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

11 CUDAHY ALLIANCE FOR JUSTICE, an ) CASE NO.:  
unincorporated association; SUSANA DE )  
12 SANTIAGO; and AYD  BRAVO BERRIOS; ) **VERIFIED PETITION FOR WRIT OF**  
13 ) **MANDATE**  
Petitioners, )  
14 ) (Code Civ. Proc., §§ 1085; 1094.5; 1060;  
vs. ) Pub. Resources Code, §§ 21000 *et seq.*;  
15 ) Cudahy Municipal Code, §§ 20.84.110 *et*  
16 CITY OF CUDAHY; CITY OF CUDAHY ) *seq.*)  
CITY COUNCIL; and DOES 1-20; )  
17 ) [CEQA CASE]  
Respondents. )  
18 )  
19 )  
20 KIPP SOCAL PUBLIC SCHOOLS; KIPP )  
PUEBLO UNIDO; FRANCO ARCHITECTS, )  
21 INC.; KLARE 16, LLC; and DOES 21-40; )  
22 )  
Real Parties in Interest. )  
23 )

## **INTRODUCTION**

1. On September 15, 2020, the City Council for the City of Cudahy (“City Council”) approved the construction of KIPP Pueblo Unido Charter School on a hazardous waste site. The City of Cudahy did not conduct environmental review pursuant to the California Environmental Quality Act (“CEQA”) for a proposed two-story, 67,148 square foot school with an underground parking lot, located at 7801-7835 Otis Avenue in Cudahy, California (“Project”), although construction and operation of the Project poses significant environmental harms to students, residents, and community members in Cudahy and surrounding communities in South Los Angeles County. Instead, the City Council improperly exempted the Project from environmental review under a Ministerial Exemption CEQA.

2. The Project approval follows years of toxic exposure and environmental degradation in Cudahy and surrounding communities. In January 2020, a Delta Airlines jet dumped 15,000 gallons of fuel on Cudahy residents, teachers, and children, sending many to the hospital. An Exide battery recycling plant, just a few miles from Cudahy, has been releasing lead, arsenic, and other toxic pollutants into a large swath of South Los Angeles County, including Cudahy, for years. Park Avenue Elementary School, less than a mile and a half from the Project site, was built on a City dump, and over the last thirty years, has been closed intermittently due to oil, sludge, and other hazardous chemicals seeping through the soil onto school grounds.

3. These environmental injustices have disproportionately harmed people of Latinx descent. According to the U.S. Census, 95 percent of Cudahy residents are Hispanic or Latino and South Los Angeles County is primarily populated by People of Color. These residents have been exposed to significant cumulative impacts from numerous toxic sites and pollutants in their communities. Respondents’ approval of the proposed Project threatens to continue a pattern of putting Latinx children and community members at risk of toxic exposure and denies future students at KIPP Pueblo Unido Charter School, the people of Cudahy, and residents in surrounding communities environmental justice.

4. Petitioners Cudahy Alliance for Justice, a grassroots association, Susie de

1 Santiago, a Cudahy resident, small business owner, advocate and volunteer, and Ayd  Bravo  
2 Berrios, local educator and activist (collectively “Petitioners”) bring this suit enforce the human  
3 rights of members of the South Los Angeles County community, and to protect the health and  
4 safety of children, residents, and community members in Cudahy and surrounding areas.

5 5. Petitioners request that this Court issue a writ of mandate ordering Respondents  
6 City of Cudahy and the City Council to overturn the City’s CEQA exemption and unlawful  
7 Project approvals, conduct environmental review and issue an order enjoining Project Proponents  
8 and Real Parties in Interest KIPP SoCal Public Schools, KIPP Pueblo Unido, Franco Architects,  
9 KLARE 16, LLC, and DOES 21-40 (collectively “Real Parties”) from taking any action to  
10 construct any portion of the Project or to develop or alter the Project site in any way unless and  
11 until they obtain lawful land use approvals from Respondents.

### 12 PARTIES

13  
14 6. Petitioner Cudahy Alliance for Justice (“CAJ”) is an unincorporated grassroots  
15 community association that exposes environmental injustice and advocates for public schools in  
16 working class communities of color. CAJ is committed to holding the City of Cudahy, KIPP  
17 SoCal Public Schools, and KIPP Pueblo Unido accountable for ensuring that the development of  
18 the Project does not harm students, the environment, or the community.

19 7. CAJ is comprised of residents, educators, parents, and local leaders from Cudahy  
20 and surrounding geographic areas. These Members formed CAJ on or about October 23, 2020.  
21 Members of CAJ, including, but not limited to, Ayd  Bravo Berrios and Susana de Santiago,  
22 participated in the Project Approval Process and submitted written testimony during  
23 administrative proceedings in opposition to the Project. Members of CAJ live, work, play, raise  
24 families, and exercise their civil and human rights in Cudahy and surrounding neighborhoods,  
25 and are threatened by potential exposure to hazardous materials, air pollution, increased traffic,  
26 and other environmental harms stemming from Project approval and construction. The Project  
27 will severely and negatively impact CAJ and its members, many of whom are residents and  
28 taxpayers of the City of Cudahy.

1           8.       Petitioner Susana de Santiago (“Petitioner de Santiago” or “Ms. de Santiago”) has  
2 been a resident of Cudahy for thirty-four years. She lives and owns property less than a quarter  
3 of a mile from 7801-7835 Otis Avenue in Cudahy (“Project site”). She is a small business owner  
4 and a current Parks and Recreation Commissioner. She is active in her church, Sagrada Corazón  
5 de Jesus y Santa María de Guadalupe, and in her community. She organizes Walk to School Day  
6 in Cudahy, volunteers to help distribute food to those in need, is a member of Best Start South  
7 East Los Angeles, and serves on various other community organizations in Cudahy and South  
8 Los Angeles. Each of her seven children attended Teresa Hughes Elementary School. Ms. de  
9 Santiago, who identifies as Mexican, lives, works, and exercises her civil and human rights in  
10 Cudahy. As a result, Ms. de Santiago is threatened by potential exposure to hazardous materials,  
11 air pollution, increased traffic, and other environmental harms stemming from Project approval  
12 and construction. If the Project is approved, it will severely and negatively impact Ms. de  
13 Santiago, her property, her community, and her family.

14           9.       Petitioner Aydé Bravo Berrios (“Petitioner Berrios” or “Ms. Berrios”) teaches  
15 second grade at Maywood Elementary, approximately two and a half miles from the proposed  
16 Project site. Ms. Berrios was raised in Maywood, just miles from the proposed Project site. Her  
17 immediate family still resides in Maywood. Ms. Berrios, who identifies as Mexican-American,  
18 has served her community as an elementary school educator for 27 years and has worked as an  
19 advocate and activist to protect the South Los Angeles community from environmental harms.  
20 She currently lives in Downey, approximately four miles from the proposed Project site with her  
21 husband and two children.

