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7 Attorneys for Petitioner,  
8 Mountaingate Open Space Maintenance Association

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

11 Mountaingate Open Space Maintenance )  
12 Association, mutual benefit corporation )

13 Petitioner, )

14 vs. )

15 City of Los Angeles; Los Angeles Local )  
16 Enforcement Authority; Does 1-50, inclusive, )

17 Respondents. )  
18 \_\_\_\_\_ )

19 Monteverdi, LLC; C & C Mountaingate Inc.; )  
20 Castle & Cooke Mountaingate Estates, Inc; )  
21 Berggruen Institute and DOES 50-100, )

22 Real Parties in Interest )  
23 )  
24 )  
25 )  
26 \_\_\_\_\_ )

CASE NO.

**VERIFIED PETITION FOR WRIT OF  
MANDATE**

(California Environmental Quality Act,  
Pub. Resources Code §21000 et seq.)

1 **INTRODUCTION.**

2 Petitioner Mountaingate Open Space Maintenance Association (“MOSMA” or  
3 “Petitioner”) alleges as follows:

4 1. In violation of the California Environmental Quality Act (“CEQA”), and  
5 Petitioner’s right to notice and hearing, the City of Los Angeles (“City”) and CalRecycle’s  
6 Local Enforcement Agency (the “LEA”) failed to require the performance of all of the  
7 environmental mitigation measures required prior to the issuance of construction permits for the  
8 development approved pursuant to Tentative Tract 53072 in order to protect against fire danger  
9 and hazardous methane emissions from Mission Canyon 8 Landfill (the “Landfill”).

10 2. Specifically, the City and the LEA approved the issuance of grading permits for  
11 Tentative Tract 53072 without ensuring the subdivider’s compliance with Condition 113 of  
12 Tentative Tract 53072, which requires that a Post Closure Plan for the Landfill be approved in  
13 accordance Title 27 of the California Code of Regulations, Section 21190 by the LEA and  
14 CalRecycle prior to the issuance of grading permits to mitigate public health and safety risks.

15 3. The Landfill is municipal solid waste landfill within the boundaries of Tentative  
16 Tract 53072, which is located within a designated Very High Fire Hazard Severity Zone  
17 Condition. Solid waste landfilling operations were conducted at the Landfill until 1982.  
18 Municipal solid waste landfills produce large quantities of landfill gas as the organic matter  
19 undergoes anaerobic decomposition. The primary component of landfill gas is methane and  
20 carbon dioxide. According to the LEA’s own admissions, methane is a flammable gas with a  
21 lower explosive level of 5 percent by volume in air and can also act as a simple asphyxiant. The  
22 LEA also acknowledges that uncontrolled landfill gas can travel up to 1,000 feet from a landfill  
23 and can carry other trace compounds which can be hazardous at certain concentrations.

24 4. The Landfill is located adjacent to the Mountaingate community, which is  
25 comprised of 300 single-family homes and recreational facilities (“Mountaingate”). In  
26 December 2017, the Skirball Fire ravaged land around Mountaingate and the Landfill, burning  
27 422 acres of land on the slopes of the Sepulveda Pass on its east side and causing the closure of  
28 Interstate 405.



1 permitting, operation and closure of solid waste facilities within the City of Los Angeles.

2 13. Petitioner is ignorant of the true names and capacities of Respondents sued herein  
3 as DOES 1-50, inclusive, and therefore sues these Respondents by such fictitious names.  
4 Petitioner will amend this Petition to allege the true names and capacities of fictitiously named  
5 Respondents when ascertained. Petitioner is informed, believes and based thereon alleges that at  
6 all times herein mentioned, Respondents, including Does 1-50, and each of them, were the  
7 agents and employees of the City, and the acts complained of herein were done within the  
8 course and scope of said agency, and employment.

