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18 Club and San Bernardino Valley Audubon Society

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

21 CENTER FOR BIOLOGICAL DIVERSITY,
22 SIERRA CLUB and SAN BERNARDINO
23 VALLEY AUDUBON SOCIETY,

24 Petitioners,

25 v.

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

Respondents.

NUEVO DEVELOPMENT COMPANY,
LLC; NUEVO DEVELOPMENT
CORPORATION and DOES 21 through 40,
inclusive,

Real Parties in Interest.

Case No.

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

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

1 **INTRODUCTION**

2 1. This action challenges the decision of the County of Riverside and its Board of
3 Supervisors (“Respondents”) to approve the Environmental Impact Report (“EIR”) for the Villages of
4 Lakeview project (the “Project”). The Project consists of a master-planned community containing up to
5 8,725 dwelling units and 1,380,000 square feet of commercial uses within a 2,883 acre footprint.

6 2. Petitioners Center for Biological Diversity, Sierra Club and San Bernardino Valley
7 Audubon Society (collectively, “Petitioners”) have been engaged throughout the administrative process
8 in highlighting how the Project will have significant impacts on special status species, air and water
9 quality, greenhouse gas (“GHG”) emissions, and traffic, among other impacts. Despite these efforts, the
10 EIR fails to disclose or adequately evaluate these environmental impacts or identify effective mitigation
11 measures for adoption, rendering the document inadequate under the California Environmental Quality
12 Act (“CEQA”), Public Resources Code sections 21000 *et seq.*

13 3. The Project will be sited on 2,883 acres of agricultural land and mountainous open space
14 within the northern San Jacinto River Valley, bordering the San Jacinto Wildlife Area (“SJWA”). Both
15 the San Jacinto River Valley and the SJWA provide habitat that supports exceptional biodiversity,
16 including several endangered and threatened species and countless migratory birds. The conversion of
17 this habitat, coupled with the increased residential and commercial activity, will significantly impact
18 numerous biological resources, yet the EIR fails to adequately inform the public of the true extent of the
19 Project’s effects.

20 4. The Project is a mixed-use development that will add up to 28,000 new residents in the
21 Lakeview/Nuevo area, and will further exacerbate the regional housing/jobs imbalance.

22 5. Siting a population center such as the Project away from employment centers, schools,
23 and services will significantly impair regional air quality by requiring long trips to and from
24 employment centers and other destinations. The EIR estimates it will generate approximately 450
25 million vehicle miles traveled (“VMT”) per year, which will significantly worsen regional air pollution,
26 while undercutting California’s ability to achieve the GHG emissions reductions mandated by the
27 California Global Warming Solutions Act and other laws.

1 13. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law
2 unless this Court grants the requested writ of mandate to require Respondents to set aside certification of
3 the EIR and approval of the Project. In the absence of such remedies, Respondents’ approval will
4 remain in effect in violation of state law.

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

7 **THE PARTIES**

8 15. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (“Center”) is a non-profit, public
9 interest corporation with over 63,000 members, and offices in California and throughout the United
10 States. The Center and its members are dedicated to protecting the diverse native species and habitats of
11 North America through science, policy, education, and environmental law. Center members reside and
12 own property in Riverside County and use publicly accessible lands in and adjacent to the Project area
13 for recreational, wildlife viewing, scientific, and educational purposes. The Center and its members are
14 directly, adversely, and irreparably affected, and will continue to be prejudiced by the Project and its
15 components, as described herein, until and unless this Court provides the relief prayed for in this
16 Petition.

17 16. Petitioner the SIERRA CLUB is a national nonprofit organization of over 830,000
18 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and
19 promoting the responsible use of the earth’s ecosystems and resources; to educating and enlisting
20 humanity to protect and restore the quality of the natural and human environment; and to using all
21 lawful means to carry out these objectives. Over 180,000 Sierra Club members reside in California, and
22 the San Geronio Chapter has over 7,400 members. The Sierra Club has an interest in calling attention
23 to urban sprawl and its impacts when such development threatens our environment, our health, and our
24 quality of life. Individual Sierra Club members use and enjoy publicly accessible lands in and adjacent
25 to the Project area for environmental, recreational, and aesthetic purposes. In addition, the Sierra Club
26 and its members would derive environmental, recreational, health, and aesthetic benefit from alternative
27 uses of the Project area. The Sierra Club and its members are directly, adversely, and irreparably
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1 affected, and will continue to be prejudiced by the Project and its components, as described herein, until
2 and unless this Court provides the relief prayed for in this Petition.

