Electronically FILED by Superior Court of California, County of Riverside on 03/28/2024 09:04 PM Case Number CVRI2401652 0000088357508 - Jason B, Galkin, Executive Officer/Clerk of the Court By Brigit Prado, Clerk

Everett L. DeLano, III (Calif. Bar No. 162608) Ezgi Kuyumcu (Calif. Bar No. 353069) 1 RECEIVED 2 DELANO & DELANO 104 W. Grand Avenue, Suite A APR 11 2024 05 800 3 Escondido, California 92025 (760) 741-1200 4 City of Riverside Attorneys for Petitioners City Clerk's Office 5 6 7 BY CITY ATTORNE 8 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA 10 COUNTY OF RIVERSIDE 11 12 FRIENDS OF RIVERSIDE'S HILLS, a non-) Case No. CVR12401652 profit corporation, 13 Petitioner, 14 VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT VS. 15 CITY OF RIVERSIDE, a California charter city 16 and municipal corporation, and DOES 1 through (California Environmental Quality Act) 5, inclusive, 17 Respondents, 18 JERARDO REYES, an individual, and RYAN 19 WILLIAMS, an individual, and DOES 6 through 10, inclusive, 20 Real Parties in Interest. 21 22 23 24 25 26 27 28

Friends of Riverside's Hills v. City of Riverside Writ Petition

Page 1

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INTRODUCTION

- 1. This action challenges approvals by Respondent City of Riverside ("City" or "Respondent") of the 841 Alpine Meadows Lane Project ("Project"), including the approval of the parcel map and grading exception within the Prenda Arroyo and 50-foot arroyo setback, and the related approval of a Mitigated Negative Declaration ("MND").
- 2. The Project violates and is inconsistent with the City's Municipal Code and the General Plan with regards to provisions, policies and goals set out to ensure protection of Riverside's six designated arroyos and associated tributaries.
- 3. The City also violated the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000, et seq., in several respects. Among other things, the City failed to adequately consider the environmental impacts associated with the Project, failed to prepare and circulate required environmental analysis, and failed to consider feasible alternatives and mitigation.
- 4. Petitioner seeks alternative and peremptory writs of mandate declaring the City's approvals invalid and enjoining the City from taking steps to implement the approvals.

PARTIES

- 5. Petitioner Friends of Riverside's Hills ("Petitioner") is a non-profit corporation based in the City of Riverside, with members who are residents of the City of Riverside. Petitioner seeks to protect the environment and natural resources of the Riverside area, with a mission to particularly preserve, protect and promote Riverside's hillsides, arroyos, and natural habitats. Petitioner and its members have been injured as a result of Respondent's actions. Petitioner and its members use, enjoy, and benefit from the resources affected by Respondent's actions. Respondent's actions adversely affect the recreational, aesthetic, scientific, environmental, and economic interests of Petitioner and of Petitioner's members. The interests of Petitioner and Petitioner's members have been and will continue to be adversely affected by Respondent's unlawful actions. The relief sought in this Petition would redress Petitioner's and Petitioner's members' injuries.
- 6. Respondent City of Riverside is a political subdivision of the State of California and the County of Riverside and a California charter city and municipal corporation exercising local government powers, as specified by the Constitution and the laws of the State of California.

- 7. Petitioner does not know the true names or capacities of the persons or entities sued herein as Does 1 through 5, and therefore sue these respondents by such fictitious names. Petitioner will amend the Petition to set forth the names and capacities of said respondents along with appropriate charging allegations when the same have been ascertained.
- 8. Real Parties in Interest Jerardo Reyes and Ryan Williams are individuals that are the Project applicant and/or recipient of Project approval.
- 9. Petitioner does not know the true names or capacities of the persons or entities sued herein as Does 6 through 10, and therefore sue these real parties in interest by such fictitious names. Petitioner will amend the Petition to set forth the names and capacities of said real parties in interest along with appropriate charging allegations when the same have been ascertained.

PROJECT DESCRIPTION AND HISTORY

- 10. The approximately 5.74-acre Project site is a single parcel located at 841 Alpine Meadows Lane, on the south side of Alpine Meadows Lane between Harbart Drive and Kingdom Drive, in the City of Riverside, California.
- 11. The Site is located within the Prenda Arroyo and the 50-foot arroyo setback, one of the six designated arroyos of Riverside as designated by the Municipal Code. The Site is within the boundaries of the Prenda Arroyo as shown with the mapped boundaries on Exhibit C of the Municipal Code Title 17.
- 12. The Site is developed with an existing 2,829 square foot single family residence, a 968 square foot detached garage, and a freestanding 662 square foot barn. Surrounding land uses include single-family residences to the north (across Alpine Meadows Lane), east (across Kingdom Drive), and west, and undeveloped land to the south.
- 13. The Project Applicant proposed to subdivide the 5.74-acre parcel into four parcels for the purpose of residential development on the Site.
- 14. The Project Applicant sought from the City approval of Tentative Parcel Map (No. 38174) for the subdivision and a Grading Exception to allow grading within the Prenda Arroyo and the 50-foot setback.

