

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer:

1 MITCHELL M. TSAI (Cal. Bar No. 277156)  
2 MITCHELL M. TSAI, ATTORNEY AT LAW  
3 155 S. El Molino Ave. Ste. 104  
4 Pasadena, California 91101  
5 Ph: (626) 381 – 9248  
6 Fx: (626) 389 - 5414  
7 Em: mitch@mitchtsailaw.com

8 Attorneys for Petitioner,  
9 CHINATOWN COMMUNITY FOR EQUITABLE DEVELOPMENT

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

12 CHINATOWN COMMUNITY FOR  
13 EQUITABLE DEVELOPMENT, an  
14 unincorporated association,

15 Plaintiff and Petitioner,

16 v.

17 CITY OF LOS ANGELES, a municipal  
18 corporation; LOS ANGELES CITY COUNCIL,  
19 governing body of the City of Los Angeles; LOS  
20 ANGELES DEPARTMENT OF CITY  
21 PLANNING, a local public agency; and DOES 1–  
22 10;

23 Defendants and Respondents,

24 ATLAS CAPITAL GROUP, LLC, a California  
25 limited liability company; and ROES 1 – 10;

26 Real Parties In Interest.

) CASE NO.: 19STCP01710

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

) California Environmental Quality Act (Cal. Pub  
) Res. Code § 21000 *et seq*; The Subdivision Map  
) Act, Government Code §§ 66410, *et seq*, City of  
) Los Angeles General Plan; City Charter; Los  
) Angeles Municipal Code

) Dept.:

**INTRODUCTION**

1           1.       This action challenges and seeks to enjoin the City of Los Angeles, Los Angeles City  
2 Council (“City Council”) and Los Angeles Department of City Planning (“Planning” or collectively  
3 “Respondents” or “City”) action on March 22, 2019 and all subsequent actions certifying an  
4 environmental impact report (“EIR”) for land use entitlements including amending the City’s General  
5 Plan to change the land use designation for the Project Site from Hybrid Industrial to Regional Center  
6 Commercial within the Central City North Community Plan (“Community Plan”), amending the General  
7 Plan Generalized Land Use Map for the Community Plan area to reflect the Regional Center  
8 Commercial land use designation, a Zone and Height District Change from UC(CA) to (T)(Q)(C2-2, a  
9 vesting tentative tract map and other associated entitlements including a Master Conditional Use permit  
10 for the sale and dispensing of alcoholic beverages and a site plan review (“Land Use Entitlements”) for  
11 the “College Station Project,” a proposed mixed-use development that proposes to build 725 residential  
12 apartment units and 51,600 square feet of retail, restaurant, and other commercial space (618,580 square  
13 feet of total building floor area) (“Project”) on a 4.92-acre site located at 129-135 West College Street /  
14 924 North Spring Street (“Project Site”).

15           2.       In approving the Project, the City violated the California Environmental Quality Act  
16 (“CEQA”), Cal. Public Resources Code §§ 21000, *et seq* (“CEQA”), the Subdivision Map Act,  
17 Government Code §§ 66410, *et seq* (“Subdivision Map Act”), the City’s General Plan, City Charter and  
18 the Los Angeles Municipal Code.

**PARTIES**

19           3.       Petitioner CHINATOWN COMMUNITY FOR EQUITABLE DEVELOPMENT, an  
20 unincorporated association (“CCED” or “Petitioner”), is a grassroots non-profit organization based in  
21 Los Angeles Chinatown that seeks to build grassroots power through organizing, education, and mutual  
22 help. CCED’s mission is to advocate on behalf of low-income and immigrant communities for tenant  
23 rights, quality affordable housing, and socioeconomic equity. CCED’s members include residents of  
24 Chinatown and Lincoln Heights, particularly low-income renters and workers that make up the majority  
25 of the Chinatown community.

26           4.       Defendant and Respondent CITY OF LOS ANGELES is a California charter city located  
27 in the County of Los Angeles, California. The Project is within the jurisdictional limits of the City.

28           5.       Defendant and Respondent LOS ANGELES CITY COUNCIL is the elected governing  
body of the City and is the body responsible for the decision being challenged herein.

          6.       Defendant and Respondent LOS ANGELES DEPARTMENT OF CITY PLANNING is

1 an agency of the City responsible for developing, applying and enforcing state and local land-use and  
2 zoning laws within the jurisdictional limits of the City.

3 7. Defendants and Respondents DOES 1 – 10 are entities which the true names, capacities,  
4 corporate, associate are unknown to Petitioner at this time who, therefore, sues said Respondents by  
5 fictitious names. Petitioner will amend this Petition to show the true names and capacities when  
6 ascertained.

7 8. Real Party in Interest ATLAS CAPITAL GROUP, LLC, a California limited liability  
8 company (“ATLAS” or “Real Party”) is the owner of the Project Site and is the applicant to the City for  
9 the Project’s General Plan amendments, vesting tentative tract map and other associated entitlements.

10 9. Real Parties in Interest ROES 1 – 10 are entities which the true names, capacities,  
11 corporate, associate are unknown to Petitioner at this time who, therefore, sues said Real Parties in  
12 Interest by fictitious names. Petitioner will amend this Petition to show the true names and capacities  
13 when ascertained.

#### 14 **JURISDICTION AND VENUE**

15 10. Pursuant to California Code of Civil Procedure section 1094.5 and section 1085 and  
16 Public Resources Code sections 21168, 21168.5 and 21168.9, this Court has jurisdiction to issue a writ  
17 of mandate to set aside Respondents’ decision to certify the EIR and purported approval of the Project.

18 11. Venue is proper in this Court because the Project lies entirely within the County of Los  
19 Angeles and the environmental impacts of the Project will be acutely felt in this County. The cause  
20 alleged in this Petition, or some part of that cause, arise in this county. (CCP § 393; *Cal. State Parks  
21 Foundation v. Super. Ct.* (2007) 150 Cal.App.4th 826.) Venue is also proper in this Court pursuant to  
22 Code of Civil Procedure Sections 394 (actions against a city, county or local agency), and 395 (actions  
23 generally), since the City of Los Angeles is in the County of Los Angeles.

24 12. This petition is timely filed within 30 days after Respondents’ decision to issue a Notice  
25 of Determination in accordance with Public Resources Code sections 21167(a).

26 13. Petitioner has provided written notice of their intention to file this petition to  
27 Respondents in compliance with Public Resources Code section 21167.5, and are including the notice  
28 and proof of service as Exhibit A.

