solicit public feedback about the potential
12 environmental impacts of the newly favored alternative.

13 64. Numerous comments on the Focused Recirculated were submitted during the
14 comment period. In addition to the letters submitted by Friends of Griffith Park, the Griffith J.
15 Griffith Charitable Trust, and their members and representatives, letters opposing the Project's
16 adverse environmental impacts were submitted by Dr. Travis Longcore, the Los Angeles
17 Audubon Society, the Santa Monica Mountains Conservancy, the California Native Plant
18 Society, the Sierra Club Angeles Chapter, the Center for Biological Diversity, and numerous
19 other wildlife and community empowerment groups. Concerns about the Project's
20 development of wildlands were also submitted by neighborhood councils. Four hundred and
21 sixty-five individual comments were submitted, not counting impact statements and oral
22 testimony.

23 65. On August 21, 2022, the Sustainability Alliance and Zoo representatives met with
24 Friends of Griffith Park.

25 66. Friends of Griffith Park submitted a third comment letter on the FREIR on August
26 22, 2023, commenting on the Project and EIR's analysis and mitigation of lighting impacts.

27 67. On September 12, 2022, the City held a public meeting to discuss Alternative 1.5.

28 68. The Griffith Park Advisory Board submitted a letter on the FREIR on September

1 20, 2022, restating its ecological concerns, as well as the need to mitigate the traffic impacts of
2 drastic Zoo visitation increases that would rely primarily on private vehicles.

3 69. On September 30, 2022, Council District 4, the office of Councilmember Nithya
4 Raman submitted comments to the City documenting concerns about Project traffic generation,
5 as well as about impacts to the ridgeline and on wildlife via increased nighttime events at the
6 Zoo.

7 70. The City released the Revised final EIR on May 26, 2023.

8 71. On June 8, 2023, the Zoo submitted an EIR cover letter to the City Council that
9 recommended approval of Alternative 1.5, California Focused Conservation Alternative.
10 Alternative 1.5 addresses some of Petitioners' concerns by eliminating the environmentally
11 destructive Africa Planning Area component from the Los Angeles Zoo Vision Plan in order to
12 focus on habitat restoration. It also eliminates the parking structure, proposed aerial tram, and
13 vineyards. However, Alternative 1.5 continues to propose the removal of 16 acres of native
14 habitat, excavation of Condor Canyon, and the location of the California Visitor's Center atop
15 the ridge in the California Planning Area.

16 72. The Zoo's June 8, 2023 cover letter also states that the Zoo will commit to trying a
17 tunnel instead of a canyon, downsize the California Visitor's Center and relocate it below the
18 ridgeline, and target a vehicle miles traveled ("VMT") reduction goal of 15 percent. None of
19 these "commitments" are included in the EIR or the City's final approvals for the Project.

20 73. On, June 26, 2023, Friends of Griffith Park submitted a letter to the City indicating
21 its appreciation of the Project's elimination of the harmful parking structure, aerial tram, and
22 Africa Planning Area components. In that letter, Friends of Griffith Park expressed its concerns
23 about the remaining impacts of the California Planning Area components of the Project,
24 including the excavation of Condor Canyon and the removal of 16 acres of native vegetation.
25 In particular, Friends of Griffith Park noted the Final EIR's failure to analyze a tunnel, its
26 failure to conduct focused species surveys, and the continued reliance on biological resources
27 analysis and mitigation that were deferred until after Project approval.

28 74. On June 28, 2023, the Neighborhoods and Community Enrichment Committee of

1 the City Council held a hearing on the Project. Members of the public submitted hundreds of
2 comments, with nearly all of these comments expressing opposition to the Project's
3 unnecessary imposition of environmental impacts on sensitive habitat. Representatives of
4 Friends of Griffith Park, California Native Plant Society, Citizens for Los Angeles Wildlife
5 (CLAW), Sustainability Alliance, the Sierra Club, and other members of the public testified in
6 opposition to the Project using the one-minute windows provided during the hearing. The
7 Silverlake, Los Feliz, Eagle Rock, Northwest San Pedro, Atwater Village, and Hollywood
8 United Neighborhood Councils all registered opposition to the Project. Nevertheless, at the
9 conclusion of the hearing, the Committee voted 2-0 in favor of recommending approval of the
10 Project and certification of the EIR. The Committee's Report forwarding the matter to the City
11 Council omits any mention of these public comments, and no mention of these comments was
12 made by the Committee during the hearing.

13 75. Prior to the City Council's final hearing on the matter, Councilmember Nithya
14 Raman's circulated a newsletter to her constituents linking to the presentation the Zoo made to
15 the Neighborhoods and Community Enrichment Committee, which claims "commitments" to
16 not blasting during construction, "Trying a tunnel design first to create accessible pathways and
17 avoid the need for a Condor 'canyon,' and "Making the California Visitor Center smaller in
18 scale and less obtrusive on the hillside and ridgeline and not in the style of a Yosemite lodge."
19 However, these commitments were not contained in the Project's final approvals. She also
20 reported that the Project would undergo additional changes later, presumably after Project
21 approval and EIR certification.