- 15. The City prepared an MND regarding the Project. The MND concluded that there would not be any significant impact associated with approval and implementation of the Project. Petitioner and others submitted comments objecting to the MND.
- 16. On October 6, 2023, the City's Community & Economic Development Department (CEDD) Director approved the Project, subject to the conditions of approval. Prior to the approval, Petitioner and other members of the public sent comment letters stating their concerns about the Project. Several comments raised concerns that the Project does not comply with the requirements of the Municipal Code and the General Plan regarding protection of arroyos and limits to grading within the designated arroyos even though the Initial Study for the Project identified the Project Site as within the boundaries of the Prenda Arroyo and therefore subject to these requirements. In addition, comments noted concerns with the Revised Biological Resources Assessment conducted for the Project, including the designation of "actual" arroyo boundaries and the disturbed area, the assessment of arroyo tributaries and the main arroyo stream and the potential effect of the timing of the assessment considering the exceptional climate conditions and its impacts on the biological resources.
- 17. Pursuant to the City's Municipal Code, on October 11, 2023, the approval by the CEDD Director was referred to the City Council for a public hearing by Councilmember Cervantes upon receipt of concerns from Petitioner related to the Riverside's Arroyos. The public hearing was set for January 16, 2024, but continued upon the applicant's request.
 - 18. The City Council considered the Project and MND on February 27, 2024.
- 19. Numerous comments were again received, orally and in writing, in opposition to the Project and MND, including comments from Petitioner. Comments noted failure to comply with Riverside Municipal Code requirements. Comments included concerns with the CEDD's assessment of the City's named arroyos and boundaries as defined by the Grading Code of the Municipal Code, CEDD's lack of authority to redefine mapped arroyo boundaries by defining arbitrary "actual" arroyo boundaries in violation of Municipal Code and effectively usurping the City Council's authority to amend the Municipal Code. Comments noted that the Project site is largely within the mapped Prenda Arroyo and its 50-foot setback as identified in the maps in the Municipal Code, Title 17 (Grading), Exhibits A F, therefore is subject to provisions of the Municipal Code protecting the arroyos.

- 20. Comments noted the failure to provide adequate findings and justifications for exceptions to the Municipal Code regarding grading within the arroyos. These included the City's failure to consider the required factors for a grading exception by relying on a faulty analysis in direct violation of the arroyo mapping, and noted the lack of practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Grading Code resulting from strict application of the provisions and lack of special circumstances or conditions applicable to the property or to the intended use that will warrant granting of exceptions. Instead, residents expressed concerns that the Project is inconsistent with the surrounding residential area and not harmonious with the neighborhood's design and standards. In addition, the comments noted that the graded areas will lose the protections envisioned by the Municipal Code and that granting of the exception will be detrimental to the public welfare.
- 21. Comments noted inconsistencies with the General Plan, especially that the Project contradicts the goals and policies of the Open Space and Conservation Element of the General Plan. Comments further noted that approval of the Project is inconsistent with Proposition R and Measure C that the Riverside community voted for to protect natural hillsides and arroyos, and with the provisions of the General Plan and the Municipal Code aiming to further these measures.
- 22. Comments noted concerns that MND does not adequately analyze aesthetic, land use, biological resource, erosion, water quality, traffic and noise impacts. Comments noted a fair argument of significant environmental impacts and the City's failure to prepare an Environmental Impact Report ("EIR").
- 23. Comments also noted the City staff's failure to include all public comments adequately and fairly to ensure that all concerns raised were taken into account by the City Council in consideration of the Project.
- 24. The CEDD report to the City Council dismissed the concerns raised by several comments, and it claimed "the actual boundaries" of the Prenda Arroyo are smaller than as designated by the Grading Code, thereby justifying the findings for a grading exception based on this assessment of the arroyo boundaries.

- 25. Petitioner submitted additional comment letters to the City Council and members of Petitioner spoke at the public hearing expressing concerns with the Project and potential harm to Riverside's arroyos as result of approval of the Project and MND. After receiving numerous expressed concerns, the City Council voted to approve the Project and MND. Approvals included the adoption of the MND and a Mitigation, Monitoring and Reporting Program, and approval of Planning Case PR-2022-001293 (Parcel Map and Grading Exception).
 - 26. A Notice of Determination was filed by the City on February 28, 2024.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND INADEQUATE REMEDIES AT LAW