14. Petitioner has concurrently filed a notice of their election to prepare the record of  
administrative proceedings relating to this action, in compliance with Public Resources Code Section  
21167.6 or other applicable laws, and are including the notice of this election as Exhibit B.

1 15. Petitioner has performed any and all conditions precedent to filing this instant action and  
2 have exhausted administrative remedies to the extent required by law under Public Resources Code  
3 section 21177. Petitioner and/or other agencies and individuals raised each of the legal deficiencies  
4 asserted in this petition orally or in writing during the Respondents' decision-making process.

5 16. The violations by Respondents as alleged herein have affected the beneficial interests of  
6 Petitioner and/or their supporting members. The relief sought by way of this Petition will redress this  
7 beneficial interest and the likelihood of future injury and interference with Petitioner's interests, and  
8 those of its supporting members.

9 17. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law unless  
10 this Court grants the requested writ of mandate to require Respondents to set aside its certification of the  
11 Project and environmental documents. In the absence of such remedies, Respondents' decisions will  
12 remain in effect in violation of state law and injurious to Petitioner.

### **STATUTORY FRAMEWORK**

#### **California Environmental Quality Act**

13 18. Passed in 1970 as a state counterpart to the National Environmental Policy Act (NEPA),  
14 the California Environmental Quality Act (CEQA) requires state and local agencies to identify the  
15 potentially significant environmental impacts of their actions, and then to avoid or mitigate those  
16 impacts if feasible.

17 19. CEQA requires that an agency analyze the potential environmental impacts of its  
18 proposed actions in an environmental impact report (except in certain limited circumstances). See, e.g.,  
19 Cal. Pub. Res. Code ("PRC") § 21100, et seq. The EIR is the very heart of CEQA. *Dunn-Edwards v.*  
20 *BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The 'foremost principle' in interpreting CEQA is that the  
21 Legislature intended the act to be read so as to afford the fullest possible protection to the environment  
22 within the reasonable scope of the statutory language." *Cmtys. for a Better Env't v. Cal. Resources*  
*Agency* (2002) 103 Cal.App.4th 98, 109.

23 20. CEQA has two primary purposes. First, CEQA is designed to inform decision makers  
24 and the public about the potential, significant environmental effects of a project. 14 Cal. Code Reg.  
25 ("CCR") § 15002(a)(1.) "Its purpose is to inform the public and its responsible officials of the  
26 environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only  
27 the environment but also informed self-government.'" *Citizens of Goleta Valley v. Bd. of Supervisors*  
28 (1990) 52 Cal.3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose  
purpose it is to alert the public and its responsible officials to environmental changes before they have

1 reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comrs.* (2001)  
2 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”).

3 21. Second, CEQA requires public agencies to avoid or reduce environmental damage when  
4 “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. 14  
5 CCR § 15002(a)(2) and (3); *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564. The EIR serves to  
6 provide agencies and the public with information about the environmental impacts of a proposed project  
7 and to “identify ways that environmental damage can be avoided or significantly reduced.” 14 CCR §  
8 15002(a)(2).

9 22. The required CEQA environmental review involves both substantive and procedural  
10 steps. Public participation plays an important and protected role in the CEQA process. *Laurel Heights*  
11 *Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 (“The  
12 EIR process protects not only the environment but also informed self government.”); *Concerned*  
13 *Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 936  
14 (members of the public have a “privileged position” in the CEQA process). “Each public agency should  
15 include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent  
16 with its existing activities and procedures, in order to receive and evaluate public reactions to  
17 environmental issues related to the agency’s activities.” 14 Cal. Code of Regulations (“CCR”) § 15201.  
18 The lead agency must consider all “comments it receives on a draft environmental impact report,  
19 proposed negative declaration, or proposed mitigated declaration.” PRC, § 21091(d)(1); 14 CCR §  
20 15074(b).

21 23. Procedurally, a lead agency may not approve a project until the public has been given a  
22 full and adequate opportunity to participate and comment on the project.

23 24. CEQA also disallows approval of a project that fails to comply with other laws. A lead  
24 agency may not approve a project with significant unavoidable impacts unless it is “otherwise  
25 permissible under applicable laws and regulations.” PRC §21002.1(c).

26 25. An action alleging that a public agency is “carrying out or has approved a project that  
27 may have a significant effect on the environment” without having followed CEQA procedures with a  
28 legitimate approval of the project must be commenced within “180 days from the date of the public  
agency’s decision to carry out or approve the project, or, if a project is undertaken without a formal  
decision by the public agency, within 180 days from the date of commencement of the project.” PRC §  
21167(a).

26. Recirculation of an EIR prior to certification, as here, is addressed in PRC § 21092.1, and

1 14 CCR §15088.5. “When significant new information is added to an environmental impact report after  
2 notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall  
3 give notice again pursuant to Section 21092 and consult again pursuant to Sections 21104 and 21153  
4 before certifying the environmental impact report.” PRC § 21092.1.

5 27. “Significant new information” includes:

6 (1) A new significant environmental impact would result from the project or from a new  
7 mitigation measure proposed to be implemented.

8 (2) A substantial increase in the severity of an environmental impact would result...

9 (3) A feasible project alternative or mitigation measure considerably different from others  
10 previously analyzed would clearly lessen the significant environmental impacts of the  
11 project...

12 (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature  
13 that meaningful public review and comment were precluded.

14 14 CCR §15088.5; *Mountain Lion Coal. v. Fish and Game Comm’n* (1989) 214 Cal.App.3d 1043

15 28. In *Laurel Heights Impr. Assn. v. Reg. of Univ. of Cal.* (1993) 6 Cal. 4th 1112, 1130  
16 (“*Laurel Heights II*”), the Supreme Court explained that Section 21092 favors EIR recirculation prior to  
17 certification. The Court stated:

18 Section 21092.1 was intended to encourage meaningful public comment. [citation omitted]  
19 Therefore, new information that demonstrates that an EIR commented upon by the public  
20 was so fundamentally and basically inadequate or conclusory in nature that public  
21 comment was in effect meaningless triggers recirculation under section 21092.1. [citation  
22 omitted]

### 23 **The Subdivision Map Act**

24 29. The Subdivision Map Act, Government Code §§ 66410, *et seq.*, (“Subdivision Map Act”  
25 or “Act”) requires local agencies to review and approve all land subdivisions. The Act regulates both the  
26 process for approving subdivisions and sets substantive requirements for approval of land subdivisions.

