

JAN 03 2013

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

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7 Attorney for Petitioners

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10
11 FOR THE COUNTY OF LOS ANGELES

12
13 COALITION FOR PRESERVATION
14 OF THE ARROYO, an unincorporated
15 association; EAST ARROYO
16 NEIGHBORHOOD PROTECTION
17 COMMITTEE, an unincorporated
18 association; LINDA VISTA-
19 ANNANDALE ASSOCIATION, a
20 California non-profit corporation;
21 SAN RAFAEL NEIGHBORHOODS
22 ASSOCIATION, an unincorporated
23 association; and DOES 1 to 5;

24 Petitioners;

25 v.

26 CITY OF PASADENA and
27 PASADENA CITY COUNCIL;

28 Respondents.

Case No.

BS141038

Petition for Writ of Mandamus

California Environmental Quality Act
[CEQA]

BY FAX

Parties

1
2 3. Petitioner Coalition for Preservation of the Arroyo is an unincorporated
3 association formed in December 2012 after the approval of the NFL/Rose Bowl project.
4 Members of the Coalition include co-petitioners East Arroyo Neighborhood Protection
5 Committee, Linda Vista-Annandale Association, and San Rafael Neighborhoods Association,
6 and may increase to include other Pasadena residents and groups. The Coalition's public-interest
7 purposes include enforcement of CEQA to preserve and protect the Arroyo Seco. The Coalition
8 brings this petition on behalf of others similarly situated that are too numerous to be named and
9 brought before this Court as petitioners. The Coalition exhausted administrative remedies via
10 objections made to the amendment of the Arroyo Seco Public Lands Ordinance by its members
11 including the Linda Vista-Annandale Association and San Rafael Neighborhoods Association.
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15 4. Petitioner East Arroyo Neighborhood Protection Committee is an unincorporated
16 association formed in September 2012. Its mission is to preserve the quality of life of
17 neighborhoods directly east of the Arroyo Seco by preserving historic, cultural, and ecological
18 resources within these neighborhoods and the adjacent Lower and Central Arroyo, and by
19 mitigating against the adverse impacts to the East Arroyo neighborhood quality of life that are
20 presented by Rose Bowl Stadium and Rose Bowl/Brookside Park area projects. Such adverse
21 impacts include noise, trash, traffic, air pollution, and limits to recreation and public space
22 usage. The Association brings this petition on behalf of others similarly situated too numerous to
23 be named and brought before this Court as petitioners. Its members include persons living in
24 Pasadena on the east side of the Arroyo Seco whose interests include enjoyment of the Arroyo
25 Seco and the Rose Bowl and who will be negatively impacted if the project goes forward as
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1 proposed without adequate study and mitigation. Committee member Jonas Peters, Ph.D.,
2 objected to the City's approval of the project and exhausted administrative remedies.

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4 5. Petitioner Linda Vista-Annandale Association (LVAA), also known as the Linda
5 Vista/Annandale Association, is a non-profit mutual benefit corporation formed in 1930 for the
6 preservation, protection, improvement and development of the Linda Vista~Annandale
7 neighborhood area of Pasadena, and to the promotion of the general welfare of Linda
8 Vista~Annandale residents. The LVAA brings this petition on behalf of others similarly situated
9 too numerous to be named and brought before this Court as petitioners. Its members include
10 persons living in Pasadena and its environs whose interests including enjoyment of the Arroyo
11 Seco, the Rose Bowl, and environs will be negatively impacted if the project goes forward as
12 proposed without adequate study and mitigation. The LVAA objected to the City's approval of
13 the project and exhausted its administrative remedies.
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16 6. Petitioner San Rafael Neighborhoods Association (SRNA) is an unincorporated
17 association formed in April 2012 to enhance and maintain the character and quality of all
18 San Rafael neighborhoods through advocacy and an activated community. The SRNA brings
19 this petition on behalf of others similarly situated too numerous to be named and brought before
20 this Court as petitioners. Its members include persons living in Pasadena whose interests
21 including enjoyment of the Arroyo Seco, the Rose Bowl, and environs will be negatively
22 impacted if the project goes forward as proposed without adequate study and mitigation. The
23 SRNA objected to the City's approval of the project and exhausted its administrative remedies.
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26 7. Respondents City of Pasadena and its City Council are the governmental agency
27 and its elected legislative body that took the role of the lead agency under CEQA, prepared and
28

1 certified the Environmental Impact Report, and approved the amendment to the Arroyo Seco
2 Public Lands Ordinance that is here at issue.

3
4 8. The paragraphs below refer to and rely on information in documents relating to
5 this action, all of which will be filed with this Court as part of the administrative record of
6 proceedings and which are here incorporated by reference.

7 8 **General Allegations**

9 9. The Rose Bowl was built in 1922. It is known affectionately as “America’s
10 Stadium” and is a National Historic Landmark. The Rose Bowl is especially famous for hosting
11 the New Year’s Day Rose Bowl Game. It has also hosted five NFL Super Bowl Games, the
12 1984 Olympic soccer matches, the 1994 Men’s World Cup, the 1999 Women’s World Cup, and
13 the 2002, 2006 and 2010 BCS National College Football Championship Games. It is the current
14 home stadium for UCLA Bruins football games.

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17 10. The Rose Bowl is currently undergoing a major renovation at a cost of
18 approximately \$180 million dollars, targeted for completion in time for the 100th New Year’s
19 Day Rose Bowl Game in January 2014.

