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CITY OF CULVER CITY and CITY COUNCIL
OF THE CITY OF CULVER CITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

YES IN MY BACK YARD, a California nonprofit corporation; and SONJA TRAUSS, Petitioner and Plaintiff, v. CITY OF CULVER CITY; CITY COUNCIL OF THE CITY OF CULVER CITY; and DOES 1-25, Respondents and Defendants.	Case No. 20STCV43253 **ANSWER TO PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF; AND REQUEST FOR IMMEDIATE STAY** Assigned for All Purposes to: Hon. Barbara M. Scheper, Dept. 30 Action Filed: 11/10/2020

Respondents and Defendants, City of Culver City and City Council of the City of Culver City (collectively, "City"), file the following Answer to the Petition for Writ of Mandate, Prohibition, or Other Extraordinary Relief; Complaint for Declaratory Relief; and Request for Immediate Stay ("Complaint") as follows:

Answering the introductory paragraph of the Complaint, the City responds that it lacks information and belief regarding Petitioners' state of mind as to what they are seeking in this action and on that basis, the City denies each and every allegation of the introductory paragraph of the Complaint.

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PARTIES TO THE ACTION

1. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 1 of the Complaint and on that basis, the City denies each and every allegation of paragraph 1 of the Complaint.

2. Answering paragraph 2 of the Complaint, the City alleges Petitioner and Plaintiff Sonja Trauss is a natural person and a resident of the State of California. Except as otherwise alleged herein, the City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 2 of the Complaint and on that basis, the City denies each and every allegation of paragraph 2 of the Complaint.

3. The City admits the allegations of paragraph 3 of the Complaint.

4. The City admits the allegations of paragraph 4 of the Complaint.

5. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 5 of the Complaint and on that basis, the City denies each and every allegation of paragraph 5 of the Complaint.

6. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 6 of the Complaint and on that basis, the City denies each and every allegation of paragraph 6 of the Complaint.

JURISDICTION AND VENUE

7. The City admits the allegations of paragraph 7 of the Complaint.

8. The City admits the allegations of paragraph 8 of the Complaint.

9. The City admits the allegations of paragraph 9 of the Complaint.

10. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 10 of the Complaint and on that basis, the City denies each and every allegation of paragraph 10 of the Complaint.

STATEMENT OF FACTS

11. Answering paragraph 11 of the Complaint, the City admits that in 2019 the California Legislature enacted Senate Bill 330, the Housing Crisis Act of 2019, and alleges that Senate Bill 330 speaks for itself. Except as otherwise admitted or alleged herein, the City lacks sufficient

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information and belief on which to admit or deny the allegations of paragraph 11 of the Complaint and on that basis, the City denies each and every allegation of paragraph 11 of the Complaint.

12. Answering paragraph 12 of the Complaint, the City alleges that Senate Bill 330 and Government Code § 66300(b)(1)(A) speak for themselves. Except as otherwise alleged herein, the City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 12 of the Complaint and on that basis, the City denies each and every allegation of paragraph 12 of the Complaint.

13. Answering paragraph 13 of the Complaint, the City alleges that section 17.700.010 of the Culver City Municipal Code speaks for itself; that floor area ratio, generally speaking, sets the allowable size of a building and a reduction in floor area ratio may mean less can be built on a lot; however, there are exceptions and credits available under the Culver City Municipal Code which, if applied, can result in a reduction in floor area ratio which would not adversely impact overall square footage or the number of units that can be built on each lot in a single family residential zone. Except as otherwise alleged herein, the City denies each and every allegation of paragraph 13 of the Complaint.

14. The City admits the allegations of the first sentence of paragraph 14 of the Complaint. Responding to the second sentence of paragraph 14 of the Complaint, the City alleges that there are exceptions and credits available under the Culver City Municipal Code which, if applied, can result in a reduction in floor area ratio which would not adversely impact overall square footage or the number of units that can be built on each lot in a single family residential zone. Except as otherwise admitted or alleged herein, the City denies the allegations of paragraph 14 of the Complaint.