27 30. The Act requires that a local agency deny approval of a land subdivision, referred to as a  
28 tentative map or a parcel map, if “(a) That the proposed map is not consistent with applicable general  
and specific plans . . . (b) That the design or improvement of the proposed subdivision is not consistent  
with applicable general and specific plans. (c) That the site is not physically suitable for the type of  
development. (d) That the site is not physically suitable for the proposed density of development. (e)  
That the design of the subdivision or the proposed improvements are likely to cause substantial  
environmental damage or substantial and avoidably injure fish or wildlife or their habitat. (f) That the  
design of the subdivision or type of improvements is likely to cause serious public health problems. (g)  
That the design of the subdivision or type of improvements will conflict with easements, acquired by the

1 public at large, for find as part of approving a subdivision map that access through or use of, property  
2 within the proposed subdivision.”

3 **The Planning and Zoning Law**

4 31. The Planning and Zoning Law, Cal. Government Code §§ 65000 *et seq* (“Planning and  
5 Zoning Law”) governs the land use planning process for city, county and local government agencies  
6 within the State of California.

7 32. The Planning and Zoning Law mandates that cities and counties prepare a General Plan  
8 to govern the long term, physical development of the land under city and county jurisdiction addressing  
9 the following eight mandatory elements: land use, circulation, housing, conservation, open space, noise,  
10 safety and environmental justice. Cal. Government Code §§ 65300, 65302.

11 33. The Planning and Zoning Law requires that “[i]f the approval of a development project  
12 results in fewer units by income category than identified in the jurisdiction’s housing element for that  
13 parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to  
14 accommodate the jurisdiction’s share of the regional housing need by income level, the jurisdiction shall  
15 within 180 days identify and make available additional adequate sites to accommodate the jurisdiction’s  
16 share of the regional housing need by income level . . .” Cal. Government Code § 65863(c)(2).

17 **The City’s General Plan Housing Element**

18 34. The Housing Element of the City’s General Plan sets out a number of objectives and  
19 policies for the City concerning affordable housing, including producing “an adequate supply of rental  
20 and ownership housing in order to meet current and projected needs” by “[e]xpand[ing] affordable rental  
21 housing for all income groups” as well as “[p]romot[ing] a more equitable distribution of affordable  
22 housing opportunities throughout the City” through “policies and incentives to include affordable  
23 housing in residential development, particularly in mixed use development, Transit Oriented Districts  
24 and designated Centers” that would “[f]oster the development of new affordable housing units citywide  
25 and within each Community Plan area.” General Plan Housing Element 2013 - 2021 at p. 6-6, 6-10,

26 35. In particular, the Housing Element requires the City to create “affordable housing  
27 requirements for projects that . . . receiv[e] zone changes that result in significantly more units than  
28 otherwise permitted . . . .” General Plan Housing Element 2013 – 2021 at p. 6-19.

**The Central City North Community Plan**

36. Central City North Community Plan (“Community Plan”) sets out several objectives  
including providing for “the preservation of existing housing and for the development of new housing to  
meet the diverse economic and physical needs of the existing residents and projected population” and

1 “adequate housing for all persons regardless of income, age, or ethnic background.” Community Plan II-  
2 2, III-4.

3 37. In particular the Community Plan requires that the City implement policies to “minimize  
4 displacement of the existing residents by requiring that City decisionmakers “adopt a finding which  
5 addresses any potential displacement of residents as part of any decision relating to the construction of  
6 new housing . . . .” Community Plan III-4

7 38. Finally, the Community Plan requires that residential and mixed use projects at the  
8 Project Site with a Floor Area Ratio of 1.5:1 to 3:1 set aside 20% of their units for affordable housing.  
9 Community Plan fn. 12.

### 10 **The City Charter**

11 39. The City Charter puts several procedural and substantive limitations on amendments to  
12 the City’s General Plan.

13 40. The City Charter requires that any amendment to its General Plan be made by subject  
14 elements, parts of subject elements, or by geographic area provided that the area has significant social,  
15 economic or physical identity. City Charter § 555(a).

16 41. The City Charter states that if the City Council initiates a proposed ordinance, order or  
17 resolution, the proposed ordinance order or resolution must be referred to the City’s Planning  
18 Commission (“Planning Commission”) to issue a recommendation as to whether the proposed  
19 ordinance, order or resolution “will be in conformity with public necessity, convenience, general welfare  
20 and good zoning practice. City Charter § 558(d).

### 21 **The Los Angeles Municipal Code’s Affordable Housing Requirements (Measure JJJ)**

22 42. The Los Angeles Municipal Code (“Municipal Code” or “LAMC”) imposes additional  
23 affordable housing requirements on projects with ten or more residential dwelling units seeking a  
24 general plan amendment, zone change or height district change resulting in an increase in allowable  
25 residential floor area density or height or a residential use where not previously allowed. LAMC §  
26 11.5.11.

27 43. Section 11.5.11 subd. (a)(1) of the LAMC requires that rental projects seeking a general  
28 plan amendment, zone change or height district change resulting in a residential density increase greater  
than 35% allocate “no less than 5% of the total units at rents affordable to Extremely Low Income  
Households, and either 6% of the total units at rents affordable to Very Low Income households or 15%  
of the total units at rents affordable to Lower Income households.”

44. Section 11.5.11 subd. (a)(2) of the LAMC requires that rental projects seeking a general



1 plan amendment, zone change or height district change to allow residential uses where residential uses  
2 were not previously allowed allocate “no less than 5% of the total units at rents affordable to Extremely  
3 Low Income households, and either 11% of the total units at rents affordable to Very Low Income  
4 households or 20% of the total units at rents affordable to Lower Income households.”

**The Los Angeles Municipal Code as to Conditional Use Permits for Alcohol Sale and Dispensing**

5 45. The City’s Municipal Code requires a conditional use permit (“CUP” or “Conditional  
6 Use”) for the sale or dispensing of alcoholic beverages, including beer and wine. LAMC § 12.24(W).

7 46. The City is required to deny a CUP unless 1) “the project will enhance the built  
8 environment in the surrounding neighborhood,” 2) “the project’s location, size, height, operations and  
9 other significant features . . . [are] compatible with and will not adversely affect or further degrade  
10 adjacent properties, the surrounding neighborhood, or the public health, welfare and safety” and 3) “the  
11 project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable  
12 community plan, and any applicable specific plan.”

