

JAN 08 2018

1 Susan Nash (SBN 122533)
2 LAW OFFICE OF SUSAN NASH
3 P.O. BOX 4036
4 IDYLLWILD CA 92549
5 Telephone: (909) 228-6710
6 Email: snash22@earthlink.net
7 Attorney for Petitioners Albert Thomas Paulek
8 Friends of the Northern San Jacinto Valley
9 Keep Nuevo Rural

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
JAN 08 2018
E. OLIVAS

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF RIVERSIDE

10 ALBERT THOMAS PAULEK; FRIENDS
11 OF THE NORTHERN SAN JACINTO
12 VALLEY; KEEP NUEVO RURAL.

13 Petitioners/Plaintiffs,

14 Vs.

15 COUNTY OF RIVERSIDE; COUNTY OF
16 RIVERSIDE BOARD OF SUPERVISORS;
17 and DOES 1-20

18 Respondents/Defendant

19
20 NUEVO DEVELOPMENT
21 CORPORATION ; and DOES 1-50,

22 Real Parties in Interest
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Case No.: RIC 1800517

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

**[CCP sections 1094-5 & 1085; Public
Resources Code section 21000 et.
Seq. (California Environmental
Quality Act)**

Case Designation: CEQA

1 establish the permitted uses and development standards for the Specific Plan Planning
2 Areas, or such other zones as the Board may find appropriate; and **Development**
3 **Agreement No. 73**, which proposes an agreement between the County of Riverside
4 and the developer of the Specific Plan for development of the Villages of Lakeview
5 (“Project”). The Planning Commission recommended the Board of Supervisors deny
6 Specific Plan No. 342 as proposed by the applicant, approve Alternative 7 as Specific
7 Plan No. 342 and approve the other components of the project, and recommend
8 certification of **Environmental Impact Report No. 471**.

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11 3. The Villages of Lakeview, 2883 acre development site is bisected by the
12 Ramona Expressway on the north and south in the now rural unincorporated
13 community of Nuevo situated in the predominately agricultural northern San Jacinto
14 Valley of western Riverside County. The northern border of the Villages of Lakeview
15 property shares a common boundary with the public lands of the San Jacinto Wildlife
16 Area (SJWA) managed by the California Department of Fish and Wildlife. The SJWA
17 was established in the early 1980’s as the mitigation site for the direct impacts of the
18 State Water Project (SWP) construction in Southern California. Since the initial SWP
19 mitigation acquisitions the state of California has continued to acquire private lands
20 from willing sellers such that the SJWA Davis Road Unit now comprises 10,000 acres of
21 contiguous public lands, including the historic Mystic Lake wetlands, dedicated to
22 wildlife conservation and outdoor recreation.

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25 4. In 1995 the SJWA was included within the Stephens’ kangaroo rat (SKR)
26 “Core “ reserve system pursuant to a federal/state Habitat Conservation Plan
27 (SKRHCP). In 2004, the now 10,000 acre, San Jacinto Wildlife Area was again
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1 designated a principal wildlife “conservation reserve” [“take” mitigation – for 146
2 species of plants and animals] under the western Riverside County Multiple Species
3 Habitat Conservation Plan (MSHCP) which permitted federal and state “incidental take”
4 of endangered and special status species outside of designated “conservation reserves”,
5 such as SJWA, in western Riverside County. Under state law both the SKRHCP and the
6 MSHCP “take” permits were authorized pursuant to the Natural Communities
7 Conservation Planning Act (NCCP Act – Fish and Game Code §§ 2800-2835). Section
8 2826 of the NCCP Act provides: *“Nothing in this chapter exempts a project proposed in
9 a natural community planning area from Division 13 (commencing with section
10 21000) of the Public Resources Code [CEQA] or otherwise alters the applicability of
11 that division.”*

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14 5. On March 23, 2010 the Riverside County Board of Supervisors (BOS) adopted
15 Resolutions Nos. 2010-88 and 2010-89 and Ordinance No. 348.4679 previously
16 approving the first *Villages of Lakeview* project and certification of a CEQA
17 Environmental Impact Report for that project. The 2010 County approval of the
18 original *Villages of Lakeview* project was then challenged by multiple environmental
19 organizations and the Superior Court of the State of California, County of Riverside
20 ordered the Board of Supervisors in 2012 to vacate the project approvals and EIR. The
21 Superior Court decision ordered the County to correct the analyses in the first EIR
22 including Greenhouse Gas Emissions, Air Quality (and related health effects),
23 Transportation and Traffic (regional traffic), Biological Resources (Habitat Conservation
24 Plan), Growth Inducing Impacts, and Land Use and Planning (consistency with General
25 Plan Policies).

