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LONG BEACH TRANSPORTATION AND PARKING
SOLUTIONS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

LONG BEACH TRANSPORTATION AND
PARKING SOLUTIONS, INC.,

Petitioners,

vs.

CITY OF LONG BEACH, a municipal
corporation

Respondent.

BROADWAY BLOCK, LLC, a California limited
liability company and DOES 1-25

Real Party in Interest

Case No:

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

[California Environmental Quality Act
("CEQA"), Public Resources Code, sections
2100 et seq.]

Petitioner, LONG BEACH TRANSPORTATION AND PARKING SOLUTIONS, INC. (“Petitioner”), alleges through this First Amended Verified Petition for Writ of Mandate and Complaint for Declarative and Injunctive Relief (“Petition”), as follows:

INTRODUCTION

1. Petitioner challenges the approval by Respondent City of Long Beach of a mixed-use development project located at 200-232 Long Beach Boulevard (Assessor Parcel Numbers 7281-017-902, -903 and a portion of -900) (the “Project”). As explained below, the Project was not exempt from the California Environmental Quality Act, Public Resources Code section 21000, et seq. (“CEQA”).
2. The Project proposes a seven story residential structure containing 141 units including student housing, 12,285 square feet of commercial space (3,200 square feet of University space, 5,212 square feet of retail space, 3,873 square feet of flex space) and 6,200 square feet of outdoor networking and meeting space.
3. Petitioner requests that this Court vacate, set aside, rescind and void all of the Project Approvals, actions, resolutions, ordinances, plan amendments and findings related to the Project. Petitioner requests that the Court require the City to go through the proper CEQA review process and, if necessary, prepare an Environmental Impact Report (“EIR”) for the project per CEQA. Petitioner seeks a Peremptory Writ of Mandate under California Code of Civil Procedure section 1094.5, directing Respondent to vacate, rescind and set aside all Project approvals.

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PARTIES

4. Petitioner, Long Beach Parking and Transportation Solutions, Inc. (“TAPS”), is a mutual benefit corporation association that, among other things, is dedicated to the protection of both the community and the environment in Long Beach. Petitioner and its respective members have a direct and substantial beneficial interest in ensuring that Respondent complies with laws relating to environmental protection. Petitioner and its respective members are adversely affected by Respondent’s failure to comply with CEQA. Petitioner has standing to assert the claims raised in this petition because Petitioner and its members aesthetic and environmental interests are directly and adversely affected by Respondent’s pending approval of the Project.
5. Respondent, City of Long Beach, is a charter city incorporated under the laws of the state of California. The City is the lead agency under CEQA.
6. Petitioner is informed and believe and based thereon allege that Broadway Block, LLC, is A California Limited Liability Company operating in the State of California (hereinafter referred to as “Developer”).
7. Petitioner is ignorant of the true names and capacity of Real Parties sued herein as DOES 1-25, inclusive, and therefore sues these Real Parties by such fictitious names. Petitioner will amend this Petition to allege the true names and capacities of fictitiously named Real Parties in Interest.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the writ action under section 1094.5 of the Code of Civil Procedure, sections 21168 and 21168.5 of the Public Resources Code.

1 9. The City of Long Beach ("City") currently owns the property located at 200-232 Long
2 Beach Boulevard, prominently positioned at the northeast corner of the intersection of
3 Broadway and Long Beach Boulevard.

4
5 10. This Court also has jurisdiction over the writ action under section 1085 of the Civil Code
6 of Procedure.