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21 11. In 2012, the City of Pasadena decided to study an amendment to Title 3 of its
22 Municipal Code, Chapter 3.32 (Arroyo Seco Public Lands), Article IV (Rose Bowl Area), to
23 allow a temporary, multi-year increase in displacement events for 20,000 or more attendees.
24 The amendment, here referred to as the NFL/Rose Bowl project, would more than double the
25 number of displacement events by allowing 13 events per year for five years by an NFL team
26 while construction of a permanent NFL stadium is pending in the Los Angeles area.
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1 12. The Arroyo Seco is a deeply cut canyon and stream that links the San Gabriel
2 Mountains and Los Angeles River. The Rose Bowl is located in the Central Arroyo, and single-
3 family, hillside residential neighborhoods border its east and west sides. The Brookside Golf
4 Course lies to the north and Brookside Park is to the south. The Central and Lower Arroyo areas
5 are listed in the National Register of Historic Places as an historic district.
6

7 13. In February 2012 a Governors Advisory Panel report by the Urban Land Institute
8 entitled “The Rose Bowl and the Central Arroyo Seco” recommended that the City “not be
9 swayed by the offer to temporarily host the [NFL]” at the Rose Bowl because “such an effort
10 would be detrimental to the ultimate goal of making the Central Arroyo Seco a sustainable part
11 of the Pasadena community.”
12

13 14. In March 2012 the City released an Initial Study for the proposed NFL/Rose Bowl
14 project. The City held two scoping meetings in April 2012 to solicit public comments. Identified
15 environmental issues included air quality, greenhouse gases, land use, public services,
16 recreation, noise, transportation, circulation and parking, and cultural resources.
17

18 15. In August 2012 the City published the Draft EIR for the “Temporary Use of the
19 Rose Bowl Stadium by the NFL.” The EIR public comment period ran from August to October
20 2012. Identified significant environmental impacts included air quality, noise, public services,
21 recreation, transportation, circulation, historic resources, and parking. The Planning Commission
22 held a public hearing to consider public comments on the Draft EIR in September. However,
23 over its objections the Planning Commission was not allowed to consider or make
24 recommendations to the City Council about the NFL/Rose Bowl EIR or project.
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28 16. The Final EIR with responses to voluminous public comments was released in

1 a. The EIR fails to consider the “whole of the action.” The EIR states that the
2 “specific action that must be approved for the proposed project” includes “contracts with the
3 NFL, including a lease, franchise commitment agreement, and financing agreement(s)” but
4 improperly defers and piecemeals the evaluation and mitigation of the foreseeable contracts
5 without providing enforceable performance standards.
6

7 b. As the California Supreme Court held in *Save Tara v. City of West Hollywood*
8 (2009) 45 Cal.4th 116, an agency’s contention that a particular action does not yet equate to the
9 final approval of a project is not dispositive. Here, as a practical matter, the amendment of the
10 Arroyo Seco Public Lands Ordinance effectively conveys the City’s approval of and
11 commitment to the NFL/Rose Bowl project without consideration or mitigation of an NFL lease.
12

13 c. The EIR project description is inaccurate, incomplete, and inadequate.
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15 d. The EIR fails to adequately analyze (with appropriate baseline studies in all
16 impact areas) and to adequately mitigate project impacts to, *inter alia*, the Arroyo environment,
17 golf courses and other turf areas, citywide traffic and compliance with Complete Streets state
18 mandates, air quality, public recreation, historic resources, public safety/fire, police and
19 emergency services, parks, hydrology and water quality, greenhouse gases and air pollutants,
20 trash, aesthetics, land use and planning, and cumulative impacts.
21

22 e. The EIR inadequately analyzes project inconsistencies with the Pasadena General
23 Plan’s Green Space, Parks and Recreation Element, Land Use Element, Mobility Element, and
24 Open Space and Conservation Element, and inconsistencies with relevant specific plans
25 including the Arroyo Seco Master Plan and the Green Space, Parks and Recreation Master Plan;
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28 f. The EIR’s conclusions are not supported by substantial evidence;

1 g. The EIR fails to adequately respond to comments, including comments requesting
2 adoption of feasible project alternatives and enforceable mitigation measures;

3 h. The statement of overriding considerations, relying in large part on the
4 unsupported Barrett Sports Group economic analysis, is not supported by substantial evidence.
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7 **Second Cause of Action**
8 **Violation of City Plans and City and State Law**

9 22. Petitioners incorporate all previous paragraphs as if fully set forth.

10 23. The City abused its discretion and failed to act in the manner required by law in
11 failing to allow the Planning Commission to review and make recommendations to the City
12 Council on the EIR and project as the Commission requested. The City Council's longstanding
13 practice includes consultation with the Commission in carrying out General Plan policies,
14 including those relating to land use and protection of the Central Arroyo.
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16
17 **WHEREFORE**, Petitioners pray:

18 1. That the Court issue a peremptory writ of mandamus requiring the City of
19 Pasadena to set aside and void all approvals relating to the NFL/Rose Bowl project pending full
20 compliance with CEQA and all applicable City plans and ordinances;
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22 2. For injunctive relief as may be required to preserve the status quo while the
23 petition is pending;
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25 3. For petitioners' costs and reasonable attorney's fees pursuant to Code of Civil
26 Procedure section 1021.5; and
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Coalition for Preservation of the Arroyo, et al. v. City of Pasadena, et al.
Los Angeles County Superior Court Case No. _____

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to this action. My business address is P.O. Box 1659, Glen Ellen, CA 95442.

On January 3, 2013, I served one true copy of:

Petition For Writ of Mandamus

by placing a true copy thereof enclosed in a sealed envelope with prepaid postage, in the United States mail in Glen Ellen, California addressed as follows:

SALLY MAGNANANI, Deputy Attorney General
State of California
Department of Justice
P.O. Box 944255
Sacramento CA 94244-2550

PURSUANT TO PUBLIC RESOURCES CODE § 21167

I declare under penalty of perjury that the foregoing is true and correct and is executed on January 3, 2012, at Glen Ellen, California.



Susan Brandt-Hawley