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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF RIVERSIDE**

CENTER FOR BIOLOGICAL  
DIVERSITY and SIERRA CLUB,

Petitioners and Plaintiffs,

v.

COUNTY OF RIVERSIDE; BOARD OF  
SUPERVISORS OF THE COUNTY OF  
RIVERSIDE; and DOES 1 through 20,  
inclusive,

Respondents and Defendants;

MAJESTIC REALTY CO.; MAJESTIC  
REALLY CO.; PHILLIP BROWN; and  
DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No.

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

[Pub. Res. Code § 21000, et seq.  
(California Environmental Quality Act);  
Code Civ. Proc. §§ 1085, 1094.5; Gov.  
Code § 65300, et seq. (California Planning  
and Zoning Law)]

## **INTRODUCTION**

1. This action challenges the Riverside County Board of Supervisors' February 25, 2025 decision to approve the Majestic Thousand Palms Project ("Project") and certify an Environmental Impact Report ("EIR") (State Clearinghouse No. 2022110600). The Project proposes 1.2 million square feet of warehouse development, as well as a General Plan Amendment from residential to light industrial and a Change of Zone from residential-agriculture to manufacturing-service commercial.

2. The Project, proposed by Majestic Realty Co. (and/or Majestic Really Co.) and Phillip Brown ("Real Parties in Interest"), encompasses approximately 83 acres within the Thousand Palms community north of Cathedral City, adding to Riverside County's many large-scale warehouse developments and severe truck traffic. The Project's more than 200,000 heavy-duty truck trips annually will emit three times the air district's threshold for NO<sub>x</sub>, a harmful air pollutant that causes asthma in children. It will also exceed the air district's 55-pound threshold for volatile organic compounds (VOCs) by nearly five pounds per day, risking the health of residents living just 1,300 feet from the Project site.

3. The Project site is largely undeveloped and hosts Disturbed Desert Saltbrush Scrub and Disturbed Sonoran Creosote Bush Scrub habitat that supports numerous special-status wildlife species, including the Coachella Valley fringe-toed lizard, Least Bell's vireo, Peninsular Bighorn sheep, Casey's June beetle, California red-legged frog, Sierra Madre yellow-legged frog, Golden eagle, and burrowing owl. But despite these rich biological resources, the County has yet to conduct focused surveys for special-status plants or wildlife on the Project site, let alone adequately mitigate the Project's impacts with specific and enforceable mitigation.

4. The Project will include 20% cold storage (247,798 square feet) and transportation refrigeration units (TRUs), contributing to its massive 8,563,734 kWh/year electricity demand and more than 30,000 metric tons of annual greenhouse gas emissions, an amount three times higher than the air district's industrial significance threshold. Nevertheless, the County failed to mandate widely used mitigation measures for greenhouse gas emissions, such as maximum solar

1 renewable energy generation, a fleet efficiency requirement that would require electric trucks for  
2 some applications and gradually phase-in heavy-duty electric trucks, or even carbon offsets, to  
3 address these impacts.

4         5.       The Project will include a total of 212 truck dock doors with 106 dock doors along  
5 the southern façade facing nearby residences. Each day, the Project’s trucks and vehicles will  
6 create traffic congestion on and around Rio del Sol Road, the only access route absent an  
7 emergency, which indirectly connects with Interstate 10. This is the equivalent of 3,488 daily  
8 passenger vehicle trips (564 total daily trucks and 2,076 passenger vehicles). Nevertheless, the  
9 County failed to offer any mitigation to address single occupancy vehicle traffic and rejected an  
10 electric truck requirement or phase-in plan to protect nearby communities and wildlife from air  
11 quality degradation.

12         6.       Petitioners, along with several other organizations, governmental agencies, and  
13 individuals, demonstrated throughout the administrative process that the Project will have  
14 significant harmful environmental impacts on, among other things, biological resources  
15 (including special status species), greenhouse gas emissions, air quality, traffic, and energy.  
16 Petitioners requested further mitigation and urged the County to adopt feasible mitigation  
17 measures such as maximum on-site solar to meet the Project’s energy demand. Despite these  
18 efforts, the County’s EIR fails to disclose or adequately evaluate these environmental impacts or  
19 identify effective mitigation measures, rendering the EIR inadequate under the California  
20 Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq.

21         7.       The County approved the Project and certified the EIR notwithstanding the  
22 numerous and fatal defects that Petitioners identified in the County’s environmental review.  
23 Petitioners bring this lawsuit to ensure that the County fully discloses, analyzes, and mitigates  
24 the significant environmental impacts and considers reasonable alternatives and complies with  
25 CEQA and the California Planning and Zoning Law before moving forward with the Project.

1 **THE PARTIES**

2 8. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a non-  
3 profit conservation organization dedicated to the protection of native species and their habitats  
4 through science, policy, and environmental law. The Center has approximately 80 thousand  
5 members throughout California and the United States, including members who reside within  
6 communities in the Project’s vicinity. The Center has worked for many years to protect  
7 imperiled plants and wildlife, open space, air and water quality, and the overall quality of life for  
8 people in Riverside County where the Project is proposed. Members of the Center will be  
9 directly and adversely affected by the approval and construction of the Project. The Center  
10 submitted extensive comments to the County regarding the Project’s Notice of Preparation,  
11 Draft Environmental Impact Report, and Final Environmental Impact Report, and appeared at  
12 the Board of Supervisors meeting during which the Project was approved.

