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AMADOR COUNTY TRANSPORTATION COMMISSION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

AMADOR COUNTY TRANSPORTATION COMMISSION, Petitioner and Plaintiff, v. COUNTY OF SACRAMENTO, BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO, THE STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION aka CALTRANS, and Does 1 through 50, inclusive, Respondents and Defendants.	Case No. PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF [Pub. Res. Code, §§ 21168, 21168.5; Code Civ. Proc., §§ 526, 1085, 1094.5, 1021.5]
EAST SACRAMENTO RANCH, LLC, and Roes 1 through 50, inclusive, Real Party in Interest.	

INTRODUCTION

1. Petitioner and Plaintiff Amador County Transportation Commission ("Petitioner" or "ACTC") brings this Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") against Respondents and Defendants the County of Sacramento ("County"), the Board of Supervisors of the County of Sacramento ("Board"), the California Department of

Transportation ("Caltrans"), and Does 1 through 50, inclusive (collectively, "Respondents") to compel Respondents to rescind their certification of the NewBridge environmental impact report ("EIR") and related approvals ("Project approvals") for failure to follow the mandates of the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") and the CEQA Guidelines, California Code of Regulations, Title 14, sections 15000 et seq. ("CEQA Guidelines").

2. The Petition relates to Respondent Board's October 6, 2020 approval of the NewBridge Specific Plan, which will facilitate the development of nearly 1,100 acres in unincorporated, predominantly undeveloped County area into a mixed-use development including residential, commercial, recreational, and other uses ("Project"), and certification of the Project EIR.

3. The NewBridge Specific Plan is a "project" under CEQA. CEQA requires that a public agency undertaking a project with the potential to impact the environment must prepare an EIR that uncovers, analyzes, and adopts all feasible measures to mitigate those effects.

4. In approving the Project, Respondents prepared, relied on, and certified an EIR that falls well below CEQA's minimum standards. Construction and operation of the Project would generate significant environmental impacts that are not adequately analyzed in the EIR and will not be adequately mitigated by Project obligations and thus in violation of CEQA. Respondents failed to fully evaluate and disclose the reasonably foreseeable environmental effects of the Project, failed to support their findings with substantial evidence, failed to recirculate the EIR in light of significant new information, and otherwise failed to comply with CEQA in preparation and certification of the EIR, as alleged below.

5. In response to Petitioner's and other community members' multiple comment letters and comments lodged during public hearings regarding the issues identified below, all part of the administrative record in this matter, Respondents cite to the length of the planning process, EIR page count, and 20 plus appendices to support they have met the mandates of CEQA. However, these factors are not dispositive of the EIR's legal sufficiency.

6. Petitioner is informed and believes, and thereon alleges, that the Project will result in significant and adverse impacts to transportation, greenhouse gas emissions, access to emergency services, air quality, and create new safety risks associated with each. As such, the Project will create significant environmental impacts.

7. Given the violations of CEQA, described in greater detail below, Respondents' approval of the Project and certification of the EIR were done in violation of CEQA. (See Pub. Resources Code, §§ 21168 and 21168.5 and Code Civ. Proc., § 1094.5.) For these reasons, Petitioner respectfully requests that this Court issue a peremptory writ of mandate commanding Respondents to rescind, set aside, and void any and all resolutions or documents related to the Project approval and certification of the EIR, as well as any other legislative, quasi-adjudicatory, or other discretionary or ministerial approvals of the Project or any portion thereof, and grant Petitioners injunctive relief unless and until Respondents comply with CEQA's mandates.

PARTIES

8. Petitioner Amador County Transportation Commission is, and at all times relevant herein, a State-designated regional transportation planning agency, formed pursuant to Government Code sections 14522, et seq., and the local transportation commission to the County of Amador. Petitioner's service area is all of Amador County, which neighbors Sacramento County to the west, connected by State Route 16/Jackson Highway ("State Route 16"). Petitioner's mission includes the protection and advancement of local, regional, and intrastate travel for the benefit of Amador County residents, workers, business people, and visitors.

9. Respondent County of Sacramento is, and at all times relevant herein was, a political subdivision of the State of California, and is a "local agency" as defined in section 54951 of the Government Code. The County also functions as a lead agency under CEQA. In this capacity, the County is charged with evaluating the potential environmental impacts of the Project, identifying Project alternatives and mitigation measures, and otherwise complying with the substantive and procedural requirements of CEQA. Respondent Board of Supervisors of the County of Sacramento is, and at all times relevant herein was, the decision-making body for Respondent County.

10. Respondent Caltrans is an executive department of the State of California, headquartered in Sacramento, California, and manages the State's highway system; Caltrans is the owner-operator of State Route 16. State Route 16 forms the southern border of the Project and any development activity on or near the highway requires Caltrans' discretionary approval. Approvals from Caltrans required by the Project will include, but not be limited to, easement rights and development permits on and around State Route 16. Caltrans is therefore a "responsible agency" for the Project under CEQA and required to comply with CEQA's substantive and procedural requirements prior to approving the Project, or any portion thereof. (CEQA Guidelines, § 15381.)

11. Petitioner does not know the true names or capacities, whether individual, corporate, associate or otherwise, of Respondents Does 1 through 50, inclusive, and therefore sue said Respondents under fictitious names. Petitioner will amend this Petition to reflect their true names and capacities at such time that they become known.

12. Real Party in Interest East Sacramento Ranch, LLC is listed as the applicant for the Project on filings with the State Clearinghouse and represented itself as the Project applicant during public hearings and through communications during the pendency of the Project.

13. Petitioner is currently unaware of the true names or capacities, whether individual, corporate, associate or otherwise, of Real Parties in Interest Roes 1 through 50, inclusive, and therefore sue said Real Parties in Interest under fictitious names. Petitioner will amend this Petition to reflect their true names and capacities at such time that they become known.

JURISDICTION AND VENUE

14. This Court has jurisdiction over the matters alleged herein pursuant to Code of Civil Procedure sections 394, 395, 401, 1085, 1087, and 1094.5 and Public Resources Code sections 21168 and 21168.5.

15. Venue is proper in Sacramento County pursuant to Code of Civil Procedure section 394(a) as Respondent County is within Sacramento County and pursuant to section 395 as Respondent Caltrans is headquartered and operates in Sacramento County.

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STANDING AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Petitioner has standing in this action where Petitioner seeks the enforcement of a public duty by Respondents County and Board. Respondents County and Board are public entities with a mandatory duty to comply with CEQA and all other applicable laws when approving the Project. Petitioner alleges that Respondents County and Board failed to satisfy this duty by certifying a legally-inadequate EIR that, as explained in more detail below, lacks requisite analysis and mitigation when approving the Project in reliance on that EIR and is unsupported by substantial evidence in the record.