9 14. Petitioner is ignorant of the true names and capacities of Real Parties in Interest  
10 sued herein as DOES 50-100, inclusive, and therefore sues these Real Parties in Interest by such  
11 fictitious names. Petitioner will amend this Petition to allege the true names and capacities of  
12 fictitiously named Real Parties in Interest when ascertained. Petitioner is informed, believes and  
13 based thereon alleges that at all times herein mentioned, Real Parties, including Does 50-100,  
14 and each, of them were the owners of commercial condominium units at the Subject Property  
15 and/or were agents of one another, and the acts complained of herein were done within the  
16 course and scope of said agency.

### 17 **JURISDICTION AND VENUE**

18 15. This Court has jurisdiction over this proceeding pursuant to California Code of  
19 Civil Procedure section 1085 and 1094.5 and Public Resource Code sections 21168 and  
20 21168.5.

21 16. Venue in this Court is proper pursuant to Code of Civil Procedure section 394, in  
22 that Respondents are located within the County of Los Angeles.

### 24 **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

25 17. The California Environmental Quality Act, found at Public Resources Code  
26 Section 21000 et seq., is based on the principle that “the maintenance of a quality environment  
27 for the people of this state now and in the future is a matter of statewide concern.” (Pub.  
28

1 Resources Code, § 21000, subd. (a).)<sup>1</sup>

2 18. In CEQA, the Legislature has established procedures designed to achieve these  
3 goals. These procedures provide both for the determination of and for full public disclosure of  
4 the potential adverse effects on the environment of discretionary projects that governmental  
5 agencies propose to approve. CEQA requires a description of feasible alternatives to such  
6 proposed projects and feasible mitigation measures to lessen their environmental harm. (Pub.  
7 Resources Code § 21002.)

8 19. The Guidelines require “all phases of project planning, implementation, and  
9 operation” to be considered in the Initial Study for a project. (Guidelines §15063, subd. (a)(1).)  
10 CEQA defines a project as “the whole of an action, which has a potential for resulting in either a  
11 direct physical change to the environment, or a reasonably foreseeable indirect physical change  
12 in the environment.” (Guidelines § 15378, subd. (a).)

13 20. CEQA is not merely a procedural statute. CEQA imposes clear and substantive  
14 responsibilities on agencies that propose to approve projects, requiring that public agencies not  
15 approve projects that harm the environment unless and until all feasible mitigation measures are  
16 employed to minimize that harm. (Pub. Resources Code §§ 21002, 21002.1, subd. (b).)

17 21. CEQA’s procedural requirements include the requirements that mitigation  
18 measures imposed on a project be fully enforceable and that they actually be enforced. (Pub.  
19 Resources Code § 21081.6(b); *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2007) 155  
20 Cal.App.4th 425, 445 [“mitigation measures must be feasible and enforceable”]; *Lincoln Place*  
21 *Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 [“[m]itigating  
22 conditions [were] not mere expressions of hope”]; *Sierra Club v. County of San Diego* (2014)  
23 231 Cal.App.4th 1152, 1173; *Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83  
24 Cal.App.4th 1252, 126 [“The purpose of these requirements is to ensure that feasible mitigation

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25  
26 <sup>1</sup> CEQA authorizes and directs the State Office of Planning and Research to adopt guidelines for  
27 the implementation of CEQA by public agencies. (Pub. Resources Code §21083.) These  
28 guidelines are found at title 14, California Code of Regulations, Section 15000 et seq.  
 (“Guidelines”) and are binding on all state and local agencies, including Respondents.

1 measures will actually be implemented as a condition of development, and not merely adopted  
2 and then neglected or disregarded”].)

3 22. Petitioner has complied with Public Resources Code section 21167.7 by filing a  
4 copy of this petition with the California Attorney General. A copy of that notice is attached as  
5 Exhibit A. Petitioner has complied with Public Resources Code section 21167.5 by providing  
6 the City with notice of intention to commence the action. A copy of that notice is attached as  
7 Exhibit B. Petitioner elects to prepare the administrative record. A copy of that election is  
8 attached as Exhibit C.