13 47. In addition , the Municipal Code requires the City to deny a CUP if the sale or dispensing  
14 of alcohol will 1) “adversely affect the welfare of the pertinent community,” 2) “result in an undue  
15 concentration of premises for the sale or dispensing for consideration of alcoholic beverages, . . . in the  
16 area of the City involves, giving consideration to applicable State laws and to the California Department  
17 of Alcoholic Beverage Control’s guidelines for undue concentration . . .” and 3) will not detrimentally  
18 affect nearby residentially zoned communities in the area of the City involved.” LAMC §  
19 12.24(W)(1)(a).

**PRIVATE ATTORNEY GENERAL**

20 48. This proceeding involves enforcement of important rights affecting the public interest.  
21 Issuance of the relief requested in this Petition will confer a substantial benefit on the public, including  
22 citizens, residents, businesses and taxpayers of the City, and will result in the enforcement of important  
23 public rights by requiring Respondents to comply with CEQA and other legal requirements applicable to  
24 the proposed Project; by voiding the Project approvals and prohibiting Respondents and Real Parties in  
25 Interest from taking further actions with respect to the Project until it has complied with those legal  
26 requirements; and by prohibiting the Respondents from undertaking any portion of the Project until they  
27 have fully complied with these legal requirements

28 49. Petitioner is entitled to recover attorneys’ fees as provided in Code of Civil Procedure  
section 1021.5 if they prevail in this action. The necessity and financial burden of enforcement of these  
public rights entitle Petitioner to an award of reasonable attorneys’ fees pursuant to that section.

**STATEMENT OF FACTS**

1           50.     On June 7, 2016 the City released an Initial Study as well as Notice of Preparation of an  
2 Environmental Impact Report and Public Scoping Meeting for the Project.

3           51.     On June 22, 2016, the City held a Public Scoping Meeting for the Project which members  
4 of Petitioner CCED appeared at and spoke out at in opposition to the Project.

5           52.     On July 6, 2016, Petitioner CCED submitted written comments on behalf of Chinatown  
6 residents and community members to City Planner Sarah Molina Pearson in response to the Initial Study  
7 for the Project.

8           53.     The Draft EIR for the Project (No. ENV-2012-2055-EIR) was issued in March 2018.  
9 The Draft EIR described the Original Project as follows: 770 residential units and up to 51,390 square  
10 feet of ground-floor commercial uses, for a total of up to 642,239 square feet of floor area on the 4.92-  
11 acre site, with the overall floor-to-area ratio (FAR) of 3:1 (“Original Project”).

12           54.     On or about April 30, 2018, Petitioner CCED submitted a comment letter regarding the  
13 Draft EIR. In its letter, Petitioner CCED raised several concerns that the Project (1) will erode the  
14 cultural historical fabric of the neighborhood, (2) improperly seeks to be exempted from the affordable  
15 housing obligations to meet the needs of the community, (3) does not help meet goals for reducing  
16 vehicle traffic and greenhouse gas emissions, and (4) fails to consider alternatives that include  
17 affordable housing.

18           55.     In August 2018, the City issued the Final EIR for the Project. The Final EIR modified  
19 the Project by selecting Refined Alternative 5, with a reduction in the number of residential units to 725  
20 units but with the same amount of commercial space, with a total building floor area of 618,580 square  
21 feet with an overall FAR of approximately 2.7:1 (“Modified Project” or “Project”).

22           56.     On September 26, 2018, a joint hearing was held by the Hearing Officer on behalf of the  
23 Planning Commission and the Deputy Advisory agency regarding the Project. CCED members testified  
24 in opposition to the Project.

25           57.     On November 6, 2018, the Deputy Advisory Agency approved the Project’s Vesting  
26 Tentative Tract Map (VTT- 74200), certified the EIR, adopted related environmental findings and a  
27 mitigation monitoring program.

28           58.     On November 13-16, 2018, the entirety of the Advisory Agency’s action was appealed by  
appellants Southwest Regional Council of Carpenters, Laborer’s International Union of North America,  
Local 300, Coalition of Responsible Equitable Economic Development.

          59.     On November 30, 2018, the City completed an Errata to the Environmental Impact

1 Report to make corrections and clarifications to the EIR. Some of the corrections that the Errata  
2 addressed regarding to the amount of public and private open space, clarified haul route information  
3 regarding the duration, number of haul trips, and amount of soil to be exported.

4 60. On December 13, 2018, the City's Planning Commission approved and recommended for  
5 that City Council approve an ordinance approving the Project's Land Use Entitlements while setting  
6 aside five percent of the Project's residential units for Very Low Income Households, denied the appeal  
7 by appellants Southwest Regional Council of Carpenters, Laborer's International Union of North  
8 America, Local 300, Coalition of Responsible Equitable Economic Development, certified the EIR and  
9 adopted related environmental findings and mitigation monitoring program for the Project. CCED  
members testified in opposition to the project.

10 61. On January 18, 2019, the City's Planning Commission issued a Letter of Determination,  
11 effectuating actions it took at its December 13, 2018 hearing.

12 62. On or about February 7, 2019, appellants Southwest Regional Council of Carpenters,  
13 Laborer's International Union of North America, Local 300 and the Coalition of Responsible Equitable  
14 Economic Development appealed the Project's EIR and Land Use Entitlements to City Council.

15 63. On February 19, 2019, the City's Planning Commission issued a Corrected Letter of  
16 Determination regarding actions it took at its December 13, 2018 hearing, deleting the following  
17 statement from the January 18, 2019 Letter of Determination – "Adopted all of the following: (b) The  
Statement of Overriding Considerations."

18 64. On or about March 8, 2019, the City released a Second Errata to the Environmental  
19 Impact Report to modify the Project's description to describe the maximum building height of the  
20 Project from 80 feet to 86 feet.

21 65. On March 19, 2019, the City Council's Planning and Land Use Management ("PLUM")  
22 Committee partially upheld and adopted the Planning Commission's December 13, 2018 action. PLUM  
23 recommended that the City Council take the following actions: (1) find that the City's Planning  
24 Commission has reviewed and considered the EIR for this project, including the Draft EIR and Final  
25 EIR, as well as the whole of the administrative record, (2) certify that the EIR has been completed in  
26 compliance with CEQA; the Planning Commission, was the lead agency for this Project; the EIR reflects  
27 the independent judgment and analysis of the lead agency, (3) adopt the Project's environmental  
28 findings and the Mitigation Monitoring Program prepared for the EIR, (4) adopt the findings of the  
PLUM Committee as the Findings of Council, (5) resolve to deny pending appeals and sustain the  
decision of the Planning Commission in sustaining the determination of the Advisory Agency's approval

1 of Vesting tentative Tract Map No. VTT-74200-2A and (6) approved a new ordinance for the Project's  
2 Land Use Entitlements removing the Planning Commission's requirement that the Project set aside five  
3 percent of the Project's residential units for Very Low Income Households. PLUM approved and upheld  
4 CCED members testified in opposition to the Project. CCED members also sent emails to PLUM  
5 Committee members urging for the inclusion of affordable housing in the College Station Project.