7 11. Respondent and the Project are located in Los Angeles County; therefore, venue for this
8 action properly lies in the Los Angeles Superior Court.
9

10
11 **PROJECT**

12 12. The Project is located at 200-232 Long Beach Boulevard (Assessor Parcel Numbers
13 7281-017-902, -903 and a portion of -900). The Subject Property is approximately
14 50,000 square feet and is temporarily used as a parking lot. A portion of the Subject
15 Property was formerly owned by the Redevelopment Agency of the City of Long Beach
16 (Agency), and was included in the Successor Agency's Long Range Property
17 Management Plan (LRPMP).
18

19 13. The Project proposed by the Developer is a mixed use development consisting of a seven
20 story residential structure containing 141 units including student housing, 12,285 square
21 feet of commercial space (3,200 square feet of University space, 5,212 square feet of
22 retail space, 3,873 square feet of flex space) and 6,200 square feet of outdoor networking
23 and meeting space.

24
25 14. The Staff Report issued for the Project, describes the Project in detail and includes both a
26 photo-simulation and map depicting the Project location as seen below.

27 ///

Photo-Simulation of Project





Project Floor plan

PROJECT BACKGROUND, ENVIRONMENTAL WAIVER AND APPROVAL

15. The City has prepared a Notice of Exemption (“NOE”) for the Project dated June 23, 2016. Petitioner does not know if the NOE was filed with the County Recorder.
16. In the NOE, the City sought to define the “Project” as the mere “Transfer of Ownership” of the property in an attempt to avoid conducting environmental review under CEQA.
17. However, the “Project” includes the proposed development, *not simply the transfer of real estate*. In fact, the Request for Proposal (“RFP”) for the Project issued by the City specifically states that the City was seeking proposals for both the purchase and *development* of the property in question. On or about September 1, 2016, the City of Long Beach issued RFPEP16-130. In the RFP, the City defined the scope of services as follows:

“The City of Long Beach (City) invites interested parties to tender a Proposal for the purchase and development of City and former Redevelopment Agency-owned property located at 200-232 Long Beach Boulevard (Site). A Site Map is included as Exhibit 1. The Site is located in Downtown Long Beach. Downtown Long Beach is one of Southern California’s most unique waterfront urban destinations to live, work and play. Visitors can easily access Downtown via public transit and explore its many shops, restaurants and attractions by bike or on foot. Downtown Long Beach offers all the amenities of a major urban center within a clean, safe community and is enhanced by the temperate climate and breathtaking ocean views. The purpose of this RFP is to solicit qualifications and proposals from qualified Buyer/Developers addressing a synergistic approach to development of the Site consistent with the goals and objectives of the Long Range Property Management Plan, the Strategy for Development, Greater Downtown Long Beach, the Downtown Plan and the former Redevelopment Agency with a focus on high density mixed use and residential. Respondents must demonstrate superior experience, financial strength and organizational resources to develop the Site with an architecturally significant project appropriate to its urban setting.” (emphasis added)

18. In approving the purchase and sale agreement, the City unlawfully sought to piecemeal the Project in order to avoid compliance with CEQA.

19. The City approved the Project at a City Council meeting on June 12, 2016 and authorized the execution of a Purchase and Sale Agreement with the Developer. The City accepted the NOE, which concluded that the activity in question qualified for a Class 12 exemption.

1 20. The Class 12 exemption is reserved for the sale of “surplus” property. However, here the
2 “Project” in question is more than just the sale of surplus property; *it includes a large*
3 *mixed-use development Project.*

4
5 21. Under CEQA, the City must conduct CEQA review at the earliest possible stage and
6 must consider the “whole of the action.” Deferring CEQA review until after a Purchase
7 and Sale Agreement has been approved amounts to piecemealing, which is prohibited
8 under CEQA; *yet this is exactly what the City has done.*

9
10 22. Even the City’s own documents acknowledge that environmental review under CEQA is
11 required for the Project. The Program Environmental Impact Report conducted for the
12 Downtown Plan unambiguously states as follow: “[A]ll future development projects
13 proposed within the Downtown Plan project area will require some type of subsequent
14 CEQA environmental review to determine whether all of the potential environmental
15 impacts of that particular project were ‘adequately addressed’ in the Downtown Plan
16 Draft PEIR.”

17 23. Petitioner objected to the City’s determination that the Project was exempt from CEQA
18 and wrote a lengthy letter to the City explaining why the Project required environmental
19 review.