17. Petitioner has standing in this action where Petitioner seeks the enforcement of a public duty by Respondent Caltrans. Respondent Caltrans is a public entity with a mandatory duty to comply with CEQA and all other applicable laws. As described in further detail below, Respondent Caltrans is a responsible agency to the Project and, in that role, has a duty to meet certain procedural and substantive requirements of CEQA prior to approval of the Project. Petitioner alleges that Respondent Caltrans failed to satisfy this duty by not complying with CEQA's requirements prior to Respondent County and Board's certification of a legally-inadequate EIR.

18. Petitioner has a direct and substantial beneficial interest in Respondents' compliance with their statutory duties under CEQA because Petitioner is the regional transportation planning agency to Amador County, which adjoins Sacramento County via State Route 16, which will be significantly impacted by the Project as approved.

19. Petitioner took advantage of numerous opportunities where Petitioner knew Respondents may be present to bring these issues to the attention of Respondents prior to approval of the Project. Petitioner's counsel submitted comment letters each to Respondent County and Respondent Caltrans. Petitioner's counsel also spoke on behalf of Petitioner at Respondent Board's meetings discussing the Project and EIR on September 1, 2020 and October 6, 2020.

20. CEQA further allows a petitioner who objected to a project to allege in a writ petition all deficiencies asserted by others. (*Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal.App.4th 173, 191.) Petitioner, other agencies, interested groups, and individuals submitted

oral and written comments on the EIR and Project to Respondents, and raised each of the legal deficiencies asserted in this Petition.

21. Respondents approved the project and certified the Project EIR on October 6, 2020. This is final agency action.

22. Petitioner performed all conditions precedent to the filing of this Petition, including serving notice upon Respondents indicating its intent to commence this action, and fully exhausted any available administrative remedies. In addition to claims raised by Petitioner, various other parties have raised concerns regarding impacts of the Project. Petitioner incorporates each of these claims, objections, and comments herein. Petitioner does not have a plain, speedy, or adequate remedy in the ordinary course of law. Petitioner authorized its attorney to file this lawsuit on its behalf to assert its substantial beneficial interest in securing Respondents' compliance with the law.

STATUTE OF LIMITATIONS

23. On October 6, 2020, Respondent Board voted to certify the EIR and approve the Project. On October 7, 2020, or soon thereafter, Respondent County posted a Notice of Determination for the certification of the EIR and approval of the Project.

24. The statute of limitations for a CEQA challenge to Respondents' decision to certify the EIR expires 30 days from the filing and posting of the Notice of Determination. (CEQA Guidelines, §§ 15094(g) and 15112(c)(1).) This Petition is timely filed within the statute of limitations.

NOTICE OF CEQA ACTION

25. On October 28, 2020, Petitioner sent a Notice of Commencement of Action pursuant to Public Resources Code section 21167.5 via U.S. mail and electronic mail to Respondents thereby notifying Respondents of Petitioner's intent to file this lawsuit, which seeks to set aside Respondents' approval of the Project and certification of the Project EIR. A copy of the Notice of Commencement of Action is attached hereto as **Exhibit A**.

26. Petitioner has complied with the requirements of Public Resources Code section 21167.7 and Code of Civil Procedure section 388 by mailing a copy of the Petition to the State

Attorney General. A true and correct copy of the Service of Pleadings on the Attorney General is attached hereto as **Exhibit B** and incorporated herein by reference.

PREPARATION OF THE ADMINISTRATIVE RECORD

27. Pursuant to Public Resources Code section 21167.6(a), Petitioner requests that Respondent County prepare the record of administrative proceedings related to this action. A copy of the Notice of Request to Prepare the Administrative Record of Proceedings is attached hereto as **Exhibit C**.

CEQA'S SUBSTANTIVE AND PROCEDURAL REQUIREMENTS

28. In 1970, the California Legislature enacted CEQA, as a means of forcing public agency decision makers, such as Respondents, to document and consider the environmental implications of their actions. CEQA's fundamental goal is to fully inform the public and the decision makers as to the environmental consequences of proposed projects and to assure members of the public that their elected officials are making informed decisions. CEQA requires governmental authorities, such as Respondents, to fully evaluate potential environmental effects of projects, and to seek feasible means to reduce or avoid significant environmental damage that otherwise could result from their actions. CEQA limits agencies from approving projects with significant adverse impacts when feasible alternatives can substantially lessen such impacts.

29. Where substantial evidence in the record of proceedings before the lead agency supports a "fair argument" that one or more significant environmental effects could occur as a result of approval and implementation of a project, CEQA requires preparation of an EIR. The primary function of the EIR is to discuss the important environmental consequences of the project, including cumulative effects, and to provide the agency and the general public with mitigation measures and alternatives to the project that would have less serious environmental consequences. A lead agency is required to consult with responsible agencies in determining whether an EIR shall be prepared.

30. It is a prejudicial abuse of discretion for a public agency not to proceed in the manner required by CEQA, to fail to support its decision with adequate findings, or to fail to support its findings with substantial evidence in the administrative record. (Code of Civ. Proc., §

1094.5; Pub. Resources Code, § 21168.) Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (Pub. Resources Code, §§ 21080(e)(1) and 21082.2.) Abuse of discretion in certifying an EIR may be found if the content of the EIR does not meet the statutory and regulatory requirements or if the EIR's conclusions are not supported by substantial evidence. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918.)

31. Under CEQA, lead agencies, such as Respondents County and Board, are required to prepare a complete and legally adequate EIR prior to approving any discretionary project that may have a significant adverse effect on the environment. The EIR must fully disclose and adequately analyze the project's potentially significant environmental effects. CEQA also requires lead agencies, such as Respondents County and Board, to consider mitigation measures and alternatives to the project, adopt all feasible mitigation measures and/or alternatives, determine whether proposed mitigation measures will be effective in avoiding or substantially lessening the project's significant environmental impacts, and to make adequate findings, including an adequate statement of overriding consideration for those significant environmental impacts deemed unavoidable. Lead agencies, such as Respondents, may not avoid the duty to prepare an EIR by segmenting a project into several smaller projects.