9 **STATEMENT OF FACTS.**

10 **A. Background.**

11 23. In or about May 2000, C&C filed applications with the City of Los Angeles  
12 (“City”) for the development of a residential project containing 29 residences on the Property  
13 (the “Housing Project”), including applications for the approval of Tentative Tract 53072 ,  
14 Major Plan Review, a General Plan Amendment and a Vesting Zone Change (CPC 2000-2276-  
15 GPA-VZC). An Environmental Impact Report (EIR 1999-3251-SUB) and Addendum thereto  
16 were processed in connection with C&C’s application for such approvals.

17 24. In the course of the City’s review of C&C’s applications, various parties –  
18 including but not limited to the LEA – submitted objections to the Environmental Impact Report  
19 (EIR) based on concerns about potential risks to public health and safety arising from potential  
20 development in and around Mission Canyon 8 Landfill, including without limitation, fire-safety  
21 risks and risks from methane releases.

22 25. The LEA’s concerns were specified in the LEA’s September 17, 2003 letter  
23 regarding the Draft EIR for Tentative Tract 53072:

- 24
- 25 • “Methane [ ] is a flammable gas with a lower explosive level of 5 percent by volume in  
26 air and can act as a simple asphyxiant. Landfill gas naturally migrates away from the  
27 landfill due to internal pressure created within the fill area. It has been documented that  
28 uncontrolled landfill gas can travel up to 1,000 feet from a landfill and can carry other  
trace compounds which can be hazardous at certain concentrations.” (Comment 1.1,

1 emphasis added)

- 2 • “Many of the proposed homes on Stoney Hill Road are within *a 1,000 feet of the closed*
- 3 *landfills* and can be impacted by landfill gas if mitigation measures are not established.
- 4 Of special concern are parcels 9–11 that are in the vicinity of landfill gas migration
- 5 probes, in which the LEA has, in the past, *detected landfill gas over regulatory limits.*”
- 6 (Comment 1.1, emphasis added)
- 7 • “The EIR is deficient in that it needs additional technical analysis of the potential impact
- 8 of landfill gas on the project.”
- 9 • “The EIR indicates that Mission Canyon Landfills #7 and #8 will be developed as an
- 10 emergency fire/secondary access road and that top deck of Mission Canyon Landfill #8
- 11 will be used for soil stockpile. This will require the landfill owner to revise the site's post-
- 12 closure maintenance and land use plan to incorporate the changes. *The landfill security*
- 13 *must be designed to discourage unauthorized access by persons and vehicles.*” (Comment
- 14 1.3, emphasis added).

15 (LEA Letter re DEIR No. EIR-99-325 1-Sub.)

16 26. In response to such concerns and objections, the City Planning Commission added

17 Condition 113 as an environmental mitigation measure to Tentative Tract 53072.

18 27. Condition 113 provided in full that:

19 Prior to recordation of the final map, the subdivider shall submit a Post Closure Plan for

20 Mission Canyon 8 Landfill (Lot 32) for review and approval by the Responsible

21 Agencies, including the Local Enforcement Agency (Environmental Affairs Department),

22 as the Post Closure Plan may be revised by approval of VTT 53072 and CPC 2000-2276-

23 VZC-GPA. A copy of the approved Post Closure Plan shall be submitted to the Advisory

24 Agency.

25 28. As an environmental mitigation measure, recordation of the final map is required

26 prior to the issuance of grading permits by Condition 14 of Tentative Tract 53072. Thus, by

27 application of Conditions 14 and 113 prior to the issuance of grading permits a Post Closure

28 Plan is required to be approved.

1           **C.     Monteverdi Failed to Submit a Final Post Closure Land Use Plan that**  
2                           **Complied with Condition 113.**

3           29.     In November 2018, Monteverdi submitted a proposed Post Closure Land Use  
4 obtained in preparation of a “Post Closure Land Use Plan.”