22           10.     Ms. Berrios lives, works, and exercises her civil and human rights within miles of  
23 the Project site, and, as a result, is threatened by potential exposure to hazardous materials, air  
24 pollution, increased traffic, and other environmental harms stemming from Project approval and  
25 construction. If the Project is approved, it will severely and negatively impact Ms. Berrios, her  
26 students, her community, and her family.

27           11.     Petitioners have a right to, and a beneficial interest in, the City of Cudahy’s  
28 compliance with the CEQA, and the Cudahy Municipal Code. (Pub. Resources Code, §§ 21000

1 *et seq.*; Cudahy Municipal Code, [“CMC”] §§ 20.04 *et seq.*)

2 12. Respondent City of Cudahy (“City”) is a small, approximately 1.2 square mile  
3 city situated in the County of Los Angeles and is duly organized under the laws of the State of  
4 California. The proposed Project is located within the City of Cudahy. Respondent City of  
5 Cudahy is the lead agency responsible under CEQA for evaluating the environmental impacts of  
6 the Project.

7 13. Respondent Cudahy City Council is a five-member elected body that represents  
8 the citizens of Cudahy. The Cudahy City Council was the final decision making body for the  
9 Project.

10 14. Petitioners do not know the true names or capacities of the persons or entities  
11 named as DOES 1 through 20, inclusive, and therefore sue these respondents by their fictitious  
12 names. Petitioners will amend this petition and complaint to allege their true names and  
13 capacities when and if they are ascertained.

14 15. Real Party in Interest KIPP SoCal Public Schools is a California Corporation  
15 doing business in the County of Los Angeles. On information and belief, Real Party in Interest  
16 Franco Architects, Inc. submitted the Project application on behalf of Real Party in Interest KIPP  
17 SoCal Public Schools.

18 16. Real Party in Interest KIPP Pueblo Unido was listed on the Notice of Exemption  
19 (“NOE”) filed by the City on September 29, 2020. The California Secretary of State website  
20 does not list KIPP Pueblo Unido on its website as a California legal entity. On information and  
21 belief, KIPP Pueblo Unido is an unincorporated organization doing business in the County of  
22 Los Angeles.

23 17. Real Party in Interest Franco Architects, Inc., is a California Corporation, and is  
24 the Project Applicant for the entitlements to develop the proposed Project.

25 18. Real Party in Interest KLARE 16, LLC is a California limited liability company  
26 doing business in the County of Los Angeles. On information and belief, Real Party in Interest  
27 KLARE 16, LLC is the owner of the Project site.

28 19. Real Parties in Interest Does 21 through 40 are or were the agents, employees,

1 contractors, and/or entitles acting under the authority of each other, or real party in interest, and  
2 each performed acts on which this action is based within the cause and scope of such agency  
3 and/or employment. Petitioners do not currently know the true names and identities of Does 21  
4 through 40, so Petitioners bring this action against these real parties in interest under fictitious  
5 names. Petitioners will amend this petition and complaint to allege their true names and  
6 capacities when and if they are ascertained.

### 7 8 **JURISDICTION AND VENUE**

9 20. Jurisdiction and venue are proper in this Court. Petitioners' claims arise under  
10 California state laws and the acts or omissions complained of herein occurred in the County of  
11 Los Angeles. Jurisdiction of this Court is invoked pursuant to California Code of Civil Procedure  
12 sections 1085 and 1094.5; California Public Resources Code section 21167; CEQA Guidelines  
13 section 15112; the Constitution of the State of California; the Constitution of the United States;  
14 and other applicable laws and regulations.

### 15 16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES AND STANDING**

17 21. Petitioners have exhausted all administrative remedies prior to bringing this  
18 action. Petitioners de Santiago, Berrios, and members of Petitioner Cudahy Alliance for Justice  
19 registered their objections to the proposed Project orally and in writing with the City and City  
20 Council prior to the filing of the Notice of Exemption and issuance of a Development Review  
21 Permit for the Project. The issues raised in this Petition were timely raised before Respondents  
22 by Petitioners de Santiago, Berrios, members of Cudahy Alliance for Justice, and members of the  
23 public.

24 22. Petitioners have submitted comments on and objections to the lack of CEQA  
25 compliance and have participated at public hearings. Pursuant to California Public Resources  
26 Code section 21177(c), Petitioner Cudahy Alliance Justice was formed subsequent to Project  
27 approval. Its members have expressed their concerns and commented on the Project during the  
28 administrative proceedings wherein the Project was considered. Therefore, Petitioner Cudahy

1 Alliance for Justice has exhausted its administrative remedies and has standing pursuant to  
2 Public Resources Code Section 21177(c). However, as discussed herein, Petitioners and others  
3 were not fully availed of the ability to exhaust their administrative remedies because the City  
4 Council did not allow all members of the public to attend the public hearing and provide public  
5 comment on the Project.

6 23. Approval of the Project will adversely affect the interests of Petitioners and each  
7 of them. Petitioners are residents and taxpayers of the City of Cudahy and the County of Los  
8 Angeles who are dedicated to protection of the environment and are concerned about  
9 maintaining the environmental integrity of the City of Cudahy and the County of Los Angeles.  
10 Approval of the Project and adoption of an exemption from environmental review will adversely  
11 affect these interests of Petitioners. Accordingly, Petitioners are “aggrieved persons” within the  
12 meaning of Public Resources Code Section 21177.

13 24. On November 2, 2020, as required by Public Resources Code section 21167.5,  
14 Petitioners notified Respondents that they intended to file suit to enforce the requirements of  
15 CEQA and the Cudahy Municipal Code. A copy of that notice and proof of service are filed as  
16 Exhibit A with this petition.

17 25. On November 3, 2020, as required by Public Resources Code section 21167.7 and  
18 Code of Civil Procedure section 388, Petitioners notified the Attorney General of the State of  
19 California that they intended to file suit to enforce CEQA and the Cudahy Municipal Code. A  
20 copy of that notice and proof of service are filed as Exhibit B with this petition.

21 26. Petitioner has no adequate remedy at law unless the Court grants the requested  
22 relief as set forth herein.