13 9. Petitioner SIERRA CLUB is a national nonprofit organization of approximately  
14 one million members. Sierra Club is dedicated to exploring, enjoying, and protecting the wild  
15 places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems  
16 and resources; to educating and encouraging humanity to protect and restore the quality of the  
17 natural and human environment; and to using all lawful means to carry out these objectives.  
18 Sierra Club’s particular interest in this case and the issues that this Project approval concerns  
19 stem from the Sierra Club’s local San Geronio Chapter’s interest in promoting renewable and  
20 clean energy; decreasing rather than increasing heavy-duty and medium-duty truck traffic in an  
21 already highly overburdened air basin; and ensuring that good, livable, and healthy jobs are  
22 brought to the area. The members of the San Geronio Chapter live, work, and recreate in and  
23 around the areas that will be directly affected by the construction and operation of the Project.  
24 Sierra Club submitted extensive comments to the County throughout its environmental review  
25 process for the Project that are part of the County’s record of its decision to approve the Project  
26 and its Final EIR.

10. Respondent RIVERSIDE COUNTY, a political subdivision of the State of California, is responsible for regulating and controlling land use in the County, including implementing and complying with the provisions of CEQA and the California Planning and Zoning Law. The County is the “lead agency” for the Project for purposes of Public Resources Code section 21067, with principal responsibility for conducting environmental review of the Project. The County has a duty to comply with CEQA, the State Planning and Zoning Law, and other state laws.

11. Respondent RIVERSIDE COUNTY BOARD OF SUPERVISORS (the “County Board”) is the duly elected decision-making body of the County. As the decision-making body, the County Board is responsible for granting the various approvals necessary for the Project and for ensuring that the County has conducted an adequate and proper review of the Project’s environmental impacts under CEQA and the California Planning and Zoning Law.

12. On information and belief, Real Parties in Interest MAJESTIC REALTY CO. and/or MAJESTIC REALTY CO. are registered to do business in the State of California, are the Project applicant and developer, are listed on the County's Notice of Determination filed for the Project on February 25, 2025, and are the recipient of the Project approvals challenged in this action and are therefore a real party in interest or real parties in interest within the meaning of Public Resources Code section 21167.6.5.

13. On information and belief, Real Party in Interest PHILLIP BROWN (together with Majestic Realty Co. and Majestic Really Co., the “Real Party in Interest”) is an individual that is the Project applicant for purposes of CEQA and is the recipient of the approvals challenged in this action.

14. Petitioners do not know the true names and capacities, whether individual, corporate, associate, or otherwise, of respondents DOES 1 through 20, inclusive, and therefore sues said respondents under fictitious names. Petitioners will amend this Petition to show their true names and capacities when the same have been ascertained. Each of the respondents is the

1 agent and/or employee of Respondents, and each performed acts on which this action is based  
2 within the course and scope of such respondent's agency and/or employment.

3 15. Petitioners do not know the true names and capacities, whether individual,  
4 corporate, associate, or otherwise, of real parties in interest DOES 21 through 40, inclusive, and  
5 therefore sues said real parties in interest under fictitious names. Petitioners will amend this  
6 Petition to show their true names and capacities when the same have been ascertained.

### 7 **JURISDICTION AND VENUE**

8 16. This Court has jurisdiction to issue a writ of mandate to set aside Respondents'  
9 decision to approve the Project under California Code of Civil Procedure section 1094.5 (or  
10 alternatively, section 1085) and Public Resources Code section 21168.5 (or alternatively, section  
11 21168) and section 21168.9.

12 17. Venue for this action properly lies in the Superior Court of Riverside County  
13 because Respondents and the proposed site of the Project are located in Riverside County. Many  
14 of the significant environmental impacts from the Project that are the subject of this lawsuit  
15 would occur in Riverside County, and the Project would affect the interests of Riverside County  
16 residents, including Petitioners' members who reside in Riverside County.

17 18. Respondents have taken final agency action with respect to approving the Project  
18 and certifying the EIR. Respondents had a duty to comply with applicable state laws, including  
19 but not limited to CEQA and the California Planning and Zoning Law, prior to undertaking the  
20 discretionary approvals at issue in this lawsuit.

21 19. Petitioners have complied with the requirements of Public Resources Code section  
22 21167.5 by serving a written notice of Petitioners' intention to commence this action on  
23 Respondents on March 25, 2025. A copy of the written notice and proof of service is attached  
24 hereto as Exhibit A.

25 20. Petitioners have complied with the requirements of Public Resources Code section  
26 21167.6 by concurrently notifying Respondents of Petitioners' request to prepare the record of  
27

administrative proceedings relating to this action. A copy of Petitioners' Election to Prepare Administrative Record of Proceedings is attached hereto as Exhibit B.

21. Petitioners will comply with Public Resources Code section 21167.7 and Code of Civil Procedure section 388 by furnishing the Attorney General of the State of California with a copy of the Petition on March 27, 2025. Attached hereto as Exhibit C is the true and correct copy of the letter transmitting the Petition to the Attorney General.

22. Petitioners satisfied any and all conditions precedent to filing this instant action and have exhausted any and all administrative remedies to the extent required by law, including, but not limited to, timely submitting extensive comments objecting to approval of the Project and identifying in writing to Respondents the deficiencies in Respondents' environmental review for the Project on June 10, 2024, December 8, 2024, February 20, 2025, and February 25, 2025.

23. This Petition is timely filed in accordance with Public Resources Code section 21167 and CEQA Guidelines section 15112.

### **GENERAL ALLEGATIONS**

#### **The Proposed Project Site and Environmental Setting**

24. The proposed Project site encompasses 83 acres of largely undeveloped land within the Western Coachella Valley Area Plan portion of unincorporated Riverside County. Residences are located south and southeast of the Project site, with the closest residence approximately 1,300 feet south of the Project site. In addition to residences, Della S. Lindley Elementary School is located within 2,650 feet of the Project site.