1 seeks to compel the Riverside County Board of Supervisors to correctly implement their
2 CEQA duties to avoid or mitigate project impacts to plant and animal resources of
3 western Riverside County and the State of California.
4

5 10. Petitioner/Plaintiff FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
6 (Friends) is a California non-profit conservation group who since 1991 has been
7 dedicated to preserving and protecting the northern San Jacinto Valley, the San Jacinto
8 Wildlife Area, and associated natural resources. The organization sponsors regular
9 nature walks and environmental restoration activities at the San Jacinto Wildlife Area,
10 and works to influence a wide variety of land use, transportation, wildlife management,
11 and water issues that affect the San Jacinto Wildlife Area, and the Northern San Jacinto
12 Valley.
13

14 11. Petitioner/Plaintiff KEEP NUEVO RURAL (KNR) has recently made
15 application to become a California non-profit public interest corporation with members
16 living in western Riverside County. KNR members are residents, homeowners, and
17 taxpayers in Riverside County. KNR and its members are dedicated to preserving and
18 maintaining their established rural community, raising an awareness of any
19 development project planned in the Nuevo area, encouraging their neighbors to actively
20 participate at public hearings, lobbying our elected officials and public agency officials
21 to make sensible, well informed decisions about responsible planning and development,
22 and making certain that development at any scale is aligned with their agrarian life-style
23 and matched with the county's general and area plans. KNR members will be directly
24 impacted by the County's approval of the Villages of Lakeview project.
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1 12. Mr. Paulek, members of the Friends and KNR timely presented oral and
2 written comments during the administrative hearings on the matters being challenged
3 in this petition. Mr. Paulek, Friends, KNR and their members are directly, adversely,
4 and irreparably affected, and will continue to be prejudiced by the Riverside County
5 Board of Supervisors approval of the Villages of Lakeview project as described herein,
6 until and unless this Court provides the relief prayed for in this petition.
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8 13. Respondent COUNTY OF RIVERSIDE is a local governmental agency and
9 political subdivision of the State of California charged with the authority to regulate and
10 administer land use activities within its boundaries, subject at all times to the
11 obligations and limitations of all applicable state, federal, and other laws, including
12 CEQA and the CEQA Guidelines.
13

14 14. Respondent the COUNTY OF RIVERSIDE BOARD OF SUPERVISORS is the
15 legislative body and the highest administrative body of the County.
16

17 15. Does 1 through 20, inclusive, are persons presently unknown to Petitioners,
18 which are subdivisions or officers of the State of California, County of Riverside and/or
19 municipalities who are responsible for the actions described herein or for carrying out
20 the functions of the state, county, municipality and who may be affected by this
21 litigation. Petitioners will amend this petition to specifically identify each respondent as
22 required and as capacity and identity of each respondent becomes known.
23

24 !6. Petitioners are informed and believe Real Party in Interest NUEVO
25 DEVELOPMENT CORPORATION is the beneficiary of the Board of Supervisors.
26 Approval of the Villages of Lakeview Project and will be adversely affected by this
27 Lawsuit. On information and believe Nuevo Development Corporation is a corporation
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1 formed under the laws of the State of California with its principal place of business at
2 1156 N. Mountain Ave, Upland, California, 91786-3633. Petitioners, information and
3 belief is that Real Party adequately represents the interest of any and all other non-
4 joined parties in the Project.
5

6 17. Does 21 through 50, inclusive, are persons presently unknown to Petitioners
7 and who have a legal interest in the project being challenged herein, or are the property
8 owners, developers, or others with a legal or equitable interest in the real property at
9 issue herein. Petitioners will amend this petition to specifically identify each such
10 respondent as required and as capacity and identity of each such respondent becomes
11 Known.
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13 14 GENERAL ALLEGATIONS 15

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17 18. Petitioners hereby re-allege and incorporate the allegations set forth in
18 paragraphs 1 through 17 inclusive.