5           30.     On May 28, 2019, Monteverdi wrote the City Planning Department requesting  
6 clearance of Condition 113 so that Monteverdi could obtain grading permits for the Housing  
7 Project. (Email, Jonathan Lonner to Sarah Molina-Pearson, May 28, 2019 [“The LEA  
8 Condition is the last Planning Condition required on the map, and will allow for our grading  
9 permits to be signed-off. Which will in-turn allow the final grading conditions of the map to be  
10 signed-off”].)

11           31.     On May 28, 2019, the LEA wrote Monteverdi, rejecting Monteverdi’s proposed  
12 Post Closure plan as not meeting the fundamental requirements for a Post Closure Plan. The  
13 LEA expressly stated that its May 28th letter “*should not be construed to be an authorization*  
14 *from the LEA* that the proposed use can or will be approved upon later submission of an *actual*  
15 *final Post Closure Land Use Plan (PCLU).*” (Emphasis added.) The LEA stated that  
16 CalRecycle would also need to concur in the LEA’s approval of a Post Closure Plan prior to the  
17 start of construction. The LEA stated “[t]his letter should not be construed as an approval in any  
18 way of the conceptual plan.”

19           32.     “Finally,” the LEA added, “please note that the PCLUP is required to be approved  
20 by the LEA with concurrence of CalRecycle *prior to the start of construction.*” (Emphasis  
21 added)

22           **D.     The City Improperly Issued, and the LEA Improperly Allowed Issuance of,**  
23                           **Grading and Building Permits.**

24           33.     Notwithstanding the LEA’s rejection of Monteverdi’s proposed Post Closure Plan,  
25 the Planning Department allowed grading permits to be issued and the final map to be recorded  
26 and failed to enforce Condition 113. Such action constituted a violation of CEQA because it  
27 was a modification of a mitigation measure without public notice, environmental review and  
28

1 opportunity to be heard, as well as an abrogation of the City’s and LEA’s responsibilities to  
2 protect public health and safety.

3 34. On information and belief, the LEA improperly cooperated, or at least acquiesced,  
4 in the issuance of grading permits and the approval of the final map in derogation of its clear  
5 responsibility to protect public health and safety.

6 35. In June 2019, the City issued Building/Grading Permit Nos. 18030-10000-04949  
7 and 18020-10000-02780 within Tentative Tract 50372 (APNs 4490-024-014; 4493-035-001;  
8 4493-014-016, -022, -024, -029) without requiring prior compliance with Condition 113.

9 36. Petitioner was not notified of the issuance of the grading permits or the lack of  
10 enforcement of Condition 113, and was not afforded an opportunity to be heard regarding the  
11 City’s actions.

12 37. As discussed earlier, on October 28, 2019, the Getty Fire erupted and burned  
13 Mission Canyon Landfill 8. LEA Program manager David Thompson confirmed in a November  
14 4, 2019 email that the fire burned through Mission Canyon Landfill 8, damaging “a large section  
15 of the landfill gas collection system on this landfill.” As a result of the fire, 49 collection wells  
16 were damaged or destroyed.

17 38. The absence of an approved Post Closure Plan – as a required environmental  
18 mitigation measure condition precedent to the issuance of construction permits increased the risk  
19 of fire damage and methane exposure to Mountaingate and the surrounding community from the  
20 Getty Fire, and continues to increase such risks.

21 39. On December 5, 2019, Petitioner sent a letter to the City and to the LEA  
22 requesting revocation of Building and Grading Permits for the Housing Project. On December  
23 18, 2019, Petitioner discussed its request with representatives of the City. However, the City did  
24 not revoke the Building and Grading Permits.

1 **FIRST CAUSE OF ACTION**

2 **CEQA VIOLATION**

3 (Against Respondents and Real Parties and DOES 1-100)

4 40. Petitioner refers to, re-alleges and incorporates herein each and every allegation  
5 contained in prior paragraphs, as though set forth in full herein.

6 41. Petitioner has no plain, speedy or adequate remedy at law except to request the  
7 Court require the City and Real Parties to comply with Condition 113 of Tentative Tract 53072.

8 42. The City, has a clear and present ministerial duty to comply with, and require Real  
9 Parties to comply with, Condition 113 of the Vesting Tract Map.