6 66. On March 22, 2019, the City Council considered and adopted the PLUM Committee  
7 Report related to a Vested Tentative Tract appeal for the properties underlying the Project.

8 67. On March 26, 2019, the City Council posted its Official Action it undertook on March  
9 22, 2019.

### 10 **FIRST CAUSE OF ACTION**

#### 11 **(Violations of CEQA; EIR Does Not Comply With CEQA)**

12 68. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
13 forth herein.

14 69. CEQA requires the lead agency for a project to prepare an EIR that complies with the  
15 requirements of the statute. The lead agency also must provide for public review and comment on the  
16 project and associated environmental documentation. An EIR must provide an adequate project  
17 description and sufficient environmental analysis such that decision-makers can intelligently consider  
18 environmental consequences when acting on the proposed project.

19 70. Respondents violated CEQA by certifying a Final EIR that fails to adequately analyze  
20 and mitigate for the Project's environmental impacts, including but not limited to:

- 21 a. Failure to recirculate the Draft EIR despite the inclusion of significant new  
22 information in the Final EIR, including the modifications to the Project as well as  
23 the Project's Methane Mitigation Plan.
- 24 b. Failure to consider a reasonable range of alternatives to the Project.
- 25 c. Failure to adequately analyze project objectives by limiting the EIR's project  
26 objectives on a narrow range of project objectives focused on the nature of the  
27 Project itself rather than the Project's underlying purpose, precluding  
28 consideration of a reasonable range of alternatives.
- d. Failure to adequately analyze the Project's environmental baseline and impact by  
failing to disclose important information about the environmental setting for the  
Project Site, including the presence of hazardous materials on the Project Site  
from the leaking of underground storage tanks and methane contamination.

- 1 e. Failure to provide an adequate project description. The EIR's project description  
2 is inadequate as it omits a number of critical details including the Project's  
3 development agreement.
- 4 f. Adoption of deferred mitigation measures. The EIR improperly defers critical  
5 details regarding a number of the Project's mitigation measures.
- 6 g. Adoption of unenforceable mitigation measures.
- 7 h. Failure to adequately analyze or mitigate the Project's cumulative impacts by  
8 failing to adequately disclose, analyze or mitigate for impact of the Project  
9 alongside other Related Projects known of at the time that the Project began its  
10 CEQA environmental review process.
- 11 i. Failure to adequately analyze or mitigate the Project's impacts on air quality by  
12 failing to adequately disclose, analyze or mitigate for the Project's impact to air  
13 quality, especially as to the release of toxic air contaminants such as diesel  
14 particulate matter and their impacts to sensitive receptors in and around the  
15 Project Site.
- 16 j. Failure to adequately analyze or mitigate the Project's impact on biological  
17 resources by failing to adequately disclose, analyze or mitigate for the Project's  
18 impact to biological resources on the Project Site, including habitat for and the  
19 presence of state and federally protected habitat and species.
- 20 k. Failure to adequately analyze and mitigate the Project's impact to cultural  
21 resources by failing to adequately disclose, analyze or mitigate for the Project's  
22 impact to cultural resources on the Project Site.
- 23 l. Failure to adequately analyze or mitigate the Project's impact on geology and  
24 soils by failing to disclose, analyze or mitigate for the Project's impact on existing  
25 geological conditions such as methane.
- 26 m. Failure to adequately analyze and mitigate the Project's impact on greenhouse gas  
27 emissions by failing to disclose, analyze or mitigate for the Project's greenhouse  
28 gas emissions, including induced emissions caused by the displacement and  
gentrification of residents presently living in or around the Project Site.
- n. Failure to adequately analyze or mitigate the Project's impact on hazards and  
hazardous materials by failing to disclose on-site contamination as well as  
methane remediation required for the Project.

- 1 o. Failure to adequately analyze or mitigate the Project's impact on hydrology and  
2 water quality by relying upon the Project's presumed compliance with existing  
3 stormwater regulations that the Project would not have significant hydrology  
4 impacts and failing to analyze or disclose the actual amount of stormwater likely  
5 to be released by the Project in relation to existing capacity and adopting  
6 enforceable mitigation measures for the Project's stormwater runoff.
- 7 p. Failure to adequately analyze or mitigate the Project's impact on land use and  
8 planning by failing to consider or mitigate for the Project's inconsistencies with  
9 the City's General Plan, Community Plan, and the Cornfields Arroyo Specific  
10 Plan.
- 11 q. Failure to adequately analyze or mitigate the Project's impact on mineral  
12 resources by failing to adequately analyze, disclose or mitigate for the Project's  
13 impact to mineral resources on the Project Site.
- 14 r. Failure to adequately analyze or mitigate the Project's impact on noise by failing  
15 to adequately analyze, disclose or mitigate for the Project's construction noise  
16 impacts as well as operational noise impacts, particularly on nearby sensitive  
17 receptors.
- 18 s. Failure to adequately analyze or mitigate the Project's impact on population and  
19 housing, by failing to analyze the Project's induced gentrification and  
20 displacement impact on low income residents and their associated human health  
21 impacts.
- 22 t. Failure to adequately analyze or mitigate the Project's impact on public services  
23 by failing to adequately analyze, disclose or mitigate for impacts to the  
24 availability of public services from the influx of residents and businesses from the  
25 Project.
- 26 u. Failure to adequately analyze or mitigate the Project's impact on recreation by  
27 failing to adequately analyze, disclose or mitigate for its impact on nearby  
28 adjacent Los Angeles State Historic Park.
- v. Failure to adequately analyze or mitigate the Project's impact on transportation  
and traffic by failing to analyze, disclose or mitigate for impacts on local traffic as  
well as freeway traffic.

1 w. Failure to adequately analyze or mitigate the Project's impact on utilities / service  
2 systems by failing to adequately disclose, analyze or mitigate for the Project's  
3 impact on the availability of utilities / services in and around the Project Site.

