

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 18 2015

C. Mundo

NOTICE TO DEFENDANTS/RESPONDENTS:

(AVISO AL DEMANDADO):

CITY OF MORENO VALLEY, a municipal corporation; MORENO VALLEY COMMUNITY SERVICES DISTRICT, a dependent special district of the City of Moreno Valley; and DOES 1-20, inclusive

YOU ARE BEING SUED BY PLAINTIFF/PETITIONER:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

COUNTY OF RIVERSIDE, a political subdivision of the State of California

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of the State of California, County of Riverside
4050 Main Street
Riverside, CA 92501

CASE NUMBER
(Número del Caso)

RIC 1511180

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Michelle Ouellette, Best Best & Krieger LLP
3390 University Avenue, 5th Floor, P. O. Box 1028
Riverside, CA 92502-1028

C. MUNDO

DATE:

(Fecha)

SEP 18 2015

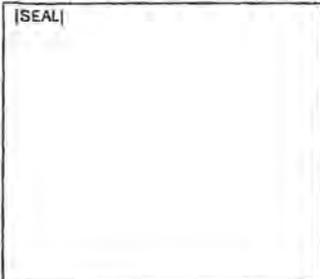
Clerk, by

(Secretario)

15 SEP 18 PM 1:24
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

CLERK
MORENO VALLEY

COPY

SHORT TITLE

County of Riverside v City of Moreno Valley

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons
- If this attachment is used insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box Use a separate page for each type of party)

Plaintiff Defendant Cross-Complainant Cross-Defendant

Real Parties in Interest

Highland Fairview,
 Highland Fariview Operating Company, a Delaware general partnership,
 HF Properties, a California general partnership;
 Sunnymead Properties, a Delaware general partnership,
 Theodore Properties Partners, a Delaware general partnership,
 13451 Theodore, LLC, a California limited liability company,
 HL Property Partners, a Delaware general partnership,
 and ROES 21 - 40 inclusive



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Michelle Ouellette, SBN 145191; Charity Schiller, SBN 234291 Best Best & Krieger LLP 3390 University Avenue, 5th Floor; P. O. Box 1028 Riverside, CA 92502-1028 TELEPHONE NO (951) 686-1450 FAX NO (951) 686-3083 ATTORNEY FOR (Name) Petitioner/Plaintiff County of Riverside	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS 4050 Main Street MAILING ADDRESS CITY AND ZIP CODE Riverside, CA 92501 BRANCH NAME	
CASE NAME: County of Riverside v. City of Moreno Valley, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER (CEQA) RIC 1511180 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 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 checked="" 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): 2
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: September 18, 2015
 Michelle Ouellette/Charity Schiller
 (TYPE OR PRINT NAME) ▶ (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.

Page 1 of 2

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

- BANNING 311 E. Ramsey St., Banning, CA 92220
- BLYTHE 265 N. Broadway, Blythe, CA 92225
- HEMET 880 N. State St., Hemet, CA 92543
- MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553

- MURRIETA 30755-D Auld Rd., Suite 1226, Murrieta, CA 92563
- PALM SPRINGS 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
- RIVERSIDE 4050 Main St., Riverside, CA 92501
- TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

RI-030

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)</small> Michelle Ouellette, Bar No. 145191 Best Best & Krieger LLP 3390 University Ave., 5th Floor Riverside, CA 92501</p> <p>TELEPHONE NO (951) 686-1450 FAX NO (Optional)</p> <p><small>E-MAIL ADDRESS (Optional)</small></p> <p>ATTORNEY FOR (Name) Petitioner/Plaintiff County of Riverside</p>	<p><small>FOR COURT USE ONLY</small></p> <p>FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE</p> <p>SEP 18 2015</p> <p>C. Mundo</p> <hr style="width: 20%; margin: auto;"/> <p>CASE NUMBER: RIC 1511180</p>
<p>PLAINTIFF/PETITIONER: County of Riverside</p> <p>DEFENDANT/RESPONDENT: City of Moreno Valley, et al.</p>	
CERTIFICATE OF COUNSEL	

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- The action arose in the zip code of: 92552
- The action concerns real property located in the zip code of: _____
- The Defendant resides in the zip code of: _____

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at www.riverside.courts.ca.gov.

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

Date September 18, 2015

Michelle Ouellette
(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)



(SIGNATURE)

1 MICHELLE OUELLETTE, Bar No. 145191
2 CHARITY SCHILLER, Bar No. 234291
3 ANDREW M. SKANCHY, Bar No. 240461
4 BEST BEST & KRIEGER LLP
5 3390 University Avenue, 5th Floor
6 P.O. Box 1028
7 Riverside, California 92502
8 Telephone: (951) 686-1450
9 Facsimile: (951) 686-3083

10 GREGORY P. PRIAMOS, County Counsel, Bar
11 No. 136766
12 KARIN WATTS-BAZAN, Principal Deputy
13 County Counsel, Bar No. 123439
14 MELISSA R. CUSHMAN, Deputy County
15 Counsel, Bar No. 246398
16 COUNTY OF RIVERSIDE, OFFICE OF COUNTY
17 COUNSEL
18 3960 Orange Street, Suite 500
19 Riverside, CA 92501
20 Telephone: (951) 955-6300
21 Facsimile: (951) 955-6322

22 Attorneys for Petitioner/Plaintiff
23 COUNTY OF RIVERSIDE

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 18 2015

C. Mundo

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

17 COUNTY OF RIVERSIDE, a political
18 subdivision of the State of California,
19
20 Petitioner/Plaintiff,
21
22 v.
23
24 CITY OF MORENO VALLEY, a municipal
25 corporation;
26 MORENO VALLEY COMMUNITY
27 SERVICES DISTRICT BOARD; and
28 DOES 1-20, inclusive,

Respondents/Defendants.

HIGHLAND FAIRVIEW;
HIGHLAND FAIRVIEW OPERATING
COMPANY, a Delaware general partnership;
HF PROPERTIES, a California general
partnership;
SUNNYMEAD PROPERTIES, a Delaware
general partnership;

Case No. **RIC 1511180**

(California Environmental Quality Act)

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

[Code Civ. Proc., §§ 1085, 1094.5; CEQA
(Pub. Resources Code, §§ 21000 et seq.)]

[Deemed Verified Pursuant to Code of
Civ. Proc., § 446]

1 THEODORE PROPERTIES PARTNERS, a
2 Delaware general partnership;
3 13451 THEODORE, LLC, a California limited
4 liability company;
5 HL PROPERTY PARTNERS, a Delaware
6 general partnership; and
7 ROES 21 - 40 inclusive,

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Real Parties in Interest.

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 proceedings for the expansion of the CSD's boundary in conjunction with the related annexation
2 requested by the City Council.

3 5. As detailed below, Moreno Valley failed to properly exercise its duties as lead
4 agency under CEQA and California Code of Civil Procedure, title 14, section 15000 et seq.
5 (hereinafter, CEQA Guidelines), resulting in Moreno Valley's improper approval of the Project,
6 without adequate or proper environmental review under CEQA. Through this lawsuit, the County
7 seeks to enforce the provisions of CEQA as they apply to the Project. The maintenance and
8 prosecution of this action will confer a substantial benefit on the public by ensuring full
9 compliance with the requirements of CEQA, a public-disclosure statute, and by protecting the
10 public from the unanalyzed potential environmental harms, unmitigated environmental impacts
11 and lack of adoption of all feasible mitigation measures as alleged in this Petition and Complaint.

12 THE PARTIES

13 6. Petitioner and Plaintiff County, is, and at all relevant times was a political
14 subdivision of the State of California. Among other responsibilities, the County is responsible for
15 planning and governing land use in Riverside County in a manner that protects the public health,
16 safety, welfare, and environment of its residents. Through one of the County's departments, the
17 Transportation and Land Management Agency, the County provides planning, environmental,
18 building and other services.

19 7. Respondent and Defendant Moreno Valley is a general law city organized and
20 existing under and by virtue of the laws of the State of California, and is situated in the County of
21 Riverside. Moreno Valley is authorized and required by law to hold public hearings, to determine
22 whether CEQA applies to development within its jurisdiction, to determine the adequacy of and
23 adopt or certify environmental documents prepared pursuant to CEQA, and to determine whether
24 a project is compatible with the objectives, policies, general land uses, and programs specified in
25 the General Plan, Moreno Valley, its staff, and contractors and consultants working under its
26 control and direction prepared the EIR for the Project, and its City Council certified the EIR and
27 issued final approvals for the Project.

28 ///

1 8. Petitioner and Plaintiff is informed and believes, and on that basis alleges, that
2 Respondent CSD is a governmental body within Moreno Valley, established pursuant to the
3 Community Services District Law (Cal. Gov. Code section 61000 et seq.). CSD is a dependent
4 special district of Moreno Valley, and the Moreno Valley City Council serves as the Board of
5 Directors of the CSD. CSD has responsibility for certain funding mechanisms and services within
6 the territory of Moreno Valley. CSD, its staff, and contractors and consultants working under its
7 control and direction, approved a resolution, which relied on the EIR's analysis, furthering the
8 Project.

9 9. Petitioner and Plaintiff is informed and believes and on that basis alleges that
10 Highland Fairview is a Real Party in Interest insofar as the Notices of Determination that Moreno
11 Valley prepared and filed with the Riverside County Clerk on August 20, 2015, and August 26,
12 2015, following certification of the EIR and approval of the Project, identified Highland Fairview
13 as the applicant for the Project that is the subject of this proceeding.

14 10. Petitioner and Plaintiff is informed and believes and on that basis alleges that
15 Highland Fairview Operating Company, a Delaware general partnership, is a Real Party in
16 Interest insofar as it is listed as an owner and developer of the property and the applicant for the
17 Project that is the subject of this proceeding or has some other cognizable interest in the Project.

18 11. Petitioner and Plaintiff is informed and believes and on that basis alleges that HF
19 Properties, a California general partnership, is a Real Party in Interest insofar as it is listed as an
20 owner and developer of the property and the applicant for the Project that is the subject of this
21 proceeding or has some other cognizable interest in the Project.

22 12. Petitioner and Plaintiff is informed and believes and on that basis alleges that
23 Sunnymead Properties, a Delaware general partnership, is a Real Party in Interest insofar as it is
24 listed as an owner and developer of the property and the applicant for the Project that is the
25 subject of this proceeding or has some other cognizable interest in the Project.