25. The Project falls within the South Coast Air Quality Management District's (SCAQMD) jurisdiction and is located in the Salton Sea Air Basin, one of the most polluted basins in the country. The Project will emit more than 59 pounds of VOCs (an ozone precursor) per day through architectural coatings, consumer products, and landscape equipment, exceeding SCAQMD's regional threshold by 4.53 pounds every day. Further, the Project will generate 169.50 pounds of NO<sub>x</sub> (another ozone precursor) per day during full operation in winter and

1 158.95 in summer, emissions about three times higher than the applicable significance threshold  
2 (55 pounds per day). To emit the level of NO<sub>x</sub> that this Project will emit in a day, ten standard  
3 cars would have to drive for a year. In 2024, Riverside County ranked second worst in the nation  
4 for ozone pollution, and the Salton Sea Air Basin remains in nonattainment for 8-hour and 1-  
5 hour ozone standards.

6 26. CalEnviroScreen<sup>1</sup> identifies the Thousand Palms community specifically as being  
7 exposed to more pollution from traffic than 87 percent of the state. The community lies in close  
8 proximity to major highways and industrial sites, resulting in heavy truck traffic and emissions  
9 that exacerbate air quality issues. The Project's additional air pollution will intensify the serious  
10 direct health impacts already experienced by nearby residents. The EIR acknowledged that the  
11 Project would have a significant impact on air quality but rejected numerous feasible air quality  
12 mitigation measures, including many measures that the California Attorney General  
13 recommends for all warehouse projects throughout the state.

14 27. The Project will negatively affect numerous special-status wildlife through  
15 construction and operation activities, non-native plant introduction, additional lighting, noise,  
16 and air pollution, barriers to wildlife connectivity, and the loss and disruption of essential habitat  
17 due to edge effects. However, despite these potential impacts, the County has not yet completed  
18 targeted surveys for special status species nor adequately mitigated impacts, including for  
19 species not covered by the Coachella Valley Multi-Species Habitat Conservation Plan such as  
20 the federally-listed endangered Casey's June beetle, the federally-threatened California red-  
21 legged frog, the federally- and state-listed endangered Sierra Madre yellow-legged frog, the  
22

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24 <sup>1</sup> CalEnviroScreen 4.0, available at [https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40)  
25 40 (as of March 20, 2025) is a tool created by the California Office of Environmental Health  
26 Hazard Assessment that uses environmental, health, and socioeconomic information to produce  
27 scores and rank every census tract in the state. A census tract with a high score is one that  
28 experiences a much higher pollution burden than a census tract with a low score. Office of  
Environmental Health Hazard Assessment, CalEnviroScreen 4.0 Report (October 2021),  
available at

<https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf>



1 California fully protected Golden eagle, the federally- and state-listed endangered Least Bell's  
2 vireo, and the California fully protected desert bighorn sheep.

3 28. The Project will emit over 30,000 metric tons of greenhouse gases annually, with  
4 about 28,000 metric tons emitted from the Project's mobile sources alone. Project-generated  
5 work vehicle miles traveled (VMT) per employee would total about 26.6 miles, nearly twice the  
6 County's adopted threshold of 14.2 miles. Despite the Project's astounding greenhouse gas  
7 emissions and VMT increases, the EIR lacks standard mitigation such as an electric truck  
8 mandate or phase-in plan, carbon offsets, and maximum renewable energy generation. These  
9 measures are commonplace throughout the state for other similarly situated Projects.

10 29. All Project-related truck traffic will utilize a single roadway, Rio del Sol Road, to  
11 access Varner Road, Ramon Road, and the Interstate 10 freeway, increasing local traffic. But  
12 despite the Project adding 3,488 daily passenger vehicle and truck trips on this road, the EIR  
13 fails to require any traffic mitigation measures, or any improvements to Rio del Sol Road.

14 **The Current Proposed Project and Environmental Review Process**

15 30. On or around November 30, 2022, the County issued a Notice of Preparation  
16 ("NOP") of an EIR for the Project, in which it notified public agencies and interested individuals  
17 that, as a lead agency, it would be preparing a Draft EIR to analyze the proposed Project's  
18 potentially significant environmental impacts. The California Department of Fish and Wildlife  
19 submitted comments on the NOP and recommended that the Draft EIR specifically include  
20 habitat assessments, as well as a complete and recent inventory of threatened, endangered, and  
21 other sensitive species located within the project footprint and within potentially affected offsite  
22 areas. On or around December 14, 2022, the Center also submitted comments on the NOP,  
23 raising concerns about traffic, greenhouse gas emissions, air quality, and biological resources,  
24 among others.

25 31. On or around April 26, 2024, Respondents published a Notice of Availability of a  
26 Draft EIR for the Project and circulated the Draft EIR for public review and comment.