## 23 24 **STATEMENT OF FACTS**

### 25 **The Surrounding Community and Project Site**

26 27. The proposed Project is located at 7801-7835 Otis Avenue in Cudahy, California  
27 – a primarily Latinx community with one of the highest population densities in Los Angeles  
28 County. The U.S. Census estimates that more than 23,000 people live in Cudahy’s approximately

1 1.2 square mile footprint. According to the U.S. Census, 95 percent of Cudahy residents are  
2 Hispanic or Latino.

3 28. A large number of community members live, attend school, work, and play in  
4 close proximity to the Project site. The Project site is located between Teresa Hughes Elementary  
5 School, Lugo Park, a small City parklet, residential single family neighborhoods, and train  
6 tracks. It sits in close proximity to several other schools. On information and belief, there are  
7 approximately eight schools located within one and a half miles of the Project.

8 29. If permitted to go forward, Project approval will result in the construction of a  
9 two story, 67,148 square foot elementary and middle school with a subterranean parking garage,  
10 landscaping, and a concrete masonry unit. The Project will construct 99 parking spaces, and will  
11 include a pick up and drop off area on Otis Avenue, a main street that connects Cudahy to  
12 neighboring cities.

#### 13 **Hazardous Waste on the Project Site**

14 30. The proposed Project site has been used for approximately 90 years for  
15 manufacturing metal, including melting, casting, welding, and chemically finishing iron and  
16 steel. As a result, metal fumes and dust, molten metal vapors, and molten metal itself were  
17 released at the site. As recently as 2018, Covert Iron Works, which has operated at the Project  
18 site since 1951, stored multiple 55 gallon drums and one 250 gallon drum of hazardous materials  
19 on the site. In addition, the Project site had a 50 foot tall above ground storage tank for  
20 contaminated material, a diesel underground storage tank, a gasoline underground storage tank,  
21 and two waste oil drum storage tanks.

22 31. The Project site is identified by the State of California as a hazardous materials  
23 release site on the Hazardous Waste and Substances Sites (“Cortese”) List. Soil samples on the  
24 Project site have more than 200 times the amount of arsenic that is identified as safe for human  
25 health by the state of California for school or residential areas. An Environmental Site  
26 Assessment of Subsurface Soil and Soil and Gas Investigation (“ESA”) revealed that levels of  
27 arsenic at the Project site were as high as 14.5 milligrams per kilogram, when the School and  
28 Residential Tier 1 Environmental Screening Level for Arsenic is .067 milligrams per kilogram.



(See Additional Environmental Site Assessment of Subsurface Soil and Soil and Gas Investigation Phase II [“ESA Phase II” or “Additional Phase II Environmental Site Assessment”], Table 2.) According to the Additional Phase II Environmental Site Assessment for the Project Site, elevated levels of arsenic on the Project site “pose a... exposure and contact risk to the children and general public human health.” (ESA Phase II, p. 5.) Low-level arsenic exposure can cause vomiting, impact blood cell production, and cause an irregular heartbeat. Long term exposure to high levels of arsenic can cause death, cancer, diabetes, high blood pressure, skin disorders, and kidney damage. Evidence shows that children who are exposed to arsenic over an extended period of time may suffer neurological damage and have lower cognitive function.

32. According to the Additional Phase II Environmental Site Assessment, the Project site has at least ten feet of material on the ground which includes “contaminated soil and debris of waste oils, lead, and arsenic” from melting, pouring, and manufacturing molten iron and steel. Arsenic levels in this material were over 130 times the amount of arsenic deemed safe for residential areas. (ESA, Table 7 [showing 8.85 milligrams per kilogram of arsenic in the fill material, and .067 milligrams per kilogram as the ESL for residential areas].) The site also has elevated waste oil concentrations. (ESA, p. 26.) According to the Additional Phase II Environmental Site Assessment, the site is not currently safe for construction of a school or housing. (ESA Phase II, 20.)

33. The Project site is contaminated with toxic gases (“volatile organic compounds” or “VOCs”), likely caused by solvent spills and leaks during metal manufacturing. (See Environmental Site Assessment of Subsurface Soil and Soil and Gas Investigation Phase I and II [“Initial Environmental Site Assessment” or “ESA”], p. 35.) An initial Environmental Site Assessment for the Project site found tetrachloroethylene (“PCE”) that is twice the limit of what Environmental Screening Levels deem safe for residential areas, and elevated levels of benzene, ethylbenzene, toluene, xylenes and other toxic gases. (See ESA, Table 8 [showing .57 micrograms per liter of PCE, when the residential environmental screening level is .24], p. 33.) Exposure to PCE can cause cancer, cognitive and motor impairments, liver damage, kidney

1 damage, and impair one’s immune system, development, reproductive system, and fertility. If the  
2 Project is constructed on this site without environmental mitigation, it will put children at KIPP  
3 Pueblo Unido at risk of exposure to toxic gases. (Initial Environmental Site Assessment, p. 35  
4 [elevated VOC levels pose a “vapor intrusion exposure risk to occupants or the public within an  
5 enclosed building structure”].)

6         34.         The Additional Phase II Environmental Site Assessment also indicated that,  
7 though site assessors did not test for lead paint or asbestos, “there is a high potential for asbestos  
8 containing building materials... lead based paint materials... and potential contingent  
9 environmental liability.” (ESA Phase II, p. 23.) The Additional Phase II Environmental Site  
10 Assessment recommended that the site owner conduct an asbestos and lead paint survey “prior to  
11 any major demolition.” (*Ibid.*) Since that time, the buildings on site have been demolished, but,  
12 on information and belief, there has not been a subsequent analysis of potential asbestos and lead  
13 paint contamination.

14         35.         Children under six are most susceptible to lead. Lead causes behavior and  
15 learning problems, delayed growth, hearing problems, and other harms to children. It harms  
16 adults’ kidneys and reproductive and cardiovascular systems.

17         36.         Developing this site poses a significant risk of exposing children to hazardous  
18 materials while they attend school. Project grading, construction, and operation will expose  
19 children at Teresa Hughes Elementary School to toxic materials, significantly impacting their  
20 health and safety. Educators and staff at nearby schools will also be exposed to hazardous  
21 substances as they work to serve Cudahy and surrounding communities’ children.

22         37.         The release of hazardous waste into the air and soil during grading,  
23 construction, and operation of the Project also has a significant likelihood of exposing  
24 surrounding residents to hazardous materials. Sensitive receptors, including the elderly, people  
25 with disabilities, and young children live in residential neighborhoods next to the Project site,  
26 and, without enforceable environmental mitigation, will likely be exposed to toxic chemicals  
27 released during Project construction, which will significantly impact their wellbeing, health, and  
28

1 safety and the environment. Environmental review must be conducted to ensure the protection of  
2 the environment and local residents.