3 17. Petitioner the SAN BERNARDINO VALLEY AUDUBON SOCIETY (“Audubon”) is a
4 California non-profit public benefit corporation with approximately 2,000 members who are residents
5 and property owners within the Inland Empire of Southern California, including within Riverside
6 County, and who will be directly affected by this action. The purpose of Audubon is to educate the
7 public about the environment, planning and infrastructure issues, and to take action to protect the
8 region’s natural heritage areas when necessary. Many Audubon members receive personal, scientific,
9 professional, and spiritual benefit from rare, sensitive, threatened and endangered species that will be
10 affected by the action that is the subject of this litigation. Audubon members reside and own property in
11 Riverside County and use publicly accessible lands in and adjacent to the Project area for recreational,
12 wildlife viewing, scientific, and educational purposes. Audubon members will be directly affected by
13 the actions in this litigation, and its components, as described herein.

14 18. The maintenance and prosecution of this action will confer a substantial benefit on the
15 public by protecting the public from the environmental and other harms alleged herein.

16 19. Respondent County of Riverside (the “County”), a political subdivision of the State of
17 California, is responsible for regulating and controlling land use in the unincorporated territory of the
18 County, including implementing and complying with the provisions of CEQA. The County is the “lead
19 agency” for the purposes of Public Resources Code Section 21067, with principal responsibility for
20 conducting environmental review of the proposed actions. The County has a duty to comply with
21 CEQA and other state laws.

22 20. Respondent Riverside County Board of Supervisors (the “Board”) is the duly elected
23 decision-making body of the County. As the decision-making body, the Board is charged with the
24 responsibilities under CEQA for conducting a proper review of the proposed action’s environmental
25 impacts and granting the various approvals necessary for the Project.

26 21. Petitioners are informed and believe Real Party in Interest NUEVO DEVELOPMENT
27 COMPANY, LLC is incorporated in the State of Delaware, does business in the State of California, and
28

1 is an applicant for approval of the Project.

2 22. Petitioners are informed and believe Real Party in Interest NUEVO DEVELOPMENT
3 CORPORATION is incorporated in the State of California and is listed on the Notice of Determination
4 as the project applicant.

5 23. Petitioners do not know the true names and capacities, whether individual, corporate,
6 associate, or otherwise, of respondents DOES 1 through 20, inclusive, and therefore sue said
7 respondents under fictitious names. Petitioners will amend this Petition to show their true names and
8 capacities when the same have been ascertained. Each of the respondents is the agent and/or employee
9 of Respondents, and each performed acts on which this action is based within the course and scope of
10 such Respondents' agency and/or employment.

11 24. Petitioners do not know the true names and capacities, whether individual, corporate,
12 associate, or otherwise, of real parties in interest DOES 21 through 40, inclusive, and therefore sue said
13 real parties in interest under fictitious names. Petitioners will amend this Petition to show their true
14 names and capacities when the same have been ascertained.

15 **GENERAL ALLEGATIONS**

16 **The Proposed Project**

17 25. Petitioners challenge the decision of Respondents to approve the Project based upon a
18 legally inadequate EIR, inadequate findings of fact and statement of overriding considerations, and
19 violations of the California Planning and Zoning Law.

20 26. The Project is located on 2,883 acres in unincorporated Riverside County between the
21 cities of Perris and San Jacinto, occupying land on both sides of the Ramona Expressway, which runs
22 east/west through the project area. Current land uses of the proposed location include irrigated and
23 dryland farming, a Metropolitan Water District aqueduct and basin, a poultry ranch, horse ranch, and
24 mountainous open space. The Project site is adjacent to the SJWA, Lakeview Mountains, Bernasconi
25 Hills, the San Jacinto River, Mystic Lake and agricultural land.