32. Responsible agencies, such as Respondent Caltrans, are public agencies which propose to carry out or approve a project, for which the lead agency is preparing or has prepared an EIR or negative declaration. (CEQA Guidelines, § 15381.) A responsible agency is to engage in and respond in writing to consultation with the lead agency, comment in writing on the EIR, and independently consider the EIR prepared by the lead agency to the project and "reach[] its own conclusions on whether and how to approve the project involved." (*Id.* at § 15096(a).)

33. When a government agency certifies an EIR, it must exercise its independent judgment and analysis.

STATEMENT OF FACTS

34. The Project is to build a mixed-use development, including residential, commercial, recreational and other uses, on 1,095 acres of unincorporated and predominantly undeveloped

County land along State Route 16, also known as Jackson Highway. The Project includes about 3,000 residential dwelling units of varying density, about 500,000 square feet of commercial/office use space, and over 500 acres of open space and park uses. The EIR concludes the Project will create significant and unavoidable impacts to aesthetics, agricultural resources, air quality, biological resources, climate change, hydrology, noise, and traffic and circulation.

35. Real Parties in Interest initiated the Project in February 7, 2012, by filing a project application with the County.

36. On January 8, 2013, the County filed a Notice of Preparation of a Draft Environmental Impact Report for the Project.

37. On July 27, 2018, the County published the Draft Environmental Impact Report ("draft EIR") and opened public comment for a 45-day review period.

38. On August 7, 2018, the Vineyard Community Planning Advisory Council ("Vineyard CPAC") held a public hearing for the Project. After receiving public comments, the Vineyard CPAC voted to recommend denial of the Project due to transportation and traffic concerns.

39. On August 16, 2018, Cordova Community Planning Advisory Commission ("Cordova CPAC") held a public hearing for the Project. After receiving public comments, the Cordova CPAC voted to recommend approval of the Project.

40. On September 10, 2018, the Sacramento County Planning Commission held a public hearing on the Project to receive further public comments on the draft EIR. After receiving public comments, the County Planning Commission closed the comment period on the draft EIR and directed staff to prepare the final EIR.

41. On December 9, 2019, the County Planning Commission held a public hearing on the Project and voted to recommend approval of the Project.

42. In early August 2020, the County revealed to the public that it would no longer pursue relinquishment of the portion of State Route 16 bordering the Project as previously anticipated in the Project design. The County had sent notice of this decision to Caltrans on November 5, 2019.

43. On August 21, 2020, the County published the final EIR on the County website.

44. The final EIR contains numerous, significant changes as compared to the draft EIR, including, but not limited to, addition of considerable analysis and explanation regarding impacts to air quality and climate change, and an additional section more than four pages in length to analyze energy consumption. The EIR also includes reference to a new traffic analysis in response to comments, but fails to incorporate the new traffic analysis into review of Project impacts. The EIR contains an entirely new appendix evaluating transportation impacts as a measure of Vehicle Miles Traveled ("VMT"). The EIR fails to consider changes in the Project setting since the traffic and transportation data was collected in 2015. Further, the EIR fails to account for the County's decision to abandon relinquishment of a portion of State Route 16 along the Project border, originally contemplated in conjunction with the Project. Despite this significant new information and changes to the Project, the County did not recirculate the EIR.

45. On August 27, 2020, the County published the Board agenda to its September 1, 2020 meeting and listed the Project as an agenda item.

46. In the days between the date it published the final EIR, August 21, 2020, and the Board's September 1, 2020 meeting, the County received 14 additional comment letters, including letters from counsel for Real Parties in Interest. Petitioner's counsel submitted a comment letter on August 28, 2020, outlining Petitioner's concerns regarding unanalyzed, unmitigated significant traffic impacts, and other violations of CEQA.

47. On September 1, 2020, the Board held a public hearing on the Project. Staff presented that, among other things, the Project would include 3,075 residential units of varying density and be consistent with the County of Sacramento General Plan. The number of residential units to be included in the Project is inconsistent throughout the EIR. During the public comment period, Petitioner's counsel spoke on behalf of Petitioner reiterating the points in the August 28, 2020 letter and highlighting further deficiencies in the EIR. The Board considered the Project and continued the discussion until its October 6, 2020 meeting.

48. On September 22, 2020, Petitioner's counsel submitted an additional comment letter on behalf of Petitioner to the Board, elaborating on points and questions from the September

1, 2020 public hearing and listing additional deficiencies in the EIR traffic analysis and mitigation measures.

49. On October 6, 2020, Petitioner's counsel spoke again at the Board's meeting during public comment on the Project, reiterating Petitioner's points in the September 22, 2020 letter and highlighting further deficiencies in the EIR. County staff responded to Petitioner's comments that "EIRs are not meant to be perfect" and that the public comment on the Project had closed. The Board certified the EIR and approved the Project.

PRIVATE ATTORNEY GENERAL DOCTRINE/PUBLIC BENEFIT

50. Petitioner brings this action pursuant to Code of Civil Procedure section 1021.5, the private attorney general doctrine, and any other applicable legal theory, to enforce important rights affecting the public interest.

51. Issuance of the relief requested in this Petition will confer a clear and significant benefit on the citizens of Sacramento and Amador Counties, by requiring Respondents to carry out their duties under CEQA and other applicable laws before approving the Project.

52. Issuance of the relief requested in this Petition will confer a clear and significant benefit on the general public by requiring Respondents to adequately consider, analyze, and mitigate significant impacts to the environment prior to approving the Project, protecting residents and guests to not only the immediate Project vicinity, but also a larger region secondarily impacted by on-site significant Project impacts.

53. Issuance of the relief requested in this Petition will also result in the enforcement of important rights affecting the public interest by compelling Respondents to engage in a legally adequate analysis of the Project, and to ensure that the public has a meaningful opportunity to review and comment on the impacts and mitigation measures for the Project.

54. The necessity and financial burden of enforcement make an award of attorneys' fees appropriate in this case. Without this Petition, Respondents and Real Party in Interest will proceed with a plan and development that will cause significant, unmitigated environmental impacts that might otherwise have been reduced or avoided through legally adequate environmental review and the adoption of feasible mitigation measures. Granting the relief

requested by Petitioner would confer a significant benefit on a large class of people, in that fundamental rules of law would be affected. The cost of pursuing this litigation transcends Petitioner's personal stake in the matter.

IRREPARABLE HARM

55. Respondents' failure to comply with CEQA, as set forth in this Petition, constitutes a prejudicial abuse of discretion within the meaning of Code of Civil Procedure and CEQA. (See Code of Civ. Proc., §§ 1085, 1094.5; Pub. Resources Code, §§ 21168, 21168.5.)

56. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of the law within the meaning of Code of Civil Procedure section 1086. Unless this Court issues a writ of mandate setting aside Respondents' approval of the Project for failure to conduct adequate environmental review and orders Respondents to comply with the law, the environmental interests of Petitioner and the public that are protected by those laws will be substantially and irreparably harmed. No other legal remedy could adequately compensate Petitioner for the harm to its beneficial interests, and to the environment, occasioned by Respondents' unlawful conduct.

GENERAL ALLEGATIONS

57. Petitioner is entitled to declaratory relief under Code of Civil Procedure section 1060 because an actual controversy exists between Petitioner and Respondents. Petitioner contends that Respondents have acted in violation of applicable laws and must therefore vacate and set aside the Project approval. Petitioner is informed and believes that Respondents dispute this contention. A judicial resolution of this controversy is therefore appropriate and necessary.

58. Petitioner is entitled to injunctive relief under Code of Civil Procedure section 526 because approval of the Project threatens irreparable environmental harm. Unless enjoined, Respondents will implement the Project despite their lack of compliance with CEQA and other applicable laws, causing undue and unnecessary environmental degradation. Petitioner would thereby suffer irreparable harm due to Respondents' failures to take the required steps to evaluate environmental impacts to, among other things, transportation, greenhouse gas emissions, access to emergency services, air quality, and safety risks associated with each. Injunctive relief is thus

warranted under Code of Civil Procedure section 525, et seq. and Public Resources Code section 21168.9 to prevent irreparable harm to the environment.

FIRST CAUSE OF ACTION

Violation of CEQA – Failure to Adequately Describe the Project and Project Impacts (Against Respondents County and Board)

59. CEQA requires an EIR disclose any potentially significant environmental impacts of the project and inform decision-makers and the general public of mitigation measures and alternatives to the project that would avoid or substantially lessen those impacts.

60. The EIR fails to provide a clear timeline for Project buildout. The EIR states "full buildout of the Project will occur over a span of decades and will be driven by prevailing market conditions in any given year." This statement lacks any description of the market conditions that may affect the Project or to what degree those conditions may affect the Project. To this point, the EIR fails as an informative document for decision-makers and the public.

61. The EIR is inconsistent, and thus inaccurate, in describing the Project and its impacts. For example, the Project description in the EIR provides that the Project will develop 2,915 residential units, but elsewhere the EIR states that the Project will develop 3,075 residential units, a 160 residential unit discrepancy not analyzed.

62. Respondents failed to act in a manner required by CEQA with respect to the Project because they failed to adequately address, analyze, or otherwise consider the environmental impacts of the Project. The EIR is conclusory and imprecise by relying on statements including, but not limited to, "the Project is consistent with the General Plan." Respondents are required to support assertions with information and analysis to inform the public. These baseless statements fall below that requirement; accordingly, the EIR is not a sufficient, informative document and Respondents' decisions are unsupported by substantial evidence.

63. The EIR fails to adequately consider impacts to transportation and traffic. For instance, the EIR relies on "policies that discourage automobile use" to conclude the "increased use of active transportation modes...as well as increased public transit would result in reductions in [Vehicle Miles Traveled] and energy use." The policies articulated in the EIR, however, do not

support this conclusion. The timing and implementation for the Project's transit system is undefined in the EIR, except that it will be complete at full Project buildout, which will be "over a span of decades." Thus, by the time the transit system is built, impacts from preconstruction, construction, early residents, and other community members will have already occurred. These impacts are not adequately analyzed or otherwise addressed in the EIR. Any mitigation to be provided by the transit system lacks reasonable definition and certainty. Respondents' conclusion that policies in the EIR that discourage automobile use will in fact reduce transportation and energy impacts from the Project is unsupported by information and proper analysis.

64. Respondents failed to apply the proper metric to analyze traffic impacts. A segment of State Route 16 borders the Project site and is the responsibility of Respondent Caltrans. As a State highway, the segment is required to be evaluated under the Caltrans performance thresholds for State highways. Respondents failed to apply and analyze Project impacts using this metric in the EIR.

65. The EIR fails to adequately measure and inform the public on impacts to transportation by providing an unclear position on if the proper metric is Level of Service ("LOS") or Vehicle Miles Traveled ("VMT"). The draft EIR measures impacts to traffic in changes to LOS. Then, the EIR includes as an appendix "NewBridge Specific Plan Revised VMT analysis" which analyzes transportation impacts as a measure of VMT. Further, there is a comment letter from Real Party in Interest's counsel stating that the EIR was not required to use LOS or VMT. The EIR fails to be an internally-consistent, educational document that adequately informs decision-makers and the public on the Project's environmental impacts.

66. The EIR fails to analyze secondary impacts from significant impacts to transportation. Secondary impacts include, but are not limited to, increased first responder response times and decreased fire department access. While the EIR includes some discussion of public services within the Project vicinity, it fails to account for the increased traffic and transportation impacts to public services passing through the Project area to reach the foothills community. After the numerous devastations to entire communities from wildfires and lack of sufficient access to and from them, this EIR ignores that placing thousands of new commuters in

the area without widening roads, State Route 16, and/or adding additional streets, existing streets and highways will be so congested as to create additional secondary risks to the public's safety and welfare. The EIR fails to include relevant, updated, and complete information related to traffic and secondary impacts from increased traffic.

67. The EIR fails to analyze and mitigate increased VMT from commuters who will choose to take routes that are longer but less congested, which is a reasonably anticipated result and potentially significant impact from the Project.

68. The EIR fails to adequately evaluate cumulative impacts of the Project or address the Project's incremental effects when combined with the effects of past, current, and future projects in the vicinity. (CEQA Guidelines, §§ 15064(h)(1), 15130(a), and 15355.)

69. As a result of the foregoing defects, Respondents did not proceed in the manner required by law to prepare an adequate EIR that informed decision-makers and the public of the Project's environmental impacts. Accordingly, the approval of the Project and certification of the EIR must be set aside.

SECOND CAUSE OF ACTION

Violation of CEQA – Failure to Support Findings with Substantial Evidence

(Against Respondents County and Board)

70. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

71. CEQA requires that a public agency make findings supported by substantial evidence. (Pub. Resources Code, § 21002; CEQA Guidelines, § 15091.)

72. Respondents adopted a statement of overriding considerations that stated the Project "will result in significant adverse environmental effects on aesthetics, air quality, biological resources, hydrology and water quality, noise, public utilities, and traffic and circulation that cannot be avoided even with the adoption of all feasible mitigation measures." Respondents failed to support this with substantial evidence, including in the following ways.