26 13. Petitioner and Plaintiff is informed and believes and on that basis alleges that
27 Theodore Properties Partners, a Delaware general partnership, is a Real Party in Interest insofar
28 as it is listed as the owner and developer of the property and the applicant for the Project that is

1 the subject of this proceeding or has some other cognizable interest in the Project.

2 14. Petitioner and Plaintiff is informed and believes and on that basis alleges that
3 13451 Theodore, LLC, a California limited liability company, is a Real Party in Interest insofar as
4 it is listed as the owner and developer of the property and the applicant for the Project that is the
5 subject of this proceeding or has some other cognizable interest in the Project.

6 15. Petitioner and Plaintiff is informed and believes and on that basis alleges that the
7 HL Property Partners, a Delaware general partnership, is a Real Party in Interest insofar as it is
8 listed as the owner and developer of the property and the applicant for the Project that is the
9 subject of this proceeding or has some other cognizable interest in the Project.

10 16. The true names and capacities of the Respondents and Defendants identified as
11 DOES 1 through 20, and the Real Parties in Interest identified as ROES 21 through 40 are
12 unknown to the County, who will seek the Court's permission to amend this pleading in order to
13 allege the true name and capacities as soon as they are ascertained. The County is informed and
14 believes and on that basis alleges that the fictitiously named Respondents and Defendants DOES
15 1 through 20 have jurisdiction by law over one or more aspects of the Project that is the subject of
16 this proceeding; and that each of the fictitiously named Real Parties in Interest ROES 21 through
17 40 either claims an ownership interest in the Project or has some other cognizable interest in the
18 Project.

19 **JURISDICTION**

20 17. This Court has jurisdiction to review Moreno Valley's findings, approvals, and
21 actions and issue a writ of mandate and grant declaratory and/or injunctive relief, as well as all
22 other relief sought herein, pursuant to Code of Civil Procedure sections 1085 and 1094.5 and
23 Public Resources Code sections 21168 and 21168.5, among other provisions of law.

24 **VENUE**

25 18. The Superior Court of the County of Riverside is the proper venue for this action.
26 The Project at issue and the property it concerns are located within the County of Riverside. The
27 County and Moreno Valley are located wholly within the County of Riverside.

28 **STANDING**

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 19. The County and its residents will be directly and adversely affected by Moreno
2 Valley's actions in certifying the EIR and approving the Project. The County has no plain,
3 speedy, and adequate remedy in the ordinary course of law in that the County, its residents, and
4 the public will suffer irreparable harm if the Project is implemented.

5 20. As recognized in the EIR, the Project will have significant impacts on air,
6 transportation and traffic in Riverside County. Accordingly, any action which permits the Project
7 to go forward without disclosing and properly analyzing all Project impacts on the environment,
8 and imposing all feasible mitigation to reduce those impacts, is one in which the County, the
9 political subdivision of the State of California, responsible for land use planning in Riverside
10 County, has a beneficial interest. The County objected to Moreno Valley's approval of the Project
11 and requested that Moreno Valley comply with CEQA. The County, other agencies, organizations
12 and individuals raised or affirmed each of the legal deficiencies asserted in this Petition and
13 Complaint orally or in writing prior to Moreno Valley's approval of the Project and certification
14 of the EIR.

15 21. The County seeks to promote and enforce the informational purposes of CEQA in
16 this action, which purposes are defeated by Moreno Valley's approval of the Project without
17 sufficient or accurate information, analysis or mitigation. Ascertaining the facts about the
18 environmental impacts of projects and disclosing those facts to decision-makers and the public
19 are purposes that are within the zone of interests CEQA was intended to protect.

20 22. Moreno Valley has a mandatory and public duty to comply with CEQA and all
21 other applicable laws when adopting the EIR and approving the Project. The issues in this action
22 under CEQA are issues of public right, and the object of the action is to enforce public duties in
23 the public interest. The County has had to employ attorneys to bring this litigation. Furthermore,
24 the County has incurred and will incur substantial attorneys' fees and litigation costs because of
25 Respondents' unlawful acts. This litigation, if successful, will result in enforcement of important
26 rights affecting the public interest. Such enforcement will confer a significant benefit on a large
27 class of persons. The County is entitled to be reimbursed for its attorneys' fees and costs because
28 it is functioning as a private attorney general pursuant to section Code of Civil Procedure section

1 1021.5.

2 23. Respondents and Real Parties in Interest are threatening to proceed with the
3 Project in the near future. Implementation of the Project will irreparably harm the environment in
4 that the Project will significantly increase traffic congestion and associated impacts on the
5 environment. The County has no plain, speedy, or adequate remedy at law, and, unless a stay,
6 preliminary injunction, temporary restraining order and injunction, or permanent injunction is
7 issued that restrains Respondents and Real Parties in Interest from proceeding with the Project,
8 the County will be unable to enforce its rights under CEQA, which prohibits Moreno Valley's
9 approval of the Project.

10 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

11 24. This action is brought consistent with the requirements of Public Resources Code
12 section 21177 and Code of Civil Procedure sections 1085 and 1094.5. The County has exhausted
13 all available administrative remedies by objecting to Moreno Valley's approval of the Project
14 prior to Moreno Valley's certification of the EIR and approval of the Project and requesting that
15 Moreno Valley comply with CEQA. The County, other agencies, organizations, or individuals
16 raised or affirmed each of the legal deficiencies asserted in this Petition and Complaint orally or
17 in writing prior to Moreno Valley's adoption of the EIR and approval of the Project.

18 25. The County has complied with Public Resources Code section 21167.5 by prior
19 provision of notice to Moreno Valley indicating its intent to commence this action. The notice
20 and proof of service are attached hereto as Exhibit A.

21 26. Pursuant to Public Resources Code section 21167.7, the County has concurrently
22 provided a copy of this Petition and Complaint to the California Attorney General.

23 27. This lawsuit has been commenced within the time limits imposed for this action
24 under the Code of Civil Procedure and the Public Resources Code.

25 **THE PROJECT**

26 28. The County seeks issuance of a writ of mandate ordering Moreno Valley to vacate
27 and set aside its approvals of the Project.

28 ///

1 29. As stated in the EIR, on or about February 26, 2012, Moreno Valley issued a
2 Notice of Preparation (NOP) to notify state agencies and the public that an EIR was going to be
3 prepared for the Project. During the NOP review period, Moreno Valley received comments from
4 the County (in a letter dated May 1, 2012) and many other organizations and individuals, many of
5 which expressed concerns about the Project's significant size and likely impact on air quality,
6 transportation and traffic.

7 30. The County is informed and believes that the Draft EIR was circulated for public
8 review from approximately February 2013 through April 2013.

9 31. During the Draft EIR's public review period, numerous commenters, including the
10 County, submitted comments regarding inadequacies in the Draft EIR's analysis, including
11 potentially unmitigated significant impacts. The County's comment letter, dated April 9, 2013,
12 noted issues specifically with the Draft EIR's improper analysis of, and lack of adequate
13 mitigation measures to reduce, the Project's significant traffic impacts on Gilman Springs Road
14 and State Route 60, and its significant impacts on air quality in a basin that is already in
15 "nonattainment" status for ozone, nitrogen oxide, PM10, and PM2.5.

16 32. The Final EIR was released to the public in or about May of 2015.

17 33. In early June of 2015, prior to the Moreno Valley Planning Commission's
18 consideration of the EIR and Project, the County and others submitted letters to Moreno Valley
19 identifying outstanding deficiencies in the EIR, including air, transportation and traffic issues.
20 The County's letter, dated June 8, 2015, included five specific, feasible mitigation measures to
21 reduce the Project's significant impacts on the environment.

22 34. Moreno Valley responded to these comment letters on June 10, 2015. Moreno
23 Valley did not incorporate the County's proposed mitigation measures.

24 35. After a series of meetings held on June 11, 2015, and June 25, 2015, the Moreno
25 Valley Planning Commission recommended that the City Council certify the EIR and approve the
26 Project. A County representative offered testimony at the June 25, 2015 meeting to reiterate the
27 County's concerns about the Project.

28 ///

1 36. In August of 2015, prior to the City Council's consideration of the EIR and
2 Project, the County and many others agencies, entities, and individuals submitted *additional*
3 letters to Moreno Valley reiterating the EIR's deficiencies and explaining how Moreno Valley's
4 June 10, 2015 responses failed to address the inadequacies in the EIR's analysis.

5 37. Moreno Valley held a series of public meetings in mid-August, during which the
6 City Council heard testimony and considered the EIR and Project. A County representative
7 voiced the County's opposition to the Project and the County's legal concerns regarding the EIR
8 at the City Council's August 17, 2015 meeting. After closing the public hearing held on August
9 19, 2015, the City Council voted to adopt Resolution No. 2015-56 certifying the EIR. On or
10 around the same date, the City Council also adopted the following resolutions approving the
11 Project: Resolution No. 2015-57, which approved General Plan Amendment (PA12-0010);
12 Resolution No. 2015-58, which approved Tentative Parcel Map No. 36457 (PA12-0013); and
13 Resolution 2015-59, which requested that LAFCO initiate proceedings for the expansion of
14 Moreno Valley's boundaries. On or around the same date, the City Council also introduced the
15 following ordinances for first reading: Ordinance No. 900, approving Change of Zone (PA12-
16 0012), Specific Plan Amendment (PA12-0013) and Rezoning/Annexation (PA12-0014); and
17 Ordinance No. 901, approving a Development Agreement (PA12-0011).

18 38. Also on or about August 19, 2015, the CSD approved Resolution CSD 2015-29,
19 which requested that LAFCO initiate proceedings for the expansion of CSD's boundaries in
20 conjunction with the related annexation requested by the City Council.

21 39. On or about August 20, 2015, Moreno Valley filed a Notice of Determination
22 purporting to reflect its approval of a General Plan Amendment (PA12-0010), Development
23 Agreement (PA12-0011), Change of Zone (PA12-0012), Specific Plan (PA12-0013), Annexation
24 (PA12-0014), Tentative Parcel No. 36457 (PA12-0015), and an Environmental Impact Report
25 (P12-016) for the Project.