- 27. Petitioner has exhausted all available administrative remedies, and objections to the Project have been presented orally and in writing to the City, as required by Public Resources Code Section 21177. These include, but are not limited to, letters and oral comments presented during public hearings.
- 28. Petitioner has complied with the requirements of Public Resources Code Section 21167.5 by mailing a written notice of commencement of this action to the City. A true and correct copy of that notice is attached hereto as Exhibit 1.
- 29. Petitioner has advised the City that Petitioner has elected to prepare the record of proceedings relevant to the approval of the Project, pursuant to Public Resources Code Section 21167.6. A true and correct copy of that notice is attached hereto as Exhibit 2.
- 30. Petitioner has complied with Public Resources Code Section 21167.7 by filing a copy of the original petition with the California Attorney General. A true and correct copy of the notification is attached hereto as Exhibit 3.
- 31. Petitioner has no adequate remedy at law unless the Court grants the requested writ of mandate requiring the City to set aside its approval of the Project and the MND. In the absence of such remedy, the City's approvals will remain in effect in violation of State law, and Petitioner will suffer irreparable harm because of the significant adverse environmental impacts generated by the Project.

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FIRST CAUSE OF ACTION (VIOLATION OF MUNICIPAL CODE)

- 32. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set forth herein in full.
- 33. The Project violates and is inconsistent with and in violation of the Riverside Municipal Code.
- 34. The Project is in violation of the definitions regarding arroyos as set out in Municipal Code Section 17.08.011 and did not conform to the City's requirements for protection of the arroyos. The Project attempted to redefine the arroyo boundaries by claiming "actual boundaries" based on a site assessment conducted by the applicant's consultants instead of the mapped boundaries of the Prenda Arroyo as outlined in Exhibit C under Title 17 of the Municipal Code.
- 35. The Project violates the Municipal Code as anyone other than the City Council itself, including the CEDD Director, the applicant, and the Project Biologist lack the authority to define the arroyo boundaries. The definition of "arroyo" and the boundaries of the Prenda Arroyo are clearly defined in the Municipal Code, therefore can only be redefined with an amendment to the Municipal Code. By claiming an alternative definition to the boundaries of the Prenda Arroyo, the City Staff acted outside of their authority, effectively usurping the City Council's authority to amend the Municipal Code.
- 36. The City's position that the legal definition is unchanged is inconsistent with the law as the City is claiming an alternative analysis that is inconsistent with the definition set forth in the Municipal Code. The City's attempt to justify the distinction between "legal" and "physical" boundaries is a violation of the Code. The City's assessment based on a slope analysis that, except for two small areas, slopes adjacent to the boundaries of the arroyo are less than 30 percent is not consistent with what Municipal Code mandates. Municipal Code Section 17.08.011 clearly defines "Arroyo" to mean not just the land within the water course area and adjacent slopes having an average natural slope of 30 percent or greater, but also all other areas within the boundaries shown on Exhibits A F.
- 37. The City's assessments and findings present a contradiction by acknowledging that the Project Site is within the defined arroyo boundaries as provided by the Municipal Code and at the same

time dismissing the requirements to protect the arroyos from development and grading by claiming that the "actual boundaries" do not extend into the proposed grading area.

- 38. The Project did not comply with the prohibition of development and grading within the protected arroyos and its setback, and the City failed to provide the necessary findings and justifications for a grading exception under Municipal Code Section 17.28.020. Particularly, the City failed to provide adequate justifications to satisfy that:
 - a. the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this title;
 - b. there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;
 - c. the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.
- 39. The Project is inconsistent with the surrounding residential area and not harmonious with the neighborhood's design and standards, and will be detrimental to the public welfare by allowing grading and development within the protected Prenda Arroyo and will result in degradation of the natural environment and maintenance of open space.

SECOND CAUSE OF ACTION (VIOLATION OF THE GENERAL PLAN)

- 40. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set forth herein in full.
- 41. The Project violates and is inconsistent with the adopted Open Space and Conservation Element of the City's General Plan and frustrates the goals and policies of the General Plan that emphasizes importance of the protection of the City's six designated arroyos. The Project fails to provide consideration of including but not limited to:
 - d. Excessive grading, encroachment into the logical natural stream channel, increased urban runoff and conflicts created by pets and invasive exotic plants.

- e. Reflecting the natural lines of the landscape and is not designed to blend with the contours, colors and seasonal aridity of the landscape.
- f. ensuring that "wildlife using the natural corridors provided by the arroyos will have unrestricted access and movement, with minimal barriers from roads and fences.
- 42. The Project by failing to follow the General Plan, is also inconsistent with Proposition R and Measure C adopted by the voters of Riverside with the aim to protect and preserve the natural hillsides and arroyos of Riverside from urbanization. The Project particularly disregards the clear goal of the Open Space and Conservation Element to implement and further these measures by protecting the City's Arroyos and adjacent open space areas from urbanization and protect them as community treasures. The Project fails to maintain the appropriate balance called for in the General Plan between habitat preservation and meeting Riversiders' needs for housing, jobs and services.