73. Respondents' finding that the County adopted all feasible mitigation measures to lessen the significant impact to traffic and circulation is not supported by substantial evidence in

the record. The EIR rejects mitigation measures to transportation impacts "because improvements necessary to improve the LOS to E are not feasible due to environmental, right-of-way, financial and other constrains." There is no explanation why the proposed mitigation measure is in fact infeasible, and this conclusory statement does not meet the requirement that findings of infeasibility be justified with substantial evidence.

74. Respondents' finding that the Project is consistent with the County of Sacramento General Plan ("General Plan") is not supported by substantial evidence. CEQA requires an EIR discuss any inconsistencies between a project and the applicable general plan. (CEQA Guidelines, § 15125(d).) The EIR states that the Project is consistent with the General Plan but fails to provide substantial evidence, or any evidence, to support the statement. The General Plan Transportation Policy Plan goals include to "promote a balanced and integrated system to maximize mobility in a safe and efficient manner" and "manage travel on the roadway system and maximize the operating efficiency of transportation facilities in order to reduce impacts on air quality and to minimize the need for new or expanded facilities." However, the EIR contains no independent analysis; rather, in a purely conclusory fashion, it simply states that the Project is consistent with General Plan Policies. This is particularly egregious given the information in the EIR that directly contradicts this conclusion. Furthermore, the Project is inconsistent with these goals because it will create unanalyzed, unmitigated impacts to traffic and transportation.

75. The Project is further inconsistent with General Plan policies and programs, including, but not limited to, programs and policies directed at circulation and transportation planning in the following ways:

a. The Project fails to incorporate capital costs for transit, as required by CI-27.

b. The Project fails to collaborate with transit service providers on phased implementation of transit services, as required by CI-30.

c. The Project has no plan or analysis for "intelligent transportation system strategies (ITS) within the County's high-demand travel corridors and support efforts to deploy ITS strategies on a regional level," as required by CI-39.

d. The Project fails to include any transportation systems management program to manage travel demand associated with the Project, as required by CI-40.

e. Respondents failed to "collaborate with other agencies to develop measures to provide for more efficient traffic flow, reduce vehicular travel demand, and meet air quality goals," as required by CI-42.

76. Respondents were made aware of these deficiencies and failed to provide analysis and explanation on why the findings were sufficient and supported by substantial evidence in the record. In fact, staff's reassurances to the Board of Supervisors was not that the EIR achieved these objectives, but that the EIR need not be perfect. By doing so, Respondents failed to proceed in the manner required by law.

77. Respondents failed to adequately respond to comments regarding the sufficiency of the EIR and feasible mitigation measures submitted by Petitioner, other members of the public, and other agencies. Instead, the few responses given to numerous comments regarding the Project's impacts to, among other things, air quality, greenhouse gas emissions, biological resources, and traffic and circulation are conclusory, evasive, confusing, or otherwise non-responsive, contrary to the requirements of CEQA. Comment letters are part of the administrative record and constitute substantial evidence. Respondent County failed to consider or respond to the letters and failed to comply with CEQA.

78. Counsel representing Real Party in Interest submitted substantive responses to the Board for consideration prior to certification of the EIR. The responsibility to respond to public comments lies with the lead agency. Indeed, any reliance Respondents placed on Real Party in Interest's letters would be misplaced first because the letters include misstatements of law, particularly that the EIR is not required to use VMT or LOS as the metric for impacts to traffic and circulation. Second, the letters include flat, conclusory denials of Petitioner's and other commenters' concerns and provide no clarification on the issues identified and therefore do not raise to the level of "substantial evidence" and do not demonstrate that the government agency exercised independent judgement.

79. Respondents' actions in certifying the EIR and approving the Project, with unsubstantiated and incomplete findings, are arbitrary and capricious, without sufficient evidentiary support, a prejudicial abuse of discretion, and are not in accordance with law.

THIRD CAUSE OF ACTION

Violation of CEQA – Failure to Mitigate Significant Project Impacts

(Against Respondents County and Board)

80. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

81. CEQA requires a lead agency to impose all feasible mitigation measures that will be effective in avoiding or substantially lessening a project's significant environmental impacts. (CEQA Guidelines, §§ 15370, 15126.4, and 15041.) Mitigation measures must be formulated prior to certification of the EIR and approval of the project; exceptions to this rule are narrow and few. Mitigation measures must be enforceable and contain specific enforcement standards. If a mitigation measure is deemed infeasible, the lead agency must explain why and support that determination with substantial evidence, presented in their findings and a statement of overriding considerations. (CEQA Guidelines, §§ 15091 and 15093.)

82. Mitigation measures that are rejected as infeasible for financial considerations require a higher level of analysis and scrutiny. The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are "sufficiently severe as to render it impractical to proceed with the project." (See *Center for Biological Diversity v. County of San Bernardino* (2010) 184 Cal.App.4th 1342.)

83. Respondents rejected mitigation measures that would reduce significant impacts to traffic "because improvements necessary to improve the LOS to E [level] are not feasible due to environmental, right-of-way, financial, and other constraints." Respondents failed to justify rejecting the mitigation measure to a level of specificity required by CEQA.

84. Those mitigation measures that were adopted fail for lack of enforcement mechanism and certainty; for example:

a. Mitigation measure TC-1 is inadequate for failing to include an enforcement mechanism, failing to identify the party responsible for the implementation, and failing to commit Respondents to an identified course of action.

b. TC-5 expressly admits that the implementation of the mitigation measure is not guaranteed and is also inadequate for failing to include an enforcement mechanism and failing to identify the party responsible for the implementation.

85. Respondent County also committed to mitigating impacts to traffic and transportation by enacting mitigation measures in the Jackson Corridor Transportation Mitigation Strategy on the segment of State Route 16 that borders the Project site. Recently, the County admitted that it will no longer seek relinquishment, and therefore control, of the segment. The County failed to respond and explain how it intends to implement the Jackson Corridor Transportation Mitigation Strategy without having any control of the State Route 16 segment. Thus, Respondents failed to justify their findings with substantial evidence.

86. Respondents' actions in certifying the EIR and approving the Project premised on inadequate mitigation measures and without adopting all feasible mitigation measures are in violation of CEQA. Accordingly, the Project approval should be set aside and Respondents should be ordered to recirculate the EIR before proceeding, if at all.

FOURTH CAUSE OF ACTION

Violation of CEQA – Failure to Recirculate EIR

(Against Respondents County and Board)

87. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

88. CEQA requires the recirculation of an EIR when "significant new information" is added to the EIR after public notice is given of the draft EIR and before certification. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) "'Information' can include changes in the project or environmental setting as well as additional data or other information." (*Id.* at § 15088.5(a).)