26 40. In conflict with the representations in the August 20, 2015 Notice of
27 Determination, the City Council held a meeting on August 25, 2015, whereat the City Council, on
28 second reading, adopted Ordinance No. 900, approving Change of Zone (PA12-0012), Specific

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1 Plan Amendment (PA12-0013) and Rezoning/Annexation (PA12-0014); and Ordinance No. 901,
2 approving a Development Agreement (PA12-0011).

3 41. On or about August 26, 2015, Moreno Valley filed another Notice of
4 Determination, purporting to reflect its approval of Resolution No. 2015-57, which approved
5 General Plan Amendment (PA12-0010); Resolution No. 2015-58, which approved Tentative
6 Parcel Map No. 36457 (PA12-0013); Resolution 2015-59, which requested that LAFCO initiate
7 proceedings for the expansion of Moreno Valley boundaries; Resolution CSD 2015-29, which
8 requested that LAFCO initiate proceedings for the expansion of the CSD boundary in conjunction
9 with the related annexation requested by the City Council; Ordinance No. 900, approving Change
10 of Zone (PA12-0012), Specific Plan Amendment (PA12-0013) and Rezoning/Annexation
11 (PA12-0014); and Ordinance No. 901, approving a Development Agreement (PA12-0011). The
12 August 26, 2015 Notice of Determination did not include reference to the City's resolution
13 certifying the EIR.

14 **FIRST CAUSE OF ACTION**

15 **(Petition for Writ of Mandate Pursuant to Code Civ. Proc., §§ 1085 and 1094.5 - Violation**
16 **of CEQA)**

17 **(Against All Respondents and Real Parties in Interest)**

18 42. The County incorporates by reference paragraphs 1 through 41, above, as though
19 set forth in full.

20 43. "[T]he legislature intended [CEQA] to be interpreted in such manner as to afford
21 the fullest possible protection to the environment within the reasonable scope of the statutory
22 language." (*City of San Diego v. Board of Trustees of the California State University* (2015) 61
23 Cal.4th 945, 963 [internal punctuation and citation omitted].) When complying with CEQA, a
24 lead agency must proceed in the manner required by law, and its determinations must be
25 supported by substantial evidence. (Pub. Resources Code, § 21168.5.) "CEQA requires a public
26 agency to mitigate or avoid its projects' significant effects not just on the agency's own property
27 but on the environment." (*City of San Diego, supra*, 61 Cal.4th at 957.) "CEQA defines the
28 environment as the physical conditions which exist *within* the area *which will be affected by a*

1 *proposed project* and mandates that each public agency shall mitigate or avoid the significant
2 *effects on the environment* of projects that it carries out or approves whenever it is feasible to do
3 so.” (*Id.* at 960 [italics in original, internal quotes and citations omitted].) “An EIR that
4 incorrectly disclaims the power and duty to mitigate identified environmental effects based on
5 erroneous legal assumptions is not sufficient as an informative document, and an agency’s use of
6 an erroneous legal standard constitutes a failure to proceed in a manner required by law.” (*Id.* at
7 956 [internal citations omitted].)

8 44. The County is informed and believes, and on that basis alleges, that Moreno
9 Valley violated CEQA in numerous ways.

10 45. Moreno Valley’s failure to comply with CEQA includes, but is not limited to, the
11 following:

12 a. **Failure to Identify and Adequately Analyze Project Impacts:** An EIR’s
13 conclusions must be supported by substantial evidence in the administrative record. Here, despite
14 Moreno Valley’s own statements to the contrary, the EIR failed to fully and properly analyze the
15 potential for the Project to impact the environment. For example, the EIR failed to include
16 discussion of the Project’s full impacts on Gilman Springs Road—a two-lane road that will
17 experience the daily addition of 6,019 autos and 420 trucks—such as the segment from Bridge
18 Street to Lambs Canyon/Sanderson. Additionally, although Section 4.15 of the EIR discusses a
19 traffic study, and admits that the Project will have significant impacts on area roadways,
20 segments, intersections and freeway facilities (EIR, 4.15-239 to 4.15-240), the traffic study failed
21 to adequately discuss the Project’s impacts on State Route 60, particularly in light of the
22 enormous volume of traffic generation that will be associated with the Project. The EIR also
23 failed to fully account for the Project’s significant air impacts in a polluted, non-attainment air
24 basin and to adequately identify and analyze the specific health effects that these air quality
25 impacts will have on the residents of Riverside County. These and other omissions raised in the
26 comments prior to certification of the EIR render the EIR’s analysis inadequate under CEQA.

27 b. **Failure to Adopt Adequate Mitigation Measures:** “[E]ach public agency shall
28 mitigate or avoid the significant effects on the environment of projects that it carries out or

1 approves whenever it is feasible to do so.” (Pub. Resources Code, § 21002.1(b).) Mitigation of a
2 project’s impacts can be accomplished by (1) Avoiding the impact by not taking a certain action
3 or parts of the action, (2) Minimizing impacts by limiting an activity; Repairing, rehabilitating, or
4 restoring the affected environment, (3) Reducing or eliminating an impact over time through
5 preservation and maintenance operations, or (4) Compensating for an impact by replacing or
6 providing substitute resources or environments, including the payment of fees to provide
7 mitigation for an impact identified in an EIR. (CEQA Guidelines, § 15370.)

8 Here, substantial evidence in the record reflects that Moreno Valley failed to adopt
9 adequate mitigation measures. For example the EIR states that the Project will have significant
10 and unavoidable impacts on a lengthy list of roads, including “all freeway mainline, weaving, and
11 ramp facilities.” (EIR at 4.15-239.) That list includes Gilman Springs Road and State Route 60,
12 operated and maintained, at least in part, by the County. The EIR concludes that its transportation
13 and traffic impacts are significant and unavoidable because no fair-share program currently exists
14 for numerous roads outside the City’s jurisdiction, and “the City cannot guarantee that such a
15 mechanism will be established and [the City] does not have direct control over facilities outside
16 of its jurisdiction.” (EIR at 4.15-237.) However, as explained in a comment letter from the
17 California Department of Transportation on August 17, 2015:

18 “Nothing in CEQA requires Caltrans to adopt a contribution
19 program before fair share payments can be considered adequate
20 mitigation. All that is required is that mitigation be part of a
21 reasonable plan of actual mitigation that the relevant agency
22 commits itself to implementing. Here specific mitigation measures
23 were identified in consultation with Caltrans. Caltrans is willing to
24 commit to work with the City, or other local partners and other
25 developers to secure the funding for and to implement these, or
26 comparable measure’s [sic] subject to future CEQA compliance
27 requirements as applicable. If the City prefers additional assurance
28 about how the fair share contributions will be used, reasonable
mechanisms exist to provide those assurances, such as traffic
mitigation agreements or cooperative agreements.

Unfortunately, the City has not explored those options or consulted
with Caltrans regarding any others. Thus the City’s take it or leave
it condition that Caltrans adopt a contribution plan or no payment is
required does not comply with CEQA’s mandate that the lead
agency include all reasonable mitigation. And the fact that the FEIR
did not examine these options demonstrate that the City’s

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1 conclusion that such mitigation would be infeasible is unsupported
2 by substantial evidence.”

3 This confirms the validity of the traffic concerns expressed by the County—whose five specific,
4 feasible traffic and transportation mitigation measures named in its June 8, 2015 comment letter
5 were ignored and many others who commented on the Project, namely that feasible mitigation
6 was available to reduce the Project's significant impacts to area roads. Additionally, feasible
7 mitigation measures to reduce the Project's air impacts were also proposed by many commenters,
8 including the California Air Resources Board, the South Coast Air Quality Management District,
9 the American Lung Association and others, and rejected by Moreno Valley. Moreno Valley's
10 failure to incorporate feasible mitigation to reduce significant impacts is an abuse of discretion.
11 Further, Moreno Valley's improper rejection of feasible mitigation is not supported by substantial
12 evidence.

13 c. **Failure to Adequately Respond to Comments on the Draft EIR: CEQA**

14 requires lead agencies to evaluate comments on the draft EIR and prepare written responses for
15 inclusion in the EIR. (Pub. Resources Code, § 21091(d).) When a significant environmental issue
16 is raised in comments, the response must be detailed and provide a reasoned, good faith analysis.
17 (14 C.C.R., § 15088(c).) The County and others provided Moreno Valley with detailed comments
18 on how it could make the Draft EIR's air, traffic and transportation analyses legally adequate. But
19 Moreno Valley did not sufficiently respond to those comments nor did it incorporate the feasible
20 mitigation measures proposed by commenters or improve the impact analysis.

21 d. **Failure to Provide an Adequate Environmental Setting/Baseline:** The

22 determination whether a project may have a significant effect on the environment requires that the
23 lead agency determine whether it might result in “a substantial, or potentially substantial, adverse
24 change in the environment.” (Pub. Resources Code, § 21068; CEQA Guidelines, § 15382) In
25 order to assess the changes to the environment that will result from a project, the agency
26 preparing an EIR must identify the environmental baseline against which a project's changes to
27 the environment are measured. Moreno Valley failed to adequately do so. For example, the
28 Project's air and transportation/traffic impacts discussion relied on hypothetical baselines, based

1 on what *could* be built on the project site, not on actual, existing conditions. This and other
2 inadequacies in the EIR violate CEQA's requirement that *existing* conditions serve as the
3 environmental baseline.

4 e. **Failure to Conduct Sufficient Environmental Review:** Moreno Valley failed to
5 conduct sufficient environmental review for the Project despite the fact that Moreno Valley's own
6 documentation concedes that the Project has the potential to cause a number of foreseeable direct
7 and indirect potentially significant impacts. The EIR and its process also violate CEQA in
8 numerous other ways due to deficiencies in the EIR's environmental setting, inadequate
9 disclosure and analysis, inadequate mitigation and failure to address potentially significant
10 impacts. The inadequacies described above and in this paragraph are prejudicial and require
11 Project approvals to be revoked and full environmental review in compliance with CEQA
12 conducted before the Project can proceed.