22 76. The City Council heard the matter on August 2, 2023. Despite robust community
23 opposition in the Council File, the Council voted 13-0 in support of the Project. Although the
24 City continued to claim it would seek to construct a tunnel instead of a canyon, and that it
25 would relocate and downsize the California Visitor's Center, these promises were not reflected
26 in the final Project approvals. Councilmember Raman noted at the meeting that more details of
27 the Project remain to be worked out.

28 77. After the meeting, Councilmember Raman sent, via email, a newsletter to her

1 constituents that claimed, “The Zoo has also committed to building a smaller visitor center, no
2 longer located on the ridgeline and developed in line with other legislation across the city that
3 seeks to preserve wildlife crossings, as well as minimizing blasting during construction...”
4 Again, most of these commitments are not contained anywhere in the Project approvals.
5 Although Zoo officials have never indicated additional environmental review will occur, the
6 Councilmember informed the community that “This week’s vote is a milestone in a longer
7 journey that will require much more additional public outreach as detailed design plans for the
8 new Zoo take shape,” because “this is a conceptual plan – not a design document – and that the
9 Zoo has committed to continued community engagement once the project enters the Design
10 Development phase.” Design of the Project will not occur until after the completion of CEQA
11 review.

12 78. The City posted a Notice of Determination for the Project approvals on August 14,
13 2023.

14 79. Petitioners continued their outreach to the City in hopes of mitigating or
15 eliminating the Project’s remaining environmental concerns throughout the CEQA statute of
16 limitations period.

17 80. This Petition is timely filed.

18 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

19 **AND INADEQUATE REMEDIES AT LAW**

20 81. Petitioners objected to the Project in the administrative process and fully exhausted
21 their administrative remedies. Petitioners submitted letters during the comment period raising
22 the issues set forth herein.

23 82. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary
24 law unless this Court grants the requested writs of mandate and injunctive relief. In the absence
25 of such remedies, Respondent’s approval of the Los Angeles Zoo Vision Plan would form the
26 basis for a development project that would proceed in violation of state law.

27 83. Petitioner has complied with Public Resources Code section 21167.7 by filing a
28 copy of this petition with the California Attorney General. A copy of that notice is attached as

1 Exhibit A.

2 84. Petitioner has complied with Public Resources Code section 21167.5 by providing
3 the City of Los Angeles with notice of its intention to commence the action. A copy of that
4 notice is attached as Exhibit B.

5 85. Petitioner elects to prepare the administrative record. A copy of that election is
6 attached as Exhibit C.

7 **FIRST CAUSE OF ACTION**

8 **(VIOLATIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT)**

9 86. Petitioner incorporates all previous paragraphs as if fully set forth.

10 **The Project Description is Inadequate.**

11 87. An EIR's analysis of a project's potential environmental impacts is based on the
12 project description contained in the EIR. "An accurate, stable and finite project description is
13 the Sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los*
14 *Angeles* (1977) 71 Cal.App.3d 185, 192–193.) Put another way, adequate CEQA review
15 requires a complete and accurate project description.

16 88. Further, the EIR's "bona fide subject" must be "[t]he defined project and not some
17 different project." (*Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Assn.* (1986) 42
18 Cal.3d 929, 938.)

19 89. What is most important, the project description cannot fail to describe key
20 elements of the Project. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*
21 (1994) 27 Cal.App.4th 713, 730-35.)

22 90. A clear and accurate project description is also required to satisfy CEQA's public
23 information and disclosure requirements. An inadequate or incomplete project description
24 "precludes 'informed decisionmaking and informed public participation'" because the public
25 cannot provide meaningful comment when the project has not been identified. (*Washoe*
26 *Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 290
27 [citations omitted]; *stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39
28 Cal.App.5th 1, 17-19.)

1 91. Further, a “curtailed or distorted project description may stultify the objectives of
2 the reporting process” and does not allow “outsiders and public decision-makers [to] balance
3 the proposal’s benefit against its environmental cost, consider mitigation measures, assess the
4 advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other
5 alternatives in the balance.” (*County of Inyo, supra*, 192-193.)

6 92. Throughout the administrative process, the City has claimed that remaining
7 community concerns will be addressed at the design stage. This indicates that the Project has
8 not yet been designed.

9 93. For example, the project description in the EIR includes no identification of the
10 possibility of a tunnel at Condor Canyon. The EIR discusses only the excavation of a 60-foot-
11 deep canyon. Yet, during Project approval, the City repeatedly claimed it would try first to use
12 a tunnel instead of a canyon in order to reduce the environmental and community concerns
13 about excavating a 60-foot-deep canyon.

14 94. Additionally, the EIR is clear that many project details, including the formulation
15 of mitigation measures for impacts to biological resources, will not occur until after the Project
16 has reached a 30-percent level of design.

17 95. As a result, the EIR has provided only a “blurred view of the project” and thus
18 fails an informational document. (*Stopthemillenniumhollywood.com v. City of Los Angeles*
19 (2019) 39 Cal.App.5th 1, 12–13.)

20 96. “The EIR is intended to furnish both the road map and the environmental price tag
21 for a project, so that the decision maker and the public both know, before the journey begins,
22 just where the journey will lead, and how much they-and the environment-will have to give up
23 in order to take that journey.” (*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)
24 However, as the EIR has not yet disclosed the Project’s components, its environmental impacts,
25 or the mitigation for those impacts, the City’s approval has proceeded in violation of CEQA.