89. The draft EIR relied on data collected from September 2015. In the half-decade since that time, the Project site and vicinity have evolved significantly in natural ways, including but not limited to, climate change, wildfires, and drought, and in unnatural ways, including from development as the Sacramento region's population grows and traffic, housing demands, and commercial development grow in consequence. The environmental setting for the Project has significantly changed and the EIR should be recirculated prior to certification.

90. When public notice of the draft EIR was published, the County was pursuing the relinquishment of a portion of State Route 16 in conjunction with its long-term planning for the area; improvements to the segment are proposed through the Jackson Corridor Transportation Mitigation Strategy, incorporated in the EIR, and required in the Transportation Impact Report for the Project. These improvements were premised on relinquishment of State Route 16. Approximately one month before the County's meeting to discuss the Project and EIR, County staff announced that the County would not proceed with relinquishment of the segment of State Route 16, therefore it would remain a Caltrans facility for the foreseeable future and subject to Caltrans' control, rather than the County's control. This is a significant change in the Project and merits recirculation.

91. The traffic analysis in the EIR is based on 2015 data. Respondents, however, relied on a 2018 traffic analysis in order to respond to public comments. Submitted comments asked Respondents to incorporate cumulative traffic analyses that were available in 2018 at the time that the draft EIR was published and were actually incorporated into the Mather South Project and the West Jackson Project. In fact, Respondents acknowledged that the 2018 data was available at the time the draft EIR was published and referenced and relied on it in order to respond to comments. At the same time, Respondents improperly refused to provide adequate and appropriate updates to the EIR and recirculate it for review. The inclusion and reliance on the 2018 traffic analysis is significant additional data and analysis meriting an appropriate update and recirculation of the EIR.

92. Respondents added substantial new information to the EIR by incorporating a new appendix titled "NewBridge Specific Plan Revised VMT Analysis," which included eight pages of

novel analysis and conclusions on the Project's potential impacts to transportation. Specifically, the appendix applied the novel metric "Vehicle Miles Traveled" to residential, office, and retail components of the Project. The memorandum also includes a new table of analysis. The volume of highly-technical information, even regardless of the appendix's conclusions, raises to the level of significant new information that merits recirculation. Notably, the appendix is dated August 4, 2020, less than a month before Respondent Board's hearing on the Project and EIR. Indeed, it is unlikely that the Board had time to adequately consider the new information, much less the public had time to adequately read and comment on it.

93. Respondents substantially revised the Air Quality and Climate Change sections to the EIR, adding considerable analysis and explanation. While Petitioner has issue with the inconsistencies and deficiencies in the new information, Petitioner also posits that this is significant new data and analysis meriting recirculation.

94. Respondents added a new analysis section in the EIR that is more than four pages in length in order to analyze energy consumption associated with the Project. This is significant new information meriting recirculation.

95. Respondents have added significant new information to the EIR and changed the Project, and failed to recirculate the EIR. Respondents have failed to proceed in a manner required by CEQA and applicable law. Accordingly, the Project approval should be set aside and Respondents should be ordered to recirculate the EIR before proceeding, if at all.

FIFTH CAUSE OF ACTION

Violation of CEQA - Procedural Violations of CEQA

(Against Respondents County and Board)

96. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

97. CEQA requires a lead agency to consult with affected transportation agencies. (See CEQA Guidelines 15086(a)(5).)

98. ACTC is a transportation agency to the County directly neighboring the Project site and will be affected by the Project. Respondents failed to consult with ACTC, even after being

made aware of ACTC's concerns with the Project and the Project's impacts on ACTC's interests. Respondents also failed to provide ACTC any notice of the Project at any time during the review process. Respondents' failure to consult with ACTC, or provide any notice to the transportation agency at all, prevented informed decision-making as it left Respondents without the benefit of hearing from informed parties on the potentially significant impacts of the Project. Further, Respondents failed to comply with the procedural requirements of CEQA.

99. CEQA requires that the public be allowed to participate in the review and consideration of proposed projects in an effort to ensure that environmental considerations play a significant role in government decision-making.

100. Respondents failed to provide adequate opportunity for the public to provide comments on the Project and EIR. Public meetings regarding the Board's certification of the EIR and approval of the Project have taken place exclusively during the COVID-19 global pandemic and been restricted, in part, by the Board's COVID-19 procedures. Under these procedures, in order to give an oral comment, commenters were required to stop listening to portions of the meeting, including the Board's deliberations on the Project and EIR, and wait on a phone line until "admitted" to the meeting by the Board clerk. Comments that were able to be given at Board meetings lagged. Further, comments were interrupted or wholly cut off. Respondents were deprived of the entirety of the public comments on the Project and the opportunity to make an informed, and therefore legally-adequate, decision. Instead, Respondents' actions demonstrate a focus on concluding public comment posthaste to streamline the Project's approval.

101. Respondents further failed to provide sufficient opportunities for the public to comment on the Project and EIR by neglecting to follow their own procedures related to timed agenda items. The Project and EIR were timed agenda items for both Board meetings. Despite this, the Board did not hear the matter until multiple hours after the assigned start time. Interested members of the public, including ACTC Board members, were deprived of the opportunity to comment because the County Board did not offer the opportunity to give public comment within any reasonable time of the timed agenda item.

102. For legally adequate public participation to occur, the public must also be afforded notice prior to decisions being made. Respondents failed to provide notice adequate to ensure the public is informed of their consideration of the Project. During a global pandemic limiting the public's access to in-person meetings, planning sessions, County resources, and other opportunities to engage with the Board and County staff, Respondents failed to provide notice sufficient to inform the public of their consideration of the Project. The County published the EIR, over 1,000 pages and over 20 exhibits, only ten (10) days prior to their public hearing and only on its website. This is insufficient notice to allow meaningful review of the document and public participation. The truncated public notice prevented informed decision-making and left Respondents without the benefit of hearing from the public.

103. The County also failed to adequately provide or disclose the draft EIR on its website, impeding public review and consideration of the Project. (Pub. Resources Code, § 21152.)

104. Respondents' failure to comply with CEQA's noticing requirements represents a failure to proceed in a manner according to law. Accordingly, the Project approval should be set aside.