20 **CEQA’S SUBSTANTIVE AND PROCEDURAL REQUIREMENTS**

- 21
22 1. Under CEQA lead agencies, such as Respondent, are required to prepare a complete and
23 legally adequate environmental clearance document (e.g. Mitigated Negative Declaration
24 or Environmental Impact Report) prior to approving any discretionary project that may
25 have a significant adverse effect on the environment.
- 26 2. “CEQA broadly defines a ‘Project’ as ‘an activity which may cause either a direct
27 physical change in the environment, or a reasonably foreseeable indirect physical change
28

1 in the environment, and ... [¶] ... [¶] ... that involves the issuance to a person of a lease,
2 permit, license, certificate, or other entitlement for use by one or more public agencies.’
3 [Citation.] [¶] The statutory definition is augmented by the [CEQA] Guidelines
4 [Cal.Code Regs., tit. 14, § 15000 et seq.], which define a ‘project’ as ‘the whole of an
5 action, which has a potential for resulting in either a direct physical change in the
6 environment, or a reasonably foreseeable indirect physical change in the environment....’
7 ” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155
8 Cal.App.4th 1214, 1222, 66 Cal.Rptr.3d 645 (Tuolumne County).

- 9
- 10 3. “The EIR is the primary means of achieving the Legislature's considered declaration that
11 it is the policy of this state to ‘take all action necessary to protect, rehabilitate, and
12 enhance the environmental quality of the state.’ [Citation.] The EIR is therefore ‘the heart
13 of CEQA.’ [Citations.] An EIR is an ‘environmental “alarm bell” whose purpose it is to
14 alert the public and its responsible officials to environmental changes before they have
15 reached ecological points of no return.’ ”4 *Laurel Heights*, supra, 47 Cal.3d at p. 392, 253
16 Cal.Rptr. 426, 764 P.2d 278.
- 17 4. “Consequently, like so many other matters in life, timing in EIR preparation is essential.”
18 *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th
19 1344, 1358, 111 Cal.Rptr.2d 598 (Berkeley Jets). An EIR “ ‘should be prepared as early
20 as feasible in the planning process to enable environmental considerations to influence
21 project program and design and yet late enough to provide meaningful information for
22 environmental assessment.’ ” *Laurel Heights*, supra, 47 Cal.3d at p. 395, 253 Cal.Rptr.
23 426, 764 P.2d 278. “[T]he later the environmental review process begins, the more
24 bureaucratic and financial momentum there is behind a proposed project, thus providing a
25 strong incentive to ignore environmental concerns that could be dealt with more easily at
26 an early stage of the project. “Environmental review which comes too late runs the risk of
27 being simply a burdensome reconsideration of decisions already made and becoming the
28

1 sort of ‘post hoc rationalization[] to support action already taken,’ which our high court
2 disapproved in [Laurel Heights].” *Berkeley Jets*, supra, 91 Cal.App.4th at p. 1359, 111
3 Cal.Rptr.2d 598.