13 f. **Failure to Adopt Legally Adequate Findings:** When an EIR identifies
14 significant environmental effects that may result from a project, the lead agency must make one
15 or more specific findings for those impacts. (Pub. Resources Code, § 21081; 14 C.C.R., §
16 15091(a).) Findings of infeasibility must be specific and supported by substantial evidence in the
17 record. (Pub. Resources Code, § 21081.5.) "[I]t is the policy of the state that public agencies
18 should not approve projects as proposed if there are feasible alternatives or feasible mitigation
19 measures available which would substantially lessen the significant environmental effects of such
20 projects." (Pub. Resources Code, § 21002.) Here, the findings adopted by Moreno Valley are
21 legally inadequate. For example, specific and feasible mitigation measures were proposed by the
22 County and others to reduce the Project's significant impacts on air, transportation and traffic.
23 But Moreno Valley, without incorporating the proposed mitigation measures and without
24 substantial evidence, stated in its findings that the Project's air, transportation and traffic impact
25 were "reduced to the extent feasible." This is a violation of CEQA.

26 g. **Failure to Adopt an Adequate Statement of Overriding Considerations:**
27 When an agency approves a project with significant environmental effects that will not be
28 avoided or substantially lessened, it must adopt a statement of overriding considerations. (14

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1 C.C.R., § 15043.) Moreno Valley failed to adopt a legally adequate Statement of Overriding
2 Considerations in that the overriding considerations are not supported by substantial evidence in
3 the record.

4 46. Moreno Valley thereby violated its duties to comply with CEQA and the CEQA
5 Guidelines. Accordingly, the EIR and Project approvals must be set aside. And the County asks
6 this Court for an award of attorney's fees and costs against Respondents and Real Parties in
7 Interest as permitted or required by law.

8 **SECOND CAUSE OF ACTION**

9 **(Declaratory Relief)**

10 **(Against All Respondents and Real Parties in Interest)**

11 47. The County hereby incorporates by this reference the allegations of Paragraphs 1
12 through 46 as though fully set forth herein.

13 48. An actual controversy has arisen and now exists between the County and Moreno
14 Valley. The County contends that Moreno Valley has not complied with the provisions of CEQA
15 in certifying the EIR and approving the Project. The County believes that the Project will cause it
16 irreparable injury for which the County has no adequate remedy at law and will have significant
17 adverse effects on the environment.

18 49. The County is informed and believes, and on that basis alleges, that Moreno
19 Valley disputes the contentions of the County as described in the immediately preceding
20 paragraph.

21 50. The County seeks a judicial declaration and determination of the respective rights
22 and duties of Moreno Valley.

23 51. A judicial declaration and determination is necessary and appropriate at this time
24 in order that the County may ascertain its rights with respect to the duties and obligations of
25 Moreno Valley and in order to resolve all controversies between the parties hereto regarding such
26 rights and duties.

27 52. The County asks this Court for an award of attorney's fees and costs against
28 Respondents and Real Parties in Interest as permitted or required by law.

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1 PRAYER

2 WHEREFORE, Petitioner and Plaintiff prays for entry of judgment as follows:

3
4 ON THE FIRST CAUSE OF ACTION

5 (Against All Respondents and Real Parties in Interest)

- 6 1. For a writ of mandate pursuant to Code of Civil Procedure sections 1085 and 1094.5 and
7 Public Resources Code section 21167 directing Moreno Valley as follows:
- 8 a. To set aside adoption of the EIR;
 - 9 b. To rescind approval of the Project;
 - 10 c. To cease, vacate, and set aside all actions related to the authorization, approval,
11 and execution of the Project;
 - 12 d. To prepare and circulate, in compliance with CEQA and the CEQA Guidelines
13 adequate environmental review, prior to any re-approval; and
 - 14 e. To prohibit any action by Moreno Valley in furtherance of the Project until
15 Respondents comply with the mandates of CEQA.
- 16 2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction
17 prohibiting any actions by Moreno Valley or the Real Parties In Interest pursuant to
18 Moreno Valley's approval of the Project until Moreno Valley fully complies with all
19 requirements of CEQA and all other applicable state and local laws, policies, ordinances,
20 and regulations.

21 ON THE SECOND CAUSE OF ACTION

22 (Against All Respondents and Real Parties in Interest)

- 23 1. That this Court declare Moreno Valley's discretionary approval of the Project in violation
24 of CEQA as set forth above.
- 25 2. That this Court declare that Moreno Valley must properly prepare, circulate, and consider
26 adequate environmental documentation for the Project in order to meet the requirements
27 of CEQA.
- 28

1 **ON ALL CAUSES OF ACTION**

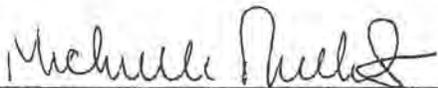
2 **(Against All Respondents and Real Parties in Interest)**

- 3 1. For an award of attorneys' fees incurred in this matter as permitted or required by law.
4 (Code Civ. Proc., § 1021.5.);
5 2. For the County's costs of suit incurred herein; and
6 3. For such other and further relief as the Court deems just and proper.

7 Dated: September 18, 2015

GREGORY P. PRIAMOS, County Counsel,
KARIN WATTS-BAZAN, Principal Deputy
County Counsel
MELISSA R. CUSHMAN, Deputy County
Counsel
COUNTY OF RIVERSIDE, OFFICE OF
COUNTY COUNSEL

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11
12
13 By: 

14 MICHELLE OUELLETTE
15 CHARITY SCHILLER
16 ANDREW M. SKANCHY
Attorneys for Petitioner/Plaintiff
County of Riverside

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EXHIBIT A

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File No. 26506.00036

September 18, 2015

VIA FIRST CLASS MAIL

Jane Halstead, City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Notice of Commencement of Action

Dear Ms. Halstead:

On behalf of our client, the County of Riverside (the "County"), please take notice, pursuant to Public Resources Code section 21167.5, that the County is commencing an action against the City of Moreno Valley (the "City") by filing a Petition for Writ of Mandate in the Superior Court of California, County of Riverside.

The Petition challenges the following approvals of the World Logistics Center Project by the City and the Moreno Valley Community Services District:

1. Resolution No. 2015-56 certifying the Final Environmental Impact Report (P12-016), adopting Findings and Statement of Overriding Considerations and approving the Mitigation Monitoring Program for the World Logistics Center Project;
2. Resolution No. 2015-57 approving General Plan Amendments (PA12-0010), including land use changes for property within the World Logistics Center Specific Plan Area to business park/light industrial (BP) and open space (OS), properties outside of the World Logistics Center Specific Plan to open space (OS) and corresponding General Plan element goals and objectives text and map amendments to the community development, circulation, parks, recreation and open space, safety and conservation elements;
3. Resolution No. 2015-58 approving PA12-0015 (Tentative Parcel Map No. 36457) for the purposes of establishing 26 parcels for financing and conveyance purposes, including an 85 acre parcel of land currently located in the County of Riverside adjacent to Gilman Springs Road and Alessandro Boulevard and which is included in the World Logistics Center Specific Plan;



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Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 2

4. Resolution No. 2015-59 requesting the Riverside Local Agency Formation Commission to initiate proceedings for the expansion of the City boundary for approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard (APN Nos. 422-130-002 and 422-130-003);

5. Resolution No. 2015-29 to request the Riverside Local Agency Formation Commission to initiate proceedings for the expansion of the Community Services District boundary to include approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard in conjunction with a related annexation (APN Nos. 422-130-002 and 422-130-003);

6. Ordinance No. 900 approving PA12-0012 (change of zone), PA12-0013 (Specific Plan) and PA12-0014 (pre-zoning/annexation), which include the proposed World Logistics Center Specific Plan, a full repeal of the Moreno Highlands Specific Plan No. 212-1, pre-zoning/annexation for 85 acres at northwest corner of Gilman Springs Road and Alessandro Boulevard, change of zone to logistics development (LD), light logistics (LL) and open space (OS) for areas within the proposed World Logistics Center Specific Plan boundary, and a change of zone to open space (OS) for those project areas outside and southerly of the proposed World Logistics Center Specific Plan boundary; and

7. Ordinance No. 901 approving PA12-0011 (Development Agreement) for the World Logistics Center Project which real estate Highland Fairview has legal or equitable interest in, on approximately 2,263 acres, within the World Logistics Specific Plan area (2,610 acres), intended to be developed as high cube logistics warehouse and related ancillary uses generally east of Redlands Boulevard, South of State Route 60, West of Gilman Springs Road and North of the San Jacinto Wildlife area.

The grounds for the County's Petition is that the City failed to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

Sincerely,

Michelle Ouellette
of BEST BEST & KRIEGER LLP

MO:tli

cc: Gregory P. Priamos, Riverside County Counsel
Karin Watts-Bazan, Principal Deputy County Counsel



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 3

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is 3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, California 92502. On September 18, 2015, I served the following document(s):

NOTICE OF COMMENCEMENT OF ACTION

By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):

Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Riverside, California.

By personal service. At ____ a.m./p.m., I personally delivered the documents to the persons at the addresses listed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an Individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

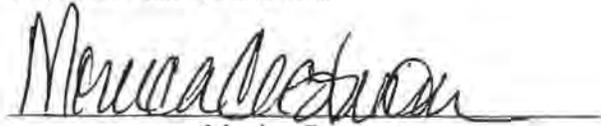
Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 4

- By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service for service. A Declaration of Messenger is attached.
- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Jane Halstead, City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

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

Executed on September 18, 2015, at Riverside, California.


Monica Castanon

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13 Attorneys for Petitioner/Plaintiff
COUNTY OF RIVERSIDE

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 18 2015

C. Mundo

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF RIVERSIDE
16

17 COUNTY OF RIVERSIDE, a political
subdivision of the State of California,
18
19 Petitioner/Plaintiff,
20
21 v.
22 CITY OF MORENO VALLEY, a municipal
corporation;
23 MORENO VALLEY COMMUNITY
SERVICES DISTRICT, a dependent special
district of the City of Moreno Valley; and
DOES 1-20, inclusive,
24
25 Respondents/Defendants.
26
27 HIGHLAND FAIRVIEW;
HIGHLAND FAIRVIEW OPERATING
COMPANY, a Delaware general partnership;
HF PROPERTIES, a California general
partnership;
28 SUNNYMEAD PROPERTIES, a Delaware

Case No **RIC 1511180**
**PETITIONER'S ELECTION TO
PREPARE THE ADMINISTRATIVE
RECORD**
(CEQA)

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general partnership;
THEODORE PROPERTIES PARTNERS, a
Delaware general partnership;
13451 THEODORE, LLC, a California limited
liability company;
HL PROPERTY PARTNERS, a Delaware
general partnership; and
ROES 21 – 40 inclusive,

Real Parties in Interest.