26 **The City Cannot Defer Environmental Review by Using a Program EIR**

27 97. The City’s use of a program EIR, as opposed to a project-specific EIR, does not
28 excuse its obligation to provide clear and detailed information to the public. “Designating an

1 EIR as a program EIR . . . does not by itself decrease the level of analysis otherwise required in
2 the EIR.” (*Cleveland National Forest Foundation v. SANDAG* (2017) 17 Cal.App.5th 413,
3 426.).

4 98. “The ultimate inquiry . . . is whether the EIR includes enough detail ‘to enable
5 those who did not participate in its preparation to understand and to consider meaningfully the
6 issues raised by the proposed project.’ ” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502,
7 516.) The EIR does not include the requisite detail.

8 99. The City must provide and analyze all known information about the Project now,
9 including the Project’s mitigation measures and the efficacy of those mitigation measures, to
10 ensure that components of the Project do not escape environmental review altogether.

11 100. The City claims that later Project design processes will address remaining
12 community concerns. The EIR further provides for wildlife surveys and the design of Project
13 mitigation once the Project is 30-percent designed.

14 101. However, since the City claims it cannot yet provide sufficient information about
15 the Project’s design to enable a useful review of its environmental impacts and the formulation
16 of mitigation measures to address those impacts, the Project is unripe for CEQA review.

17 102. The EIR fails to achieve the advantages of a program EIR identified by CEQA.

18 **Inadequate Analysis and Mitigation of Impacts**

19 103. CEQA requires the City to conduct an adequate environmental review prior to
20 making any formal decision regarding projects subject to CEQA. (CEQA Guidelines, 14 Cal.
21 Code Regs. § 15004).

22 104. CEQA imposes upon the City a clear, present, and mandatory duty to certify an
23 EIR only if the EIR fully discloses to the public the significant environmental effects that may
24 occur.

25 105. CEQA was enacted to ensure informed environmental decision making and
26 government accountability. An “EIR is intended to furnish both the road map and the
27 environmental price tag for a project, so that the decision maker and the public both know,
28 before the journey begins, just where the journey will lead, and how much they-and the

environment-will have to give up in order to take that journey.” (*Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

106. The EIR for the Los Angeles Zoo Vision Plan lacks the necessary analysis.

107. Generally, the EIR defers both the analysis of the Project’s environmental impacts and its mitigation of those impacts to a future, post-approval time, preventing both public disclosure and informed decisionmaking, in violation of CEQA.

108. The EIR also impermissibly compresses the analysis and mitigation of environmental impacts. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) This shortcut is “not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation.” (*Id* at. 658.)

109. Deferred and impermissibly compressed analysis and mitigation occur throughout the EIR, but, in particular, are demonstrated by BIO-1’s deferral of species surveys and the formulation of the Biological Resources Mitigation and Monitoring Program (BRMMP), UF-1’s deferral of the mapping of protected trees and shrubs, UF-2’s deferred development of a landscaping plan protective of native vegetation, and GEO-1’s deferral of sight-specific geotechnical analysis of the Project site until after Project approval.

110. A “mitigation measure cannot be used as a device to avoid disclosing project impacts.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th at pp. 663-664.)

111. Without the completion of these studies and surveys, the City cannot design effective mitigation for as-yet undiscovered environmental impacts. Since the City has not yet formulated mitigation, the EIR has not yet analyzed the efficacy of that mitigation, or ensured that the proposed mitigation does not have environmental impacts of its own.

a. The EIR Failed to Adequately Analyze and Mitigate Aesthetic Impacts and Impacts on Recreation in Griffith Park.

112. The Los Angeles Zoo is located within and surrounded by the City’s Griffith Park.

113. Griffith Park was established to provide a peaceful respite from the pressures of urban life. The Park’s thousands of acres of wilderness are enjoyed by over ten million visitors

each year, including hikers, walkers, equestrians, picnickers, schoolchildren, and families. The Park contains a panoply of hiking and walking trails, dotted with treasured views to and from the park. Griffith Park's protected Santa Monica Mountains ridgelines dominate nearby public views both inside and outside the Park, and add beauty to hiking and walking trails, public sidewalks, and several freeways.

114. Condor Canyon will excavate a new 60-foot-deep canyon into a significant ridgeline. Despite this, the EIR concludes, without support, that the Project will not have significant and adverse impacts on aesthetics or recreation. No mitigation is provided.

115. The Project calls for placement of a Yosemite-style, 18,000-square-foot California Visitor's Center atop a ridgeline visible from Eagle Rock. While the City has claimed that it will reduce the size of the Center, relocate it below the ridgeline, and consider a less-obtrusive architectural style for the Center, the Project's approvals do not reflect any enforceable commitments. The EIR fails to adequately analyze and mitigate impacts to scenic views and recreation that relies on these views.

116. The EIR fails to adequately disclose, analyze, and mitigate the impact of more intense Zoo use of the Park on recreation and recreational users, including hikers in the Project area and runners training for marathons.