32. Numerous public agencies, organizations, and individual members of the public submitted comments pointing out the serious deficiencies in the Draft EIR. The commenters explained that the Project would have significant direct and cumulative impacts on air quality, greenhouse gases, biological resources (including special status species), energy consumption, land use, and traffic. These comments included the following observations:

- a. The Draft EIR's analysis of and mitigation for impacts to biological resources was inadequate because, *inter alia*, it failed to disclose, evaluate, and avoid significant impacts to biological resources, including special status species;
- b. The Draft EIR's analysis of and mitigation for greenhouse gas impacts was inadequate because, *inter alia*, the Draft EIR overlooked significant sources of greenhouse gas emissions and failed to adopt all feasible mitigation measures;
- c. The Draft EIR's analysis of the Project's impacts on air quality was inadequate, and those impacts were not sufficiently mitigated;
- d. The Draft EIR's analysis of and mitigation for the Project's energy demand was inadequate, and the Draft EIR failed to adopt all feasible mitigation measures;
- e. The Draft EIR indicates that the Project was inconsistent with multiple policies of the County's General Plan;
- f. The Draft EIR's analysis and mitigation of the Project's traffic impacts was inadequate; and
- g. The Draft EIR's analysis of cumulative impacts was inadequate because, *inter alia*, it failed to disclose the compounding impacts of other warehouses approved in the area; and
- h. The Draft EIR's description of the proposed Project was incomplete and unstable, including with respect to potential off-site improvements that were not fully described or evaluated in the EIR.

33. The California Air Resources Board ("CARB") and SCAQMD echoed these concerns regarding air quality and greenhouse gas emissions in their comments on the Draft

1 EIR. Specifically, CARB objected that the Project would expose nearby communities to  
2 elevated levels of air pollution beyond the Project site's existing baseline emissions. CARB  
3 emphasized that the Project site is surrounded by residences and schools that are already  
4 exposed to toxic diesel emissions generated by existing industrial buildings and vehicle traffic  
5 along Interstate 10. Both CARB and SCAQMD urged the County to plan for use of zero  
6 emission technology, including electric trucks, and suggested phase-in schedules for electric  
7 trucks and a requirement for zero-emissions or near-zero emission on-road haul trucks.

8 34. On October 31, 2024, the County released the first version of its Final EIR for the  
9 Project. The Final EIR included several minor adjustments to mitigation, including a 3-minute  
10 limit on idling time and revised electric vehicle charging station requirements, as well as  
11 responses to comments. However, many of the Draft EIR's defects persisted in the Final EIR.

12 35. On December 8, 2024, Petitioner Sierra Club submitted comments on the Final  
13 EIR to the Riverside Planning Commission on many of the same defects outlined above.  
14 Specifically, Sierra Club's comment urged the Planning Commission to delay a vote on the  
15 Project until the County revised the EIR and added further mitigation for greenhouse gas  
16 emissions, energy demand, air quality impacts, and traffic congestion, among other impacts.

17 36. On December 9, 2024, despite comments objecting to the numerous errors and  
18 shortcomings in the environmental review process, the Planning Commission voted to  
19 recommend that the County Board of Supervisors certify the EIR and approve the Project.

20 37. On January 22, 2025, the County issued a response to Sierra Club's December 8,  
21 2024 comments. The County explained that the Project would purportedly be restricted to a  
22 maximum of 247,798 square feet of high-cube cold storage building area, and the Project would  
23 purportedly limit the use of natural gas for purposes other than electricity generation. Beyond  
24 these changes, however, the response dismissed each suggested mitigation measure to reduce the  
25 Project's air quality impacts, energy usage, and greenhouse gas emissions.

26 38. The next day, on January 23, 2025, the County released the second Final EIR for  
27 the Project, which included the text changes to the Draft EIR described in the January 22, 2025

1 letter and responses to public comments on the Draft EIR. Many of the defects in the Draft EIR  
2 identified by commenters persisted in the Final EIR.

3 39. In a letter submitted to the County on February 20, 2025, before the final hearing  
4 to approve the Project and certify the Final EIR, the Center described deficiencies remaining in  
5 the Final EIR, commenting that the Final EIR failed to comply with CEQA, including in the  
6 following respects:

- 7 a. The EIR's analysis of and mitigation for the Project's impacts to biological  
8 resources, including special status species, remained inadequate largely because  
9 the County had not yet completed targeted surveys for special-status species;
- 10 b. The EIR's analysis of and mitigation for the Project's greenhouse gas emissions  
11 remained inadequate because it failed to support its claims regarding infeasibility  
12 of carbon offsets, electric truck requirements, and additional on-site solar; and
- 13 c. The EIR's analysis of and mitigation for the Project's air quality emissions  
14 remained inadequate because it failed to adopt widely used mitigation  
15 recommended by the California Attorney General.

16 40. On February 24, 2025, the County issued a memorandum purporting to respond to  
17 the Center's comments on the Final EIR. The memorandum asserted that a 10 grams per liter  
18 limit on VOCs in architectural coatings was not necessary; that impacts to special status species  
19 would be adequately mitigated; and that electric trucks, additional on-site solar, and carbon  
20 offsets were all infeasible. It included an attachment titled "Electric and Alternative Fuel Truck  
21 Adoption Constraints Memorandum" that described what it called "constraints" associated with  
22 the use of zero emission trucks in logistics.

23 41. On February 25, 2025, Sierra Club sent by e-mail a letter to the County reiterating  
24 some of its written objections, including that additional air quality and greenhouse gas  
25 mitigation measures should be adopted as feasible mitigation for significant Project impacts. For  
26 example, Sierra Club noted that a maximum solar array on the building's rooftop is appropriate  
27 and feasible for the Project's size, scale, and location; and Sierra Club commented that

1 additional solar energy has not been shown to be infeasible within the meaning of CEQA. Sierra  
2 Club additionally commented that environmentally superior alternatives evaluated through the  
3 EIR had not been shown to be infeasible based on findings supported by substantial evidence in  
4 the record.

5 **Respondents' Approval of the Project and Certification of the EIR**

6 42. On February 25, 2025, the Board of Supervisors held a public hearing to consider  
7 whether to certify the Final EIR and approve the Project. The Center attended the public hearing  
8 and gave testimony opposing the certification of the Final EIR and approval of the Project.