4 71. As a result of the foregoing defects and others according to proof, Respondents  
5 prejudicially abused their discretion by certifying an EIR that does not comply with CEQA and by  
6 approving the Project in reliance thereon. Accordingly, Respondents' certification of the Final EIR and  
7 purported approval of the Project must be set aside.

8 **SECOND CAUSE OF ACTION**

9 **(Violations of CEQA; Failure to Substantially Support Factual Findings and Overriding  
10 Considerations)**

11 72. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
12 forth herein.

13 73. CEQA requires that a lead agency's findings for the approval of a project be supported by  
14 substantial evidence in the administrative record. CEQA further requires that a lead agency provide an  
15 explanation of how evidence in the record supports the conclusions it has reached.

16 74. Respondents violated CEQA by adopting findings that are inadequate as a matter of law  
17 as they are not supported by substantial evidence in the record, including but not limited to the  
18 following:

- 19 a. The determination that the modifications to the Project as well as disclosure of  
20 potentially significant impacts from methane contamination at the Project Site did  
21 not require recirculation of the Draft EIR.
- 22 b. The determination that certain environmental impacts would be less than  
23 significant or that adopted mitigation measures would avoid or lessen the  
24 Project's significant effects on the environment.
- 25 c. The determination that alternatives to the Project and proposed mitigation  
26 measures that would have avoided or lessened the significant impacts of the  
27 Project were infeasible, including but not limited to the no-Project alternative and  
28 the other alternatives examined in the EIR; and

75. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
making determinations or adopting findings that do not comply with the requirements of CEQA and  
approving the Project in reliance thereon. Accordingly, Respondents' certification of the Final EIR and  
purported approval of the Project must be set aside.

1 **THIRD CAUSE OF ACTION**

2 **(Violations of Subdivision Map Act)**

3 76. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
4 forth herein.

5 77. Respondents abused their discretion under the Subdivision Map Act in approving the  
6 Project's tentative vesting tract map because the findings are not supported by substantial evidence.  
7 Substantial evidence before Respondents at the time of the approval required the denial of the Project  
8 due to its inconsistency with the Subdivision Map Act's substantive requirements.

9 78. The Project is inconsistent with the Subdivision Map Act's requirements as the Project's  
10 location and design is inconsistent with applicable general and specific plans. Moreover, the Project site  
11 is not physically suitable for the type of development and the density of the Project that is approved.  
12 Finally, the Project is likely to cause substantial environmental damage and injure fish or wildlife or  
13 their habitat, cause serious public health problems and conflicts with easements acquired by the public at  
14 large.

15 79. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
16 making determinations and adopting findings that do not comply with the requirements of the  
17 Subdivision Map Act. Accordingly, Respondents' approval of the Project must be set aside.

18 **FOURTH CAUSE OF ACTION**

19 **(State Planning and Zoning Law, Violation of City's General Plan, Central City North  
20 Community Plan, Cornfields Arroyo Specific Plan)**

21 80. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
22 forth herein.

23 81. As required by state law, the City has a General Plan that governs land use planning  
24 throughout the City.

25 82. The Community Plan and Cornfields Arroyo Specific Plan is integrated into the land use  
26 element of the City's General Plan and applies to the Project Site.

27 83. The Project fails to comply with the objectives and policies set out in the City's  
28 Community Plan as the Project is inconsistent with the zoning, density limits, permitted floor-area-ratio,  
and affordable housing requirements for the Project Site as well as the framework, air quality,  
conservation, housing, noise, open space, service systems / public recreation, safety, and mobility  
elements and objectives of the General Plan.



1 84. In particular, the Project’s decision to provide no units set aside for affordable housing  
2 conflicts with the objectives and policies of the Housing Element of the City’s General Plan and the  
3 Community Plan.

4 85. Moreover, Respondents failed to issue a finding and failed to support any such with  
5 substantial evidence that addresses potential displacement of residents with regarding potential  
6 displacement of residents in relation to the Project.

7 86. Finally, Respondents ignore the specific mandate of the Community Plan that requires  
8 residential and mixed-use projects sited for the Project Site set aside 20% of their residential units for  
9 affordable housing.

10 87. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
11 making determinations and adopting findings that do not comply with the requirements of the City’s  
12 General Plan. Accordingly, the Court should order that Respondent’s approval of the Project as well as  
13 construction and operation of the Project be vacated and stayed and declare that Respondents violated its  
14 lawful duties under the City’s Municipal Code.

15 **FIFTH CAUSE OF ACTION**  
16 **(City Charter, Amendments to General Plan)**

17 88. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
18 forth herein.

19 89. The City Charter imposes minimum requirements on the scope of amendments to the  
20 City’s General Plan, requiring that amendments be submitted as to subject elements, parts of subject  
21 elements or as to geographic areas with significant social, economic or physical identity.

22 90. The City Charter requires that any ordinance, order or resolution creating or changing  
23 zoning or land use regulations initiated by City Council be submitted to the City Planning Commission  
24 for a recommendation as to whether the proposed ordinance, order or resolution would be in conformity  
25 with the public necessity, convenience, general welfare and good zoning practice.

26 91. Respondents approved amending the City’s General Plan and the City’s General Plan  
27 Generalized Land Use Map to change the land use designation for the Project Site from Hybrid  
28 Industrial to Regional Center Commercial.

92. The Project Site lacks significant social, economic or physical identity and therefore  
cannot properly be redesignated as part of an individual amendment to the City’s General Plan.

93. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
making determinations and adopting findings that do not comply with the requirements of the City

1 Charter. Accordingly, the Court should order that Respondent’s approval of the Project as well as  
2 construction and operation of the Project be vacated and stayed and declare that Respondents violated its  
3 lawful duties under the City’s Municipal Code.

4 **SIXTH CAUSE OF ACTION**

5 **(City Charter, Recommendation from City Planning Commission)**

6 94. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
7 forth herein.

8 95. The City Charter requires that any ordinance, order or resolution creating or changing  
9 zoning or land use regulations initiated by City Council be submitted to the City Planning Commission  
10 for a recommendation as to whether the proposed ordinance, order or resolution would be in conformity  
11 with the public necessity, convenience, general welfare and good zoning practice.

12 96. The City Council’s approval of a new ordinance for the Project’s land use entitlements  
13 that removed the Planning Commission’s recommendation that the Project be required to set aside five-  
14 percent of the Project’s residential units for Very Low Income Households never was submitted to the  
15 City Planning Commission for a recommendation.