117. The EIR fails to adequately disclose, analyze, and mitigate the impacts of the Project's introduction of new sources of nighttime lighting and glare and of more intense uses of the Project area for entertainment and other purposes on aesthetics and recreational uses of the Park.

b. The EIR Failed to Adequately Analyze and Mitigate Biological Impacts.

118. CEQA requires that environmental review assess a project's potential for adverse impacts on wildlife and sensitive natural communities.

119. The EIR fails to disclose and analyze information necessary for decisionmakers and the public to evaluate the Project's impacts on wildlife and sensitive natural communities.

120. The Los Angeles Zoo is located in Griffith Park, which the City and County designate as a Significant Ecological Area.

1 121. Griffith Park provides habitat for numerous special status wildlife species, and
2 nearly 300 bird species have been documented in the Park. Accordingly, the Park is listed in
3 the state's Natural Diversity Database.

4 122. The Park contains thousands of acres of County-designated Significant Ecological
5 Area and serves as a crucial wildlife linkage between the Santa Monica and Verdugo
6 Mountains.

7 123. The EIR's deficiencies include, but are not limited to:

8 124. The EIR's conclusions about the biological resource-related impacts of the
9 California Visitor Center and Condor Canyon-area developments incorrectly assume that the
10 habitats and vegetation communities in those areas are already degraded.

11 125. However, as depicted in aerial images submitted by Friends of Griffith Park to the
12 City during Project consideration, the area to be denuded of vegetation for the development is
13 lush. In addition to promoting robust growth, the record-setting 2023 rainfall season may have
14 promoted proliferation of rare plant species that have been dormant for many years, a
15 phenomenon seen all over Southern California.

16 126. The EIR's claims that impacts to this "degraded" area would be less than
17 significant lack substantial evidence.

18 127. Moreover, the EIR's biological resources analysis was conducted without
19 performing vegetation community mapping requested by the California Department of Fish and
20 Wildlife and California Native Plant Society, among others. Thus, much of the vegetation that
21 would be disturbed or removed has not been disclosed, and the impacts could not have been
22 properly analyzed or mitigated in the certified EIR.

23 128. The environmental review also failed to disclose, analyze, and mitigate the
24 significant impacts to soil ecosystems, impacts that will affect future vegetation communities
25 and species as well as reliant wildlife. Once soil disturbance occurs, especially at the scale of
26 this Project, native seedbanks and mycorrhizae fungi, critical to soil health, are lost. Grading
27 can also stimulate nonnative seed banks and exacerbate nonnative plant invasions, with further
28 adverse ecological impacts that have not been adequately addressed.

1 129. The EIR's analysis was not informed by protocol level surveys for certain
2 sensitive animal species likely to be found, or known to be found in the park, including San
3 Diego desert woodrat (*Neotoma lepida intermedia*), Southern California Legless Lizard
4 (*Anniella stebbinsi*), Blainville's Horned Lizard (*Phrynosoma blainvillii*), San Diegan Tiger
5 Whiptail (*Aspidoscelis tigris stejnegeri*), and many others.

6 130. The EIR's failure to analyze and mitigate impacts to the San Diego desert woodrat
7 is particularly concerning given that the EIR's appendices disclosed the nearby locations of six
8 middens likely to be associated with woodrats.

9 131. The EIR's failure to gather the information needed to analyze these potential
10 impacts, pointed out by biologists and naturalists who frequent the park, precludes the informed
11 decision making required by CEQA.

12 132. Moreover, without accurate information about these species and their presence or
13 absence in the Project area, during the appropriate survey windows, the EIR's conclusions that
14 those species will not be impacted lack substantial evidence.

15 133. Furthermore, the failure to survey for these species precluded the formulation of
16 mitigation for any adverse impacts of Vision Plan implementation.

17 134. In contrast to much of urban Los Angeles, Griffith Park is known for its bat
18 population. The Griffith Park bat community is notable for the abundance of the canyon bat
19 (*Parastrellus hesperus*), for a population of the hoary bat (*Lasiurus cinereus*), and for the
20 relatively minor representation of urban-adapted bats, considering its location in the center of
21 Los Angeles. Other bats present in Griffith Park include the Yuma myotis, California myotis,
22 Mexican free-tailed bat (*Tadarida brasiliensis*), big brown bat, and Western mastiff bat
23 (*Eumops perotis californicus*). Several of these are California species of special concern.

24 135. Within the Zoo itself, California Species of Special Concern including the Western
25 mastiff bat and the western red bat, have been documented on zoo grounds. The Yuma myotis,
26 big brown bats, and Mexican free-tailed bats have also been confirmed at the Zoo. A successful
27 roost containing big brown bats, Mexican free-tailed bats and possibly Yuma myotis was
28 removed from the Zoo.

1 136. Additionally, although canyon bats were one of the most commonly documented
2 bats at the Zoo, based on long-term acoustic surveys, the EIR states that canyon bats have a low
3 probability of occurrence. However, canyon bats were not only documented on a regular basis
4 at the Zoo, but also in subsequent surveys in urban neighborhoods. The EIR's inadequate
5 surveys and disclosure of bat presence have resulted in its failure to adequately analyze the
6 Project's impacts to bats or mitigate those impacts.