THIRD CAUSE OF ACTION (FAILURE TO COMPLY WITH CEQA PROCEDURAL REQUIREMENTS)

- 43. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set forth herein in full.
- 44. The City failed to follow procedures mandated by CEQA, including but not limited to, failing to provide proper notice to responsible agencies and trustee agencies and to the public, failing to consult with all responsible agencies and trustee agencies responsible for resources affected by the project, failing to provide proper notice for public involvement, failing to provide adequate information in the MND and allow adequate opportunity for public input, and failing to provide adequate access to Project-related documents, failing to adequately respond to comments, failing to consider all comments regarding the Project and MND.

FOURTH CAUSE OF ACTION (FAILURE TO CONSIDER ALL ASPECTS OF THE PROJECT AND RELATED ACTIVITIES)

- 45. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set forth herein in full.
 - 46. The City incompletely described the Project.
 - 47. The City failed to consider all aspects of the Project and related activities.

- 48. The City failed to adequately analyze impacts to, among other things, air quality, greenhouse gas emission, land use, lighting, noise, hazardous materials, public services, visual quality and aesthetics, biological resources, traffic, human health, natural resources, water quality, climate change, energy, cumulative impacts, and socio-economic impacts.
 - 49. The City failed to consider Project's cumulative impacts.

FIFTH CAUSE OF ACTION (FAILURE TO PREPARE ENVIRONMENTAL ANALYSIS AS REQUIRED BY CEQA)

- 50. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set forth herein in full.
- 51. The City failed to prepare environmental analysis consistent with CEQA, including Public Resources Code Sections 21093 and 21094 and CEQA Guidelines Section 15168.
 - 52. The Project description is inadequate, unclear, and unstable in numerous respects.
- 53. The City failed to consider feasible alternatives, including but not limited to, alternatives requiring less impacts that meet some or all of the Project objectives.
- 54. The City failed to consider feasible mitigation measures, failed to mitigate for each environmental effect, illegally deferred mitigation, and failed to provide for effective and enforceable mitigation.
- 55. The City failed to consider feasible mitigation measures including, among others, mitigation measure for impacts to land use, water quality and biological resources.

SIXTH CAUSE OF ACTION (FAILURE TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AS REQUIRED BY CEQA)

- 56. Petitioner incorporates by reference each of the allegations set forth in this Complaint as if set forth herein in full.
- 57. The City failed to prepare an Environmental Impact Report ("EIR") to address the significant environmental impacts of the Project, as required by CEQA. Environmental impacts of the Project will include, but are not limited to impacts to air quality, greenhouse gas emissions, land use, lighting, noise, hazardous materials, public services, visual quality and aesthetics, biological resources, traffic, human

health, natural resources, water quality, climate change, energy, cumulative impacts, and socio-economic impacts.

58. The Project will impact the "environmental baseline" of the existing conditions.

SEVENTH CAUSE OF ACTION (FAILURE TO ADOPT FEASIBLE MITIGATION MEASURES AND ALTERNATIVES REQUIRED BY CEOA)

- 59. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set forth herein in full.
- 60. The City failed to adopt feasible alternatives, including but not limited to, alternatives requiring less impacts that meet some or all of the Project objectives.
 - 61. The City failed to adopt the environmentally superior alternative.
- 62. The City failed to adopt feasible mitigation measures, failed to mitigate for each environmental effect, illegally deferred mitigation, and failed to provide for effective and enforceable mitigation.

EIGHTH CAUSE OF ACTION (FAILURE TO ADOPT ADEQUATE FINDINGS)

- 63. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set forth herein in full.
- 64. The City failed to adopt findings associated with approvals of the Project and MND, that are supported by substantial evidence, including but not limited to findings required by Riverside Municipal Code Section 17.32.020.
- 65. The City failed to provide justifications supported by substantial evidence for granting a grading exception as required by the Municipal Code. Pursuant to Section 17.32.010 conditional exceptions may be permitted "upon a finding ... that exceptional or special circumstances apply to the property. Such exceptional or special circumstances shall include such characteristics as unusual lot size, shape, or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason of prior existing recorded subdivisions or other characteristics of contiguous properties." The City failed to provide findings indicating any such circumstances.

66. In addition, the City's findings fail to address significant and relevant criteria and lacked substantial evidence to support the following findings as required by Municipal Code Section 17.32.010:

- a. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this title;
- b. That there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;
- c. That the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.
- 67. The City's analysis does not consider the factors required to be considered for an exception and fails to consider alternatives to address the potential impacts, where there is insufficient evidence to support such findings.