26 27. The Project site or land immediately adjacent is habitat to 26 special status wildlife
27 species and 4 special status plant species. An additional 31 special status wildlife species and 22 special
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1 status plant species have the potential to occur on the Project site. The SJWA, and surrounding areas,
2 serve as a vital habitat preserve for migratory bird species on their journeys up and down the Pacific
3 Flyway.

4 28. The Project entails a master-planned community that would contain up to 8,725 dwelling
5 units and up to 1,380,000 square feet of commercial space. The Project will be divided into seven
6 villages and a conservation area that consists of the Lakeview Mountains. The Project will house a
7 population of approximately 28,000 residents, with the potential for roughly 3,286 jobs.

8 29. The Project comprises multiple components including a specific plan, general plan
9 amendments, zoning changes, and a development agreement.

10 30. The Project will be developed over a ten-plus year period, depending on local and
11 regional market demand, with build out according to a nine phase Conceptual Phasing Plan.

12 31. The Project poses significant threats to ecological resources and human health, risks that
13 have been omitted or insufficiently analyzed in the Respondents' environmental review. The Project
14 will potentially impose negative impacts such as, but not limited to, the following:

- 15 a. **Air Quality.** The Project will have significant and long-term air quality impacts on
16 residents of the Project, people in the South Coast, Salton Sea, and Mojave Desert Air
17 Basins, and sensitive wildlife and their habitat. The addition of up to 8,725 dwelling
18 units to a region already plagued by poor air quality will further exacerbate health
19 impacts and impede implementation of regional Air Quality Management Plans. The
20 Project will pose significant health risks to sensitive populations in the vicinity of the
21 Ramona Expressway; as the Project fails to adequately consider the health implications of
22 siting residential communities in close proximity to an expressway.
- 23 b. **GHGs.** The Project generates significant GHG emissions from both construction and
24 operation of the development. The Project will pose further challenges to the statewide
25 effort to achieve the emissions reductions mandated under the California Global
26 Warming Solutions Act and other California laws.
- 27 c. **Biological Resources.** The Project will alter or destroy habitat currently used by special
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1 status species, as well as directly and indirectly impact adjacent habitat relied upon by
2 special status plants and wildlife. The Project will interfere with habitat used for foraging
3 and nesting, movement corridors and seasonal migratory refuges. Many of the species are
4 covered by the Western Riverside County Multiple species Habitat Conservation Plan
5 (“MSHCP”); the EIR fails to assess how each covered species will be impacted, in
6 violation of the plan. The Respondent fails to provide contemporary survey data, fatally
7 undermining its ability to accurately assess Project impacts on biological resources. The
8 Project also proposes high density residential uses in close proximity to the SJWA,
9 threatening this vital habitat for wildlife and plants with disturbances such as noise, dust,
10 light and domestic animal predation.

11 d. **Water Supplies.** The Project would increase the strain on state and regional water
12 supply by adding substantial residential and commercial uses to arid Southern California.
13 The increasingly perceptible effects of climate change magnify water supply challenges,
14 and recent drought has forced statewide reductions in municipal water use. Despite these
15 factors, the Respondents have refused to analyze the Project’s foreseeable impacts on
16 water resources, and the subsequent effects to be felt by wildlife and area residents.

17 e. **Growth Inducing Impacts.** Riverside County is experiencing substantial population
18 growth, as the Inland Empire is home of some of California’s fastest growing cities. The
19 Project will extend sprawl further into open space and agricultural land. The
20 infrastructure improvements included in the Project will enable future urbanization of
21 previously rural areas, adding dwelling units and population according to Area Master
22 Plan projections. The EIR does not analyze the impacts of the future development to the
23 area that will be enabled by the Project.

24 **Administrative History of the Project**

25 32. On or about July 21, 2006, the County issued a Notice of Preparation and Initial Study
26 for a different version of the project (the “Former Project”), notifying local agencies and interested
27 individuals that the County, in its capacity of lead agency, would be preparing an EIR for the project.
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1 33. The Center, among others, thereafter submitted comments on the Draft EIR and
2 subsequent Final EIR, outlining the Former Project’s significant impacts and the documents’ inadequacy
3 under CEQA.