7 137. Further, the EIR fails to account for the availability of foraging habitat for bats at
8 the Zoo. There are water sources throughout the property, as well as native and nonnative
9 plants that attract a diversity of insect prey species.

10 138. The EIR relies on the Zoo's elimination of the Tree Top Terrace roost to conclude
11 that bats do not roost on the property, but the removal of one roost does not mean other roosts
12 do not remain within the Zoo or along edges of the Zoo where the Project's light and noise
13 might affect non-zoo portions of Griffith Park.

14 139. Further, bats travel long distances from their roosts to foraging sites, a fact ignored
15 by the EIR. Bat acoustic surveys conducted in Los Angeles urban neighborhoods have
16 documented 14 species of bats, including 5 species of special concern. Community science
17 surveys demonstrate that long term surveys with adequate spatial distribution are essential to
18 comprehensively assess the presence and habitat use of certain areas. No such comprehensive
19 surveying of the Zoo and its surroundings in Griffith Park has occurred for bats.

20 140. The EIR concludes that the Project's introduction of light sources and human
21 activities into natural areas will not have significant impacts on bat species based on the
22 rationale that humans already use portions of Griffith Park.

23 141. The EIR's conclusions lack support for claims that the zoo bat population is
24 somehow specially adapted to noise and light pollution. Without evidence, the FEIR claims,
25 "bats currently roost in bat boxes in one of the most frequented areas of the Zoo and therefore,
26 are acclimated to light, noise, and human activity in this area."

27 142. However, surveys conducted by Petitioners and their members indicate only three
28 urban bat species that are capable of adapting to disturbance. In reality, the majority of the

species documented at the zoo are easily displaced by noise and light pollution.

143. While the FEIR claims, “bats currently roost in bat boxes in one of the most frequented areas of the Zoo and therefore, are acclimated to light, noise, and human activity in this area,” this statement lacks support. There is no evidence of any bats occupying bat boxes. On the contrary, the Zoo’s bat boxes were failed mitigation for the Zoo’s exclusion of bats from the Tree Top Terrace structure. Before exclusion, that roost served big brown bats, Mexican free-tailed bats, and potentially Yuma myoti. Attempts to provide alternative artificial roosts, such as the bat boxes referenced in the EIR, failed.

144. The EIR’s analysis fails to adequately and accurately disclose, analyze, and mitigate the impacts to specific bat species, based on their individual tolerance to human activity. While some bat species can thrive in proximity to humans, others present in Griffith Park, including California Species of Special Concern, cannot.

145. The EIR’s failure to distinguish between different bat species with different needs and behavior prevents informed decision making. This is particularly important as bats fend off habitat encroachment and disease threats nationwide.

146. The Project is intended to expand and increase the Zoo’s use as an entertainment center and venue, including at night.

147. Accordingly, the EIR was required to analyze the biological impacts of the Project’s significant grading, vegetation removal, and other construction work, in addition to the impacts of permanently altering the landscape and introducing human activities to portions of the Park.

148. Much of this analysis has not yet occurred. For example, the survey of protected trees and shrubs is deferred to Mitigation Measure UF-1, and the creation of a landscape plan will not occur until Mitigation Measure UF-2. Geotechnical concerns related to the excavation of the canyon will not be investigated until the future, as provided in Mitigation Measure GEO-1. Deferred analysis prevents the disclosure of important environmental impacts, the design of the Project, and the ability to both analyze and mitigate the resulting impacts to biological resources.

1 149. Without this analysis, the public and decisionmakers cannot ascertain whether the
2 Project's impacts will truly be significant and unmitigable, or whether additional mitigation
3 measures may be effective.

4 150. The Project area contains an important wildlife connection to the Los Angeles
5 River.

6 151. Yet the Project calls for the removal of 16 acres of native vegetation, earth
7 movement to excavate a 60-foot-deep canyon, and the replacement of California native
8 vegetation with Zoo exhibits.

9 152. The Project's grading, paving, vegetation removal, and introduction of more
10 intense human and Zoo activities into the area will preclude the continued use of the area for
11 wildlife movement.

12 153. The EIR fails to analyze or mitigate this potentially significant impact on wildlife,
13 instead claiming that the "disturbed" nature of the 16 acres of the California Planning Area
14 precludes its use for wildlife movement.

15 154. Instead, the EIR relies upon inadequate surveys to conclude that wildlife corridors
16 and habitat linkages are not present on-site, contrary to published scientific literature.

17 155. Nighttime lighting interferes with circadian rhythms and interrupts predator-prey
18 relationships, with significant adverse impacts on affected species.

19 156. The Project would both increase and introduce new sources of light, noise, and
20 human intrusion to the Project areas and would allow for entertainment events to occur on the
21 ridgetop. The EIR fails to adequately disclose, analyze, or mitigate the Project's potential
22 impacts due to nighttime lighting, noise, and human presence.

23 157. Moreover, the Project's event centers will be used for evening and nighttime
24 events once they are constructed, and nighttime lighting will need to be installed. CEQA
25 requires an EIR to consider all of a Project's reasonably foreseeable future impacts, including
26 those related to expansion of uses.

27 158. CEQA requires projects to mitigate their adverse impacts on biological impacts to
28 the extent feasible.