19 19. In implementing its CEQA duty Riverside County failed to fully disclose to
20 the public the full range of significant environmental effects of the Village of Lakeview
21 Project. The County CEQA review did not properly prevent or minimize damage to the
22 environment through the correct development of project alternatives, mitigation
23 measures, and mitigation monitoring. The County failed to properly implement its
24 CEQA mandate that no project should be approved as proposed if there are feasible
25 alternatives or mitigation that would lessen those effects. Failure to comply with CEQA
26 to provide full disclosure of information to decision-makers and the public, which would
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1 result in relevant information not being presented to the public agency and the
2 questioning public constitutes a prejudicial abuse of discretion on the part of the County
3 and the complicit project proponent.
4

5 20. Mr. Paulek and members of the Friends and KNR provided written
6 comments on Draft and Final Environmental Impact Report for the Villages of Lakeview
7 project and presented oral and written objections to the project during the
8 administrative hearings on this matter pursuant to Public Resources Code section 21177.
9 Mr. Paulek, Friends and KNR and their members are directly, adversely, and irreparably
10 affected, and will continue to be prejudiced by the Riverside County Board of
11 Supervisors approval of the Villages of Lakeview project as described herein, until and
12 unless this Court provides the relief prayed for in this petition.
13

14 21. Petitioners have complied with the requirements of Public Resources Code
15 section 21167.5 by serving a written notice of Petitioner's intent to commence this action
16 on Respondent on January 4, 2018. A copy of this written notice and proof of service is
17 attached as Exhibit A to this petition.
18

19 22. Petitioners sent a copy of this Petition to the California Attorney General on
20 January 8, 2018 to comply with the requirements of Public Resources Code section
21 21167.7. A copy of this written notice is attached as Exhibit B.
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23 23. Petitioners have elected to prepare the record of proceedings in the above-
24 captioned proceeding or pursuant to an alternative method of record preparation
25 pursuant to public Resources Code section 21167.8(b)(2). Notification of the Election to
26 Prepare the Administrative Record is attached as Exhibit C.
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1 30. Under state law both the SKRHCP and the MSHCP “take” permits were
2 authorized pursuant to the Natural Communities Conservation Planning Act (NCCP Act
3 – Fish and Game Code §§ 2800-2035). Section 2826 of the NCCP Act provides:
4 “Nothing in this chapter exempts a project proposed in a natural community planning
5 area from Division 13 (commencing with section 21000) of the public Resources Code
6 [CEQA] or otherwise alters the applicability of that division.” The Riverside County
7 EIR for the Villages of Lakeview Project reliance on SKRHCP and the MSHCP
8 compliance instead of actual CEQA compliance is contrary to the legislative directive of
9 the NCCP Act.
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12 31. CEQA requires the identification of significant impacts to public wildlife
13 resources, analysis of alternatives to avoid or mitigate significant impacts, and requires
14 the lead agency to make specific “Findings” regarding identified significant impacts to
15 endangered plants and animals and public lands (SJWA). The subject EIR repeatedly
16 asserts direct, indirect, and cumulative impacts to endangered and special status species
17 and public lands (habitats) will “**not be significant with mitigation**” and there will
18 be future consultation and approvals by the County of Riverside, the primary beneficiary
19 of the federal and state “incidental take” permits. This is not CEQA compliance and the
20 EIR failure to comply with CEQA and the NCCP Act section 2826 must be corrected and
21 a revised CEQA document subject to public review.
22