4 34. On or about March 23, 2010, the Riverside County Board of Supervisors approved the
5 Former Project and certified its Final EIR. This decision by the County was challenged in Riverside
6 County Superior Court by the Center and its co-petitioners. On April 4, 2012, the Superior Court of
7 Riverside County set aside the County’s approval of the Final EIR and instructed the County to correct
8 analytical shortcomings of the environmental document.

9 35. On or about September 30, 2016, the County circulated a new Draft EIR for the Project,
10 soliciting public comment from interested parties. The County did not issue a Notice of Preparation for
11 the present Project.

12 36. The Petitioners timely submitted comments on the Draft EIR on November 14, 2016,
13 highlighting deficiencies in the document and the need for additional analysis. The comment letter
14 explained how the Project would, among other impacts, worsen air and water quality, increase traffic
15 congestion, place additional strain on regional water resources, impede progress on Statewide GHG
16 emissions reductions, and severely impact biological resources. The letter also noted the Draft EIR’s
17 deficient project description, alternatives analysis and its failure to properly assess the growth inducing
18 impacts of the Project.

19 37. In July of 2017 the County released its Final EIR, which included text changes to the
20 Draft EIR and responses to public comments on the Draft EIR. Despite numerous comments from the
21 Petitioners and other concerned stakeholders highlighting Draft EIR deficiencies, the Final EIR and its
22 responses to comments failed to properly disclose or analyze the Project’s impacts.

23 38. The Petitioners have submitted three comment letters addressing the Final EIR, on
24 September 5, November 11, and November 30, of 2017. The letters note the Final EIR’s shortcomings
25 including, but not limited to, the failure to circulate an amended Draft EIR in light of new information,
26 failure to include all feasible mitigation measures concerning GHG emissions, impacts to biological
27 resources that violate the MSHCP, and a failure to address the Project’s impacts on water resources.
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1 39. On September 6, the County’s Planning Commission conducted a public hearing on the
2 Project. During the hearing, Petitioners presented additional oral comments on the deficiencies of the
3 Project and the Final EIR. The Planning Commission held additional hearings on October 4, 2017 and
4 October 18, 2017, and Petitioners presented additional comments on the deficiencies of the Project and
5 the Final EIR. The Planning Commission thereafter recommended that the County approve of the
6 Project and the Final EIR.

7 40. On November 14, 2017 and December 5, 2017, Respondents conducted public hearings
8 on the proposed Project and Final EIR to determine whether to certify the Final EIR. Members of the
9 public, including Petitioners, attended the public hearing and opposed the certification of the Final EIR
10 and approval of the Project as currently proposed.

11 41. On December 5, 2017, the Board tentatively approved the Project in a three to one vote,
12 with Supervisor Kevin Jeffries voting against the Project.

13 42. On December 12, 2017, the Board approved the Project, but Supervisor Jeffries
14 indicated that he now was voting in favor of the Project because the vote for the Project was combined
15 with a vote for an unrelated action. On December 12, 2017, Respondents filed a Notice of
16 Determination announcing the certification of the Final EIR, and approval of the Project.

17 43. Petitioners have exhausted all administrative remedies by submitting written comments
18 to the County prior to the Project’s approval and appearing at the public hearings on the Project to
19 request compliance with CEQA and the completion of full and adequate environmental review. All
20 issues raised in this Petition were raised before Respondents by Petitioners, other members of the public,
21 or public agencies prior to approval of the Project.

22 44. Respondents have abused their discretion and failed to proceed in a manner required by
23 law in the following ways:

24 **FIRST CAUSE OF ACTION**

25 **Violation of CEQA – Inadequate EIR**

26 **(Public Resources Code § 21000, *et seq.*)**

27 45. Petitioners hereby incorporate by reference each and every allegation set forth above.

1 46. CEQA is designed to ensure that long-term protection of the environment be the guiding
2 criterion in public decisions. CEQA requires the lead agency for a project with the potential to cause
3 significant environmental impacts to prepare an EIR that complies with the requirements of the statute,
4 including, but not limited to, the requirement to analyze the project's potentially significant
5 environmental impacts. The EIR must provide sufficient environmental analysis such that the decision-
6 makers can intelligently consider environmental consequences when acting on the proposed project.
7 Such analysis must include and rely upon thresholds of significance that are based on substantial
8 evidence before the decision-makers. Additionally, the EIR must analyze feasible mitigation measures
9 and a reasonable range of alternatives to the project.