- 4
- 5 5. Accordingly, “CEQA forbids ‘piecemeal’ review of the significant environmental
6 impacts of a project.” *Berkeley Jets*, supra, 91 Cal.App.4th at p. 1358, 111 Cal.Rptr.2d
7 598. Agencies cannot allow “environmental considerations [to] become submerged by
8 chopping a large project into many little ones—each with a minimal potential impact on
9 the environment—which cumulatively may have disastrous consequences.” *Bozung*,
10 supra, 13 Cal.3d at pp. 283–284, 118 Cal.Rptr. 249, 529 P.2d 1017 [EIR required when
11 city annexed land for anticipated development].)
- 12 6. The California Supreme Court set forth a piecemealing test in *Laurel Heights* . “We hold
13 that an EIR must include an analysis of the environmental effects of future expansion or
14 other action if: (1) it is a reasonably foreseeable consequence of the initial project; and
15 (2) the future expansion or action will be significant in that it will likely change the scope
16 or nature of the initial project or its environmental effects.” *Laurel Heights*, supra, 47
17 Cal.3d at p. 396, 253 Cal.Rptr. 426, 764 P.2d 278.
- 18
- 19 7. There may be improper piecemealing when the purpose of the reviewed Project is to be
20 the first step toward future development. See, e.g., *Laurel Heights*, supra, 47 Cal.3d at p.
21 398, 253 Cal.Rptr. 426, 764 P.2d 278 [university planned to occupy entire building
22 eventually]; *Bozung*, supra, 13 Cal.3d at pp. 269–270, 118 Cal.Rptr. 249, 529 P.2d 1017
23 [city annexed land so it could rezone it for development]; *City of Carmel-by-the-Sea v.*
24 *Board of Supervisors* (1986) 183 Cal.App.3d 229, 244, 227 Cal.Rptr. 899 [county
25 rezoned land as “a necessary first step to approval of a specific development project”];
26 *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1337, 232 Cal.Rptr. 507 (*Antioch*)
27 [negative declaration wrongly issued; “the sole reason” city approved road and
28 sewer construction was “to provide a catalyst for further development”]; see also *id.* at p.

1336, 232 Cal.Rptr. 507 [“[c]onstruction of the roadway and utilities cannot be considered in isolation from the development it presages”].

8. And there may be improper piecemealing when the reviewed project legally compels or practically presumes completion of another action. *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 272, 118 Cal.Rptr.3d 736 [EIR for reclamation plan should have included mining operations that necessitated it]; *Tuolumne County, supra*, 155 Cal.App.4th at p. 1231, 66 Cal.Rptr.3d 645 [home improvement center “cannot be completed and opened legally without the completion of [a] road realignment”]; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 732, 32 Cal.Rptr.2d 704 [EIR for residential development should have included sewer expansion that was a “crucial element[]” of development]; *Plan for Arcadia, Inc. v. Arcadia City Council* (1974) 42 Cal.App.3d 712, 726, 117 Cal.Rptr. 96 (Plan for Arcadia) [shopping center, parking lot, and adjacent road widening “should be regarded as a single project”].
9. All classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant. Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project it is not exempt even if it clearly fits one of the categories. (14 Cal. Code Regs § 15300.2(c).), (See e.g., *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal.App.4th 249 (2006).)

FIRST CAUSE OF ACTION

(VIOLATION OF CEQA)

Project does not qualify for stated exemption

10. CEQA requires a lead agency to conduct environmental reviews for projects.

11. Respondent violated CEQA by improperly piecemealing the Project, which is prohibited under CEQA. Under CEQA, the City is required to analyze the “whole of the action” – not simply one piece of the overall Project.
12. Here, the Project includes the proposed mixed-use development in addition to the “transfer of ownership” of real estate. The Project is not exempt from CEQA and the City failed to comply with CEQA when it determined that the Project was exempt from CEQA as a Class 12 activity.
13. The Class 12 exemption is reserved for the sale of “surplus” property. However, here the Project in question is more than just the sale of surplus project; it includes a large mixed-use development project.
14. Respondent prejudicially abused its discretion by determining that the Project was exempt from CEQA.

Unusual Circumstances Renders Proposed Exemption Inapplicable

15. The Class 12 exemption is not applicable as established above. Even assuming arguendo that the exemption was applicable, there are “unusual circumstances” in this situation which render the class 12 exemption unavailable.
16. Categorical exemptions are not absolute. An exemption should be denied if one of the exceptions listed in section 15300.2 of the CEQA Guidelines applies. Section 15300.2(c) provides for one such exception and states that if there is a "reasonable possibility" of a "significant effect on the environment due to unusual circumstances," then the categorical exception cannot apply.

17. This is not a simple real estate transaction reserved for class 12 exemptions. This includes a proposal to build a large multi-purpose building as described in the Staff Report issued for the instant Project.