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TO RESPONDENT CITY OF MORENO VALLEY:

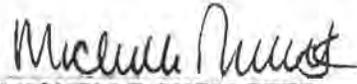
Pursuant to Public Resources Code § 21167.6, Petitioner Riverside County Transportation Commission ("Petitioner") hereby notifies Respondent City of Moreno Valley of Petitioner's election to prepare the Administrative Record of proceedings relating to this action.

Petitioner therefore requests that Respondent notify Petitioner's attorney of record in writing when the items constituting the administrative record are available for inspection and photocopying. The documents that constitute the administrative record consist of, but are not limited to, all transcripts, minutes of meetings, notices, proofs of publications, mailing lists, correspondence, emails, reports, studies, proposed decisions, final decisions, findings, notices of determination, and any other documents or records relating to Respondent's approval of the World Logistics Center Project (SCH No. 2012021045).

Dated: September 18, 2015

GREGORY P. PRIAMOS, County Counsel
KARIN WATTS-BAZAN, Principal Deputy
County Counsel
MELISSA R. CUSHMAN, Deputy County
Counsel
OFFICE OF COUNTY COUNSEL,
COUNTY OF RIVERSIDE

BEST BEST & KRIEGER LLP

By: 
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13 Attorneys for Petitioner/Plaintiff
COUNTY OF RIVERSIDE

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
SEP 18 2015
C. Mundo

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF RIVERSIDE
16

17 COUNTY OF RIVERSIDE, a political
subdivision of the State of California,
18
19 Petitioner/Plaintiff,
20
21 v.
22 CITY OF MORENO VALLEY, a municipal
corporation;
23 MORENO VALLEY COMMUNITY
SERVICES DISTRICT, a dependent special
district of the City of Moreno Valley; and
DOES 1-20, inclusive,
24
25 Respondents/Defendants.
26
27 HIGHLAND FAIRVIEW;
HIGHLAND FAIRVIEW OPERATING
COMPANY, a Delaware general partnership;
28 HF PROPERTIES, a California general
partnership;
SUNNYMEAD PROPERTIES, a Delaware

Case No. **RIC 1511 1 80**
**NOTICE TO ATTORNEY GENERAL
OF CEQA ACTION**
(CEQA)

25183.00015\19443480.1

COPY

1 general partnership;
2 THEODORE PROPERTIES PARTNERS, a
3 Delaware general partnership;
4 13451 THEODORE, LLC, a California limited
5 liability company;
6 HL PROPERTY PARTNERS, a Delaware
7 general partnership; and
8 ROES 21 - 40 inclusive,

Real Parties in Interest.

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TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

PLEASE TAKE NOTICE, pursuant to Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that on September 18, 2015, Petitioner and Plaintiff the County of Riverside filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief under the California Environmental Quality Act (“Petition”) against Respondents City of Moreno Valley and the Moreno Valley Community Services District (collectively “Respondents”), in the Superior Court of the State of California, County of Riverside.

The Petition alleges that Respondent City of Moreno Valley violated the California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 et seq.) by certifying the Final Environmental Impact Report for the World Logistics Center Project (State Clearinghouse No. 2012021045) (the “Project”), adopting Findings and Statement of Overriding Considerations and approving the Mitigation Monitoring Program for the Project.

The Petition also alleges that the Respondents’ adopting of Resolutions approving the General Plan Amendments, including land use changes to property within the Project area, and initiating proceedings with the Riverside Local Agency Formation Commission for the expansion of the Respondents’ boundaries to include approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard, and adopting Ordinances regarding the same were done in violation of CEQA. The City of Moreno Valley is the lead agency responsible under CEQA for evaluating the environmental impacts of the Project. This Project was approved without an adequate or proper environmental review under CEQA.

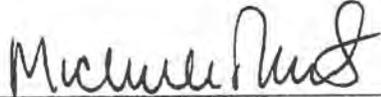
A copy of the Petition is attached to this notice as Exhibit “A.”

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Dated: September 18, 2015

GREGORY P. PRIAMOS, County Counsel
KARIN WATTS-BAZAN, Principal Deputy
County Counsel
MELISSA R. CUSHMAN, Deputy County
Counsel
OFFICE OF COUNTY COUNSEL,
COUNTY OF RIVERSIDE

BEST BEST & KRIEGER LLP

By: 
MICHELLE OUELLETTE
CHARITY SCHILLER
ANDREW M. SKANCHY
Attorneys for Petitioner and Plaintiff
County of Riverside

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EXHIBIT "A"

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PURSUANT TO GOVERNMENT
CODE SECTION 6103

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18 Attorneys for Petitioner/Plaintiff
19 COUNTY OF RIVERSIDE

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF RIVERSIDE

22 COUNTY OF RIVERSIDE, a political
23 subdivision of the State of California,
24
25 Petitioner/Plaintiff,

26 v.

27 CITY OF MORENO VALLEY, a municipal
28 corporation;
29 MORENO VALLEY COMMUNITY
30 SERVICES DISTRICT BOARD; and
31 DOES 1-20, inclusive,

32 Respondents/Defendants.

33 HIGHLAND FAIRVIEW;
34 HIGHLAND FAIRVIEW OPERATING
35 COMPANY, a Delaware general partnership;
36 HF PROPERTIES, a California general
37 partnership;
38 SUNNYMEAD PROPERTIES, a Delaware
39 general partnership;

Case No.

(California Environmental Quality Act)

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

[Code Civ. Proc., §§ 1085, 1094.5; CEQA
(Pub. Resources Code, §§ 21000 et seq.)]

[Deemed Verified Pursuant to Code of
Civ. Proc., § 446]

1 THEODORE PROPERTIES PARTNERS, a
Delaware general partnership;
2 13451 THEODORE, LLC, a California limited
liability company;
3 HL PROPERTY PARTNERS, a Delaware
general partnership; and
4 ROES 21 – 40 inclusive,

5 Real Parties in Interest.

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1 proceedings for the expansion of the CSD's boundary in conjunction with the related annexation
2 requested by the City Council.

3 5. As detailed below, Moreno Valley failed to properly exercise its duties as lead
4 agency under CEQA and California Code of Civil Procedure, title 14, section 15000 et seq.
5 (hereinafter, CEQA Guidelines), resulting in Moreno Valley's improper approval of the Project,
6 without adequate or proper environmental review under CEQA. Through this lawsuit, the County
7 seeks to enforce the provisions of CEQA as they apply to the Project. The maintenance and
8 prosecution of this action will confer a substantial benefit on the public by ensuring full
9 compliance with the requirements of CEQA, a public-disclosure statute, and by protecting the
10 public from the unanalyzed potential environmental harms, unmitigated environmental impacts
11 and lack of adoption of all feasible mitigation measures as alleged in this Petition and Complaint.

12 **THE PARTIES**

13 6. Petitioner and Plaintiff County, is, and at all relevant times was a political
14 subdivision of the State of California. Among other responsibilities, the County is responsible for
15 planning and governing land use in Riverside County in a manner that protects the public health,
16 safety, welfare, and environment of its residents. Through one of the County's departments, the
17 Transportation and Land Management Agency, the County provides planning, environmental,
18 building and other services.

19 7. Respondent and Defendant Moreno Valley is a general law city organized and
20 existing under and by virtue of the laws of the State of California, and is situated in the County of
21 Riverside. Moreno Valley is authorized and required by law to hold public hearings, to determine
22 whether CEQA applies to development within its jurisdiction, to determine the adequacy of and
23 adopt or certify environmental documents prepared pursuant to CEQA, and to determine whether
24 a project is compatible with the objectives, policies, general land uses, and programs specified in
25 the General Plan. Moreno Valley, its staff, and contractors and consultants working under its
26 control and direction prepared the EIR for the Project, and its City Council certified the EIR and
27 issued final approvals for the Project.

28 ///

1 8. Petitioner and Plaintiff is informed and believes, and on that basis alleges, that
2 Respondent CSD is a governmental body within Moreno Valley, established pursuant to the
3 Community Services District Law (Cal. Gov. Code section 61000 et seq.). CSD is a dependent
4 special district of Moreno Valley, and the Moreno Valley City Council serves as the Board of
5 Directors of the CSD. CSD has responsibility for certain funding mechanisms and services within
6 the territory of Moreno Valley. CSD, its staff, and contractors and consultants working under its
7 control and direction, approved a resolution, which relied on the EIR's analysis, furthering the
8 Project.

9 9. Petitioner and Plaintiff is informed and believes and on that basis alleges that
10 Highland Fairview is a Real Party in Interest insofar as the Notices of Determination that Moreno
11 Valley prepared and filed with the Riverside County Clerk on August 20, 2015, and August 26,
12 2015, following certification of the EIR and approval of the Project, identified Highland Fairview
13 as the applicant for the Project that is the subject of this proceeding.

14 10. Petitioner and Plaintiff is informed and believes and on that basis alleges that
15 Highland Fairview Operating Company, a Delaware general partnership, is a Real Party in
16 Interest insofar as it is listed as an owner and developer of the property and the applicant for the
17 Project that is the subject of this proceeding or has some other cognizable interest in the Project.

18 11. Petitioner and Plaintiff is informed and believes and on that basis alleges that HF
19 Properties, a California general partnership, is a Real Party in Interest insofar as it is listed as an
20 owner and developer of the property and the applicant for the Project that is the subject of this
21 proceeding or has some other cognizable interest in the Project.

22 12. Petitioner and Plaintiff is informed and believes and on that basis alleges that
23 Sunnymead Properties, a Delaware general partnership, is a Real Party in Interest insofar as it is
24 listed as an owner and developer of the property and the applicant for the Project that is the
25 subject of this proceeding or has some other cognizable interest in the Project.

26 13. Petitioner and Plaintiff is informed and believes and on that basis alleges that
27 Theodore Properties Partners, a Delaware general partnership, is a Real Party in Interest insofar
28 as it is listed as the owner and developer of the property and the applicant for the Project that is

1 the subject of this proceeding or has some other cognizable interest in the Project.