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24 32. The Draft EIR disregards substantial evidence to the contrary that the Project
25 is subject to Mandatory Findings of Significance pursuant to CEQA Guideline section
26 15065 (a)(1) [Draft EIR pp. 5.4-6.... *Twenty-six special-status species were detected on*
27 *or immediately adjacent to the Specific Plan Area (see Table 5.4-A and Table 5.4-B)]*
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1 Consequently, the Draft EIR avoids the necessary analysis of impacts/consideration of
2 alternatives for twenty-six special-status plants and animals (SKRHCP and MSHCP
3 covered species) and does not consider the cumulative impact [Guidelines §
4 15065(a)(3)] of the “take” of individual special-status species. Without meaningful
5 cumulative analysis there can never be any awareness or control over the “take” of these
6 special-status species as to that species population ultimate conservation/refuge on
7 designated conservation reserves, such as the San Jacinto Wildlife Area.
8

9 33. The Project will designate approximately 1000 acres of the Specific Plan Area
10 for permanent conservation, including approximately 29 acres north of the Ramona
11 Expressway adjacent to the San Jacinto Wildlife Area and 958 acres located within the
12 Lakeview Mountains. The EIR provides no specific mitigation measures to validate
13 these proposed conservation designations. Absent specific mitigation measure(s) there
14 is no assurance the conservation designation will be realized or what property
15 mechanism [easement, fee transfer] will be used to realize wildlife habitat conservation
16 in perpetuity.
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18 34. The Villages of Lakeview proposes the development of up to 11,350 dwelling
19 units and up to 500,000 square feet of commercial/retail/office space. The Specific
20 Plan seeks to provide housing for approximately 36,000 residents. The project will
21 generate a significant increase in traffic on the Ramona Expressway paralleling the
22 southern boundary of the San Jacinto Wildlife Area at the San Jacinto River crossing.
23 This will result in increased traffic noise intruding into the southern boundary of the
24 SJWA, to the detriment of SKRHCP and MSHCP covered species including the
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1 Stephens' kangaroo rat and the Northwestern San Diego pocket mouse. The Draft EIR
2 failed to consider or mitigate the impact of this intrusion of traffic noise onto the SJWA.

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4 35. The County failed to comply with CEQA when it added General Plan 1165 to
5 the Villages of Lakeview Board Agenda item for review. At the December 12, 2017, vote
6 on the Villages of Lakeview project, Supervisor Jeffries changed his vote from denying
7 the VOL Project to approving the VOL Project because he was voting for General Plan
8 Amendment 1165 and he could not split his vote. CEQA requires that agencies inform
9 themselves about the environment effects of their proposed actions, carefully consider
10 all relevant information before they act, give the public an opportunity to comment on
11 the environmental issues, and avoid or reduce significant environmental impacts when
12 it is feasible to do so. Supervisor Jeffries complies with these requirements at the
13 December 5, 2017 tentative vote on the Villages of Lakeview project when he voted to
14 deny the project. The December 12, 2017 Villages of Lakeview vote and all its approvals
15 must be vacated because the addition of the unrelated General Plan Amendment 1165
16 made it impossible for any of the Supervisors to comply with the requirements of CEQA.

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19 36. Contrary to the requirements of CEQA, the County did not prepare an EIR for
20 the 2017 Villages of Lakeview Specific Plan 342 (3.0). In 2010 the County approved SP
21 342 (1.0) and certified EIR 471 (1.0). In 2015, the County prepared SP 342 (2.0) and
22 circulated draft EIR 471 (2.0). In 2017 the County prepared Specific Plan 342 (3.0), but
23 did not prepare a new EIR for SP 342(3.0). Instead of preparing a new EIR for the new
24 2017 SP 342 (3.) the County merely certified the EIR (2.0) that was prepared for a
25 different project, SP 342 (2.0). All the Villages of Lakeview approvals must be vacated
26 and a new Initial Study and EIR prepared for the new project, SP 342 (3.0)
27
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1 37. Contrary to the Requirements of CEQA, the Villages of Lakeview General
2 Plan and zoning amendments fail to address the cumulative, growth inducing and loss
3 of agricultural lands in approving the Villages of Lakeview, which will result in the
4 creation of a new city and the infrastructure that is included with a new city in a
5 primarily agricultural and rural living area. Although omitted from all of the specific
6 plans and EIR's the County during the 2010 and 2017 hearing referred directly and
7 indirectly to its vision for a new "City of Lakeview" to touch the boundaries of the cities
8 of Perris, Moreno Valley, San Jacinto, Hemet and Menifee. Rather than acknowledging
9 the vision of the City of Lakeview, the County grossly mischaracterizes the Village of
10 Lakeview as a "buffer" between itself and surrounding cities. In addition, the general
11 plan amendments are not an "emergency and are not consistent with the County's
12 current General Plan Vision. Because the direct, indirect and cumulative impacts of a
13 new city were not identified, analyzed or mitigated in the EIR, all approvals must be
14 vacated.
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18 38. As a result of the foregoing defects, the County of Riverside prejudicially
19 abused their discretion in approving the Villages of Lakeview project without first
20 complying with the California Environmental Quality Act. Accordingly, the Project
21 approval must be set aside.
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PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. For alternative and preemptory writs of mandate, commanding Respondent:

