

## SAVE THE PLASTIC BAG COALITION

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June 5, 2011

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### **NOTICE OF COMMENCEMENT OF ACTION PURSUANT TO PUBLIC RESOURCES CODE §21167.5**

Pursuant to Public Resources Code §21167.5, Save The Plastic Bag Coalition (“STPB”) hereby notifies the City of Long Beach and Long Beach Development Services of the commencement of an action.

The project that is the subject of the action is the ordinance amending the Municipal Code by adding chapter 8.62 relating to regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags. The ordinance was adopted by the City Council on May 24, 2011.

The petitioner in the action is Save The Plastic Bag Coalition.

The party respondents in the action are as follows:

1. City of Long Beach
2. Long Beach Development Services
3. Does 1-100

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The action is being filed and commenced in the Los Angeles Superior Court – Central District.

The nature of the action is a petition for writ of mandate under the California Environmental Quality Act (“CEQA”) and declaratory relief. The causes of action are as follows:

First Cause of Action: Application of inappropriate, inapplicable, and unlawful threshold of significance regarding Greenhouse Gas Emissions in the “Addendum to the Ordinances to Ban Plastic Carryout Bags in Los Angeles County Final EIR,” as stated in STPB’s objections to the Addendum sent to Long Beach Development Services on April 27, 2011. Also failure to adopt Statement of Overriding Considerations. These are violations of CEQA. Request for judgment that the ordinance is invalid and request for peremptory writ of mandate requiring repeal of the ordinance and similar and related relief.

Second Cause of Action: Request for declaratory judgment that the Ordinance is preempted by AB 2449 and therefore invalid. (Public Resources Code §§ 42250-42257.)

All objections and rights are reserved, including but not limited to STPB’s objections sent to Long Beach Development Services on April 27, 2011. No waivers of any kind are intended by this notice.

**SAVE THE PLASTIC BAG COALITION**



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By: STEPHEN L. JOSEPH, Counsel