1 159. Concrete, enforceable mitigation measures must be “required in, or incorporated
2 into” a project. (Pub. Resources Code § 21081 (a)(1).)

3 160. The formulation of mitigation measures cannot be deferred to a time after project
4 approval outside of specific situations not found here. (*Endangered Habitats League v County*
5 *of Orange* (2005) 131 Cal. App. 4th 777, 793-94; Guidelines Section 15126.4(a)(1)(B).)

6 161. The EIR fails to mitigate the Project’s adverse biological impacts, and, therefore,
7 violates CEQA.

8 162. The EIR finds that the Project’s impacts to native vegetation communities, habitat,
9 and special-status species will be mitigated in reliance on MM BIO-1, which does nothing more
10 than commit the City to making a plan.

11 163. MM BIO-1 provides, in part: Biological Resources Mitigation and Monitoring
12 Program. The Zoo shall prepare and implement a Biological Resources Mitigation and
13 Monitoring Plan (BRMMP) to mitigate loss of native vegetation communities, habitat, and
14 special-status species from each Project phase. The BRMMP shall be prepared after completion
15 of 30 percent design plans for each phase and shall specify timing and implementation of
16 required biological resource restoration, enhancement, or creation measures. The BRMMP shall
17 be prepared by a City-approved biologist as part of planning, engineering, and site design for
18 each Project phase under the direction of and approval by the City Bureau of Engineering and
19 Zoo planning staff. The BRMMP shall be prepared in consultation with appropriate City
20 departments and resource agencies such as the Los Angeles Fire Department, Recreation and
21 Parks Department, and the CDFW. The BRMMP shall be updated prior to final designs and
22 development plans for each phase. The Zoo shall be responsible for ensuring all BRMMP
23 requirements are reflected in Project design/architectural, engineering, and grading plans. All
24 plans for each Project phase shall be reviewed by the City to ensure compliance with the
25 BRMMP.

26 164. MM BIO-1 is classic deferred mitigation, and it violates CEQA.

27 165. The BRMMP will not be formulated before Project approval. In fact, the surveys
28 that inform the BRMMP will not even be conducted until the Project reaches the 30 percent

1 design level.

2 166. Thus, the BRMMP will be developed entirely out of the public view. But “the
3 development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral
4 negotiation between a project proponent and the lead agency after project approval; but rather,
5 an open process that also involves other interested agencies and the public.” (*Communities for*
6 *a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 92-96.)

7 167. The deferral of the BRMMP also prevents the EIR from properly evaluating the
8 efficacy of the BRMMP and any impacts that will result from the BRMMP. (*San Joaquin*
9 *Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; CEQA Guidelines §
10 15126.4.)

11 168. When mitigation is deferred, the public and decisionmakers are deprived of the
12 opportunity to evaluate its effectiveness or desirability prior to project approval. (*Id.* at 92 [EIR
13 inadequate when mitigation depends “upon management plans that have not yet been
14 formulated, and have not been subject to analysis and review within the EIR.”].)

15 169. The EIR cannot provide substantial evidence supporting the efficacy of mitigation
16 that has not yet been designed.

17 170. Although it has been discussed at times in the past, Petitioners are unaware of a list
18 of “City-approved biologists.”

19 171. The EIR and mitigation further fail to ensure the protection of the rare Nevin’s
20 barberry, a rare endemic plant known from only 30 occurrences. The Griffith Park population
21 of Nevin’s barberry is critical.

22 172. Unfortunately, the EIR’s mitigation for impacts to the Nevin’s barberry fail to
23 protect the species.

24 173. Although MM BIO-1 begins with a promise that “onsite native vegetation
25 communities and special-status plant species shall be protected and preserved in place, and
26 design plans shall be amended to avoid disturbance or loss of these biological resources,” this
27 statement is qualified with language that renders it meaningless. The species shall only be
28 protected and preserved in place “[t]o the maximum extent feasible.” It is unlikely the City

1 would find that any plant located in a spot planned for development could be “feasibly”
2 preserved in place.

3 174. The MM BIO-1 language specific to the Nevin’s barberry is similarly flawed,
4 providing, “if present, special-status plant species, such as Nevin’s barberry, shall be avoided to
5 the extent feasible through use of high visibility exclusion fencing and signage to protect
6 vegetation and root systems from disturbance or compaction, consistent with the BRMMP.”

7 175. Again, if the Zoo should deem the retention of this rare species “infeasible” based
8 on undisclosed criteria, Nevin’s barberry found onsite will not be retained. The Project’s
9 mitigation will not reduce impacts to a sensitive species below a threshold of significance.

10 176. The mitigation also fails to ensure that retained individuals of Nevin’s barberry
11 will be protected. While individuals must be fenced off, nothing in the mitigation protects the
12 plants from changes to surrounding topography, soil compaction, and hydrological modification
13 that would result in the death of existing individuals and the failure to recruit future Nevin’s
14 barberry individuals. Nevin’s barberry prefers sandy, gravelly soils, canyon bottoms, and
15 washes, which will be reconfigured to support the Project.