A. To vacate and set aside all approvals of the Project.

B. To suspend any and all activity pursuant to Respondent's approval of the Project until Respondent has complied with all requirements of CEQA as are directed by this Court Pursuant to Public Resources Code § 21168.9.

2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction prohibiting any actions by Respondent pursuant to Respondents approval of the Project until Respondent has fully complied with all requirements of CEQA.

3. For a declaration that the Project Approval is inconsistent with CEQA and NCCP Act § 2826.

4. For cost of suit.

5. For Attorney fees pursuant to Code of Civil Procedure section 1021.5; and

6. For such other and further relief as the Court deems just and proper.

Dated: January 8, 2018

By Susan Nash

Susan Nash

Attorney for Petitioners and Plaintiffs
ALBERT THOMAS PAULEK
FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
KEEP NUEVO RURAL

VERIFICATION

I, Albert Thomas Paulek, declare as follows:

I am a Petitioner in this Action,

I have read the subject Petition for Writ of Mandate and Complaint for Injunctive Relief and know the contents thereof. All facts alleged in the above petition are true of my own knowledge, except as to matters on information and belief.

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

Executed on January 8, 2018 in Idyllwild, California.

A handwritten signature in cursive script that reads "Albert Thomas Paulek". The signature is written in black ink and is positioned above a horizontal line.

Albert Thomas Paulek

EXHIBIT A

January 4, 2018

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside, California 92501

Re: Riverside County Board of Supervisors December 12, 2017 Approval of Resolution No. 2017-246 and Resolution No. 2017-239 Certifying Environmental Impact Report No. 471 for Specific Plan No. 342, General Plan Amendment Nos. 720 and 721, Change of Zone No. 7055, and Development Agreement No. 73 for the Villages of Lakeview Project.

Dear Board of Supervisors:

This letter is to notify you that Albert Thomas Paulek, The Friends of the Northern San Jacinto Valley, and Keep Nuevo Rural will file suit against the County of Riverside and the Riverside County Board of Supervisors for failure to observe the requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et. seq., and the CEQA Guidelines, California Code of Regulations section 15000 et. seq. in the Board's decision to Approve and carry out the above-referenced project for the Villages of Lakeview. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,



Susan Nash
Attorney at Law
P.O. Box 4036
Idyllwild, California 92549
Voice; (909) 228-6710
Email: snash22@earthlink.net

DECLARATION OF SERVICE

*Albert Thomas Paulek, Friends of the Northern San Jacinto Valley, Keep Nuevo Rural v.
County of Riverside and Riverside County Board of Supervisors*

I am employed in the County of Riverside, State of California, I am over the age of eighteen, and my business address is Post Office Box 4036, Idyllwild, California 92549. On this date, I served the following document:

Letter to: Riverside County Board of Supervisors

Re: Notice of Intent to File Suit Pursuant to Public Resources Code Section 21167.5 on the party identified below in the following manner:

By First Class Mail. I am readily familiar with our office's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. I placed a true and correct copy of the document listed above in a sealed envelope addressed as shown below and affixed with first-class postage. The envelope was deposited with the U.S. Postal Service on this date, in the ordinary course of business.

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside, California 92501

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on January 4, 2018 at Idyllwild, California.