3 38. Finally, if the Project is constructed as approved, on information and belief,  
4 hundreds of kindergarten through eighth grade students will attend school on the Project site. If  
5 this occurs without thorough environmental review and legally enforceable clean up and  
6 mitigation measures, children will be exposed to hazardous waste and toxic volatile organic  
7 compounds. This will expose the most vulnerable members of Cudahy and South Los Angeles  
8 County to increased risks of neurological damage, cancer, and other serious health conditions.

9 39. On information and belief, Respondents have not required environmental  
10 mitigation or hazardous waste clean up at the Project site as enforceable conditions of Project  
11 approval and Real Parties are not legally obligated to provide any environmental monitoring or  
12 mitigation to protect KIPP Pueblo Unido students. If this Court does not set aside Respondent's  
13 approvals and CEQA exemption for the Project, future students at KIPP Pueblo Unido will face  
14 real and irreparable harm.

### 15 **Air Pollution, Greenhouse Gases, and Traffic Impacts**

16 40. The Project will increase air pollution, greenhouse gas emissions, traffic, and  
17 noise. It includes the development of a large structure and the excavation of a large amount of  
18 soil for a subterranean parking lot. To construct these structures, workers will use construction  
19 machinery on site, commute to and from the Project, and vehicles will make numerous trips to  
20 and from the Project site for excavation, grading, and, construction. Construction materials and  
21 activities will release additional air pollutants. According to a Traffic Study for the Project, if the  
22 Project is constructed, it will generate 1,943 daily vehicle trips each weekday. In a school year,  
23 conservatively estimated at 180 school days, this will result in an increase of approximately  
24 349,740 vehicle trips. Vehicle trips and idling cars will increase emissions of greenhouse gases  
25 and air pollutants, including but not limited to nitrogen oxides, and carbon monoxide. In  
26 addition, due to the high number of schools in the immediate vicinity of the Project, the Project  
27 will exacerbate traffic impacts at the beginning and end of the school day.

28 41. Project construction, use, and associated traffic will also significantly increase

1 noise in the vicinity of the Project. Noise pollution directly impacts the local environment and  
2 affects the health and wellbeing of individuals and communities.

### 3 **Project Application and Approval**

4 42. On information and belief, October 24, 2019, Real Party in Interest Franco  
5 Architects, Inc. submitted an application for a Major Project for Development Review Permit  
6 No. 41-532 located at 7801-7835 Otis Avenue in Cudahy, California (APN 6225-026-  
7 0201/002/003/013/014) (“Application”) on behalf of Real Party KLARE 16, LLC and Real Party  
8 KIPP SoCal Public Schools to the City of Cudahy. Real Parties requested approval of a two  
9 story, 67,148 square foot elementary and middle charter school for KIPP Pueblo Unido with a  
10 subterranean parking lot and 99 parking spaces.

11 43. On February 24, 2020, at a public meeting of the Planning Commission for the  
12 City of Cudahy (“Planning Commission”), after extensive public testimony, the Planning  
13 Commission denied Real Parties’ Application.

14 44. On March 4, 2020 the Applicant, through legal counsel, appealed the Planning  
15 Commission’s denial of the Project Application. Applicant’s attorney submitted a supplemental  
16 appeal on May 21, 2020.

17 45. On March 19, Governor of the State of California Gavin Newsom issued a stay at  
18 home order, directing Californians to stay home except to go to essential jobs or shop for  
19 essential needs to slow the spread of COVID-19. This order was gradually lifted, jurisdiction by  
20 jurisdiction, beginning May 4, 2020. On information and belief, during this time, Project  
21 documents are only available if community members physically went to the public counter at  
22 City Hall in person and were not available online. As a result, Petitioners and members of CAJ  
23 were severely limited in their ability to safely access Project documents and obtain information  
24 about the contents of the Project application. Petitioners de Santiago and Berrios, and Petitioner  
25 CAJ’s members, therefore, could not meaningfully participate in the Project approval process.

26 46. The City scheduled a hearing on the Applicant’s appeal on April 21, 2020.  
27 Petitioner de Santiago, Petitioner Berrios, and Petitioner CAJ’s members submitted written  
28 comments to the City to oppose approval of the Project and raise concerns about their ability to

1 obtain project documents and fully participate in the meeting due to California's stay at home  
2 orders and the spread of COVID-19.

3 47. On April 17, 2020 the City posted a notification cancelling the public hearing on  
4 Applicant's appeal and continued the hearing to an unspecified date.

5 48. On June 2, 2020, City Council was scheduled to hear the Applicant's appeal. At  
6 the hearing, the City Council rescheduled a hearing on the Application, but heard public  
7 comment on the Project.

8 49. On September 15, 2020, City Council was scheduled to hear and issue a decision  
9 on the Applicant's appeal. Due to the COVID-19 Pandemic, the City planned to hold the meeting  
10 via Zoom at 6:30 p.m. However, at 6:30 p.m., when Petitioners de Santiago and Berrios and  
11 Petitioner CAJ's members attempted to join to the meeting, they received a message that they  
12 could not do so because the meeting had exceeded 100 participants. On information and belief, at  
13 that time, approximately 100 community members were unable to join the meeting.

14 50. At approximately 6:34 p.m., Petitioner de Santiago notified Mayor Elizabeth  
15 Alcantar that community members could not access the meeting. At approximately 6:40 p.m.,  
16 several CAJ members contacted City staff via phone and email to explain that they were unable  
17 to attend the meeting and request access to the meeting. City staff informed them that they would  
18 be let into the meeting shortly. During this time, several CAJ members who were attempting to  
19 join the meeting received a notification on their devices that they were unable to rejoin the  
20 meeting because they had been previously removed by the host. At approximately 6:54 p.m.,  
21 Mayor Alcantar posted on social media that the City would let community members in to the  
22 meeting shortly. At approximately 7:00 p.m., City staff informed Petitioner de Santiago that the  
23 meeting might be postponed. At that time, some CAJ members stopped trying to gain access to  
24 the City Council Zoom Meeting as they believed that they would not be able to access the  
25 meeting. The City did not allow CAJ members in to the Zoom meeting until approximately 7:10  
26 p.m. At that time, approximately 70 proponents of the construction of the Project were already  
27 logged in to the Zoom Meeting. In total, on or around 167 participants joined the meeting.