9 43. At the conclusion of the February 25, 2025 hearing, the Board of Supervisors  
10 adopted the Planning Commission's recommendation, certified the Final EIR, approved the  
11 Project, and adopted findings in support of the Project approval and EIR certification. These  
12 findings included determinations that the Project's greenhouse gas, air quality, and VMT  
13 impacts would be "significant and unavoidable."

14 44. On or about February 25, 2025, the County filed a Notice of Determination, which  
15 stated that the County had approved the Project, prepared an EIR, and adopted Findings and a  
16 Statement of Overriding Considerations.

17 45. As a result of Respondents' actions in approving the Project, certifying the EIR for  
18 the Project, and adopting Findings and a Statement of Overriding Considerations, Petitioners  
19 and their members will suffer significant and irreparable harm. Petitioners have no plain,  
20 speedy, or adequate remedy at law for this irreparable harm. Unless this Court grants the  
21 requested writ of mandate to require Respondents to set aside certification of the EIR and  
22 approval of the Project, Respondents' approval will remain in effect in violation of state law.

23 46. Respondents have prejudicially abused their discretion and failed to proceed in the  
24 manner required by law in the following ways:

1 **FIRST CAUSE OF ACTION**

2 **Violation of CEQA – Inadequate EIR, (Public Resources Code § 21000, et seq.,**  
3 **CEQA Guidelines 14 Cal. Code Regs. § 15000 et seq.)**

4 47. Petitioners hereby incorporate by reference each and every allegation set forth  
5 above.

6 48. The California legislature enacted CEQA to ensure that long-term protection of  
7 the environment is a guiding criterion in public decisions. CEQA requires the lead agency for a  
8 project with the potential to cause significant environmental impacts to prepare an EIR for the  
9 project that complies with the requirements of the statute, including, but not limited to, the  
10 requirement to disclose and analyze the project's potentially significant environmental impacts.  
11 The EIR must provide sufficient environmental analysis such that decisionmakers can  
12 intelligently and fully consider environmental consequences when acting on the proposed  
13 project. Such analysis must include and rely upon thresholds of significance that are based on  
14 substantial evidence in the record.

15 49. CEQA also mandates that the lead agency analyze and adopt feasible and  
16 enforceable mitigation measures that would reduce or avoid any of a project's significant  
17 environmental impacts. If any of the project's significant impacts cannot be mitigated to a less  
18 than significant level, CEQA bars the lead agency from approving a project if a feasible  
19 alternative is available that would meet the project's objectives while avoiding or reducing its  
20 significant environmental impacts.

21 50. CEQA requires that substantial evidence in the administrative record support all  
22 the agency's findings and conclusions, including those contained in the EIR, and that the agency  
23 explain how the evidence in the record supports the conclusions the agency has reached.

24 51. Respondents committed a prejudicial abuse of discretion and failed to proceed in a  
25 manner required by law because the Project relies on an EIR that fails to meet CEQA's  
26 requirements for the disclosure, analysis, mitigation, reduction, and/or avoidance of significant  
27

environmental impacts from the Project, including direct and cumulative impacts relating to greenhouse gas emissions, air quality, traffic, biological resources, land use, and energy demand.

52. **Environmental Setting.** The EIR fails to comply with CEQA's requirement to provide an adequate and accurate description of the environmental setting of the Project area.

53. **Project Description.** Respondents failed to proceed in the manner required by law and violated CEQA by providing an inadequate, inaccurate, and unstable description of the Project.

54. **Biological Resources.** The EIR fails to adequately disclose, analyze, and/or mitigate the Project's significant direct and cumulative impacts to biological resources, including numerous special status and endangered animal and plant species affected by the Project. Those species include, but are not limited to: the federally- and state-listed threatened Coachella Valley fringe-toed lizard, Least Bell's vireo, Peninsular Bighorn sheep, Casey's June beetle, California red-legged frog, Sierra Madre yellow-legged frog, Golden eagle, and burrowing owl. The EIR's biological resources analysis is inadequate because, *inter alia*, the EIR:

- a. fails to include and fully analyze all biological resources impacts resulting from the Project;
- b. fails to adequately disclose, analyze, and/or mitigate the Project's significant impacts on habitats and features;
- c. relies on mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate;
- d. fails to incorporate all feasible mitigation or avoidance measures;
- e. fails to adequately disclose, analyze, and/or mitigate the Project's significant impacts on habitats and features; and
- f. fails to adequately disclose, analyze, and/or mitigate the direct, indirect, and cumulative impacts of the Project on other biological resources, including cumulative impacts on wildlife movement.

55. **Greenhouse Gas Emissions.** The EIR fails to adequately disclose, analyze, and/or mitigate the Project's significant direct, indirect, and cumulative greenhouse gas impacts. The EIR's analysis of greenhouse gas impacts is inadequate because, *inter alia*, the EIR:

- a. fails to include and fully analyze all greenhouse gas emissions resulting from the Project;
- b. fails to support its selection of significance thresholds with substantial evidence in the record;
- c. relies on greenhouse gas mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate;
- d. is inconsistent with other emissions reductions plans, policies, and regulations; and
- e. fails to incorporate all feasible mitigation and avoidance measures.

56. **Air Quality.** The EIR fails to adequately disclose, analyze, and/or mitigate the Project's significant direct, indirect, and cumulative impacts on air quality. The Project will have significant and long-term air quality impacts that will be felt by residents of the surrounding area, and by sensitive wildlife, and that will have a negative impact on wildlife habitat in the region. The EIR's analysis of air quality impacts is inadequate because, *inter alia*, the EIR:

- a. fails to include and fully analyze all air quality impacts resulting from the Project;
- b. fails to incorporate all feasible mitigation and avoidance measures; and
- c. relies on mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate.