10 47. CEQA also mandates that the lead agency adopt feasible and enforceable mitigation
11 measures that would reduce or avoid any of a project's significant environmental impacts. If any of the
12 project's significant impacts cannot be mitigated to a less than significant level, then CEQA bars the
13 lead agency from approving a project if a feasible alternative is available that would meet the project's
14 objectives while avoiding or reducing its significant environmental impacts.

15 48. CEQA requires that substantial evidence in the administrative record support all of the
16 EIR and agency's findings and conclusions, and that the agency explain how the evidence in the record
17 supports the conclusions the agency has reached.

18 49. Respondents committed a prejudicial abuse of discretion and failed to proceed in a
19 manner required by law by relying on an EIR that fails to meet the requirements of CEQA for
20 disclosure, analysis, and/or mitigation of significant project impacts.

21 50. The EIR fails to adequately disclose, analyze and/or mitigate the Project's direct,
22 indirect, and cumulative impacts on the environment, including, but not limited to, the Project's impacts
23 on air quality, water quality, GHGs, biological resources, water supplies, traffic and transportation,
24 energy use and conservation, noise, aesthetics, agriculture and forest resources, wildfire protection,
25 noise, human health and safety, cumulative and growth inducing impacts, and population and housing.

26 51. The EIR does not provide a stable, consistent, and adequate Project description, which
27 precluded an accurate depiction of the Project's impacts on the environment.

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1 52. The EIR fails to adequately identify and analyze the Project’s economic, social and
2 health impacts—including direct, indirect and cumulative impacts—on adjacent communities affected
3 by the Project.

4 53. The EIR fails to adequately identify, analyze and/or adopt all feasible mitigation
5 measures and/or alternatives that would minimize direct, indirect and cumulative impacts on the
6 environment and nearby communities affected by the Project.

7 54. The EIR fails to provide an adequate description of the existing environmental setting of
8 the Project, vicinity, and regional context.

9 55. The EIR fails to adopt a consistent and appropriate environmental “baseline” for analysis
10 of the Project’s environmental impacts, undercutting its ability to properly analyze environmental
11 effects.

12 56. The EIR improperly relies upon regional plans to avoid full disclosure and mitigation of
13 the Project’s impacts.

14 57. The EIR fails to adequately analyze the Project’s impacts on the SJWA and other
15 wildlife areas.

16 58. The EIR fails to identify, analyze and/or adopt feasible mitigation measures to address
17 the Project’s impacts to nearby SJWA and other wildlife areas.

18 59. The EIR fails to adequately analyze how the effects of climate change will exacerbate
19 Project impacts.

20 60. The EIR improperly defers impact analysis and the development of mitigation measures
21 in contravention of CEQA’s requirements that mitigation measures be clearly defined and enforceable.

22 61. The EIR fails to adopt feasible mitigation measures and alternatives to reduce or avoid
23 significant impacts in direct contravention of CEQA’s substantive mandate that all feasible mitigation
24 measures be adopted to avoid or reduce a Project’s significant and potentially significant impacts.

25 62. The EIR fails to consider a reasonable range of alternatives by improperly dismissing
26 feasible alternatives, including those suggested by the public, and relying upon an improperly narrow list
27 of Project objectives to justify the elimination of feasible alternatives.

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1 63. The EIR relies on inadequate findings to determine that alternatives to the Project and
2 proposed mitigation measures that would have lessened the Project's significant impacts were infeasible.

3 64. The EIR relies on inadequate findings to determine that Project impacts would be less
4 than significant and/or that adopted mitigation measures would avoid or lessen the Project's effects on
5 the environment.

6 65. The EIR fails to properly disclose, analyze, and/or mitigate conflicts with laws, policies
7 and regulations of both local and state government entities, including, but not limited to, the Southern
8 California Association of Government's 2016-2040 Regional Transportation Plan/Sustainable
9 Communities Strategy, the California Global Warming Solutions Act, the Sustainable Communities and
10 Climate Protection Act, the California Air Resources Control Board's 2017 Scoping Plan, the Riverside
11 County Climate Action Plan, the MSHCP, the Habitat Conservation Plan for the Stephens' Kangaroo
12 Rat, Executive Order S-3-05, Executive Order B-16-2012, and Health and Safety Code section 38566.