28 51. At the September 15, 2020 meeting, the City Council provided an opportunity for

1 the public to make general public comments. Council did not indicate that members of the public  
2 who provided general public comments would not be permitted to comment on the proposed  
3 Project during the public comment period for that agenda item. As a result, several CAJ  
4 members provided general public comment about issues unrelated to the Project Application  
5 during the general public comment period. When they attempted to provide public comment  
6 about the proposed Project, however, the Council informed them that because they had spoken  
7 previously during the meeting, they would not be permitted to provide comment on the proposed  
8 Project during the comment period specifically reserved for the Project. As a result, several CAJ  
9 members were prevented from providing public comment and voicing their opposition to the  
10 Project at the meeting.

11 52. At the September 15, 2020 meeting, the City Council voted to approve a  
12 Development Review Permit for the Project and exempt the Project from CEQA pursuant to Cal.  
13 Code Regs., tit. 14, [“CEQA Guidelines”] section 15268 for Ministerial Projects.

14 53. The City filed a Notice of Exemption with the County of Los Angeles on  
15 September 29, 2020 indicating that the Project was exempt from CEQA pursuant to CEQA  
16 Guidelines section 15268 and California Public Resources Code section 21080(b)(1) as a  
17 Ministerial Project.

18 54. On September 23, 2020, Petitioner de Santiago submitted a California Public  
19 Records Act Request for the complete file for the Project. The City provided a response on  
20 October 8, 2020. However, a majority of the comment letters submitted to the City by opponents  
21 of the Project were not included in the Project files, including but not limited to, comments  
22 submitted prior to the February 24, 2020 Planning Commission Hearing and comments from Los  
23 Angeles Unified School District (“LAUSD”). Numerous comment letters in support of the  
24 Project, however, were included in the Project files.

25 55. Throughout the administrative process, Petitioner de Santiago, Petitioner Berrios,  
26 and Petitioner CAJ’s members submitted letters and made oral public comment expressing  
27 opposition to approval of the Project.

1 **FIRST CAUSE OF ACTION**

2 **Violation of the California Environmental Quality Act**

3 56. Petitioners reallege and incorporate by reference the allegations contained in the  
4 foregoing paragraphs of this Petition.

5 57. CEQA's purpose is to maintain a quality environment for the people of  
6 California. (Pub. Resources Code, § 21000(a).) The law requires evaluation, analysis and public  
7 disclosure of potentially adverse impacts that a project requiring government approval may have  
8 on the environment. (Pub. Resources Code, §§ 21002, 21002.1, 21080(a).) In order to meet  
9 CEQA's legislative mandate, CEQA must be interpreted to provide the fullest possible  
10 protection to the environment.

11 58. The City found that approval of the proposed Project was ministerial, and the  
12 Project is therefore exempt from CEQA under California Public Resources Code section  
13 21080(b)(1) and CEQA Guidelines section 15268. The City's finding that Project approval was  
14 ministerial, however, is erroneous. The Project does not meet the requirements for ministerial  
15 exemptions codified in California Public Resources Code section 21080(b)(1) or CEQA  
16 Guidelines section 15268.

17 59. California Public Resources Code section 21080(b)(1) provides that CEQA does  
18 not apply to "[m]inisterial projects." CEQA Guidelines section 15268(a) explain: "The  
19 determination of what is 'ministerial' can most appropriately be made... either as a part of [a  
20 public agencies] implementing regulations or on a case-by-case basis."

21 60. Ministerial projects do not require an agency to exercise discretion in order to  
22 approve the project. CEQA Guidelines section 15369 explain:

23 "Ministerial" describes a governmental decision involving *little or no personal judgment*  
24 by the public official as to the wisdom or manner of carrying out the project. The public  
25 official merely applies the law to the facts as presented but uses no special discretion or  
26 judgment in reaching a decision. *A ministerial decision involves only the use of fixed*  
27 *standards or objective measurements*, and the public official cannot use personal,  
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1 subjective judgment in deciding whether or how the project should be carried out.  
2 (Emphasis added.)  
3 Discretionary projects, however, “require[] the exercise of “judgement or deliberation when the  
4 public agency... decides to approve or disapprove a particular activity.” (CEQA Guidelines, §  
5 15357.) According to the CEQA Guidelines, “the key question is whether the public agency can  
6 use its subjective judgement to decide whether and how to carry out or approve a project.” (*Ibid.*)

7 61. “Whether an agency has discretionary or ministerial controls over a project  
8 depends on the authority granted by the law providing the control over the activity.” (CEQA  
9 Guidelines, § 15002(i)(2).) A municipality’s determination that an approval process is ministerial  
10 is not dispositive. Where the municipality’s decision involves any exercise of judgment, the  
11 decision is discretionary rather than ministerial, and a ministerial CEQA exemption cannot  
12 apply. Here, the Project is clearly discretionary, and not ministerial, as the Project was approved  
13 at a public hearing.

14 62. The City’s own Municipal Code explains that approval of the Project is  
15 discretionary. The Project Applicant requested, and the City Council granted, the Project  
16 Applicant a “Development Review Permit.” The Cudahy Municipal Code (“CMC”) states  
17 “Applications for development review, both major and minor, are considered discretionary  
18 projects subject to the requirements of CEQA.” (CMC, § 20.84.180(B).)

19 63. The City Council and City staff exercised discretion in order to approve the  
20 Project. In order to grant a Development Review Permit, the City decisionmakers had to make  
21 certain findings under CMC section 20.84.210, including, but not limited to, that the design  
22 “relates harmoniously to existing and anticipated development”; “shows proper consideration for  
23 adjacent residentially zoned or occupied property and does not adversely affect the character of  
24 such property;” the Project is “in proportion to the building side, and external features are  
25 balanced and unified so as to present a harmonious appearance”; and the “grading and site  
26 development show due regard for the qualities of the natural terrain and landscape and do not  
27 call for the indiscriminate destruction of trees, shrubs, and other natural features.” (CMC, §  
28 20.84.210.)



1           64.       To make these findings, the City decisionmakers had to determine which  
2 structures they would examine as “existing” and “anticipated” development and identify what  
3 they believed were appropriate comparators with respect to geographic proximity to the Project.  
4 They then had to consider the attributes of the proposed Project, such as mass, scale, character,  
5 design, and landscaping, decide what “relating harmoniously” meant in this particular  
6 circumstance, and had to use their discretion to decide whether the proposed Project, in fact,  
7 “relates harmoniously” to existing and anticipated development.

8           65.       To determine whether the Project “shows proper consideration for adjacent  
9 residentially zoned or occupied property and does not adversely affect the character of such  
10 property,” City decisionmakers had to decide what specific features define the “character” of  
11 surrounding residential properties and what portions of the Project to compare to these  
12 properties, what they believed constituted “proper consideration” for surrounding residential  
13 uses, and whether these features, in fact, gave “proper consideration” to surrounding uses.