10 43. The City has a clear and present duty to comply with the California Environmental  
11 Quality Act (CEQA) prior to its failure to enforce Condition 113. CEQA requires that  
12 mitigation measures imposed as a result of environmental review be enforced in subsequent  
13 proceedings.

14 44. Condition 113 was imposed as an environmental mitigation measure.  
15 It is therefore mandatory. Compliance with CEQA was required to modify Condition 113  
16 pursuant to *Sierra Club v. County of San Diego* (2015) 231 Cal.App.4th 1152 and similar cases  
17 requiring enforcement of mitigation measures imposed pursuant to CEQA.

18 45. Therefore, the City violated CEQA by approving grading permits for Tentative  
19 Tract 53072 without requiring adherence to Condition 113.

20 WHEREFORE, Petitioner prays for judgment as follows:

21 a. For an alternative and permanent writ of mandate to compel the City to comply  
22 with Condition 113 of Tract Map 53072;

23 b. For a Temporary Restraining Order, Preliminary Injunction and Permanent  
24 Injunction restraining and enjoining the City and all officials and employees thereof, and Real  
25 Parties in Interest from allowing any construction activities within Tentative Tract 50372 prior  
26 to compliance with Condition 113;

27 c. For attorneys' fees pursuant to California Code of Civil Procedure Section 1021.5.  
28

1 d. For costs incurred; and

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

3 DATED: December 19, 2019

CHATTEN-BROWN, CARSTENS & MINTEER LLP

4  
5 By:   
6 \_\_\_\_\_  
7 Douglas P. Carstens  
8 Attorney for Petitioner  
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**VERIFICATION**

I, Stephen Drimmer, declare that I am President of the Petitioner in this action authorized to sign this verification. I have read the foregoing Petition For Writ of Mandate and know the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19 day of December, 2019, in Los Angeles, California.

  
Stephen Drimmer

# EXHIBIT A



## Chatten-Brown, Carstens & Minter LLP

**Hermosa Beach Office**  
Phone: (310) 798-2400  
Fax: (310) 798-2402

**San Diego Office**  
Phone: (858) 999-0070  
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2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Douglas P. Carstens**  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)

Direct Dial:  
310-798-2400 Ext. 1

December 19, 2019

*By U.S. Mail*

California Attorney General  
300 South Spring Street, Ste. 1700  
Los Angeles, CA 90013

Re: Re: Challenge under the California Environmental Quality Act and  
Subdivision Map Act to Recordation of Final Map for Tentative Map  
53072; 2050 Stoney Hill Road

Honorable Attorney General:

Please take notice that Mountaingate Open Space Maintenance Association plans to file a Petition for Writ of Mandate challenging the City of Los Angeles' failure to comply with the California Environmental Quality Act (CEQA) and the Subdivision Map Act in authorizing the issuance of building and grading permits associated with Tentative Map 53072 without compliance with Condition 113 requiring a Post Closure Plan for the Mission 8 Canyon Landfill.

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 Black

Enclosure

## **PROOF OF SERVICE**

I am employed by Chatten-Brown, Carstens & 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 December 19, 2019, I served the within documents:

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

#### **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 December 19, 2019, at Hermosa Beach, California 90254.

/s/ Cynthia Kellman

\_\_\_\_\_  
Cynthia Kellman

#### **SERVICE LIST**

Office of the CA Attorney General  
300 South Spring Street, Ste. 1700  
Los Angeles, CA 90013

# EXHIBIT B



## Chatten-Brown, Carstens & Minter LLP

**Hermosa Beach Office**  
Phone: (310) 798-2400  
Fax: (310) 798-2402

**San Diego Office**  
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[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Michelle Black**  
Email Address:  
[mnb@cbcearthlaw.com](mailto:mnb@cbcearthlaw.com)

Direct Dial:  
310-798-2400 Ext. 5

December 18, 2019

*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 and Subdivision  
Map Act to Recordation of Final Map for Tentative Map 53072; 2050  
Stoney Hill Road

Dear Ms. Wolcott,

Please take notice that Mountaingate Open Space Maintenance Association plans to file a Petition for Writ of Mandate challenging the City of Los Angeles' failure to comply with the California Environmental Quality Act (CEQA) and the Subdivision Map Act in authorizing the issuance of building and grading permits associated with Tentative Map 53072 without compliance with Condition 113 requiring a Post Closure Plan for the Mission 8 Canyon Landfill.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michelle Black', written in a cursive style.