2 14. Petitioner and Plaintiff is informed and believes and on that basis alleges that
3 13451 Theodore, LLC, a California limited liability company, is a Real Party in Interest insofar as
4 it is listed as the owner and developer of the property and the applicant for the Project that is the
5 subject of this proceeding or has some other cognizable interest in the Project.

6 15. Petitioner and Plaintiff is informed and believes and on that basis alleges that the
7 HL Property Partners, a Delaware general partnership, is a Real Party in Interest insofar as it is
8 listed as the owner and developer of the property and the applicant for the Project that is the
9 subject of this proceeding or has some other cognizable interest in the Project.

10 16. The true names and capacities of the Respondents and Defendants identified as
11 DOES 1 through 20, and the Real Parties in Interest identified as ROES 21 through 40 are
12 unknown to the County, who will seek the Court's permission to amend this pleading in order to
13 allege the true name and capacities as soon as they are ascertained. The County is informed and
14 believes and on that basis alleges that the fictitiously named Respondents and Defendants DOES
15 1 through 20 have jurisdiction by law over one or more aspects of the Project that is the subject of
16 this proceeding; and that each of the fictitiously named Real Parties in Interest ROES 21 through
17 40 either claims an ownership interest in the Project or has some other cognizable interest in the
18 Project.

19 **JURISDICTION**

20 17. This Court has jurisdiction to review Moreno Valley's findings, approvals, and
21 actions and issue a writ of mandate and grant declaratory and/or injunctive relief, as well as all
22 other relief sought herein, pursuant to Code of Civil Procedure sections 1085 and 1094.5 and
23 Public Resources Code sections 21168 and 21168.5, among other provisions of law.

24 **VENUE**

25 18. The Superior Court of the County of Riverside is the proper venue for this action.
26 The Project at issue and the property it concerns are located within the County of Riverside. The
27 County and Moreno Valley are located wholly within the County of Riverside.

28 **STANDING**

1 19. The County and its residents will be directly and adversely affected by Moreno
2 Valley's actions in certifying the EIR and approving the Project. The County has no plain,
3 speedy, and adequate remedy in the ordinary course of law in that the County, its residents, and
4 the public will suffer irreparable harm if the Project is implemented.

5 20. As recognized in the EIR, the Project will have significant impacts on air,
6 transportation and traffic in Riverside County. Accordingly, any action which permits the Project
7 to go forward without disclosing and properly analyzing all Project impacts on the environment,
8 and imposing all feasible mitigation to reduce those impacts, is one in which the County, the
9 political subdivision of the State of California, responsible for land use planning in Riverside
10 County, has a beneficial interest. The County objected to Moreno Valley's approval of the Project
11 and requested that Moreno Valley comply with CEQA. The County, other agencies, organizations
12 and individuals raised or affirmed each of the legal deficiencies asserted in this Petition and
13 Complaint orally or in writing prior to Moreno Valley's approval of the Project and certification
14 of the EIR.

15 21. The County seeks to promote and enforce the informational purposes of CEQA in
16 this action, which purposes are defeated by Moreno Valley's approval of the Project without
17 sufficient or accurate information, analysis or mitigation. Ascertaining the facts about the
18 environmental impacts of projects and disclosing those facts to decision-makers and the public
19 are purposes that are within the zone of interests CEQA was intended to protect.

20 22. Moreno Valley has a mandatory and public duty to comply with CEQA and all
21 other applicable laws when adopting the EIR and approving the Project. The issues in this action
22 under CEQA are issues of public right, and the object of the action is to enforce public duties in
23 the public interest. The County has had to employ attorneys to bring this litigation. Furthermore,
24 the County has incurred and will incur substantial attorneys' fees and litigation costs because of
25 Respondents' unlawful acts. This litigation, if successful, will result in enforcement of important
26 rights affecting the public interest. Such enforcement will confer a significant benefit on a large
27 class of persons. The County is entitled to be reimbursed for its attorneys' fees and costs because
28 it is functioning as a private attorney general pursuant to section Code of Civil Procedure section

1 1021.5.

2 23. Respondents and Real Parties in Interest are threatening to proceed with the
3 Project in the near future. Implementation of the Project will irreparably harm the environment in
4 that the Project will significantly increase traffic congestion and associated impacts on the
5 environment. The County has no plain, speedy, or adequate remedy at law, and, unless a stay,
6 preliminary injunction, temporary restraining order and injunction, or permanent injunction is
7 issued that restrains Respondents and Real Parties in Interest from proceeding with the Project,
8 the County will be unable to enforce its rights under CEQA, which prohibits Moreno Valley's
9 approval of the Project.

10 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

11 24. This action is brought consistent with the requirements of Public Resources Code
12 section 21177 and Code of Civil Procedure sections 1085 and 1094.5. The County has exhausted
13 all available administrative remedies by objecting to Moreno Valley's approval of the Project
14 prior to Moreno Valley's certification of the EIR and approval of the Project and requesting that
15 Moreno Valley comply with CEQA. The County, other agencies, organizations, or individuals
16 raised or affirmed each of the legal deficiencies asserted in this Petition and Complaint orally or
17 in writing prior to Moreno Valley's adoption of the EIR and approval of the Project.

18 25. The County has complied with Public Resources Code section 21167.5 by prior
19 provision of notice to Moreno Valley indicating its intent to commence this action. The notice
20 and proof of service are attached hereto as Exhibit A.

21 26. Pursuant to Public Resources Code section 21167.7, the County has concurrently
22 provided a copy of this Petition and Complaint to the California Attorney General.

23 27. This lawsuit has been commenced within the time limits imposed for this action
24 under the Code of Civil Procedure and the Public Resources Code.

25 **THE PROJECT**

26 28. The County seeks issuance of a writ of mandate ordering Moreno Valley to vacate
27 and set aside its approvals of the Project.

28 ///

1 29. As stated in the EIR, on or about February 26, 2012, Moreno Valley issued a
2 Notice of Preparation (NOP) to notify state agencies and the public that an EIR was going to be
3 prepared for the Project. During the NOP review period, Moreno Valley received comments from
4 the County (in a letter dated May 1, 2012) and many other organizations and individuals, many of
5 which expressed concerns about the Project's significant size and likely impact on air quality,
6 transportation and traffic.

7 30. The County is informed and believes that the Draft EIR was circulated for public
8 review from approximately February 2013 through April 2013.

9 31. During the Draft EIR's public review period, numerous commenters, including the
10 County, submitted comments regarding inadequacies in the Draft EIR's analysis, including
11 potentially unmitigated significant impacts. The County's comment letter, dated April 9, 2013,
12 noted issues specifically with the Draft EIR's improper analysis of, and lack of adequate
13 mitigation measures to reduce, the Project's significant traffic impacts on Gilman Springs Road
14 and State Route 60, and its significant impacts on air quality in a basin that is already in
15 "nonattainment" status for ozone, nitrogen oxide, PM10, and PM2.5.

16 32. The Final EIR was released to the public in or about May of 2015.

17 33. In early June of 2015, prior to the Moreno Valley Planning Commission's
18 consideration of the EIR and Project, the County and others submitted letters to Moreno Valley
19 identifying outstanding deficiencies in the EIR, including air, transportation and traffic issues.
20 The County's letter, dated June 8, 2015, included five specific, feasible mitigation measures to
21 reduce the Project's significant impacts on the environment.

22 34. Moreno Valley responded to these comment letters on June 10, 2015. Moreno
23 Valley did not incorporate the County's proposed mitigation measures.

24 35. After a series of meetings held on June 11, 2015, and June 25, 2015, the Moreno
25 Valley Planning Commission recommended that the City Council certify the EIR and approve the
26 Project. A County representative offered testimony at the June 25, 2015 meeting to reiterate the
27 County's concerns about the Project.

28 ///

1 36. In August of 2015, prior to the City Council's consideration of the EIR and
2 Project, the County and many others agencies, entities, and individuals submitted *additional*
3 letters to Moreno Valley reiterating the EIR's deficiencies and explaining how Moreno Valley's
4 June 10, 2015 responses failed to address the inadequacies in the EIR's analysis.

5 37. Moreno Valley held a series of public meetings in mid-August, during which the
6 City Council heard testimony and considered the EIR and Project. A County representative
7 voiced the County's opposition to the Project and the County's legal concerns regarding the EIR
8 at the City Council's August 17, 2015 meeting. After closing the public hearing held on August
9 19, 2015, the City Council voted to adopt Resolution No. 2015-56 certifying the EIR. On or
10 around the same date, the City Council also adopted the following resolutions approving the
11 Project: Resolution No. 2015-57, which approved General Plan Amendment (PA12-0010);
12 Resolution No. 2015-58, which approved Tentative Parcel Map No. 36457 (PA12-0013); and
13 Resolution 2015-59, which requested that LAFCO initiate proceedings for the expansion of
14 Moreno Valley's boundaries. On or around the same date, the City Council also introduced the
15 following ordinances for first reading: Ordinance No. 900, approving Change of Zone (PA12-
16 0012), Specific Plan Amendment (PA12-0013) and Rezoning/Annexation (PA12-0014); and
17 Ordinance No. 901, approving a Development Agreement (PA12-0011).

18 38. Also on or about August 19, 2015, the CSD approved Resolution CSD 2015-29,
19 which requested that LAFCO initiate proceedings for the expansion of CSD's boundaries in
20 conjunction with the related annexation requested by the City Council.

21 39. On or about August 20, 2015, Moreno Valley filed a Notice of Determination
22 purporting to reflect its approval of a General Plan Amendment (PA12-0010), Development
23 Agreement (PA12-0011), Change of Zone (PA12-0012), Specific Plan (PA12-0013), Annexation
24 (PA12-0014), Tentative Parcel No. 36457 (PA12-0015), and an Environmental Impact Report
25 (P12-016) for the Project.

26 40. In conflict with the representations in the August 20, 2015 Notice of
27 Determination, the City Council held a meeting on August 25, 2015, whereat the City Council, on
28 second reading, adopted Ordinance No. 900, approving Change of Zone (PA12-0012), Specific

1 Plan Amendment (PA12-0013) and Rezoning/Annexation (PA12-0014); and Ordinance No. 901,
2 approving a Development Agreement (PA12-0011).