14           66.       To determine whether design features of the Project are in proportion to the  
15 building site, the decisionmaker had to identify the key features of the building site and the  
16 Project and determine whether these features correspond to the size and nature of the building  
17 site and determine what constituted “balanced and unified” external features, what “presents a  
18 harmonious appearance,” and whether the Project’s external features meet these criteria.

19           67.       Likewise, to find that “grading and site development show due regard for the  
20 qualities of the natural terrain and landscape and do not call for the indiscriminate destruction of  
21 trees, shrubs, and other natural features,” the decisionmaker had to determine what qualified as  
22 natural terrain and landscape, identify what constituted “the qualities” of such terrain and  
23 landscape, had to determine what constitutes “showing due regard” for such qualities, and then  
24 decide whether the Project does so. Nevertheless, the City Council abused its discretion.

25           68.       The Project approval constituted an inherently discretionary process. These  
26 determinations require deliberation and the exercise of judgment. Approval of the Project thus  
27 did not, and, under the Municipal Code, could not, simply involve the application of the law to  
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1 the facts, or a determination as to whether the Project Applicant had complied with applicable  
2 legal requirements in a manner that renders the approval ministerial.

3         69. The City also had the power to impose conditions on the approval of the Project  
4 and require Project modifications to respond to concerns that might be identified by  
5 environmental review. Cudahy Municipal Code section 20.84.210 empowers City  
6 decisionmakers to exercise discretion to impose conditions on any project receiving a  
7 Development Review Permit. Following approval of a Development Review Permit, the City is  
8 required to “inspect a the [Project] site for compliance with... any conditions of approval” and  
9 the City is empowered to enforce project applicants’ compliance with conditions. (CMC, §  
10 20.84.220.) Project approval itself requires the Project Applicant to comply with mitigation  
11 measures included in a Traffic Impact Study for the Project. It also explicitly empowers the City  
12 to modify or condition Project approval to protect property, public health, and public welfare:

13         [t]he rights granted under [the Development Review Permit] may be modified or revoked  
14 by the Planning Commission should it be determined that the proposed uses or conditions  
15 under which the project is being operated or maintained is detrimental to the public  
16 health, welfare or materially harmful to property... in the vicinity. (City Approval, p. 7.)

17         70. Substantial evidence in the record shows that approval of the Project is,  
18 therefore, discretionary, and the Project does not qualify for a ministerial exemption under  
19 CEQA. The City failed to proceed in a manner required by law, and their exemption  
20 determinations are not supported by substantial evidence. The City’s exemption of this Project  
21 from CEQA is thus an abuse of discretion.

22         71. Petitioners have no plain, speedy, and adequate remedy at law, and unless  
23 enjoined by this Court, Real Parties in Interest will develop the Project without a lawful  
24 environmental review. Petitioner therefore, seeks an order enjoining Respondents and Real  
25 Parties in Interest from taking any action to construct any portion of the Project or to develop or  
26 alter the Project site in any way unless and until lawful environmental review documents are  
27 obtained from Respondent City. Petitioners also pray for relief as set forth below.

1 **SECOND CAUSE OF ACTION**

2 **Violation of the Cudahy Municipal Code**

3 72. Petitioners reallege and incorporate by reference the allegations contained in  
4 the foregoing paragraphs of this Petition.

5 73. Section 20.84.110 of the Cudahy Municipal Code provides:

6 Public hearings shall be held at the date, time, and place that appear on the notice given  
7 for the hearing. The designated approving authority shall conduct the public hearing and  
8 allow testimony to be given.

9 74. The hearing notice for the September 15, 2020 City Council meeting indicated  
10 that the hearing would be public and would be held at 6:30 p.m. on September 15, 2020. The  
11 meeting was not public because members of public, including Petitioners and members of CAJ,  
12 were not permitted to join the September 15, 2020 meeting via Zoom at 6:30 p.m. A number of  
13 CAJ members were removed from the meeting by the meeting host. Petitioner de Santiago was  
14 informed that the City was contemplating cancelling the meeting. As a result, CAJ members who  
15 had attempted to join the meeting believed that they could not join the meeting and did not  
16 participate. Petitioners and CAJ members were unable to join the meeting until after 7:10 p.m.  
17 As a result, the meeting was not open to the public, nor was it held at the time indicated on the  
18 hearing notice.

19 75. In addition, several CAJ members were not permitted to provide public  
20 testimony on the proposed Project. The City Council thus did not permit CAJ members to give  
21 public testimony in opposition to approval of the proposed Project as required by CMC section  
22 20.84.110.

23 76. Respondents' actions effectively deprived Petitioners of their procedural due  
24 process rights, codified in the Cudahy Municipal Code. Had the City Council heard from a large  
25 number of opponents of Project at the hearing, they likely would have decided not to approve the  
26 Project. Project approval will substantially and detrimentally impact CAJ and its members.

27 77. As such, Respondents failed to proceed in a manner prescribed by CMC  
28 section 20.84.110. This constitutes an abuse of discretion.

78. An actual and present controversy exists between Petitioners and Respondents. As explained *supra*, Petitioners contend that Respondents have violated their due process right to participate in public meetings under the Cudahy Municipal Code. On information and belief, Respondents contend that they have not. Petitioners, therefore, request that this Court declare that Respondents' failure to permit Petitioners to fully participate in the September 15, 2020 City Council Hearing constitutes a violation of the Cudahy Municipal Code.

79. Petitioners have no plain, speedy, and adequate remedy at law. Petitioners therefore, seek a declaration that Respondents violated the Cudahy Municipal Code. Petitioners also pray for relief as set forth below.

**ATTORNEYS' FEES**

80. Petitioners reallege and incorporate by reference the allegations contained in the foregoing paragraphs of this Petition.

81. In pursuing this action, Petitioners will confer a substantial benefit on the People of the State of California and therefore are entitled to recover from Respondents and Real Parties in Interest reasonable attorneys' fees and costs pursuant to California Code of Civil Procedure § 1021.5 and other provisions of the law.

## INJUNCTION

82. Petitioners reallege and incorporate by reference the allegations contained in the foregoing paragraphs of this Petition.

83. An actual controversy has arisen concerning Respondents' failure to comply with CEQA (Pub. Resources Code § 21000 *et seq.*), as set forth above.

84. As a result of the above-alleged violations of CEQA, Respondents have failed to conduct environmental review as required by law, and have violated other provisions of law including the Cudahy Municipal Code and, thus, have failed to proceed in a manner required by law in approving the Project.