Susan Nash

EXHIBIT B

January 8, 2018

Office of the Attorney General
Attn. Environmental/CEQA Filing
1300 "I" Street
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Notice of Commencement of Legal Action Alleging Environmental Harm

The enclosed Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, *Albert Thomas Paulek; Friends of the Northern San Jacinto Valley; Keep Nuevo Rural v. County of Riverside and Riverside County Board of Supervisors* is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code section 21167.7. This case is being pursued under the private attorney general provisions of the Code of Civil Procedure section 1021.5.

The suit is being brought challenging the Riverside County Board of Supervisors approval of Resolution No. 2017-246 and Resolution No. 2017-239 Certifying Environmental Impact Report No. 471 for the Villages of Lakeview Project.

Petitioners allege environmental harm that could affect the public generally and the natural resources of the state.

Thank you for your attention to this matter.

Sincerely,



Susan Nash (BAR No. 122533)
Attorney at Law
P.O. Box 4036
Idyllwild, CA 92549
Voice: (909) 228-6710
Email: snash22@earthlink.net

DECLARATION OF SERVICE

*Albert Thomas Paulek, Friends of the Northern San Jacinto Valley, Keep Nuevo Rural v.
County of Riverside and Riverside County Board of Supervisors*

I am employed in the County of Riverside, state of California. I am over the age of eighteen and my business address is Post Office Box 4036, Idyllwild, CA 92549. On this date, I served the following document.

On January 8, 2018, I served a true and correct copy of the **NOTICE TO ATTORNEY GENERAL OF COMMENCEMENT OF LEGAL ACTION** for the above captioned action by placing a true copy thereof in a sealed envelop, addressed as shown below:

BY MAIL: I placed a true and correct copy of the document listed above in a sealed envelope addressed as shown below and affixed with first-class postage. The envelope was deposited with the U.S. Postal Service on this date.

Office of the Attorney General
Attn. Environmental/ CEQA Filing
1300 "I" Street
P. O. Box 944255
Sacramento, CA 94244-2550

Executed on January 8, 2018 in Riverside, California

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

Susan Nash

Susan Nash

EXHIBIT C

1 Susan Nash (SBN 122533)
2 LAW OFFICE OF SUSAN NASH
3 P.O. BOX 4036
4 IDYLLWILD CA 92549
5 Telephone: (909) 228-6710
6 Email: snash22@earthlink.net
7 *Attorney for Petitioners Albert Thomas Paulek,*
8 *Friends of the Northern San Jacinto Valley*
9 *Keep Nuevo Rural*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF RIVERSIDE

12 ALBERT THOMAS PAULEK; FRIENDS
13 OF THE NORTHERN SAN JACINTO
14 VALLEY; KEEP NUEVO RURAL.

15 Petitioners/Plaintiffs,

16 Vs.

17 COUNTY OF RIVERSIDE; COUNTY OF
18 RIVERSIDE BOARD OF SUPERVISORS;
19 and DOES 1-20

20 Respondents/Defendant

21 NUEVO DEVELOPMENT
22 CORPORATION; and DOES 1-50,

23 Real Parties in Interest

Case No.: RIC

**NOTICE OF ELECTION TO PREPARE
ADMINISTRATIVE RECORD**

California Environmental Quality Act
(CEQA) [Pub. Res. Code § 21167.6]

Petitioners Albert Thomas Paulek, Friends of the Northern San Jacinto Valley and Keep Nuevo Rural elect to prepare the record of proceeding in the above-captioned proceeding, or pursue an alternative method of record preparation pursuant to Public Resources Code section 21167.6(b)(2).

DATED: January 8, 2018

By: 

Susan Nash
Attorney for Petitioners

EXHIBIT D

1 Susan Nash (SBN 122533)
2 LAW OFFICE OF SUSAN NASH
3 P.O. BOX 4036
4 IDYLLWILD CA 92549
5 Telephone: (909) 228-6710
6 Email: snash22@earthlink.net
7 *Attorney for Petitioners Albert Thomas Paulek,*
8 *Friends of the Northern San Jacinto Valley*
9 *Keep Nuevo Rural*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF RIVERSIDE

10 ALBERT THOMAS PAULEK; FRIENDS
11 OF THE NORTHERN SAN JACINTO
12 VALLEY; KEEP NUEVO RURAL.

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15 COUNTY OF RIVERSIDE; COUNTY OF
16 RIVERSIDE BOARD OF SUPERVISORS;
17 and DOES 1-20