57. **Transportation and Traffic.** The EIR fails to adequately disclose, analyze, and/or mitigate the Project's significant direct, indirect, and cumulative traffic impacts. The EIR's analysis of traffic impacts is inadequate because, *inter alia*, the EIR:

- a. fails to include and fully analyze all traffic impacts resulting from the Project and fails to support with substantial evidence its conclusions regarding the Project's traffic and transportation impacts;



- b. relies on traffic mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate; and
- c. fails to incorporate all feasible mitigation and traffic reduction measures.

58. **Energy.** The EIR fails to adequately disclose, analyze, and/or mitigate the Project's significant impacts on energy due to the substantial increase in VMT, energy demands of cold storage, and fuel consumption the Project will create.

59. **Inconsistency With Applicable Plans/Land Use Impacts.** CEQA requires that an EIR evaluate a proposed project's land use impacts in terms of inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations), § 15125(d).) The EIR fails to disclose the Project's inconsistency with such plans, including but not limited to the County's General Plan, the County of Riverside Climate Action Plan, and the Western Coachella Area Plan. Moreover, the record indicates that the Project conflicts with a number of policies contained in adopted land use plans, but the County failed to revise the Project or otherwise adopt feasible mitigation for the impacts.

60. **Cumulative Impacts.** Respondents failed to proceed in the manner required by law and violated CEQA by certifying an EIR that fails to adequately consider the Project's cumulative impacts.

61. **Response to Comments.** CEQA requires that a lead agency evaluate and respond to all environmental comments on the Draft EIR that it receives during the public review period. The responses must describe the disposition of the issues raised and must specifically explain reasons for rejecting suggestions and for proceeding without incorporating the suggestions. The Final EIR's responses to comments fail to meet CEQA's requirements in that they fail to adequately dispose of all the issues raised, fail to provide specific rationale for rejecting suggested Project changes, including the consideration or adoption of feasible mitigation

1 measures or alternatives, and/or fail to address the comments. The Final EIR's responses to  
2 comments, including Petitioners', fail to satisfy the requirements of law.

3 62. Based upon each of the foregoing reasons, the EIR is legally defective under  
4 CEQA. Respondents prejudicially abused their discretion in violation of CEQA in approving the  
5 Project. As such, the Court should issue a writ of mandate directing Respondents to set aside the  
6 EIR certification and Project approval.

## 7 **SECOND CAUSE OF ACTION**

### 8 **Violation of CEQA — Inadequate Findings and Statement of Overriding Considerations** 9 **(Public Resources Code § 21000, et seq., CEQA Guidelines § 15000 et seq.)**

10 63. Petitioners hereby incorporate by reference each and every allegation set forth  
11 above.

12 64. Respondents' Findings of Fact and Statement of Overriding Considerations violate  
13 the requirements of CEQA and the CEQA Guidelines. Respondents' findings fail to identify the  
14 changes or alterations required to avoid or substantially lessen the Project's significant  
15 environmental impacts, and do not provide adequate reasoning or disclose the analytic route  
16 from facts to conclusions, as required by law. The purported Project benefits cited in the  
17 Statement of Overriding Considerations do not outweigh the Project's substantial costs to public  
18 health and the environment. Respondents' Findings and Statement of Overriding Considerations  
19 are not supported by substantial evidence in the record.

20 65. When an EIR concludes that a project would result in significant environmental  
21 effects, but where mitigation measures and alternatives identified in the EIR are deemed  
22 infeasible, the CEQA findings must identify the specific economic, legal, social, and  
23 technological considerations, as well as other considerations that make infeasible the adoption of  
24 mitigation measures or alternatives. All CEQA findings must be supported by substantial  
25 evidence in the record and must disclose the analytical route by which approval of a project is  
26 justified. Here, the findings regarding the impacts, mitigation measures, and alternatives relied  
27

1 upon by Respondents' approval of the Project are not supported by substantial evidence in the  
2 record, and do not disclose the links between evidence and conclusions.

3 66. Respondents' Findings of Fact and Statement of Overriding Considerations fail to  
4 reflect the independent judgment of Respondents.

5 67. As a result of the foregoing defects, Respondents failed to proceed in a manner  
6 required by law, and their decision to approve the Project and adopt Findings of Fact and a  
7 Statement of Overriding Considerations was not supported by substantial evidence.

### 8 **THIRD CAUSE OF ACTION**

#### 9 **Violation of State Planning and Zoning Law**

#### 10 **(Government Code § 65300, et seq.)**

11 68. Petitioners hereby incorporate by reference each and every allegation set forth  
12 above.

13 69. The California State Planning and Zoning Law requires the legislative body of  
14 each county to adopt a general plan for the physical development of the county. The County's  
15 General Plan is a fundamental land use planning document and serves as the "constitution" for  
16 future development within the County. Land use decisions, including the approvals associated  
17 with the Project, must be consistent with the General Plan.

18 70. The Project is inconsistent with mandatory Riverside County General Plan  
19 policies, including, but not limited to, Land Use policies 2.1(e), 3.1(d), 3.1(g), 3.2, 4.1(k),  
20 4.1(p), 4.1(r), 5.1, 7.1, 30.1, and 30.2, among others.

21 71. The Project does not provide transportation options and bikeways consistent with  
22 General Plan Policies C 1.2 and C 1.7 and is inconsistent with Open Space Policies 11.1, 11.2,  
23 11.3, and 16.9 regarding solar energy systems. The Project is also inconsistent with several Air  
24 Quality policies requiring VMT reductions, including, *inter alia*, AQ 9.2, 20.2, 20.3, 20.4, 20.7,  
25 22.1, and 23.1.