18. Accordingly, there are numerous environmental issues that must be considered. Petitioner is particularly concerned with the environmental impacts that derive from the loss of public parking and the creation of new density with inadequate parking. The Project will exacerbate the parking problems in the City resulting in traffic and air pollution.

19. There is a reasonable probability that the Project will have a significant effect due to unusual circumstances. While a mere increase in traffic alone may not constitute an unusual circumstance in a downtown area, the Project seeks to eliminate an existing parking lot and change traffic patterns, all while adding new retail space and a high-density residential development providing merely 321 parking spaces for its tenants and its guests. It will provide no public parking or replace any eliminated public parking. The project is not typical for the area as it is substantially larger and not similar to surrounding properties both with respect to use and density.

Cumulative Impacts

20. There are also “cumulative impacts” which render the class 12 exemption inapplicable.

21. The impact of successive projects of the same type, in the same place, over time is significant.

22. Again, the Project consists of a mixed-use high-density residential development with new multiple retail spaces, while eliminating existing public parking.

23. The City has approved (or is in the process of approving) several other similar projects in downtown Long Beach. These projects include projects located at 125-133 North Long Beach Boulevard and 234-248 East Broadway, 100 East Ocean Avenue, and a parcel at 3rd Street and Pacific Avenue.

1 24. Additional projects of a similar nature in the same area will undeniably have a cumulative
2 impact to local vehicular travel resulting in increased air, noise and water pollution. Thus,
3 environmental analysis is required per CEQA and the Project is not exempt.

4 25. Again, all classes of exemption are inapplicable when the cumulative impact of
5 successive projects of the same type in the same place over time is significant.
6

7 **Improper Piecemealing**

8 26. The City unlawfully piecemealed the Project. Approval of the Purchase and Sale
9 Agreement is the first step toward future development and its approval practically
10 presumes completion of the remainder of the Project.
11

12 27. There is clearly enough meaningfully information to address the environmental impacts
13 of the Project at this time. The development concept has been clearly disclosed to the
14 City and is quite detailed. CEQA requires the City to conduct environmental review at
15 the earliest possible stage and the City cannot defer environmental analysis until after the
16 Purchase and Sale Agreement has been approved. This would amount to unlawful
17 piecemealing.

18 **Unlawful Precommitment**

19 28. Beginning CEQA review too late can mean a lead agency no longer comes to a project
20 with an open mind, and that opportunities to implement feasible alternatives and
21 mitigation measures will have been lost. In such a case, an agency has “pre-committed”
22 to the project. Precommitment can occur under various circumstances, for example,
23 conducting CEQA review after the agency has already made up its mind to go forward
24 with a project; or when the agency has made such an investment of staff time and
25 resources that the momentum for the project becomes so great that, as a practical matter,
26 the agency's evaluation of alternatives is limited; or potentially when the agency has
27 approved certain action which moves the project forward even though it technically
28

1 reserves the right to reconsider its commitment to the entire project. Precommitment to a
2 project has been repeatedly condemned by the California Supreme Court as rendering the
3 CEQA review process as little more than a post hoc rationalization for a decision already
4 made and defeating the fundamental purposes of CEQA. *See Save Tara v. City of West*
5 *Hollywood* (2008) 45 Cal. 4th 116. Precommitment has the potential to bias the results of
6 the environmental review process. *Bozung v. Local Agency Formation Commission of*
7 *Ventura County* (1975) 13 Cal. 3d 263.

8 29. Here, the City's approval of the Purchase and Sale Agreement coupled with the detailed
9 development concept received by the Developer has effectively precluded alternatives
10 and mitigation measures that CEQA would otherwise required to be considered,
11 including the alternative of not going forward with the project. The City specifically
12 evaluated and rejected alternatives to the development concept put forth by the Developer
13 in the course of reviewing the proposals that had ben submitted through a RFP process
14 developed by the City for the sale of former Redevelopment Agency properties. At the
15 City Council hearing on July 12, 2016, Michael Conway, the Director of Economic and
16 Property Development testified and stated that that the RFP sought proposals for a
17 "development concept." Mr. Conway also noted that the City received five (5) proposals,
18 which were reviewed by a panel. Mr. Conway further indicated that the proposals
19 included "a variety of development concepts."