13 66. The EIR fails to reflect the independent judgment of Respondents.

14 67. The EIR fails to adequately respond to comments submitted by the public and
15 governmental agencies during review of the EIR.

16 68. Respondents failed to issue a Notice of Preparation for the Project.

17 69. Respondents failed to comply with the Peremptory Writ of Mandate issued by the
18 Superior Court of Riverside County by approving a project that still does not comply with CEQA.

19 70. As a result of the foregoing defects, Respondents did not proceed in the manner required
20 by law, and their decision to approve the Project was not supported by substantial evidence.

21 Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

22 **SECOND CAUSE OF ACTION**

23 **Violation of CEQA – Inadequate Statement of Overriding Considerations**

24 **(Public Resources Code § 21000, *et seq.*)**

25 71. Petitioners hereby incorporate by reference each and every allegation set forth above.

26 72. Respondents' Findings of Fact and Statement of Overriding Considerations violate the
27 requirements of the CEQA Guidelines. The Findings fail to identify the changes or alterations that are
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1 required to avoid or substantially lessen the project’s significant environmental effects (CEQA
2 Guidelines § 15091(a)(1). The purported benefits of the Project cited in the Statement of Overriding
3 Considerations do not outweigh the substantial costs of the Project on public health and the
4 environment. The Findings and Statement of Overriding Considerations are not supported by substantial
5 evidence. (CEQA Guidelines, § 15091(b).)

6 73. Where mitigation measures and alternatives to a project are not adopted, the CEQA
7 findings must identify specific economic, legal, social and technological and other considerations that
8 make infeasible the adoption of mitigation measures or alternatives. All CEQA findings must be
9 supported by substantial evidence in the record and must disclose the analytical route by which approval
10 of the Project is justified. The findings regarding the impacts, mitigation measures, and alternatives
11 relied upon by Respondents’ approval of the Project are not supported by substantial evidence in the
12 record, and the links between evidence and conclusions are not satisfactorily provided.

13 74. Respondents’ Findings of Fact and Statement of Overriding Considerations fail to reflect
14 the independent judgment of Respondents.

15 75. As a result of the foregoing defects, Respondents did not proceed in the manner required
16 by law, and their decision to approve the Project was not supported by substantial evidence.

17 **THIRD CAUSE OF ACTION**

18 **Violation of CEQA – Failure to Recirculate EIR**

19 **(Public Resources Code § 21000, *et seq.*)**

20 76. Petitioners hereby incorporate by reference each and every allegation set forth above.

21 77. CEQA requires that if significant new information is added to an EIR after a draft EIR is
22 prepared, but before certification of the final EIR, an amended EIR must be amended and recirculated
23 for public review and comment.

24 78. Respondents added substantial changes and new information to the EIR—including, but
25 not limited to, analyses and documents relating to Alternative 7, additional mitigation measures, and
26 additional studies—prior to the County’s December 12, 2017 decision to certify the EIR as compliant
27 with CEQA.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Petitioners pray for relief as follows:

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

8 2. For alternative and peremptory writs of mandate directing Respondents to vacate and set
9 aside certification of the EIR and approval documents for the Project;

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

13 4. For a declaration that Respondents' actions in certifying the EIR and approving the
14 Project violated CEQA, the CEQA Guidelines, and the California Planning and Zoning Law, and that
15 the certification and all project approvals are invalid and of no force or effect;

16 5. For costs of the suit;

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

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

20 DATED: January 9, 2018

21 CENTER FOR BIOLOGICAL DIVERSITY

22
23 By: _____

24 John Rose
25 Aruna Prabhala
26 Jonathan Evans
27 Attorneys for Petitioners CENTER FOR BIOLOGICAL
28 DIVERSITY, SIERRA CLUB, and SAN BERNARDINO
VALLEY AUDUBON SOCIETY

1 **VERIFICATION**

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

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed this 8th day of January, 2018, in Shelter Cove,
9 California.