SIXTH CAUSE OF ACTION

Violation of CEQA - Failure to Meet Responsible Agency Requirements

(Against Respondent Caltrans)

105. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

106. CEQA requires a lead agency to consult with each responsible agency to a project and include the responsible agency's written response in the EIR. (CEQA Guidelines, §§ 15096(b) and 15381.) CEQA requires a responsible agency to independently determine if the EIR meets the requirements of CEQA. (CEQA Guidelines, § 15096(a).)

107. Respondent Caltrans manages the State's highway system; any development activity on or near the highway requires Caltrans' discretionary approval. The Project borders State Route 16, a highway managed by Caltrans. The Project requires Caltrans' discretionary approval

for development along State Route 16 including, but not limited to, easement rights and development permits. Because Caltrans will exercise discretionary approval over the Project, or any portion thereof, Caltrans is a "responsible agency" pursuant to CEQA for the Project and required to comply with CEQA's substantive and procedural requirements prior to approving the Project, or any portion thereof.

108. The EIR fails to include a written response to the EIR from Respondent Caltrans.

109. The EIR fails to include information showing that Respondent County adequately consulted with Respondent Caltrans, if at all.

110. Respondent Caltrans failed to make an independent determination, or any determination at all, that the Project and EIR meet the requirements of CEQA.

111. Respondents' failure to comply with CEQA's mandates applicable to responsible agencies and their participation in the review process represents a failure to proceed in a manner according to law. Accordingly, the Project approval should be set aside.

SEVENTH CAUSE OF ACTION

For Injunctive Relief

(Against All Respondents)

112. Petitioner re-alleges and incorporates by reference each and every paragraph of this Petition as though set forth in full herein.

113. The Project permitted by Respondent Board's October 6, 2020 approval adversely and significantly affects, and will continue to affect, the environment and interfere with the public, including Petitioner's, use and enjoyment of an environment free of the significant environmental impacts from the Project.

114. The initiation of and development of the Project is an unpermitted and impermissible project, which adversely impacts Petitioner and the community.

115. For each of these reasons, Petitioner lacks an adequate remedy if Respondents are allowed to proceed with the Project prior to such time as this Court determines whether the Respondent Board's actions to certify the EIR and approve the Project were lawful.

116. Petitioner seeks an injunction prohibiting Respondents and Real Party in Interest from proceeding with any aspect of the Project pending determination on the merits of this case.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Amador County Transportation Commission respectfully requests the following relief and entry of judgment as follows:

1. A peremptory writ of mandate directing Respondents to vacate and set aside the approval of the Project and certification of the EIR, and to suspend any and all Project-related activity or activities that could result in a change or alteration to the physical environment unless and until Respondents have taken any and all actions that may be necessary to bring Respondents' determinations, findings, and decisions concerning the Project into compliance with CEQA;

2. A temporary restraining order and preliminary and permanent injunction staying or enjoining Respondents and Real Party in Interest from pursuing any actions or activities in furtherance of the Project, pending final adjudication on the merits;

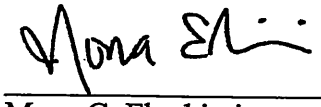
3. For actual damages in an amount to be proven at trial;

4. An order that Petitioner be awarded the costs incurred in bringing this action, and its attorneys' fees pursuant to Code of Civil Procedure section 1021.5, the "common benefit" theory, Government Code section 800, and as otherwise provided by law or equity; and,

5. Such other and further relief as the Court deems just and equitable.

DATED: November 5, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By: 

Mona G. Ebrahimi
Attorneys for Petitioner and Plaintiff
AMADOR COUNTY TRANSPORTATION COMMISSION

EXHIBIT A

KRONICK
MOSKOVITZ TIEDEMANN & GIRARD

400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4500
F | 916.321.4555

Mona G. Ebrahimi
mebrahimi@kmtg.com

October 28, 2020

VIA E-MAIL;
AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Lisa A. Travis
County Counsel
County of Sacramento
700 H Street, # 2650
Sacramento, CA 95814
E-Mail: TravisL@saccounty.net

Re: Public Resources Code section 21167.5 Notice of Commencement of Action Regarding Sacramento County Certification of NewBridge Specific Plan Environmental Impact Report (State Clearinghouse Number: 2013012028)

Dear Counsel:

This letter is to notify you, pursuant to Public Resources Code section 21167.5, that the Amador County Transportation Commission (ACTC) intends to file a petition for writ of mandamus (petition) under, in part, the provisions of the California Environmental Quality Act (CEQA), Public Resources Code sections 21000 et seq., and name the County of Sacramento and the Board of Supervisors of the County of Sacramento (Board) as respondents.

The lawsuit will be based on the Board's October 6, 2020 certification of the Environmental Impact Report for and approval of the NewBridge Specific Plan project. The exact nature of the allegations and relief sought will be detailed in the petition that ACTC plans to file in the Sacramento County Superior Court.

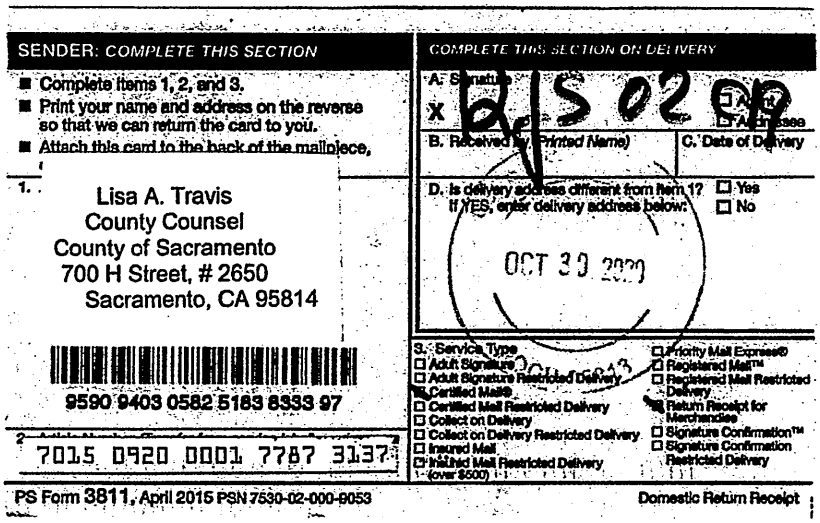
Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

Mona Ebrahimi

MONA G. EBRAHIMI

cc: Board of Supervisors Clerk, Sacramento County (boardclerk@saccounty.net)
Alison Little, Associate Planner, Sacramento County (LittleA@saccounty.net)
Catharine Hack, environmental Coordinator, Sacramento County (dera@saccounty.net)