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19
20 NUEVO DEVELOPMENT
21 CORPORATION; and DOES 1-50,

22 Real Parties in Interest
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Case No.: RIC

REQUEST FOR HEARING

California Environmental Quality Act
(CEQA) [Pub. Res. Code § 21167.4]

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, pursuant to Public Resources Code § 21167.4 Petitioners Albert Thomas Paulek, Friends of the Northern San Jacinto Valley, and Keep Nuevo Rural hereby request a hearing on the ultimate merits of petitioners' Petition for Writ of Mandate, which alleges violations of the California Environmental Quality Act, Public Resources Code § 21000 et seq. This request is being filed with the court and served on the parties.

Following the filing of this Request for Hearing, any party may apply to the Court to establish a briefing schedule and hearing date for the hearing (*Leavitt v. County of Madera (2004) 123 Cal. App. 4th, 1502, 1517, 1523; Ass'n for Sensible Development at Northstar, Inc. v. Placer County (2004) 122 Cal. App. 4th 1289'1294-95*). The hearing date, time, and place, and briefing schedule for the hearing are to be established by the Court following such application by any party. *ID.*

Dated: January 8, 2018

Respectfully submitted by:



Susan Nash
Susan Nash
Attorney for Petitioners
Albert Thomas Paulek
Friends of the Northern San Jacinto Valley
Keep Nuevo Rural

DECLARATION OF SERVICE

Albert Thomas Paulek; Friends of the Northern San Jacinto Valley; Keep Nuevo Rural v. County of Riverside; Riverside County Board of Supervisors

At the time of service I was over 18 years of age and not a party to this action. My business address is P.O. Box 4036, Idyllwild, California, 92549. On January 8, 2018, I served the following documents(s): **PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and **SUMMONS** for the above captioned action.

By personal service. I personally delivered the documents to the Chairman of the Riverside County Board of Supervisors and to Richard A. Lewis, President of Nuevo Development Corporation or persons at the office(s) address listed below:

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside, California 92501

Respondent

Nuevo Development Corporation
1156 N. Mountain Avenue
Upland, California 91786-3633

Real Party in Interest

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

Executed on January 8, 2018 at Riverside and Upland, California.

Susan Nash

Susan Nash

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Susan Nash (SBN 122533)
 P.O. Box 4036 Idyllwild CA 92549
 TELEPHONE NO.: 909-228-6710 FAX NO.:
 ATTORNEY FOR (Name): **PAVLEK, Friends, KNR**

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **Riverside**
 STREET ADDRESS: **4050 Main Street**
 MAILING ADDRESS:
 CITY AND ZIP CODE: **Riverside CA 92549**
 BRANCH NAME: **Historic Court house**

CASE NAME:

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **RIC 1800517**
 JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input checked="" type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **ONE**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **8 Jan. 2018**
(TYPE OR PRINT NAME)

Susan Nash
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF STATUS CONFERENCE

PAULEK VS COUNTY OF RIVERSIDE

CASE NO. RIC1800517

The Status Conference is scheduled for:

DATE: 03/09/18
TIME: 8:30 a.m.
DEPT: 05

All matters including, but not limited to, Fast Track hearings, law and motion, and settlement conference hearings shall be heard by the assigned judge until further order of the Court.

Any disqualification pursuant to CCP 170.6 shall be filed in accordance with that section.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See CA Rules of Court, rule 1.100.


CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing Notice of Assignment To Department For Case Management Purposes and Status Conference on this date, by depositing said copy as stated above

Dated: 01/08/18

Court Executive Officer/Clerk

By:


ERIKA L OLIVAS, Deputy Clerk

ac:stch shw

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF DEPARTMENT ASSIGNMENT

CASE NO. RIC1800517

vs

TO:

This case has been assigned to the HONORABLE Judge Craig G. Riemer in Department 05 for all purposes.

Department 5 and 10 is located at 4050 Main Street, Riverside, CA 92501.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The filing party shall serve a copy of this notice on all parties.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 01/08/18

by: 

ERIKA L. OLIVAS, Deputy Clerk