85. At all times mentioned herein, Respondents have been able to comply with CEQA and the Cudahy Municipal Code, and prepare environmental review, and comply with all relevant provisions of law. Notwithstanding such an ability, Respondents have failed and continue to fail to perform their duty to comply with CEQA, the Cudahy Municipal Code, and all other relevant provisions of law.

86. Petitioners are informed and believe, and on that basis allege, that Real Parties are threatening to proceed with development of the Project in the near future. Implementation of the Project will irreparably harm the environment and will result in significant and unmitigated adverse environmental impacts.

87. Petitioners possess no speedy, adequate remedy at law, in that implementation and development in connection with the Project will permanently and forever harm, injure, degrade, and impact the environmental values of the City of Cudahy, the County of Los Angeles and the State of California. Petitioners will suffer irreparable and permanent injuries if Respondents' actions described herein are not set aside.

88. A stay and/or restraining order and preliminary and permanent injunction should issue restraining Respondents from proceeding with development of the Project. In order to preserve the status quo, a stay and/or restraining order and preliminary and permanent injunction should issue staying Respondents' approval of the Project and determination of exemption from environmental review.

## **PRAYER FOR RELIEF**

Petitioner prays that this court:

1. Issue Alternative and Peremptory Writs of Mandate commanding Respondents to:
  - a. Set aside and vacate the approval of all entitlements issued for the Project, including but not limited to:
    - i. All Project approvals, including but not limited to the Project's Development Review Permit, and
    - ii. The Project's CEQA exemption; and

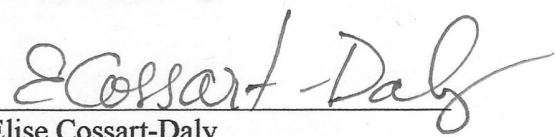
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- b. Fully perform their duties under CEQA by, among other requirements, conducting environmental review for the Project and conducting public hearings in compliance with the Cudahy Municipal Code.
- 2. Issue an order staying Respondents or other Project applicants from engaging in any activity pursuant to the Project until Respondents perform environmental review and the Project complies with California statutes and regulations, including but not limited to the requirements of CEQA and the Cudahy Municipal Code;
- 3. Award reasonable attorneys' fees, pursuant to California Code of Civil Procedure § 1021.5, and other provisions of the law;
- 4. Award costs of suit; and
- 5. Award such other and further relief as the court may deem just and proper.

Respectfully submitted,

DATED: November 2, 2020

COSSART-DALY LAW, A.P.C.



Elise Cossart-Daly  
Attorney for Petitioners Cudahy Alliance for  
Justice, Susanna de Santiago, and Ayd  Bravo  
Berrios

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**VERIFICATION**

I am a member of Cudahy Alliance for Justice, which is a party to this action. I am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing Petition for Writ of Mandate and know its contents. The matters stated in it are true of my own knowledge except to those matters that are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on November 2, 2020 in Downey, California.

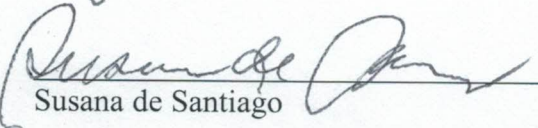
A. Bravo Berrios  
CUDAHY ALLIANCE FOR JUSTICE  
Aydé Bravo Berrios

**VERIFICATION**

I, Susana de Santiago, am a party to this action. I have read the foregoing Petition for Writ of Mandate and know its contents. The matters stated in it are true of my own knowledge except to those matters that are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on November 2, 2020 in Cudahy, California.

  
Susana de Santiago



**VERIFICATION**

I, Ayd  Bravo Berrios, am a party to this action. I have read the foregoing Petition for Writ of Mandate and know its contents. The matters stated in it are true of my own knowledge except to those matters that are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on November 2, 2020 in Downey, California.

A- Bravo Berrios  
Ayd  Bravo Berrios

# **Exhibit A**

Cossart-Daly Law, A.P.C.

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November 2, 2020

**Via U.S. Mail**

City of Cudahy  
c/o City of Cudahy City Clerk's Office  
5220 Santa Ana Street  
Cudahy, California 90201

City Council for the City of Cudahy  
c/o City of Cudahy City Clerk's Office  
5220 Santa Ana Street  
Cudahy, California 90201

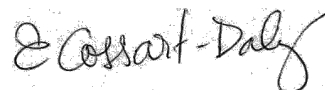
**Re: Notice of Intent to File Litigation Under the California Environmental  
Quality Act and Cudahy Municipal Code Section 20.84.110 *et seq.***

To Whom It May Concern:

Pursuant to Public Resources Code section 21167.5, I have enclosed a Notice of Intent to File a CEQA Petition to notify the City of Cudahy and the City Council for the City of Cudahy that Cudahy Alliance for Justice, Susana de Santiago, and Ayd  Bravo Berrios intend to commence an action as laid out in the attached Notice.

If you have any questions please feel free to contact me at [ecd@cossart-dalylaw.com](mailto:ecd@cossart-dalylaw.com).

Sincerely,



Elise Cossart-Daly  
Attorney

1 Elise Cossart-Daly (SBN 299024)  
2 Cossart-Daly Law, A.P.C.  
3 250 Hollister Ranch Road  
4 Goleta, California 93117  
5 Telephone: 805.259.9932  
6 Email: ecd@cossart-dalylaw.com

7 Attorney for Petitioners,  
8 Cudahy Alliance for Justice, Susana de Santiago,  
9 and Ayd  Bravo Berrios

10  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12  
13 **FOR THE COUNTY OF LOS ANGELES**

14 CUDAHY ALLIANCE FOR JUSTICE, an ) CASE NO.:  
15 unincorporated non-profit organization; )  
16 SUSANA DE SANTIAGO, an individual; and ) **NOTICE OF INTENT TO FILE CEQA**  
17 AYD  BRAVO BERRIOS, an individual; ) **PETITION**

18 Petitioners, ) [CEQA CASE]  
19 )

20 vs. )

21 CITY OF CUDAHY, a municipal corporation; )  
22 and CITY OF CUDAHY CITY COUNCIL; )  
23 and DOES 1-20, inclusive; )

24 Respondents. )  
25 )  
26 )

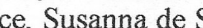
27 KIPP SOCAL PUBLIC SCHOOLS, a )  
28 California Corporation; KIPP PUEBLO )  
UNIDO, an unincorporated organization; )  
FRANCO ARCHITECTS, INC. a California )  
Corporation; KLARE 16, LLC, a California )  
Corporation; and DOES 21-40, inclusive; )

Real Parties in Interest. )  
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PLEASE TAKE NOTICE, under Public Resources Code section 21167.5, that Petitioners CUDAHY ALLIANCE FOR JUSTICE, SUSANA DE SANTIAGO, and AYDÉ BRAVO BERRIOS intend to file a petition under provisions of the California Environmental Quality Act ("CEQA") and the Cudahy Municipal Code against Respondents CITY OF CUDAHY and CITY OF CUDAHY CITY COUNCIL, challenging their decision to exempt the development of KIPP Pueblo Unido Charter School, located at 7801-7835 Otis Avenue in Cudahy, California (APN 6225-026-0201/002/003/013/014) ("Project") from CEQA and to issue Development Review Permit No. 41-532 and other land use approvals for the Project. The Petition will seek an Alternative and Peremptory Writ of Mandate, injunctive relief, attorneys fees, costs, and other and further relief that the court may deem just and proper.