72. By approving a project inconsistent with the County's General Plan, Respondents prejudicially abused their discretion and violated provisions of the State Planning and Zoning Law, requiring invalidation of the County's approvals.

WHEREFORE, Petitioners pray for judgment as follows:

## PRAYER FOR RELIEF

1. For alternative and peremptory writs of mandate directing Respondents to vacate and set aside certification of the EIR, adoption of the Findings and Statement of Overriding Considerations, and approval of all associated Project permits, entitlements, and approvals;

2. For alternative and peremptory writs of mandate directing Respondents to comply with CEQA and the CEQA Guidelines and the California Planning and Zoning Law, and take any other action as required by Public Resources Code section 21168.9;

3. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions restraining Respondents or Real Parties, and their agents, servants, and employees, and all others acting in concert with them or on their behalf, from taking any action to implement, fund, or construct any portion or aspect of the Project, pending full compliance with the requirements of CEQA and the CEQA Guidelines and the California Planning and Zoning Law;

4. For a declaration that Respondents' actions in certifying the EIR and approving the Project violated CEQA and the CEQA Guidelines and the California Planning and Zoning Law, and that the certification and approvals are invalid and of no force or effect, and that the Project is inconsistent with other applicable plans, policies, or regulations;

5. For costs of the suit;

6. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and other provisions of law; and,

7. For such other and future relief as the Court deems just and proper.

1 DATED: March 27, 2025

CENTER FOR BIOLOGICAL DIVERSITY

2  
3 By: Fr T

4  
5 Meredith Stevenson  
6 Frances Tinney

7 Attorneys for Petitioner CENTER FOR  
8 BIOLOGICAL DIVERSITY

9 Abigail Smith

10 Abigail A. Smith

11 Attorney for Petitioner SIERRA CLUB

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**VERIFICATION**

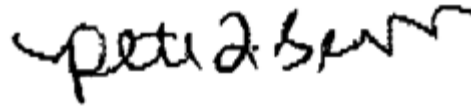
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents.

I am the Director of Programs for the Center for Biological Diversity, which is a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters that are stated on information and belief, and as to those matters I believe them to be true.

Executed on March 25, at Shelter Cove, California.

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



---

Peter Galvin, Director of Programs  
Center for Biological Diversity

# **Exhibit A**



***Via FedEx***

March 25, 2025

Kimberly A. Rector  
Clerk of the Board of Supervisors  
4080 Lemon Street, 1st Floor, Suite 127  
Riverside, CA 92501

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Ms. Rector and Board of Supervisors,

The Center for Biological Diversity and Sierra Club (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Riverside and the Board of Supervisors of the County of Riverside (“Respondents”) approving the Majestic Thousand Palms (the “Project”) and certifying a Final Environmental Impact Report for the Project. Petitioner submits this notice pursuant to Public Resources Code section 21167.5.

The action will commence on March 27, 2025 and will be largely based upon Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

Frances Tinney  
Staff Attorney  
Center for Biological Diversity  
2100 Franklin Street, Suite #375  
Oakland, CA 94612  
Tel: (510) 844-7100  
ftinney@biologicaldiversity.org





***Via FedEx***

March 25, 2025

Riverside County  
Jeff Van Wagenen, Riverside County Executive Officer  
4080 Lemon Street, 4th Floor  
Riverside, CA 92501

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Mr. Van Wagenen,

The Center for Biological Diversity and Sierra Club (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Riverside and the Board of Supervisors of the County of Riverside (“Respondents”) approving the Majestic Thousand Palms (the “Project”) and certifying a Final Environmental Impact Report for the Project. Petitioner submits this notice pursuant to Public Resources Code section 21167.5.

The action will commence on March 27, 2025 and will be largely based upon Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

Frances Tinney  
Staff Attorney  
Center for Biological Diversity  
2100 Franklin Street, Suite #375  
Oakland, CA 94612  
Tel: (510) 844-7100  
ftinney@biologicaldiversity.org



***Via FedEx***

March 25, 2025

Minh C. Tran  
County Counsel for County of Riverside  
3960 Orange Street, Suite 500  
Riverside, CA 92501

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Mr. Tran,

The Center for Biological Diversity and Sierra Club (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Riverside and the Board of Supervisors of the County of Riverside (“Respondents”) approving the Majestic Thousand Palms (the “Project”) and certifying a Final Environmental Impact Report for the Project. Petitioner submits this notice pursuant to Public Resources Code section 21167.5.

The action will commence on March 27, 2025 and will be largely based upon Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

Frances Tinney  
Staff Attorney  
Center for Biological Diversity  
2100 Franklin Street, Suite #375  
Oakland, CA 94612  
Tel: (510) 844-7100  
ftinney@biologicaldiversity.org

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 I am employed in Oakland, California. I am over the age of 18 and not a party to the foregoing  
4 action. My business address is Center for Biological Diversity, 2100 Franklin Street, Suite 375,  
5 Oakland, California 94612. My email address is trettinghouse@biologicaldiversity.org.

6 On March 25, 2025, I served a true and correct copy of the following document(s):

7 **Notice of Commencement of Legal Action Pursuant to CEQA**

8 [ ] BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through  
9 Center for Biological Diversity's electronic mail system to the email address(s) shown below.

10 [x] BY FEDERAL EXPRESS: By placing a true and correct copy thereof in sealed envelope(s).  
11 Such envelope(s) were addressed as shown below. Such envelope(s) were deposited for  
12 collection and mailing following ordinary business practices with which I am readily familiar.