20
21 30. Furthermore, because the City has made such an investment of staff time and resources in
22 the RFP process for the Project and stands to make a significant amount of money if the
23 property is sold, the momentum towards approval of the Project is so great that, as a
24 practical matter, the City's evaluation of alternatives will necessarily be limited if CEQA
25 review is deferred until after the Purchase and Sale Agreement is approved. In sum, the
26 City has unlawfully precommitted to the Project in violation of CEQA.

SECOND CAUSE OF ACTION
(DECLARATORY RELIEF)

31. Petitioner re-alleges and incorporated by reference the preceding paragraphs in their entirety, as though fully set forth herein.
32. Petitioner request as judicial declaration the Respondents' actions alleged in this Petition have violated CEQA. Such a declaration is necessary at this time in order that Petitioner and Respondent may ascertain their rights and duties.
33. Petitioner has no plain, speedy or adequate remedy in the ordinary course of law.

THIRD CAUSE OF ACTION
(INJUNCTIVE RELIEF)

34. Petitioner re-alleges and incorporated by reference the preceding paragraphs in their entirety, as though fully set forth herein.
35. Respondents are threatening to proceed with development and construction of the Project in the near future. This action will bring irreparable harm to the petitioner and all other who reside, work or own property within the proximity of the Project. A temporary restraining order and preliminary and permanent injunction should issue restraining Respondent from taking and further action related to the Project.

NOTICE OF COMMENTCEMENT OF CEQA PROCEEDING

36. On July 21, 2016, prior to filing this petition, Petitioner served the City with notice of Petitioners intention to immediately commence a proceeding against the Respondents for violation of CEQA in connection with the Project. A copy of the letter providing such notice, together with proof of service, is attached to this petition as "Exhibit A" and is

1 incorporated herein by this reference. This letter satisfied the Petitioner's duties under
2 Public Resources Code section 21167.5.

3
4 37. On July 28, 2016 Petitioner served the California Attorney General with notice of the
5 commencement of this lawsuit, together with a true and correct copy of this petition. A
6 copy of such notice, without copy of this lawsuit, together with proof of service, is
7 attached to this Petition as "Exhibit B" and is incorporated herein by this reference. Such
8 notice satisfies Petitioner's duties under Public Resources Code section 21167.7 and
9 California Code of Civil Procedures section 388.

10 **PREPARATION OF THE RECORD**

11
12 38. Pursuant to Public Resources Code, section 21167.6(b)(2), Petitioner elects to prepare the
13 record of proceedings in this action. Concurrently with this Petition, Petitioner is filing a
14 notice of its election to prepare the administrative record. A copy of that election is
15 attached herewith as "Exhibit C".

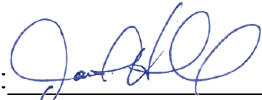
16 **PRAYER FOR RELIEF**

17
18 WHEREFORE, Petitioner prays for relief as follows:

- 19 1. For alternative and peremptory writs of mandate, commanding Respondent to
20 a. Vacate and set aside approvals of the Project.
21 b. Vacate and set aside the Notice of Exemption from CEQA for the Project.
22 c. Prepare and certify a legally adequate environmental clearance document for
23 the Project.
24 2. For a stay, temporary restraining order, preliminary injunction, and permanent
25 injunction prohibiting any actions by Respondent pursuant to Respondents pending
26 approval of the Project until the Respondent has complied with all applicable state,
27 federal and local laws and the requirements of CEQA.
28

3. For costs of the suit.
4. For attorneys' fees pursuant to Code of Civil Procedure section 1021.5 and
5. For such other and further relief as the Court deems just and proper.