3 41. On or about August 26, 2015, Moreno Valley filed another Notice of
4 Determination, purporting to reflect its approval of Resolution No. 2015-57, which approved
5 General Plan Amendment (PA12-0010); Resolution No. 2015-58, which approved Tentative
6 Parcel Map No. 36457 (PA12-0013); Resolution 2015-59, which requested that LAFCO initiate
7 proceedings for the expansion of Moreno Valley boundaries; Resolution CSD 2015-29, which
8 requested that LAFCO initiate proceedings for the expansion of the CSD boundary in conjunction
9 with the related annexation requested by the City Council; Ordinance No. 900, approving Change
10 of Zone (PA12-0012), Specific Plan Amendment (PA12-0013) and Rezoning/Annexation
11 (PA12-0014); and Ordinance No. 901, approving a Development Agreement (PA12-0011). The
12 August 26, 2015 Notice of Determination did not include reference to the City's resolution
13 certifying the EIR.

14 **FIRST CAUSE OF ACTION**

15 **(Petition for Writ of Mandate Pursuant to Code Civ. Proc., §§ 1085 and 1094.5 - Violation**
16 **of CEQA)**

17 **(Against All Respondents and Real Parties in Interest)**

18 42. The County incorporates by reference paragraphs 1 through 41, above, as though
19 set forth in full.

20 43. "[T]he legislature intended [CEQA] to be interpreted in such manner as to afford
21 the fullest possible protection to the environment within the reasonable scope of the statutory
22 language." (*City of San Diego v. Board of Trustees of the California State University* (2015) 61
23 Cal.4th 945, 963 [internal punctuation and citation omitted].) When complying with CEQA, a
24 lead agency must proceed in the manner required by law, and its determinations must be
25 supported by substantial evidence. (Pub. Resources Code, § 21168.5.) "CEQA requires a public
26 agency to mitigate or avoid its projects' significant effects not just on the agency's own property
27 but on the environment." (*City of San Diego, supra*, 61 Cal.4th at 957.) "CEQA defines the
28 environment as the physical conditions which exist *within* the area *which will be affected by a*

1 *proposed project* and mandates that each public agency shall mitigate or avoid the significant
2 *effects on the environment* of projects that it carries out or approves whenever it is feasible to do
3 so.” (*Id.* at 960 [italics in original, internal quotes and citations omitted].) “An EIR that
4 incorrectly disclaims the power and duty to mitigate identified environmental effects based on
5 erroneous legal assumptions is not sufficient as an informative document, and an agency’s use of
6 an erroneous legal standard constitutes a failure to proceed in a manner required by law.” (*Id.* at
7 956 [internal citations omitted].)

8 44. The County is informed and believes, and on that basis alleges, that Moreno
9 Valley violated CEQA in numerous ways.

10 45. Moreno Valley’s failure to comply with CEQA includes, but is not limited to, the
11 following:

12 a. **Failure to Identify and Adequately Analyze Project Impacts:** An EIR’s
13 conclusions must be supported by substantial evidence in the administrative record. Here, despite
14 Moreno Valley’s own statements to the contrary, the EIR failed to fully and properly analyze the
15 potential for the Project to impact the environment. For example, the EIR failed to include
16 discussion of the Project’s full impacts on Gilman Springs Road—a two-lane road that will
17 experience the daily addition of 6,019 autos and 420 trucks—such as the segment from Bridge
18 Street to Lambs Canyon/Sanderson. Additionally, although Section 4.15 of the EIR discusses a
19 traffic study, and admits that the Project will have significant impacts on area roadways,
20 segments, intersections and freeway facilities (EIR, 4.15-239 to 4.15-240), the traffic study failed
21 to adequately discuss the Project’s impacts on State Route 60, particularly in light of the
22 enormous volume of traffic generation that will be associated with the Project. The EIR also
23 failed to fully account for the Project’s significant air impacts in a polluted, non-attainment air
24 basin and to adequately identify and analyze the specific health effects that these air quality
25 impacts will have on the residents of Riverside County. These and other omissions raised in the
26 comments prior to certification of the EIR render the EIR’s analysis inadequate under CEQA.

27 b. **Failure to Adopt Adequate Mitigation Measures:** “[E]ach public agency shall
28 mitigate or avoid the significant effects on the environment of projects that it carries out or

1 approves whenever it is feasible to do so.” (Pub. Resources Code, § 21002.1(b).) Mitigation of a
2 project’s impacts can be accomplished by (1) Avoiding the impact by not taking a certain action
3 or parts of the action, (2) Minimizing impacts by limiting an activity; Repairing, rehabilitating, or
4 restoring the affected environment, (3) Reducing or eliminating an impact over time through
5 preservation and maintenance operations, or (4) Compensating for an impact by replacing or
6 providing substitute resources or environments, including the payment of fees to provide
7 mitigation for an impact identified in an EIR. (CEQA Guidelines, § 15370.)

8 Here, substantial evidence in the record reflects that Moreno Valley failed to adopt
9 adequate mitigation measures. For example the EIR states that the Project will have significant
10 and unavoidable impacts on a lengthy list of roads, including “all freeway mainline, weaving, and
11 ramp facilities.” (EIR at 4.15-239.) That list includes Gilman Springs Road and State Route 60,
12 operated and maintained, at least in part, by the County. The EIR concludes that its transportation
13 and traffic impacts are significant and unavoidable because no fair-share program currently exists
14 for numerous roads outside the City’s jurisdiction, and “the City cannot guarantee that such a
15 mechanism will be established and [the City] does not have direct control over facilities outside
16 of its jurisdiction.” (EIR at 4.15-237.) However, as explained in a comment letter from the
17 California Department of Transportation on August 17, 2015:

18 “Nothing in CEQA requires Caltrans to adopt a contribution
19 program before fair share payments can be considered adequate
20 mitigation. All that is required is that mitigation be part of a
21 reasonable plan of actual mitigation that the relevant agency
22 commits itself to implementing. Here specific mitigation measures
23 were identified in consultation with Caltrans. Caltrans is willing to
24 commit to work with the City, or other local partners and other
25 developers to secure the funding for and to implement these, or
26 comparable measure’s [sic] subject to future CEQA compliance
27 requirements as applicable. If the City prefers additional assurance
28 about how the fair share contributions will be used, reasonable
mechanisms exist to provide those assurances, such as traffic
mitigation agreements or cooperative agreements.

Unfortunately, the City has not explored those options or consulted
with Caltrans regarding any others. Thus the City’s take it or leave
it condition that Caltrans adopt a contribution plan or no payment is
required does not comply with CEQA’s mandate that the lead
agency include all reasonable mitigation. And the fact that the FEIR
did not examine these options demonstrate that the City’s

1 conclusion that such mitigation would be infeasible is unsupported
2 by substantial evidence.”

3 This confirms the validity of the traffic concerns expressed by the County—whose five specific,
4 feasible traffic and transportation mitigation measures named in its June 8, 2015 comment letter
5 were ignored—and many others who commented on the Project, namely that feasible mitigation
6 was available to reduce the Project’s significant impacts to area roads. Additionally, feasible
7 mitigation measures to reduce the Project’s air impacts were also proposed by many commenters,
8 including the California Air Resources Board, the South Coast Air Quality Management District,
9 the American Lung Association and others, and rejected by Moreno Valley. Moreno Valley’s
10 failure to incorporate feasible mitigation to reduce significant impacts is an abuse of discretion.
11 Further, Moreno Valley’s improper rejection of feasible mitigation is not supported by substantial
12 evidence.

13 c. **Failure to Adequately Respond to Comments on the Draft EIR: CEQA**

14 requires lead agencies to evaluate comments on the draft EIR and prepare written responses for
15 inclusion in the EIR. (Pub. Resources Code, § 21091(d).) When a significant environmental issue
16 is raised in comments, the response must be detailed and provide a reasoned, good faith analysis.
17 (14 C.C.R., § 15088(c).) The County and others provided Moreno Valley with detailed comments
18 on how it could make the Draft EIR’s air, traffic and transportation analyses legally adequate. But
19 Moreno Valley did not sufficiently respond to those comments nor did it incorporate the feasible
20 mitigation measures proposed by commenters or improve the impact analysis.

21 d. **Failure to Provide an Adequate Environmental Setting/Baseline:** The

22 determination whether a project may have a significant effect on the environment requires that the
23 lead agency determine whether it might result in “a substantial, or potentially substantial, adverse
24 change in the environment.” (Pub. Resources Code, § 21068; CEQA Guidelines, § 15382.) In
25 order to assess the changes to the environment that will result from a project, the agency
26 preparing an EIR must identify the environmental baseline against which a project’s changes to
27 the environment are measured. Moreno Valley failed to adequately do so. For example, the
28 Project’s air and transportation/traffic impacts discussion relied on hypothetical baselines, based

1 on what *could* be built on the project site, not on actual, existing conditions. This and other
2 inadequacies in the EIR violate CEQA's requirement that *existing* conditions serve as the
3 environmental baseline.

4 e. **Failure to Conduct Sufficient Environmental Review:** Moreno Valley failed to
5 conduct sufficient environmental review for the Project despite the fact that Moreno Valley's own
6 documentation concedes that the Project has the potential to cause a number of foreseeable direct
7 and indirect potentially significant impacts. The EIR and its process also violate CEQA in
8 numerous other ways due to deficiencies in the EIR's environmental setting, inadequate
9 disclosure and analysis, inadequate mitigation and failure to address potentially significant
10 impacts. The inadequacies described above and in this paragraph are prejudicial and require
11 Project approvals to be revoked and full environmental review in compliance with CEQA
12 conducted before the Project can proceed.

13 f. **Failure to Adopt Legally Adequate Findings:** When an EIR identifies
14 significant environmental effects that may result from a project, the lead agency must make one
15 or more specific findings for those impacts. (Pub. Resources Code, § 21081; 14 C.C.R., §
16 15091(a).) Findings of infeasibility must be specific and supported by substantial evidence in the
17 record. (Pub. Resources Code, § 21081.5.) "[I]t is the policy of the state that public agencies
18 should not approve projects as proposed if there are feasible alternatives or feasible mitigation
19 measures available which would substantially lessen the significant environmental effects of such
20 projects." (Pub. Resources Code, § 21002.) Here, the findings adopted by Moreno Valley are
21 legally inadequate. For example, specific and feasible mitigation measures were proposed by the
22 County and others to reduce the Project's significant impacts on air, transportation and traffic.
23 But Moreno Valley, without incorporating the proposed mitigation measures and without
24 substantial evidence, stated in its findings that the Project's air, transportation and traffic impact
25 were "reduced to the extent feasible." This is a violation of CEQA.