16 97. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
17 making determinations and adopting findings that do not comply with the requirements of the City  
18 Charter. Accordingly, the Court should order that Respondent’s approval of the Project as well as  
19 construction and operation of the Project be vacated and stayed and declare that Respondents violated its  
20 lawful duties under the City’s Municipal Code.

21 **SEVENTH CAUSE OF ACTION**

22 **(Los Angeles Municipal Code, Measure JJJ)**

23 98. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
24 forth herein.

25 99. Section 11.5.11 subd. (a)(1) of the LAMC requires that rental projects seeking a general  
26 plan amendment, zone change or height district change resulting in a residential density increase greater  
27 than 35% allocate “no less than 5% of the total units at rents affordable to Extremely Low Income  
28 Households, and either 6% of the total units at rents affordable to Very Low Income households or 15%  
of the total units at rents affordable to Lower Income households.”

100. Section 11.5.11 subd. (a)(2) of the LAMC requires that rental projects seeking a general  
plan amendment, zone change or height district change to allow residential uses where residential uses  
were not previously allowed allocate “no less than 5% of the total units at rents affordable to Extremely

1 Low Income households, and either 11% of the total units at rents affordable to Very Low Income  
2 households or 20% of the total units at rents affordable to Lower Income households.”

3 101. Respondents granted the Project a General Plan Amendment, Zone Change and Height  
4 District Change that results in both a residential density increase greater than 35% and permits  
5 residential uses where residential uses were not previously allowed.

6 102. The Project does not provide any of its residential housing units to extremely low  
7 income, very low income or lower income households.

8 103. As a result of the foregoing defects, Respondents prejudicially abused their discretion by  
9 making determinations and adopting findings that do not comply with the requirements of the City’s  
10 Municipal Code. Accordingly, the Court should order that Respondent’s approval of the Project as well  
11 as construction and operation of the Project be vacated and stayed and declare that Respondents violated  
12 its lawful duties under the City’s Municipal Code.

13 **EIGHTH CAUSE OF ACTION**

14 **(Los Angeles Municipal Code, Master Conditional Use for On-Site and Off-Site Alcohol Sales)**

15 104. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set  
16 forth herein.

17 105. The City’s Municipal requires a CUP for the sale or dispensing of alcoholic beverages,  
18 including beer and wine. LAMC § 12.24(W).

19 106. The City is required to deny a CUP unless 1) “the project will enhance the built  
20 environment in the surrounding neighborhood,” 2) “the project’s location, size, height, operations and  
21 other significant features . . . [are] compatible with and will not adversely affect or further degrade  
22 adjacent properties, the surrounding neighborhood, or the public health, welfare and safety” and 3) “the  
23 project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable  
24 community plan, and any applicable specific plan.”

25 107. In addition , the Municipal Code requires the City to deny a CUP if the sale or dispensing  
26 of alcohol will 1) “adversely affect the welfare of the pertinent community,” 2) “result in an undue  
27 concentration of premises for the sale or dispensing for consideration of alcoholic beverages, . . . in the  
28 area of the City involves, giving consideration to applicable State laws and to the California Department  
of Alcoholic Beverage Control’s guidelines for undue concentration . . .” and 3) “will not detrimentally  
affect nearby residentially zoned communities in the area of the City involved.” LAMC §  
12.24(W)(1)(a).



1 Municipal Code;

2 C. For a declaration of the rights and duties of the parties hereto, including but not limited to  
3 a declaratory judgment that Respondents violated its duty pursuant to CEQA, the Subdivision Map Act,  
4 Planning and Zoning Law, City General Plan, City Charter and Los Angeles Municipal Code;

5 D. For Petitioner's fees and costs, including reasonable attorneys' fees and costs, as authorized  
6 by California Code of Civil Procedure section 1021.5 and any other applicable provisions of law; and

7 E. For such other relief as this Court deems appropriate and just.

8 DATED: May 6, 2019

MITCHELL M. TSAI, ATTORNEY AT LAW

9  
10 By:



MITCHELL M. TSAI

Attorneys for CHINATOWN COMMUNITY  
FOR EQUITABLE DEVELOPMENT

**EXHIBIT A**



P: (626) 381-9248  
F: (626) 389-5414  
E: mitch@mitchtsailaw.com

**Mitchell M. Tsai**  
Attorney At Law

155 South El Molino Avenue  
Suite 104  
Pasadena, California 91101

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**VIA ELECTRONIC & U.S. MAIL**

May 6, 2019

Holly L. Wolcott, City Clerk  
City of Los Angeles  
200 North Spring Street, Room 360  
Los Angeles, CA 90012  
E-mail: cityclerk@lacity.org

ATLAS CAPITAL GROUP LLC  
1318 E 7<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90021

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

Los Angeles Department of City Planning  
221 North Figueroa Street, 13<sup>th</sup> Floor, #1350  
Los Angeles, CA 90012

RE: Notice of Intent to File Suit Under the California Environmental Quality Act, Sub  
Subdivision Map Act, City of Los Angeles General Plan, City Charter & Los Angeles  
Municipal Code

Dear Sirs/Madams:

I am writing on behalf of CHINATOWN COMMUNITY FOR EQUITABLE DEVELOPMENT (“**Petitioner**”) regarding the CITY OF LOS ANGELES, LOS ANGELES CITY COUNCIL, and LOS ANGELES DEPARTMENT OF CITY PLANNING’s (collectively “**City**” or “**Respondents**”) on March 22, 2019 and all subsequent actions certifying an environmental impact report (“EIR”) for land use entitlements including amending the City’s General Plan to change the land use designation for the Project Site from Hybrid Industrial to Regional Center Commercial within the Central City North Community Plan (“Community Plan”), amending the General Plan Generalized Land Use Map for the Community Plan area to reflect the Regional Center Commercial land use designation, a Zone and Height District Change from UC(CA) to (T)(Q)(C2-2, a vesting tentative tract map and other associated entitlements including a Master Conditional Use permit for the sale and dispensing of alcoholic beverages and a site plan review (“Land Use Entitlements”) for the “College Station Project,” a proposed mixed-use development that proposes to build 725 residential apartment units and 51,600 square feet of retail, restaurant, and other commercial space (618,580 square feet of total building floor area) (“Project”) on a 4.92-acre site located at 129-135 West College Street / 924 North Spring Street (“Project Site”). .