16 177. Urban development is the greatest threat to Nevin’s barberry, and use of heavy
17 equipment for land grading and road expansion can alter soil composition and structure, destroy
18 and remove vegetation, increase soil erosion, and alter hydrologic patterns, decreasing the
19 quality and availability of Nevin's barberry habitat for individuals that are not removed.

20 178. The EIR’s analysis and mitigation also fail to account for the removal of the
21 seedbank, which is particularly important for a plant with low reproduction. If areas beyond the
22 roots are compacted and/or covered by asphalt, rhizome spreading of Nevin’s barberry cannot
23 occur and future recruitment will be prevented. Same is true for other rare plants present in the
24 area.

25 179. The mitigation provides that “Lost special-status plant species shall be replaced
26 consistent with the BRMMP,” which requires replacement with only a 2:1 mitigation ratio. A
27 2:1 ratio is very low, given that all experts strongly prefer retention in-place over replacement
28 due to the high failure rates of endemic species replacement projects.

180. The California Department of Fish and Wildlife instructs agencies not to rely on replacement due to the difficulty in replacing endemic individuals.

181. Moreover, the mitigation does not even require 2:1 replacement because that, too, is qualified with “as feasible given space limitation within the Zoo.” The “as feasible” renders this mitigation speculative and unenforceable.

182. While the mitigation does provide for 3:1 replacement if replacement must occur offsite, that, too, is not a high enough ratio to ensure successful retention of the species.

183. If the Project will develop areas where Nevin’s barberry is found, the Project will have significant and unmitigable impacts on biological resources that have not been adequately disclosed or analyzed.

c. Transportation and Traffic Impacts Are Not Sufficiently Analyzed or Mitigated.

184. The only environmental impact the EIR finds significant is that related to traffic and the generation of vehicle miles travelled (VMT).

185. The Statement of Overriding Considerations finds that the EIR has incorporated all feasible mitigation for this impact.

186. However, during approval of the Project, and after completion of the EIR, the City added a requirement that directing “the Zoo, and the Los Angeles Department of Transportation, in consultation with Council District 4, to establish a formal Vehicles Miles Traveled (VMT) monitoring process within 90 days. This formal process should cover all phases of the Vision Plan, and should outline achieving the aspiration of a 15 percent reduction in VMT’s and targets for modes share split.”

187. The approval of the Project, based on mitigation that has not yet been designed, and without clear performance standards, violates CEQA.

188. The mitigation is impermissibly deferred, as the precise formulation of the measure will occur after Project approval, outside of the view of the public.

189. The deferral of the mitigation also prevents any analysis and disclosure of its efficacy.

190. The measure is also speculative, in part because the 15 percent reduction target is not mandatory. It is only a goal, “ideally of 15 percent.”

191. Thus, the EIR’s traffic analysis and Statement of Overriding Considerations lack the necessary support.

PRAYER FOR RELIEF

In each of the respects enumerated above, Respondent has violated its duties under law, abused its discretion, failed to proceed in the manner required by law, and decided the matters complained of without the support of substantial evidence. Accordingly, the certification of the EIR and the approval of the Project must be set aside.

WHEREFORE, Petitioners pray for relief as follows:

1. For an alternative and peremptory writ of mandate, commanding Respondent:

A. To set aside and vacate its certification of the EIR, Findings of Fact, and Statement of Overriding Considerations supporting the approval of the Los Angeles Zoo Vision Plan; and

B. To set aside and vacate any approvals for the Project based upon the EIR, Findings of Fact, and Statement of Overriding Considerations supporting the Project; and

2. For an order enjoining Respondent from taking any action to construct any portion of the Project or to develop or alter the Project site in any way that could result in a significant adverse impact on the environment unless and until a lawful approval is obtained from Respondent after the preparation and consideration of an adequate EIR and adoption of all feasible alternatives and mitigation measures;

3. For costs of the suit;

4. For reasonable attorneys’ fees; and

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

DATE: September 13, 2023

Respectfully Submitted,

By: _____
Michelle Black,
Attorneys for Petitioner

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of September 2023, in Los Angeles, California.

Gerry Hans

EXHIBIT A

Main Office Phone:
310 - 798-2400
Direct Dial:
310-798-2400 Ext. 5



Carstens, Black & Minter LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle N. Black
Email Address:
mnb@cbcearthlaw.com

September 13, 2023

By Electronic Mail
California Attorney General
CEQA@doj.ca.gov

Re: Challenge under the California Environmental Quality Act to
the approval of the Los Angeles Zoo Vision Plan,
Griffith Park, Los Angeles, California

Honorable Attorney General:

Please find enclosed a copy of the Petition for Writ of Mandate filed to challenge the City of Los Angeles's failure to comply with the California Environmental Quality Act ("CEQA") in approving the Los Angeles Zoo Vision Plan, which the City plans to implement in Griffith Park.

This Petition is being provided pursuant to the notice provisions of the Public Resources Code. Please contact me if you have any questions.

Sincerely,

Michelle N. Black

Enclosure

PROOF OF SERVICE

I am employed by Carstens, Black & Minter LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254. On September 13, 2023, I served the within documents:

**LETTER TO THE CA ATTORNEY GENERAL REGARDING
PETITION FOR WRIT OF MANDATE**

VIA ELECTRONIC MAIL.