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece,

1. Lisa A. Travis
County Counsel
County of Sacramento
700 H Street, # 2650
Sacramento, CA 95814

9590 9403 0582 5183 8333 97

2 7015 0920 0001 7787 3137

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 30 2020

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

KRONICK
MOSKOVITZ TIEDEMANN & GIRARD

400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4500
F | 916.321.4555

Mona G. Ebrahimi
mebrahimi@kmtg.com

October 28, 2020

VIA E-MAIL;
AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Erin Holbrook, Legal Chief Counsel
Caltrans Legal Division
1120 N Street, Mail Station 57
Sacramento, CA 95814
E-Mail: *erin_holbrook@dot.ca.gov*

Re: Public Resources Code section 21167.5 Notice of Commencement of Action Regarding Sacramento County Certification of NewBridge Specific Plan Environmental Impact Report (State Clearinghouse Number: 2013012028)

Dear Counsel:

This letter is to notify you, pursuant to Public Resources Code section 21167.5, that the Amador County Transportation Commission (ACTC) intends to file a petition for writ of mandamus (petition) under, in part, the provisions of the California Environmental Quality Act (CEQA), Public Resources Code sections 21000 et seq., and name the Department of Transportation as a respondent for being a responsible agency to the project, as defined by CEQA.

The lawsuit will be based on the Sacramento County Board of Supervisor's October 6, 2020 certification of the Environmental Impact Report for and approval of the NewBridge Specific Plan project. The exact nature of the allegations and relief sought will be detailed in the petition that ACTC plans to file in the Sacramento County Superior Court.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

Mona Ebrahimi

MONA G. EBRAHIMI

cc: Amarjeet S. Benipal, Director, Caltrans District 3 (amarjeet.benipal@dot.ca.gov)
Sandra Rosas, Coordinator, Division of Environmental Analysis (sandra.rosas@dot.ca.gov)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

Erin Holbrook, Legal Chief Counsel
Caltrans Legal Division
1120 N Street, Mail Station 57
Sacramento, CA 95814

9590 9403 0582 5183 8334 03

2. 7015 0920 0001 7787 3120

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 12.20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT B

[Exempt From Filing Fee Government Code § 6103]

MONA G. EBRAHIMI, State Bar No. 236550
mebrahimi@kmtg.com
CARISSA BEECHAM, State Bar No. 254625
cbeecham@kmtg.com
OLIVIA R. CLARK, State Bar No. 316689
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KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
400 Capitol Mall, 27th Floor
Sacramento, California 95814
Telephone: (916) 321-4500
Facsimile: (916) 321-4555

Attorneys for Petitioner and Plaintiff
AMADOR COUNTY TRANSPORTATION COMMISSION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

AMADOR COUNTY TRANSPORTATION COMMISSION, Petitioner and Plaintiff, v. COUNTY OF SACRAMENTO, BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO, THE STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION aka CALTRANS, and Does 1 through 50, inclusive, Respondents and Defendants.	Case No. **NOTICE TO ATTORNEY GENERAL OF CEQA ACTION [PUBLIC RESOURCES CODE SECTION 21167.7]**
EAST SACRAMENTO RANCH, LLC, and Roes 1 through 50, inclusive, Real Party in Interest.	

TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

PLEASE TAKE NOTICE, under Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that on November 5, 2020, Petitioner and Plaintiff Amador County Transportation Commission will file the attached petition for writ of mandate against the State of

California, California Department of Transportation aka Caltrans, the County of Sacramento, and the Board of Supervisors of the County of Sacramento (collectively, "Respondents") in the Sacramento County Superior Court. The petition alleges that Respondents violated the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), by certifying a legally-inadequate Environmental Impact Report ("EIR") that failed to comply with CEQA's substantive and procedural mandates and approving the NewBridge Specific Plan project based on that EIR, which will facilitate the development of nearly 1,100 acres in unincorporated, predominantly-undeveloped County area into a mixed-use development including residential, commercial, recreational, and other uses. A copy of the petition is attached to this notice as Attachment 1.

DATED: November 5, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By: Mona Ebrahimi

Mona G. Ebrahimi
Attorneys for Petitioner and Plaintiff
AMADOR COUNTY TRANSPORTATION COMMISSION

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

On November 5, 2020, I served true copies of the following document(s) described as **NOTICE TO ATTORNEY GENERAL OF CEQA ACTION [PUBLIC RESOURCES CODE SECTION 21167.7]** on the interested parties in this action as follows:

Office of the Attorney General
1300 I Street
Sacramento, CA 95814

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Kronick, Moskovitz, Tiedemann & Girard 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 was placed in the mail at Sacramento, California.

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

Executed on November 5, 2020, at Sacramento, California.

LeeAnn Scott

EXHIBIT C

[Exempt From Filing Fee Government Code § 6103]

MONA G. EBRAHIMI, State Bar No. 236550
mebrahimi@kmtg.com
CARISSA BEECHAM, State Bar No. 254625
cbeecham@kmtg.com
OLIVIA R. CLARK, State Bar No. 316689
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KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
400 Capitol Mall, 27th Floor
Sacramento, California 95814
Telephone: (916) 321-4500
Facsimile: (916) 321-4555

Attorneys for Petitioner and Plaintiff
AMADOR COUNTY TRANSPORTATION COMMISSION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

AMADOR COUNTY TRANSPORTATION COMMISSION, Petitioner and Plaintiff, v. COUNTY OF SACRAMENTO, BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO, THE STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION aka CALTRANS, and Does 1 through 50, inclusive, Respondents and Defendants.	Case No. **PETITIONER'S REQUEST FOR RESPONDENT TO PREPARE ADMINISTRATIVE RECORD OF PROCEEDINGS**
EAST SACRAMENTO RANCH, LLC, and Roes 1 through 50, inclusive, Real Party in Interest.	

Pursuant to Public Resources Code section 21167.6(a) and California Rules of Court, rules 3.2220 – 3.2208, Petitioner and Plaintiff Amador County Transportation Commission requests that Respondent and Defendant County of Sacramento ("County") prepare the administrative record of proceedings relating to the County Board of Supervisor's October 6, 2020 certification of the

Environmental Impact Report for the NewBridge Specific Plan project and approval of the project, which will facilitate the development of nearly 1,100 acres in unincorporated, predominantly-undeveloped County area into a mixed-use development including residential, commercial, recreational, and other uses.

DATED: November 5, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By: _____
Mona G. Ebrahimi
Attorneys for Petitioner and Plaintiff
AMADOR COUNTY TRANSPORTATION COMMISSION