Please take notice, pursuant to Public Resources Code (“PRC”) § 21167.5, that Petitioner intends to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief (“Petition”), under the provisions of the California Environmental Quality Act (“CEQA”), Cal. Public Resources Code §§ 21000, *et seq* (“CEQA”), the Subdivision Map Act, Government Code §§ 66410, *et seq* (“Subdivision Map Act”), the City’s General Plan City Charter,

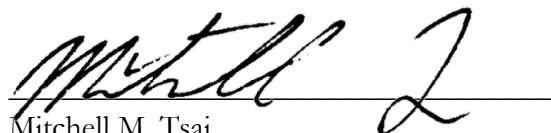
and the Los Angeles Municipal Code, against Respondents and Defendants CITY OF LOS ANGELES, LOS ANGELES CITY COUNCIL, and the LOS ANGELES DEPARTMENT OF CITY PLANNING (collectively “City” or “Respondents”), and Real Parties in Interest ATLAS CAPITAL GROUP, LLC, challenging the unlawful actions taken by the City on March 26, 2019, approving the Project and posting the related Notice of Determination (“NOD”) in violation of CEQA.

The petition being filed will seek the following relief:

- A. For a writ of mandate commanding Respondents to vacate and withdraw the certification of the EIR and any purported approvals of the Project, and to require Respondents to comply with CEQA, the Subdivision Map Act, Planning and Zoning Law, City General Plan and Los Angeles Municipal Code;
- B. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions enjoining Respondents and Real Parties in Interest, and their agents, employees, officers or representatives, and all persons acting in concert or participating with Real Parties in Interest from taking any action to implement the project, unless and until Respondents fully complies with CEQA, the Subdivision Map Act, Planning and Zoning Law, City General Plan, City Charter and Los Angeles Municipal Code;
- C. For a declaration of the rights and duties of the parties hereto, including but not limited to a declaratory judgment that Respondents violated its duty pursuant to CEQA, the Subdivision Map Act, Planning and Zoning Law, City General Plan, City Charter and Los Angeles Municipal Code;
- D. For Petitioner’s fees and costs, including reasonable attorneys’ fees and costs, as authorized by California Code of Civil Procedure section 1021.5 and any other applicable provisions of law; and
- E. For such other relief as this Court deems appropriate and just.

Petitioner urges Respondents to rescind the NOD for the Project, as well as the existing Project approvals, and to prepare the appropriate CEQA document for this Project as required by law.

Very Truly Yours,



Mitchell M. Tsai

Attorneys for Petitioner CHINATOWN  
COMMUNITY EQUITABLE  
DEVELOPMENT



**PROOF OF SERVICE**

I, Leon Ramsey, Jr., declare as follows:

I am a resident of the State of California, and employed in Pasadena, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is: 155 South El Molino Avenue, Ste. 104, Pasadena, California 91101

On May 6, 2019, I served a copy of the foregoing document(s) entitled:

**Notice of Intent to File Suit Under the California Environmental Quality Act, Sub  
Subdivision Map Act, Government Code §§ 66410, et seq (“Subdivision Map Act”), City of  
Los Angeles General Plan, City Charter & Los Angeles Municipal Code**

on the following parties:

Holly L. Wolcott, City Clerk  
City of Los Angeles  
200 North Spring Street, Room 360  
Los Angeles, CA 90012  
E-mail: cityclerk@lacity.org


ATLAS CAPITAL GROUP LLC  
1318 E 7<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90021

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

Los Angeles Department of City Planning  
221 North Figueroa Street, 13<sup>th</sup> Floor, #1350  
Los Angeles, CA 90012

By depositing a true and correct copy in a sealed envelope with the United States Postal Service with postage fully prepaid as well as by electronic service, via either electronic transmission or notification.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed May 6, 2019 at Pasadena, California.

  
Leon Ramsey, Jr.

**EXHIBIT B**

1 MITCHELL M. TSAI (Cal. Bar No. 277156)  
2 MITCHELL M. TSAI, ATTORNEY AT LAW  
3 155 S. El Molino Ave. Ste. 104  
4 Pasadena, California 91101  
5 Ph: (626) 381 – 9248  
6 Fx: (626) 389 - 5414  
7 Em: mitch@mitchtsailaw.com

8 Attorneys for Petitioner,  
9 CHINATOWN COMMUNITY FOR EQUITABLE DEVELOPMENT

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

12 CHINATOWN COMMUNITY FOR  
13 EQUITABLE DEVELOPMENT, an  
14 unincorporated association,

15 Plaintiff and Petitioner,

16 v.

17 CITY OF LOS ANGELES, a municipal  
18 corporation; LOS ANGELES CITY COUNCIL,  
19 governing body of the City of Los Angeles; LOS  
20 ANGELES DEPARTMENT OF CITY  
21 PLANNING, a local public agency; and DOES 1–  
22 10;

23 Defendants and Respondents,

24 ATLAS CAPITAL GROUP, LLC, a California  
25 limited liability company; and ROES 1 – 10;

26 Real Parties in Interest.

) CASE NO.:  
)  
) **ELECTION REGARDING**  
) **ADMINISTRATIVE RECORD**  
)  
) California Environmental Quality Act (Cal. Pub  
) Res. Code § 21000 *et seq*; The Subdivision Map  
) Act, Government Code §§ 66410, *et seq*, City of  
) Los Angeles General Plan; City Charter; Los  
) Angeles Municipal Code

) Dept.:

1 TO THE HONORABLE COURT, RESPONDENTS AND REAL PARTIES:

2 PLEASE TAKE NOTICE THAT under the California Environmental Quality Act, Pub. Res.  
3 Code § 21167.6(b)(2) (“CEQA”), Petitioners hereby elects to prepare the administrative record of  
4 proceedings in the referenced matter.

5  
6 DATED: May 6, 2019

MITCHELL M. TSAI, ATTORNEY AT LAW

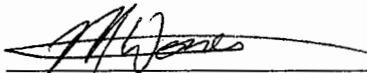
7  
8 By:   
MITCHELL M. TSAI

9 Attorneys for Chinatown Community for  
10 Equitable Development

1 I, Michael Wong, am a Member of Chinatown Community for Equitable Development, a  
2 Petitioner and Plaintiff in this action. I am authorized to make this verification on its behalf. I have read  
3 the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR  
4 DECLARATORY AND INJUNCTIVE RELIEF and know its contents. The facts alleged therein are  
5 within my own knowledge and I know these facts to be true, except as stated, on information and belief.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
7 true and correct.  
8

9 Executed on April, 30, 2019 at Los Angeles, California.  
10

11  
12   
13 Michael Wong, Member  
14 CHINATOWN COMMUNITY  
15 FOR EQUITABLE DEVELOPMENT  
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