Based on Public Resources Code 21167 of CEQA, I caused the above-referenced document to be sent to the CA Attorney General at the following electronic address: CEQA@doj.ca.gov

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 13, 2023, at Hermosa Beach, California 90254.

Cynthia Kellman
Cynthia Kellman

SERVICE LIST

CEQA Coordinator
Office of the CA Attorney General
CEQA@doj.ca.gov

EXHIBIT B



Main Office Phone:
310 - 798-2400
Direct Dial:
310-798-2400 Ext. 5

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2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle N. Black
Email Address:
mnb@cbcearthlaw.com

September 12, 2023

By U.S. Mail
Holly L. Wolcott
Los Angeles City Clerk
200 N. Spring Street City Hall - Room 360
Los Angeles, CA 90012

Re: Challenge under the California Environmental Quality Act to approval of Los Angeles Zoo Vision Plan, Griffith Park.

Dear Ms. Wolcott,

Please take notice that Griffith J. Griffith Charitable Trust and Friends of Griffith Park plan to file a Petition for Writ of Mandate challenging the failure of the City of Los Angeles to comply with the California Environmental Quality Act ("CEQA") in approving the Los Angeles Zoo Vision Plan.

Sincerely,



Michelle N. Black

PROOF OF SERVICE

I am employed by Carstens, Black & Minter LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254. On September 12, 2023 I served the within documents:

LETTER TO LOS ANGELES CITY CLERK

VIA UNITED STATES MAIL. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 12, 2023 at Hermosa Beach, California 90254.

/s/ Cynthia Kellman
Cynthia Kellman

SERVICE LIST

Holly L. Wolcott
Los Angeles City Clerk
200 N. Spring Street City Hall - Room 360
Los Angeles, CA 90012

EXHIBIT C

CARSTENS, BLACK & MINTEER, LLP
Douglas P. Carstens, SBN 193439
Amy Minter, SBN 223832
Michelle Black, SBN 261962
Sunjana Supekar, SBN 328663
2200 Pacific Coast Hwy, Suite 318
Hermosa Beach, CA 90254
310.798.2400; Fax 310.798.2402

Attorneys for Petitioners
Griffith J. Griffith Charitable Trust and Friends of Griffith Park

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

GRIFFITH J. GRIFFITH CHARITABLE)
TRUST and FRIENDS OF GRIFFITH PARK)

Petitioners,
v.

CITY OF LOS ANGELES
Respondent.

Real Parties In Interest

Does 1-10

CASE NO.:

**NOTICE OF ELECTION TO PREPARE
ADMINISTRATIVE RECORD AND
NOTICE OF ALTERNATIVE DISPUTE
RESOLUTION INFORMATION PACKET**

(California Environmental Quality Act)

NOTICE OF ELECTION TO PREPARE ADMINISTRATIVE RECORD AND NOTICE OF ALTERNATIVE
DISPUTE RESOLUTION INFORMATION PACKET

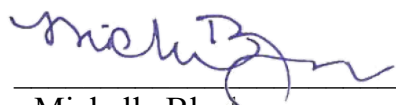
PLEASE TAKE NOTICE:

1) Pursuant to Public Resources Code section 21167.6, Petitioners Griffith J. Griffith Charitable Trust and Friends of Griffith Park hereby elect to prepare the administrative record in this matter. This notice also serves as a request for documents pursuant to the Public Records Act.

2). In accordance with California Rules of Court Rule 3.221, subd. (c), Petitioner hereby serves the Alternative Dispute Resolution information package provided by the Superior Court of the County of Los Angeles, located on the Court's website at <https://lascpubstorage.blob.core.windows.net/forms/Forms%20Comprehensive%20List/LASC%20CIV%20271.pdf>. This document is attached as Exhibit A.

DATE: September 13, 2023

Respectfully Submitted,
CARSTENS, BLACK & MINTEER, LLP

By: 
Michelle Black
Attorneys for Petitioner

NOTICE OF ELECTION TO PREPARE ADMINISTRATIVE RECORD AND NOTICE OF ALTERNATIVE
DISPUTE RESOLUTION INFORMATION PACKET

Exhibit A



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for **civil cases** is voluntary and parties may select any mediator they wish. Options include:

a. **The Civil Mediation Vendor Resource List**

If all parties in an active civil case agree to mediation, they may contact these organizations to request a “Resource List Mediation” for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Assistant Case Manager Janet Solis, janet@adrservices.com
(213) 683-1600
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org
(833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion.

They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate, or small claims cases.

b. **Los Angeles County Dispute Resolution Programs.** Los Angeles County-funded agencies provide mediation services on the day of hearings in small claims, unlawful detainer (eviction), civil harassment, and limited civil (collections and non-collection) cases.

<https://dcba.lacounty.gov/countywidedrp/>

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case. <https://my.lacourt.org/odr/>

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In “binding” arbitration, the arbitrator’s decision is final; there is no right to trial. In “nonbinding” arbitration, any party can request a trial after the arbitrator’s decision. For more information about arbitration, visit

<https://www.courts.ca.gov/programs-adr.htm>

4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court’s MSC programs for civil cases, visit <https://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <https://www.lacourt.org/division/civil/CI0109.aspx>

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>