PRAYER FOR RELIEF

WHEREFORE, Petitioners prays for relief as follows:

- A. For a temporary restraining order, preliminary injunction and/or permanent injunction enjoining the City from taking any steps to further the Project until lawful approval is obtained from the City after the preparation and consideration of adequate environmental analysis, with adequate notice to interested parties, and adoption of findings supported by substantial evidence;
- B. For alternative and peremptory writs of mandate, vacating approval of all aspects of the Project, and enjoining the City from taking any steps to further the Project until lawful approval is obtained from the City after the preparation and consideration of adequate environmental analysis, with adequate notice to interested parties, and adoption of findings supported by substantial evidence;
 - C. For costs of suit;
 - D. For reasonable attorneys' fees; and

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

DATED: March 28, 2024

Respectfully Submitted,

DELANO & DELANO

By:

Ezgi Kuyumcu Attorneys for Petitioner

| 1 | VERIFICATION | | | |
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| _ | | | | |
| 2 | I have read the foregoing Verified Petition for Writ of Mandate and Complaint and know its contents | i. | | |
| 3 | | | | |
| 4 | " I am a party to this action. The matters stated in it are true of my own knowledge | | | |
| | except as to those matters which are stated on information and belief, and as to those | | | |
| 6 | matters I believe them to be true. | | | |
| 7 | | | | |
| В | X I am an officer of Friends of Riverside's Hills, a party to this action, and am | | | |
| 9 | authorized to make this verification for and on its behalf, and I make this verification | | | |
| 10 | for that reason. I have read the foregoing document(s). I am informed and believe | | | |
| 11 | and on that ground allege that the matters stated in it are true. | | | |
| 12 | | | | |
| 13 | " I am one of the attorneys for a party to this action. Such party is absent | | | |
| 14 | from the County where such attorneys have their offices, and I make this verification | | | |
| 15 | for and on behalf of that party for that reason. I have read the foregoing document(s). | | | |
| 16 | I am informed and believe that on that ground allege that the matters stated in it are | | | |
| 17 | true. | | | |
| 18 | Executed on March 28, 2024 at Riverside, California. | | | |
| 19 | I declare under penalty of perjury under the laws of the State of California that the foregoing is true a | nd | | |
| 20 | correct. | | | |
| 21 | R-5 Block | | | |
| 22 | Richard Block | | | |
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| | Friends of Riverside's Hills v. City of Riverside Writ Petition Page 14 | | | |



March 27, 2024

Donesia Gause, City Clerk City of Riverside 3900 Main Street, 7th Floor Riverside, CA 92522

Re: Notice of Intention to Commence Action Under the California Environmental

Quality Act

Dear City Clerk:

Please take notice that Friends of Riverside's Hills intends to commence an action in California Superior Court, alleging, among other things, violations of the California Environmental Quality Act ("CEQA") against the City of Riverside to challenge the approvals of the 841 Alpine Meadows Lane Project ("Project") and the related approval of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program (MMRP), including approval of the Planning Case PR-2022-001293 for the parcel map No. 38174 and grading exception to allow grading within the Prenda Arroyo and the 50-foot setback. Among other things, the petition will seek to vacate the approvals of the Project, and to enjoin the City from taking any further steps to implement the approvals.

If the City would like to discuss these concerns and their possible resolution, please contact the undersigned immediately. Thank you for your attention to this matter.

Sincerely,

Everett DeLano

| 1 2 3 4 5 | Everett L. DeLano, III (Calif. Bar No. 162608) Ezgi Kuyumcu (Calif. Bar No. 353069) DELANO & DELANO 104 W. Grand Avenue, Suite A Escondido, California 92025 (760) 741-1200 Attorneys for Petitioners | |
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| 9 | SUPERIOR COURT OF TE | IE STATE OF CALIFORNIA |
| 10 | COUNTY OF | RIVERSIDE |
| 12 | | |
| 13 | FRIENDS OF RIVERSIDE'S HILLS, a non-profit corporation, |) Case No. |
| 14 | Petitioners, |))) NOTICE OF ELECTION TO PREPARE |
| 15 | vs. | RECORD |
| 16 17 | CITY OF RIVERSIDE, a California charter city and municipal corporation, and DOES 1 through 5, inclusive, | () () (California Environmental Quality Act) |
| 18 | Respondents, | |
| 19 20 | JERARDO REYES, an individual, and RYAN WILLIAMS, an individual, and DOES 6 through 10, inclusive, | |
| 21 | Real Parties in Interest. | |
| 22 | | the state of the s |
| 23 | | itioner elects to prepare the administrative record in |
| 24 | the above-entitled action. DATED: March 27, 2024 Respec | etfully Submitted, |
| 25 | | no & DeLano |
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| 27 | By: | - The state of the |
| 28 | | Ezgi Kuyumcu Attorneys for Petitioner |