Dated: July 28, 2016

By: 

Jamie T. Hall
CHANNEL LAW GROUP, LLP
Attorneys for Petitioner

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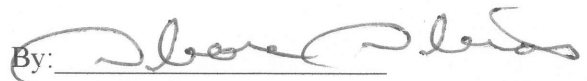
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VERIFICATION

I am a member of Long Beach Transportation and Parking Solutions, Inc. and I am authorized to execute this verification on behalf of petitioner. I have read the foregoing petition and am familiar with its contents. The facts recited in the petition are true and of my personal knowledge.

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

Dated: July 22, 2016

By: 
Debora Dobias

VERIFICATION

EXHIBIT LIST

<u>Exhibit No.</u>	<u>Exhibit</u>
A.	Notice of Intent to File CEQA Petition
B.	Notice to California Attorney General
C.	Notice of Election to Prepare Administrative Record

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EXHIBIT A

Channel Law Group, LLP
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Attorneys for Petitioner

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

LONG BEACH TRANSPORTATION AND
PARKING SOLUTIONS, INC.,

Petitioner,

vs.

CITY OF LONG BEACH, a municipal
corporation

Respondent.

BROADWAY BLOCK, LLC, a California limited
liability company and DOES 1-25

Real Party in Interest

**NOTICE OF INTENT TO FILE CEQA
PETITION**

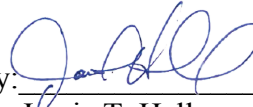
To Maria De La Luz Garcia, Long Beach City Clerk:

PLEASE TAKE NOTICE, under Public Resources Code § 21167.5, that Petitioner, Long Beach Transportation and Parking Solutions, Inc., intends to file a petition under the provision of the California Environmental Quality Act ("CEQA") against Respondent, City of Long Beach, challenging the approval of a development project located at 200-232 Long Beach Boulevard (Assessor Parcel Numbers 7281-017-902, -903 and a portion of -900) ("Project"). The Project was approved by the City on or about July 12, 2016. The Project proposes a seven story

1 residential structure containing 141 units including student housing, 12,285 square feet of
2 commercial space (3,200 square feet of University space, 5,212 square feet of retail space, 3,873
3 square feet of flex space) and 6,200 square feet of outdoor networking and meeting space.

4 The petition will seek the following relief: (1) vacate and set aside its adoption of the
5 Project (2) suspend all activity under the Project that could result in any change or alteration in
6 the physical environment until respondent has taken such actions that may be necessary to bring
7 the Project into compliance with CEQA, (3) prepare, circulate, and consider a legally adequate
8 environmental document under CEQA, and otherwise to comply with CEQA in any subsequent
9 action taken to approve the Project, (4) costs of suit, (5) award of attorneys fees and (6) other
10 equitable or legal relief that the Court considers just and proper.

11
12 Dated: July 21, 2016

13
14 By: 
15 Jamie T. Hall

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed 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 8200 Wilshire Boulevard, Suite 300, Beverly Hills, CA 90211.

On July 21, 2016 I served the foregoing document described as **NOTICE OF INTENT TO FILE CEQA PETITION** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelopes addressed as follows:

Maria De La Luz Garcia
City Clerk – City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802
cityclerk@longbeach.gov

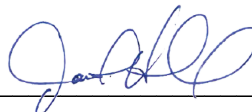
[X] BY CERTIFIED MAIL: I placed true copies of the foregoing document in sealed envelopes addressed as stated on the above/attached service list. I placed such envelope, with postage thereon fully prepaid, for collection and mailing at Beverly Hills, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice the mail would be deposited with the U. S. Postal Service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on July 21, 2016, in Beverly Hills, California.