Michelle Black

## **PROOF OF SERVICE**

I am employed by Chatten-Brown & Carstens 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 December 19, 2019, 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 December 19, 2019, 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



## Chatten-Brown, Carstens & Minter LLP

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**Michelle Black**  
Email Address:  
[mnb@cbcearthlaw.com](mailto:mnb@cbcearthlaw.com)

Direct Dial:  
310-798-2400 Ext. 5

December 18, 2019

*By U.S. Mail*

Wayne Tsuda,  
LEA Program Director  
Jose Gutierrez  
LEA Program Supervisor  
City of Los Angeles  
Environmental Affairs Office  
200 N. Spring Street  
Room 2005, MS 177  
Los Angeles, CA 90012

Re: Challenge under the California Environmental Quality Act and Subdivision  
Map Act to Recordation of Final Map for Tentative Map 53072; 2050  
Stoney Hill Road

Dear Mr. Tsuda,

Please take notice that Mountaingate Open Space Maintenance Association plans to file a Petition for Writ of Mandate challenging the City of Los Angeles' failure to comply with the California Environmental Quality Act (CEQA) and the Subdivision Map Act in authorizing the issuance of building and grading permits associated with Tentative Map 53072 without compliance with Condition 113 requiring a Post Closure Plan for the Mission 8 Canyon Landfill.

Sincerely,

Michelle Black

## **PROOF OF SERVICE**

I am employed by Chatten-Brown & Carstens 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 December 19, 2019, I served the within documents:

### **LETTER TO LEA PROGRAM DIRECTOR**

**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 December 19, 2019, at Hermosa Beach, California 90254.

/s/ Cynthia Kellman  

---

  
Cynthia Kellman

### **SERVICE LIST**

Wayne Tsuda,  
LEA Program Director  
Jose Gutierrez  
LEA Program Supervisor  
City of Los Angeles  
Environmental Affairs Office  
200 N. Spring Street  
Room 2005, MS 177  
Los Angeles, CA 90012

# EXHIBIT C

1 CHATTEN-BROWN CARSTENS & MINTEER LLP  
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3 Michelle Black, SBN 261962  
4 2200 Pacific Coast Hwy, Suite 318  
5 Hermosa Beach, CA 90254  
6 310.798.2400; Fax 310.798.2402

7 Attorneys for Petitioner,  
8 Mountaingate Alliance

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

11 Mountaingate Open Space Maintenance )  
12 Association, an unincorporated association )

13 Petitioner, )  
14 )

15 vs. )

16 City of Los Angeles; Los Angeles Local )  
17 Enforcement Authority; Does 1-50, inclusive, )

18 Respondents. )

19 \_\_\_\_\_ )  
20 Monteverdi, LLC; C & C Mountaingate Inc.; )  
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22 Berggruen Institute and DOES 50-100, )

23 Real Parties in Interest )  
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CASE NO.

**NOTICE OF ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

(California Environmental Quality Act,  
Pub. Resources Code §21000 et seq.)

1 PLEASE TAKE NOTICE:

2 Pursuant to Public Resources Code section 21167.6, Petitioner Mountaingate Open Space  
3 Maintenance Association hereby elects to prepare the administrative record in this matter.  
4

5 DATED: December 19, 2019

CHATTEN-BROWN CARSTENS & MINTEER LLP

6  
7 By:   
8 \_\_\_\_\_  
9 Douglas P. Carstens  
10 Attorney for Petitioner  
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