26 g. **Failure to Adopt an Adequate Statement of Overriding Considerations:**
27 When an agency approves a project with significant environmental effects that will not be
28 avoided or substantially lessened, it must adopt a statement of overriding considerations. (14

1 C.C.R., § 15043.) Moreno Valley failed to adopt a legally adequate Statement of Overriding
2 Considerations in that the overriding considerations are not supported by substantial evidence in
3 the record.

4 46. Moreno Valley thereby violated its duties to comply with CEQA and the CEQA
5 Guidelines. Accordingly, the EIR and Project approvals must be set aside. And the County asks
6 this Court for an award of attorney's fees and costs against Respondents and Real Parties in
7 Interest as permitted or required by law.

8 **SECOND CAUSE OF ACTION**

9 **(Declaratory Relief)**

10 **(Against All Respondents and Real Parties in Interest)**

11 47. The County hereby incorporates by this reference the allegations of Paragraphs 1
12 through 46 as though fully set forth herein.

13 48. An actual controversy has arisen and now exists between the County and Moreno
14 Valley. The County contends that Moreno Valley has not complied with the provisions of CEQA
15 in certifying the EIR and approving the Project. The County believes that the Project will cause it
16 irreparable injury for which the County has no adequate remedy at law and will have significant
17 adverse effects on the environment.

18 49. The County is informed and believes, and on that basis alleges, that Moreno
19 Valley disputes the contentions of the County as described in the immediately preceding
20 paragraph.

21 50. The County seeks a judicial declaration and determination of the respective rights
22 and duties of Moreno Valley.

23 51. A judicial declaration and determination is necessary and appropriate at this time
24 in order that the County may ascertain its rights with respect to the duties and obligations of
25 Moreno Valley and in order to resolve all controversies between the parties hereto regarding such
26 rights and duties.

27 52. The County asks this Court for an award of attorney's fees and costs against
28 Respondents and Real Parties in Interest as permitted or required by law.

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PRAYER

WHEREFORE, Petitioner and Plaintiff prays for entry of judgment as follows:

ON THE FIRST CAUSE OF ACTION

(Against All Respondents and Real Parties in Interest)

1. For a writ of mandate pursuant to Code of Civil Procedure sections 1085 and 1094.5 and Public Resources Code section 21167 directing Moreno Valley as follows:
 - a. To set aside adoption of the EIR;
 - b. To rescind approval of the Project;
 - c. To cease, vacate, and set aside all actions related to the authorization, approval, and execution of the Project;
 - d. To prepare and circulate, in compliance with CEQA and the CEQA Guidelines adequate environmental review, prior to any re-approval; and
 - e. To prohibit any action by Moreno Valley in furtherance of the Project until Respondents comply with the mandates of CEQA.
2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction prohibiting any actions by Moreno Valley or the Real Parties In Interest pursuant to Moreno Valley's approval of the Project until Moreno Valley fully complies with all requirements of CEQA and all other applicable state and local laws, policies, ordinances, and regulations.

ON THE SECOND CAUSE OF ACTION

(Against All Respondents and Real Parties in Interest)

1. That this Court declare Moreno Valley's discretionary approval of the Project in violation of CEQA as set forth above.
2. That this Court declare that Moreno Valley must properly prepare, circulate, and consider adequate environmental documentation for the Project in order to meet the requirements of CEQA.

///

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
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ON ALL CAUSES OF ACTION

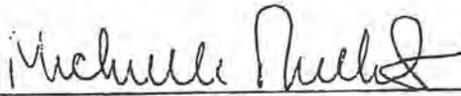
(Against All Respondents and Real Parties in Interest)

1. For an award of attorneys' fees incurred in this matter as permitted or required by law.
(Code Civ. Proc., § 1021.5);
2. For the County's costs of suit incurred herein; and
3. For such other and further relief as the Court deems just and proper.

Dated: September 18, 2015

GREGORY P. PRIAMOS, County Counsel,
KARIN WATTS-BAZAN, Principal Deputy
County Counsel
MELISSA R. CUSHMAN, Deputy County
Counsel
COUNTY OF RIVERSIDE, OFFICE OF
COUNTY COUNSEL

BEST BEST & KRIEGER LLP

By: 

MICHELLE OUELLETTE
CHARITY SCHILLER
ANDREW M. SKANCHY
Attorneys for Petitioner/Plaintiff
County of Riverside

EXHIBIT A

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Michelle Ouellette
(951) 826-8373
Michelle.Ouellette@bbklaw.com
File No. 26506.00036

September 18, 2015

VIA FIRST CLASS MAIL

Jane Halstead, City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Notice of Commencement of Action

Dear Ms. Halstead:

On behalf of our client, the County of Riverside (the "County"), please take notice, pursuant to Public Resources Code section 21167.5, that the County is commencing an action against the City of Moreno Valley (the "City") by filing a Petition for Writ of Mandate in the Superior Court of California, County of Riverside.

The Petition challenges the following approvals of the World Logistics Center Project by the City and the Moreno Valley Community Services District:

1. Resolution No. 2015-56 certifying the Final Environmental Impact Report (P12-016), adopting Findings and Statement of Overriding Considerations and approving the Mitigation Monitoring Program for the World Logistics Center Project;
2. Resolution No. 2015-57 approving General Plan Amendments (PA12-0010), including land use changes for property within the World Logistics Center Specific Plan Area to business park/light industrial (BP) and open space (OS), properties outside of the World Logistics Center Specific Plan to open space (OS) and corresponding General Plan element goals and objectives text and map amendments to the community development, circulation, parks, recreation and open space, safety and conservation elements;
3. Resolution No. 2015-58 approving PA12-0015 (Tentative Parcel Map No. 36457) for the purposes of establishing 26 parcels for financing and conveyance purposes, including an 85 acre parcel of land currently located in the County of Riverside adjacent to Gilman Springs Road and Alessandro Boulevard and which is included in the World Logistics Center Specific Plan;



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 2

4. Resolution No. 2015-59 requesting the Riverside Local Agency Formation Commission to initiate proceedings for the expansion of the City boundary for approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard (APN Nos. 422-130-002 and 422-130-003);

5. Resolution No. 2015-29 to request the Riverside Local Agency Formation Commission to initiate proceedings for the expansion of the Community Services District boundary to include approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard in conjunction with a related annexation (APN Nos. 422-130-002 and 422-130-003);

6. Ordinance No. 900 approving PA12-0012 (change of zone), PA12-0013 (Specific Plan) and PA12-0014 (pre-zoning/annexation), which include the proposed World Logistics Center Specific Plan, a full repeal of the Moreno Highlands Specific Plan No. 212-1, pre-zoning/annexation for 85 acres at northwest corner of Gilman Springs Road and Alessandro Boulevard, change of zone to logistics development (LD), light logistics (LL) and open space (OS) for areas within the proposed World Logistics Center Specific Plan boundary, and a change of zone to open space (OS) for those project areas outside and southerly of the proposed World Logistics Center Specific Plan boundary; and

7. Ordinance No. 901 approving PA12-0011 (Development Agreement) for the World Logistics Center Project which real estate Highland Fairview has legal or equitable interest in, on approximately 2,263 acres, within the World Logistics Specific Plan area (2,610 acres), intended to be developed as high cube logistics warehouse and related ancillary uses generally east of Redlands Boulevard, South of State Route 60, West of Gilman Springs Road and North of the San Jacinto Wildlife area.

The grounds for the County's Petition is that the City failed to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

Sincerely,

Michelle Ouellette
of BEST BEST & KRIEGER LLP

MO:tl

cc: Gregory P. Priamos, Riverside County Counsel
Karin Watts-Bazan, Principal Deputy County Counsel



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 3

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is 3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, California 92502. On September 18, 2015, I served the following document(s):

NOTICE OF COMMENCEMENT OF ACTION

- By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):
- Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Riverside, California.

- By personal service.** At ___ a.m./p.m., I personally delivered the documents to the persons at the addresses listed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an Individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

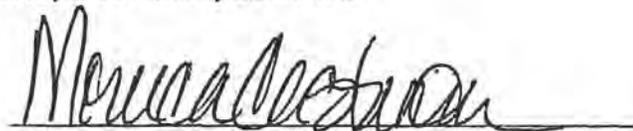
Jane Halstead, City Clerk
City of Moreno Valley
September 18, 2015
Page 4

- By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service for service. A Declaration of Messenger is attached.
- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Jane Halstead, City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

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

Executed on September 18, 2015, at Riverside, California.


Monica Castanon

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

NOTICE OF DEPARTMENT ASSIGNMENT

CASE NO. RIC1511180

vs

TO:

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

Department 5 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: 09/18/15

by: _____

CARMEN I. MUNDO, Deputy Clerk

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

NOTICE OF STATUS CONFERENCE

COUNTY OF RIVERSIDE VS CITY OF MORENO VALLEY

CASE NO. RIC1511180

The Status Conference is scheduled for:

DATE: 11/20/15
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.

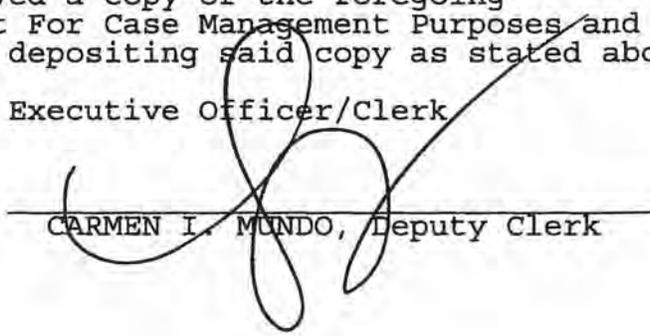
CERTIFICATE OF MAILING

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: 09/18/15

Court Executive Officer/Clerk

By:


CARMEN I. MUNDO, Deputy Clerk

ac:stch shw