Jamie T. Hall

Name



Signature

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EXHIBIT B

Channel Law Group, LLP

8200 Wilshire Blvd.
Suite 300
Beverly Hills, CA 90211

Main Line: (310) 347-0050
Fax: (323) 723-3960

ROBERT JYSTAD*
JULIAN K. QUATTLEBAUM, III **
JAMIE T. HALL ***
CHARLES J. McLURKIN
JOEL M. HOLLAAR

*Of Counsel
**ALSO Admitted in Colorado
***ALSO Admitted in Texas

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

July 28, 2016

By U.S. Mail

Office of the Attorney General
1300 "I" Street Suite 125
Sacramento, CA 94244-2550

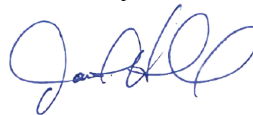
*Re: Challenge to Approval of Project located at 200-232 Long Beach Boulevard,
Long Beach, CA*

Honorable Attorney General Harris:

Enclosed please find a copy of the Petition for Long Beach Transportation and Parking Solutions, Inc. ("Petitioner") regarding the approval of a development project located at 200-232 Long Beach Boulevard (Assessor Parcel Numbers 7281-017-902, -903 and a portion of -900) ("Project"). The Project was approved by the City of Long Beach on or about July 12, 2016. The Project proposes a seven story residential structure containing 141 units including student housing, 12,285 square feet of commercial space (3,200 square feet of University space, 5,212 square feet of retail space, 3,873 square feet of flex space) and 6,200 square feet of outdoor networking and meeting space. Petitioner contends that the City of Long Beach wrongly concluded that the Project was exempt from the California Environmental Quality Act.

Please call if you have any questions.

Sincerely,



Jamie T. Hall

Enclosure: Petition for Writ of Mandate

PROOF OF SERVICE

I am employed 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 8200 Wilshire Blvd., Suite 300, Beverly Hills, CA 90211.

On July 28, 2016 I served the foregoing document described as **NOTICE TO ATTORNEY GENERAL** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelopes addressed as follows:

Charles Parkin, City Attorney
Michael J. Mais, Asst. City Attorney
333 W. Ocean Boulevard – 11th Floor
Long Beach, CA 90802

Maria De La Luz Garcia
City Clerk – City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802

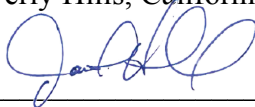
Office of the Attorney General
1300 "I" Street, Suite 125
Sacramento, CA 94244-2550

[X] BY MAIL: I placed true copies of the foregoing document in sealed envelopes addressed as stated on the above/attached service list. I placed such envelope, with postage thereon fully prepaid, for collection and mailing at Beverly Hills, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice the mail would be deposited with the U. S. Postal Service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on July 28, 2016 in Beverly Hills, California.

Jamie T. Hall
Name



Signature

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EXHIBIT C

JAMIE T. HALL (Bar No. 240183)
CHANNEL LAW GROUP, LLP
8200 Wilshire Blvd., Suite 300
Beverly Hills, CA 90211
Telephone: (310) 347-0050
Facsimile: (323) 723-3960
jamie.hall@channellawgroup.com

Attorneys for Petitioner,
LONG BEACH TRANSPORTATION AND PARKING
SOLUTIONS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

LONG BEACH TRANSPORTATION AND
PARKING SOLUTIONS, INC.,

Petitioner,

vs.

CITY OF LONG BEACH, a municipal
corporation

Respondent.

BROADWAY BLOCK, LLC, a California limited
liability company and DOES 1-25

Real Party in Interest

Real Party in Interest

**PETITIONER'S NOTICE OF ELECTION
TO PREPARE THE ADMINISTRATIVE
RECORD**

[Public Resources Code Section
21167.6(b)(2)]

Pursuant to Public Resources Code Section 21167.6(b)(2), Petitioner, Long Beach
Transportation and Parking Solutions, Inc. ("Petitioner") hereby elects to prepare the
administrative record and the record of proceedings in connection with this action as provided by
Public Resources Code Section 21167.6.

Dated: July 28, 2016

By: _____


Jamie T. Hall
CHANNEL LAW GROUP, LLP
Attorneys for Petitioner