1 PROOF OF SERVICE 2 Friends of Riverside's Hills v. City of Riverside 3 I, the undersigned, declare: I am over the age of 18 years and not a party to this action. I am employed in the County of San 4 Diego, California, in which county the within mentioned service occurred. My business address is 104 W. Grand Avenue, Suite A, Escondido CA 92025. 5 I am familiar with this office's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service. That practice is to deposit 6 correspondence with the U.S. Postal Service the same day as the day of collection in the ordinary 7 course of business. On March 28, 2024, I served a copy of VERIFIED PETITION FOR WRIT OF MANDATE 3. 8 to the following by the following means: 9 California Attorney General U.S. Mail Service Deputy 10 300 South Spring St. Los Angeles, CA 90013 11 I declare under penalty of perjury that the foregoing is true and correct. 12 Dated this Thursday, March 28, 2024 at Escondido, California, 13 SS/Ivy Harris 14 Ivy Harris 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Electronically FILED by Superior Court of California, County of Riverside on 03/28/2024 09:04 PM

Case Number CVR12401652 0000088357509 - Jason B. Galkin, Executive Officer/Clerk of the Court By Bright Prado, Clerk ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bernumber, and address): FOR COURT USE ONLY Ezgi Kuyumcu (353069) 104 West Grand Avenue, Suite A. Escondido, CA 92025 TELEPHONE NO.: 760-741-1200 EMAIL ADDRESS: ezgi@delanoanddelano ATTORNEY FOR (Name): Friends of Riverside's Hills SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 Main Street MAILING ADDRESS: abouteth of billion TY AND ZIP CODE: Riverside, 92501.... BRANCH NAME: Historic Courthouse Friends of Riverside's Hills v. City of Riverside CIVIL CASE COVER SHEET CASE NUMBER: **Complex Case Designation** X Unlimited Limited VRI 2401652 | Counter | Joinder (Amount (Amount Filed with first appearance by defendant demanded MAGE demanded is (Cal. Rules of Court, rule 3.402) DEPT exceeds \$35,000) \$35,000 or less) Items 1-6 below must be completed (see instructions on page 2) Check one box below for the case type that best describes this case: Provisionally Complex Civil Litigation **Auto Tort** Contract (Cal. Rules of Court, rules 3.400-3.403) Auto (22) Breach of contract/warranty (06) Antitrust/Trade regulation (03) Uninsured motorist (46) Rule 3.740 collections (09) Construction defect (10) Other PUPD/WD (Personal Injury/Property Other collections (09) Damage/Wrongful Death) Tort Mass tort (40) Insurance coverage (18) Asbestos (04) Securities litigation (28) Other contract (37) Product liability (24) Environmental/Toxic tort (30) Real Property Insurance coverage claims arising from the Medical malpractice (45) Eminent domain/inverse above listed provisionally complex case Other PI/PD/WD (23) condemnation (14) types (41) Non-PUPD/WD (Other) Tort Wrongful eviction (33) Enforcement of Judgment Other real property (26) Business tort/unfair business practice (07) | Enforcement of judgment (20) Unlawful Deteiner Civil rights (08) Miscellaneous Civil Complaint Commercial (31) Defamation (13) RICO (27) Residential (32) Fraud (16) Other complaint (not specified above) (42) Drugs (38) Intellectual property (19) Miscellaneous Civil Petition **Judicial Review** Professional negligence (25) Partnership and corporate governance (21) Asset forfeiture (05) Other non-PI/PD/WD tort (35) Other petition (not specified above) (43) Petition re: arbitration award (11) **Employment** Writ of mandate (02) Wrongful termination (36) Other judicial review (39) Other employment (15) complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the x is not This case lis factors requiring exceptional judicial management: Large number of witnesses Large number of separately represented parties Coordination with related actions pending in one or more Extensive motion practice raising difficult or novel courts in other counties, states, or countries, or in a federal issues that will be time-consuming to resolve COURT c. Substantial amount of documentary evidence Substantial postjudgment judicial supervision Remedies sought (check all that apply): a. ___ monetary b. _x nonmonetary; declaratory or injunctive relief c. ____ punitive Number of causes of action (specify): 8 a class action suit. x is not This case Is If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: March 28, 2024 Ezgi Kuyumcu (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) (TYPE OR PRINT NAME) 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 sarictions.
- File this cover sheet in addition to any cover sheat 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 parities 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.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number: CVRI2401652

Case Name: FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

NOTICE OF DEPARTMENT ASSIGNMENT

The above entitled case is assigned to the Honorable Harold W. Hopp in Department 1 for All Purposes.

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

The court follows California Rules of Court, Rule 3.1308(a)(1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the internet by 3:00 p.m. on the court day immediately before the hearing at http://riverside.courts.ca.gov/tentativerulings.shtml. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, you must (1) notify the judicial secretary at (760) 904-5722 and (2) inform all other parties, no later than 4:30 p.m. the court day before the hearing. If no request for oral argument is made by 4:30 p.m., the tentative ruling will become the final ruling on the matter effective the date of the hearing.

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



Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-in007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.