13

14 Kimberly A. Rector Clerk of the Board of Supervisors 4080 Lemon Street, 1st Floor, Suite 127 15 Riverside, CA 92501	Jeff Van Wagenen, Riverside County Executive Officer 4080 Lemon Street, 4th Floor Riverside, CA 92501
16 Minh C. Tran 17 County Counsel for County of Riverside 3960 Orange Street, Suite 500 18 Riverside, CA 92501	

19

20 [x] STATE: I declare under penalty of perjury under the law of California that the foregoing  
21 is true and correct.

22 Executed on March 25, 2025, at Alameda, California.

23   
24 Theresa Rettinghouse

# **Exhibit B**

1 Meredith Stevenson (SBN 328712)  
2 Frances Tinney (SBN 346927)  
3 CENTER FOR BIOLOGICAL DIVERSITY  
4 2100 Franklin St., Suite 375  
5 Oakland, California 94612  
6 Telephone: (510) 844-7100  
7 Facsimile: (510) 844-7150  
8 mstevenson@biologicaldiversity.org  
9 ftinney@biologicaldiversity.org

10 *Attorneys for Petitioner and Plaintiff Center for Biological Diversity*

11 Abigail A. Smith (SBN 228087)  
12 Law Office of Abigail Smith, a  
13 Professional Corporation  
14 2305 Historic Decatur Road, Suite 100  
15 San Diego, CA 92106  
16 Telephone: (951) 808-8595  
17 abby@socalceqa.com

18 *Attorney for Petitioner and Plaintiff Sierra Club*

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
20 **COUNTY OF RIVERSIDE**

21 CENTER FOR BIOLOGICAL  
22 DIVERSITY and SIERRA CLUB,

23 Petitioners and Plaintiffs,

24 v.

25 COUNTY OF RIVERSIDE; BOARD OF  
26 SUPERVISORS OF THE COUNTY OF  
27 RIVERSIDE; and DOES 1 through 20,  
28 inclusive,

Respondents and Defendants;

MAJESTIC REALTY CO.; MAJESTIC  
REALLY CO.; PHILLIP BROWN; and  
DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No.

**PETITIONERS' NOTICE OF  
ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

[Pub. Res. Code § 21167.6]

1           **TO RESPONDENTS COUNTY OF RIVERSIDE AND BOARD OF**  
2 **SUPERVISORS OF THE COUNTY OF RIVERSIDE:**

3           In the above-captioned action, Petitioners Center for Biological Diversity and Sierra Club  
4 (“Petitioners”) petition this Court for a Writ of Mandate, directed to the County of Riverside and  
5 Board of Supervisors of the County of Riverside (“Respondents”). Petitioners challenge  
6 Respondents’ February 25, 2025 decision to approve the Majestic Thousand Palms Project  
7 (“Project”) and certify an Environmental Impact Report (“EIR”) for the Project (State  
8 Clearinghouse No. 2022110600). Petitioners seek a determination that Respondents’ approvals  
9 were inconsistent with, among other things, the requirements of the California Environmental  
10 Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the CEQA  
11 Guidelines, Title 14, California Code of Regulations, section 15000 *et seq.*

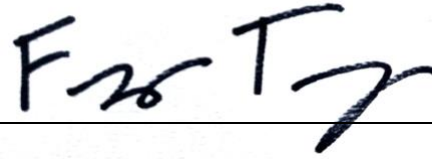
12           Pursuant to Public Resources Code section 21167.6(b)(2), Petitioners hereby elect to  
13 prepare the record of proceedings for this action. The record will be organized chronologically,  
14 paginated consecutively, and indexed so that each document may be clearly identified as to its  
15 contents and source, in form and format consistent with California Rules of Court, Rule 3.2205.

16           Petitioners will include in the record of proceedings all documents, including transcripts,  
17 minutes of meetings, notices, correspondences, reports, studies, proposed decisions, final drafts,  
18 and any other documents or records relating to Respondents’ approval of the Project and  
19 certification of the Project EIR.

1 DATED: March 27, 2025

CENTER FOR BIOLOGICAL DIVERSITY

2  
3 By:



4  
5 Meredith Stevenson  
6 Frances Tinney

7 Attorneys for Petitioner CENTER FOR  
8 BIOLOGICAL DIVERSITY



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10 Abigail A. Smith

11 Attorney for Petitioner SIERRA CLUB  
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# **Exhibit C**





*Via Email*

March 27, 2025

Mr. Rob Bonta, Attorney General  
Office of the Attorney General  
Attn: Environmental/CEQA Filing  
1300 I Street  
Sacramento, CA 95814-2919  
CEQA@doj.ca.gov

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

Dear Mr. Bonta:

The attached Petition for Writ of Mandate in *Center for Biodiversity et al. v. County of Riverside et al.* (Riverside County Superior Court), is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code 21167.7.

Petitioners in this case challenge the County of Riverside and Board of Supervisors of the County of Riverside's approval of the Majestic Thousand Palms Project ("Project"), and certification of a Final Environmental Impact Report for the Project. Petitioners allege environmental harms that could affect the public generally and the natural resources of the state. Petitioners are specifically concerned that the Project will have significant negative environmental impacts on, among other things, air quality, greenhouse gas emissions, traffic and transportation, and biological resources.

Please acknowledge receipt. Thank you for your attention to this matter.

Sincerely,

Frances Tinney  
Staff Attorney  
Center for Biological Diversity  
[ftinney@biologicaldiversity.org](mailto:ftinney@biologicaldiversity.org)

Attachment: Verified Petition for Writ of Mandate