15. Answering the first two sentences of paragraph 15 of the Complaint, the City alleges that the Ordinance and Govt. Code § 66300(b)(1)(A) speak for themselves. Except as otherwise alleged herein, the City denies each and every allegation of paragraph 15 of the Complaint.

16. Answering paragraph 16 of the Complaint, the City alleges that the Ordinance, SB 330, Govt. Code §§ 65852.150, 65852.2 and 65852.22, and state law generally, speak for themselves. Except as otherwise alleged herein, the City denies each and every allegation of paragraph 16 of the Complaint.

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17. Answering the first sentence of paragraph 17 of the Complaint, the City alleges the Ordinance speaks for itself. Answering the second sentence of paragraph 17 of the Complaint, the City denies the allegations of the second sentence of paragraph 17. The City lacks sufficient information and belief on which to admit or deny the third and fourth sentences of paragraph 17 of the Complaint and on that basis, denies each and every allegation of the third and fourth sentences of paragraph 17 of the Complaint.

18. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 18 of the Complaint and on that basis, the City denies each and every allegation of paragraph 18 of the Complaint.

19. The City admits the allegations of paragraph 19 of the complaint.

FIRST CAUSE OF ACTION

20. The City hereby incorporates by reference the allegations, admissions and denials set forth above with respect to paragraphs 1 through 19 of the Complaint.

21. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 21 of the Complaint and on that basis, the City denies each and every allegation of paragraph 21 of the Complaint.

22. Answering the first sentence of paragraph 22 of the Complaint, the City alleges the Ordinance and Govt. Code § 66300(b)(1)(A) speak for themselves. Except as otherwise alleged herein, the City denies the allegations of paragraph 22 of the Complaint.

23. The City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 23 of the Complaint and on that basis, the City denies each and every allegation of paragraph 23 of the Complaint.

SECOND CAUSE OF ACTION

24. The City hereby incorporates by reference the allegations, admissions and denials set forth above with respect to paragraphs 1 through 23 of the Complaint.

25. Answering the second and third sentences of paragraph 25 of the Complaint, the City lacks sufficient information and belief on which to admit or deny the allegations of paragraph 25 of the Complaint and on that basis, the City denies each and every allegation of the second and third

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sentences of paragraph 25 of the Complaint. Except as otherwise stated herein, the City denies each and every allegation of paragraph 25 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

26. The Complaint, and each cause of action alleged in the Complaint, fails to state facts sufficient to constitute a cause of action against Defendants.

SECOND AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

27. The Complaint, and each cause of action alleged in the Complaint is barred by Respondent's failure to exhaust all administrative remedies.

WHEREFORE, the City of Culver City and the City Council of the City of Culver City pray for judgment as follows:

1. That Petitioners take nothing by way of the Complaint and that the Court enter judgment denying the writ of mandate and all other relief sought by Petitioners;
2. For costs of suit incurred herein;
3. For attorney's fees according to proof; and
4. For such other and further relief as the Court may deem just and proper.

DATED: December 8, 2020

ALESHIRE & WYNDER, LLP
JUNE S. AILIN
PAM K. LEE

By: _____
JUNE S. AILIN
Attorneys for Respondents and Defendants CITY OF CULVER CITY and CITY COUNCIL OF THE CITY OF CULVER CITY

PROOF OF SERVICE

Yes In My Back Yard, et al. vs. City of Culver City, et al.
Case No. 20STCV43253

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 2361 Rosecrans Ave., Suite 475, El Segundo, CA 90245.

On December 8, 2020, I served true copies of the following document(s) described as **ANSWER TO PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF; AND REQUEST FOR IMMEDIATE STAY** on the interested parties in this action as follows:

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Attorneys for Petitioner and Plaintiffs YES IN MY BACK YARD SONJA TRAUSS

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address cevans@awattorneys.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 8, 2020, at El Segundo, California.

Claire Evans

Claire Z. Evans

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