COSSART-DALY LAW, A.P.C.

  
Elise Cossart-Daly  
Attorney for Petitioners Cudahy Alliance for  
Justice, Susanna de Santiago, and Aydé Bravo  
Berrios

**Proof of Service**

I, Elise Cossart-Daly, am over the age of 18 years, not a party to this action, and employed by Cossart-Daly Law, A.P.C., in Santa Barbara County, California. My business and mailing address is 250 Hollister Ranch Road, Goleta, California 93117.

On November 2, 2020, I served copies of the following document(s):

**NOTICE OF INTENT TO FILE CEQA PETITION**

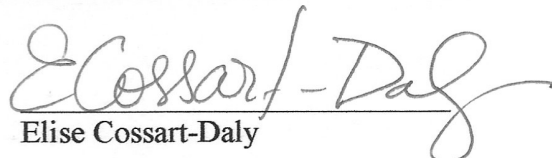
☒ **BY U.S. MAIL** – I placed a true and correct copy of the document(s) listed in sealed envelopes to be deposited in the United States mail, with postage thereon fully prepaid, in Santa Barbara, California to the parties listed below.

☐ **BY ELECTRONIC MAIL** – I transmitted via EMAIL the document(s) listed above to the parties listed below.

City of Cudahy  
c/o City of Cudahy City Clerk's Office  
5220 Santa Ana Street  
Cudahy, California 90201

City Council for the City of Cudahy  
c/o City of Cudahy City Clerk's Office  
5220 Santa Ana Street  
Cudahy, California 90201

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on November 2, 2020 in Santa Barbara, California.

  
Elise Cossart-Daly

# **Exhibit B**

1 Elise Cossart-Daly (SBN 299024)  
2 Cossart-Daly Law, A.P.C.  
3 250 Hollister Ranch Road  
4 Goleta, California 93117  
5 Telephone: 805.259.9932  
6 Email: ecd@cossart-dalylaw.com

7 Attorney for Petitioners  
8 Cudahy Alliance for Justice, Susana de Santiago,  
9 and Ayd  Bravo Berrios

10  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**  
13

14 CUDAHY ALLIANCE FOR JUSTICE, an ) CASE NO.:  
15 unincorporated association; SUSANA DE )  
16 SANTIAGO; and AYD  BRAVO BERRIOS; ) **NOTICE TO ATTORNEY GENERAL**  
17 ) **OF CEQA PETITION**

18 Petitioners,

19 vs.

20 CITY OF CUDAHY; CITY OF CUDAHY )  
21 CITY COUNCIL; and DOES 1-20; )

22 Respondents.

23 KIPP SOCAL PUBLIC SCHOOLS; KIPP )  
24 PUEBLO UNIDO; FRANCO ARCHITECTS, )  
25 INC.; KLARE 16, LLC; and DOES 21-40; )

26 Real Parties in Interest.  
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1 To the Attorney General of the State of California:

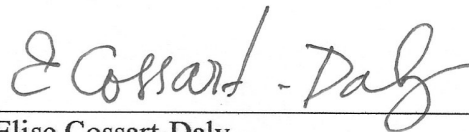
2  
3 PLEASE TAKE NOTICE, under Public Resources Code section 21167.7, Code of  
4 Civil Procedure section 388, and other provisions of law, that on November 3, 2020, Petitioners  
5 CUDAHY ALLIANCE FOR JUSTICE, SUSANA DE SANTIAGO, and AYDÉ BRAVO  
6 BERRIOS will file a petition under provisions of the California Environmental Quality Act  
7 ("CEQA") and the Cudahy Municipal Code against Respondents CITY OF CUDAHY and CITY  
8 OF CUDAHY CITY COUNCIL, challenging their decision to exempt the development of KIPP  
9 Pueblo Unido Charter School, located at 7801-7835 Otis Avenue in Cudahy, California (APN  
10 6225-026-0201/002/003/013/014) ("Project") from CEQA and to issue Development Review  
11 Permit No. 41-532 and other land use approvals for the Project.

12 The Petition alleges that Respondents violated CEQA when they improperly  
13 exempted the Project from environmental review and violated Cudahy Municipal Code when  
14 they failed to permit Petitioners to fully participate in the administrative process prior to  
15 Respondents' approval of the Project.

16 A copy of the Petition for Writ of Mandamus is attached to this notice.

17  
18 DATED: November 3, 2020

COSSART-DALY LAW, A.P.C.

19  
20 

21 Elise Cossart-Daly  
22 Attorney for Petitioners Cudahy Alliance for  
23 Justice, Susanna de Santiago, and Ayd  Bravo  
24 Berrios  
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**Proof of Service**

I, Elise Cossart-Daly, am over the age of 18 years, not a party to this action, and employed by Cossart-Daly Law, A.P.C., in Santa Barbara County, California. My business and mailing address is 250 Hollister Ranch Road, Goleta, California 93117.

On November 3, 2020, I served copies of the following document(s):

**NOTICE TO ATTORNEY GENERAL**

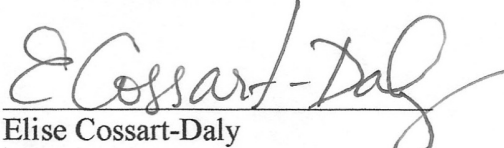
**PETITION FOR WRIT OF MANDAMUS**

☒ **BY U.S. MAIL** – I placed a true and correct copy of the document(s) listed in sealed envelopes to be deposited in the United States mail, with postage thereon fully prepaid, in Santa Barbara, California to the parties listed below.

☐ **BY ELECTRONIC MAIL** – I transmitted via EMAIL the document(s) listed above to the parties listed below.

Attorney General of the State of California  
1300 "I" Street  
Sacramento, California 95814-2919

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on November 3, 2020 in Santa Barbara, California.

  
Elise Cossart-Daly