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Dated: 03/29/2024

JASON B. GALKIN, Court Executive Officer/Clerk of the Court

B. Prado, Deputy Clerk

CI-NODACV (Rev. 02/16/21) Electronically FILED by Superior Court of California, County of Riverside on 03/28/2024 09:04 PM

Case Number CVRI2401652 0000088357510 - Jason B. Galkin, Executive Officer/Clerk of the Court By Brigit Prado, Clerk

| SUPERIOR COURT OF CALIFORNIA, COUNT | TY OF RIVERSIDE |
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| THE VINE 265 N Productive Philip CA 02225 | D Auld Rd., Suite 1226, Murrieta, CA 92563 255 E. Tahquitz Canyon Way, Palm Springs, CA 92262 dain St., Riverside, CA 92501 |
| | |
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ber Number and Address) Ezgl Kuyumucu (Calif. Bar No. 353069) 104 West Grand Avenue, Suite A Escondido, CA 92025 | FOR COURT USE OALY |
| TELEPHONE NO: 760-741-1200 FAX NO. (Optionel): E-MAIL ADDRESS (Optionel): ezgi@delanoanddelano.com ATTORNEY FOR (Name): Friends of Riverside's Hills | |
| PLAINTIFF/PETITIONER: Friends of Riverside's Hills | |
| DEFENDANT/RESPONDENT: City of Riverside | CASE NUMBER: |
| DEFENDANT/RESPONDENT, City of Riverside | CVRI2401652 |
| CERTIFICATE OF COUN | ISEL |
| □ The action arose in the zip code of: □ The action concerns real property located in the zip code of: □ The Defendant resides in the zip code of: | 92506 |
| For more information on where actions should be filed in the Riversi to Local Rule 3115 at www.riverside.courts.ca.gov. | ide County Superior Courts, please refer |
| I certify (or declare) under penalty of perjury under the laws of the Strue and correct. | State of California that the foregoing is |
| Date March 28, 2024 | |
| | Han the second s |
| Ezgi Kuyumcu (TYPE OR PRINT NAME OF ELATTORNEY ELPARTY MAKING DECLARATION) | (SIGNATURE) |

Approved for Mandatory Use Riverside Superior Court RI-Cl032 [Rev. 07/15/21] CERTIFICATE OF COUNSEL

Page 1 or 1
Local Rule 3117
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE www.riverside.courts.ca.gov

Self-represented parties: https://www.riverside.courts.ca.gov/SelfHelp/self-help.php

ALTERNATIVE DISPUTE RESOLUTION (ADR) – INFORMATION PACKAGE

*** THE PLAINTIFF MUST SERVE THIS INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT. ***

What is ADR?

Alternative Dispute Resolution (ADR) is a way of solving legal disputes without going to trial. The main types are mediation, arbitration, and settlement conferences.

Advantages of ADR:

- Faster: ADR can be done in a 1-day session within months after filing the complaint.
- Less expensive: Parties can save court costs and attorneys' and witness fees.
- More control: Parties choose their ADR process and provider.
- Less stressful: ADR is done informally in private offices, not public courtrooms.

Disadvantages of ADR:

- No public trial: Parties do not get a decision by a judge or jury.
- Costs: Parties may have to pay for both ADR and litigation.

Main Types of ADR:

Mediation: In mediation, the mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to create a settlement agreement that is acceptable to everyone. If the parties do not wish to settle the case, they go to trial.

Mediation may be appropriate when the parties:

- want to work out a solution but need help from a neutral person; or
- have communication problems or strong emotions that interfere with resolution; or
- have a continuing business or personal relationship.

Mediation is not appropriate when the parties:

- want their public "day in court" or a judicial determination on points of law or fact;
- lack equal bargaining power or have a history of physical/emotional abuse.

Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration the arbitrator's decision is final; there is no right to trial. In "non-binding" arbitration, any party can request a trial after the arbitrator's decision. The court's mandatory Judicial Arbitration program is non-binding.

Arbitration may be appropriate when the parties:

want to avoid trial, but still want a neutral person to decide the outcome of the case.

Arbitration is not appropriate when the parties:

- do not want to risk going through both arbitration and trial (Judicial Arbitration)
- do not want to give up their right to trial (binding arbitration)

Settlement Conferences: Settlement conferences are similar to mediation, but the settlement officer usually tries to negotiate an agreement by giving strong opinions about the strengths and weaknesses of the case, its monetary value, and the probable outcome at trial. Settlement conferences often involve attorneys more than the parties and often take place close to the trial date.

RIVERSIDE COUNTY SUPERIOR COURT ADR REQUIREMENTS

ADR Information and forms are posted on the ADR website: https://www.riverside.courts.ca.gov/Divisions/ADR/ADR.php

General Policy:

Parties in most general civil cases are expected to participate in an ADR process before requesting a trial date and to participate in a settlement conference before trial. (Local Rule 3200)

Court-Ordered ADR:

Certain cases valued at under \$50,000 may be ordered to judicial arbitration or mediation. This order is usually made at the Case Management Conference. See the "Court-Ordered Mediation Information Sheet" on the ADR website for more information.