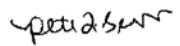
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11 Peter Galvin
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EXHIBIT A



Via FedEx

January 8, 2018

Kecia Harper-Ihem
Clerk of the Riverside County Board of Supervisors
4080 Lemon Street, 1st Floor
Riverside, California 92501
cob@rcbos.org

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

Dear Ms. Harper-Ihem:

The Center for Biological Diversity, Sierra Club and San Bernardino Valley Audubon Society (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of Riverside County and the Riverside County Board of Supervisors (“Respondents”) approving the Villages of Lakeview project (the “Project”) and certifying an Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

The action will commence on January 9, 2018, and will be based upon on 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,

John Rose
Staff Attorney
Center for Biological Diversity



Via FedEx

January 8, 2018

George Johnson
County Administration Center
4080 Lemon Street, 4th Floor
Riverside, California 92501

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

Dear Mr. Johnson:

The Center for Biological Diversity, Sierra Club and San Bernardino Valley Audubon Society (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of Riverside County and the Riverside County Board of Supervisors (“Respondents”) approving the Villages of Lakeview project (the “Project”) and certifying an Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

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Sincerely,

John Rose
Staff Attorney
Center for Biological Diversity

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, 1212 Broadway, Suite 800, Oakland,
5 California 94612. My email address is ckilmer@biologicaldiversity.org.

6 On January 8, 2018, 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 on the following
10 service list.

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

14
15 George Johnson
16 County Administration Center
4080 Lemon Street, 4th Floor
Riverside, California 92501

17
18 Kecia Harper-Ihem
19 Clerk of the Riverside County Board of Supervisors
4080 Lemon Street, 1st Floor
Riverside, California 92501

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

23 Executed on January 8, 2018 at Oakland, California.

24
25
26 

27 Colyn Kilmer
28

EXHIBIT B

1 John Rose (SBN 285819)
2 CENTER FOR BIOLOGICAL DIVERSITY
3 660 S. Figueroa Street, Suite 1000
4 Los Angeles, California 90017
5 Telephone: (213) 785-5400
6 Facsimile: (213) 785-5748
7 jrose@biologicaldiversity.org

8 Aruna Prabhala (SBN 278865)
9 Jonathan Evans (SBN 247376)
10 CENTER FOR BIOLOGICAL DIVERSITY
11 1212 Broadway, Suite 800
12 Oakland, California 94612
13 Telephone: (510) 844-7100
14 Facsimile: (510) 844-7150
15 aprabhala@biologicaldiversity.org
16 jevans@biologicaldiversity.org

17 Attorneys for Center for Biological Diversity, Sierra
18 Club and San Bernardino Valley Audubon Society

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

21 CENTER FOR BIOLOGICAL DIVERSITY,
22 SIERRA CLUB and SAN BERNARDINO
23 VALLEY AUDUBON SOCIETY,

24 Petitioners,

25 v.

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

Respondents.

NUEVO DEVELOPMENT COMPANY,
LLC; NUEVO DEVELOPMENT
CORPORATION 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 RIVERSIDE COUNTY BOARD**
2 **OF SUPERVISORS:**

3 In the above-captioned action (the “Action”), Petitioners Center for Biological Diversity, Sierra
4 Club and San Bernardino Valley Audubon Society petition this Court for a Writ of Mandate, directed to
5 Respondents County of Riverside and Riverside County Board of Supervisors (“Respondents”).
6 Petitioners challenge Respondents’ December 12, 2017 certification of the Final Environmental Impact
7 Report for the Villages of Lakeview project (the “Project”). Petitioners seek a determination that
8 Respondents’ approval of the Project is invalid and void and fails to satisfy the requirements of the
9 California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the
10 CEQA Guidelines, Title 14, California Code of Regulations, section 15000 *et seq.*

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

15 Petitioners will include in the record of proceedings all documents, including transcripts, minutes
16 of meetings, notices, correspondence, reports, studies, proposed decisions, final drafts, and any other
17 documents or records relating to Respondents’ determination to approve the Project.

18
19 DATED: January 9, 2018

CENTER FOR BIOLOGICAL DIVERSITY

20
21 By:



22 _____
John Rose
Aruna Prabhala
Jonathan Evans

23 Attorneys for Petitioners CENTER FOR
24 BIOLOGICAL DIVERSITY, SIERRA CLUB and
25 SAN BERNARDINO VALLEY AUDUBON
26 SOCIETY