Private ADR (for cases not ordered to arbitration or mediation):

Parties schedule and pay for their ADR process without Court involvement. Parties may schedule private ADR at any time; there is no need to wait until the Case Management Conference. See the "Private Mediation Information Sheet" on the ADR website for more information.

BEFORE THE CASE MANAGEMENT CONFERENCE (CMC), ALL PARTIES MUST:

- 1. Discuss ADR with all parties at least 30 days before the CMC. Discuss:
 - Your preferences for mediation or arbitration.
 - Your schedule for discovery (getting the information you need) to make good decisions about settling the case at mediation or presenting your case at an arbitration.
- 2. File the attached "Stipulation for ADR" along with the Case Management Statement, if all parties can agree.
- 3. Be prepared to tell the judge your preference for mediation or arbitration and the date when you could complete it.

(Local Rule 3218)

RIVERSIDE COUNTY ADR PROVIDERS INCLUDE:

- The Court's Civil Mediation Panel (available for both Court-Ordered Mediation and Private Mediation). See https://adr.riverside.courts.ca.gov/Home/CivilMedPanel or ask for the list in the civil clerk's office, attorney window.
- Riverside County ADR providers funded by DRPA (Dispute Resolution Program Act):
 Dispute Resolution Service (DRS) Riverside County Bar Association: (951) 682-1015
 Dispute Resolution Center, Community Action Partnership (CAP): (951) 955-4900
 Chapman University School of Law Mediation Clinic (services only available at the court)

| SUP | ERIOR COURT OF CA | LIFORNIA, COUNTY (| OF RIVERSIDE | |
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| BLYTHE 265 N. Broadway, Blythe, CORONA 505 S. Buena Vista, Rm. MORENO VALLEY 13800 Heacock | 201, Corona, CA 92882 | PALM SPRINGS 325 | Auld Rd Murrieta, CA 92563 5 Tahquitz Canyon Way, Palm Sprin in St., Riverside, CA 92501 | gs, CA 92262 RI-ADR00 |
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| TELEPHONE NO: | FAX NO. (Optional): | | | |
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number:

CVRI2401652

Case Name:

FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

EZGI KUYUMCU 104 W. GRAND AVENUE SUITE A Escondido, CA 92025

NOTICE OF CASE MANAGEMENT CONFERENCE

(CEQA)

The Case Management Conference is scheduled as follows:

| Hearing Date | Hearing Time | Department |
|--|--------------|--------------|
| 04/23/2024 | 8:30 AM | Department 1 |
| Location of Hearing: 4050 Main Street, Riverside, CA 92501 | | |

At lease three (3) court days before the case management conference, petitioner and all parties that have been served with the petition must serve and file a joint case management statement. CRC, Rule 3.2226(d)

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.

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

Remote Appearance at Hearing: The court strongly encourages parties and counsel to appear remotely for non-evidentiary hearings in civil cases. Pursuant to local rule 3132, persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing. Notice may be given informally, including by telephone, email, or text message. To appear remotely, on the day of the hearing, either use your computer, mobile device, or dial (833) 568-8864 (toll free) or (669) 254-5252, when prompted enter:

Meeting ID: 160-638-4172 #
Access Code: Press the # key (no number after the #)

Please MUTE your phone until your case is called, and it is your turn to speak. It is important to note that you must call twenty (20) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.





Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-in007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.

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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 Notice of Case Management Conference (CEQA) on this date, by depositing said copy as stated above.

Dated: 03/29/2024

JASON B. GALKIN, Court Executive Officer/Clerk of the Court

B Prado Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number:

CVRI2401652

Case Name:

FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

FRIENDS OF RIVERSIDE'S HILLS

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oy:

B. Prado, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number: C'

CVRI2401652

Case Name:

FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

CITY OF RIVERSIDE

NOTICE OF CASE MANAGEMENT CONFERENCE (CEQA)

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Dated: 03/29/2024

JASON B. GALKIN, Court Executive Officer/Clerk of the Court

B. Prado, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number: CVRI2401652

Case Name: FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

JERARDO REYES

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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

Case Number:

CVRI2401652

Case Name:

FRIENDS OF RIVERSIDE'S HILLS vs CITY OF RIVERSIDE

RYAN WILLIAMS

NOTICE OF CASE MANAGEMENT CONFERENCE

(CEQA)

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Dated: 03/29/2024

JASON B. GALKIN, Court Executive Officer/Clerk of the Court

B. Prado. Deputy Clerk

Notice has been printed for the following Firm/Attorneys or Parties: CVRI2401652

KUYUMCU, EZGI 104 W. GRAND AVENUE SUITE A Escondido, CA 92025 FRIENDS OF RIVERSIDE'S HILLS

REYES, JERARDO

CITY OF RIVERSIDE

WILLIAMS, RYAN