

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mitchell Beckhoff

**[Exempt From Filing Fee]
Government Code § 6103]**

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LEONA VALLEY TOWN COUNCIL
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

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LEONA VALLEY TOWN COUNCIL, a
California Non-Profit Corporation

Petitioner and Plaintiff,

vs.

CITY OF PALMDALE AND CITY OF
PALMDALE CITY COUNCIL IN THEIR
OFFICIAL CAPACITY; and Does 1-50
inclusive,

Respondents and Defendants.

RDR DEVELOPMENT HOLDINGS, LLC.

Real Party in Interest

CASE NO. **22STCP01932**

**VERIFIED PETITION AND COMPLAINT BY
LEONA VALLEY TOWN COUNCIL FOR:**

**(1) WRIT OF ADMINISTRATIVE
MANDAMUS, OR IN THE ALTERNATIVE,
WRIT OF MANDATE; AND,**

(2) DECLARATORY RELIEF

1 This lawsuit is brought by Petitioner and Plaintiff Leona Valley Town Council ("LVTC")
2 whose purpose is to promote the common good of the community of Leona Valley and provide for
3 the preservation of the community's rural environment, values, and lifestyle. LVTC is suing the
4 City of Palmdale because the City Council approved Conditional Use Permit No. 22-001 ("CUP"),
5 Planned Development No. 21-001 ("PD"), and Vesting Tentative Tract Maps Nos. 51604, 51605,
6 51606, 51607, 52093, and 52116 ("Tract Maps")(collectively, the "Project") in violation of the
7 California Environmental Quality Act ("CEQA"). LVTC alleges as follows:

8
9 **JURISDICTION AND VENUE**

10 1. This Court has jurisdiction over the Writs of Mandate and Administrative Mandamus
11 under sections 1085 and 1094.5 of the California Code of Civil Procedure, and sections 21168
12 and 21168.5 of the California Public Resources Code.

13 2. This Court has jurisdiction over declaratory relief action under section 1060 *et. seq.* of
14 the California Code of Civil Procedure.

15 3. This Court has jurisdiction over the injunctive relief request under section 526 *et. seq.*
16 of the California Code of Civil Procedure.

17 4. LVTC also brings this case in the enforcement of an important right affecting the
18 public interest under section 1021.5 of the California Code of Civil Procedure.

19 5. Venue is proper in this Court. The Project that is the subject of this action was
20 approved by the City of Palmdale City Council that is located in the County of Los Angeles. In
21 accordance with Local Court Rule 3.232, subdivision (b), this CEQA action is being filed in the
22 Central District.

23 **PARTIES AND STANDING**

24 6. Petitioner and Plaintiff LVTC is a California non-profit corporation formed under the
25 laws of the State of California that acts as a representative body and liaison to government
26 agencies for the Leona Valley community. Leona Valley is aggrieved by the City's failure to
27 comply with CEQA in approving the Project, and the community will suffer affects as a result of
28 the Project's environmental impacts.

1 7. Respondent and Defendant City of Palmdale is a Charter City located within Los
2 Angeles County. The City is responsible for the development and implementation of land use
3 plans in its jurisdiction. The City is the lead agency under CEQA for the Project.

4 8. Respondent and Defendant the City of Palmdale City Council approved the Project
5 and made the CEQA determination for the Project.

6 9. Plaintiff is informed and believes, and thereon alleges that the Defendants designated
7 as DOES 1 through 50, inclusive, are persons or entities in some way responsible for the acts or
8 omissions alleged, that they have some right, title or interest in the subject matter of this action, or
9 that they are otherwise required to be joined as a party in order for Plaintiff to obtain all the relief
10 to which it is entitled.

11 10. The true names and capacities of defendants identified as DOES 1 through 50,
12 whether individual, corporate, associate or otherwise, are unknown to Plaintiff at the time of filing
13 this Complaint and Plaintiff, therefore, sues such Defendants by such fictitious names and will ask
14 leave of Court to amend this Complaint to show their true names or capacities when the same
15 have been ascertained. Plaintiff is informed and believes, and thereon alleges that each of the
16 DOE Defendants is, in some manner, responsible for the events and happenings herein set forth;
17 that they have some right, title or interest in the subject matter of this action; or that they are
18 otherwise required to be joined as a party in order for Plaintiff to obtain all the relief to which it is
19 entitled.

20 11. RdR Development Holdings, LLC is the entity identified by the City as the Project
21 applicant, and as such, is the real party in interest.

22 **STATEMENT OF FACTS**

23 12. On February 27, 1992, the City certified Environmental Impact Report ("EIR") 90-4
24 and approved the Ritter Ranch Specific Plan for a 10,625-acre development consisting of 7,200
25 residences, 7,628-acres of open space and the necessary public facilities, recreational amenities,
26 schools, and commercial uses. The approvals included a development agreement.

27 13. By EIR 90-4 the City determined that all potential environmental impacts were less
28 than significant with the implementation of mitigation measures.

1 14. In December 1995, the City approved six vesting tentative maps (Nos. 51604, 51605,
2 51606, 51607, 52093, and 52116). Although the maps were never recorded, the lots were
3 graded and internal roadways were partially installed (final paving was not completed). After a
4 series of automatic and discretionary extensions of time, all six vesting tentative maps expired on
5 January 20, 2017.

6 15. A revised development agreement was approved in 2004. In June 2012, the
7 development agreement expired.

8 16. On March 2, 2006, the City approved vesting tentative tract maps Nos. 51508-03 and
9 63145. Map No. 51508-03 expired on August 23, 2019. Subsequent to its expiration, mass
10 grading was completed, and Westland Drive and Ranch Center Drive were constructed and are
11 open to public travel. Map. No. 63145 which subdivided 92.32 acres into six lots was recorded.
12 No other part of the Ritter Ranch Specific Plan was ever constructed since it was approved 30
13 years ago.

14 17. In 2021, RdR Development Holdings, LLC, requested City approval of the Project that
15 would allow for the development of 553 single family detached homes on approximately 115
16 acres within the Ritter Ranch Specific Plan area. RdR Development Holdings, LLC, submitted
17 with its application a memorandum prepared by T&B dated December 30, 2021, concluding that
18 the current Project is within the scope of the analysis presented in EIR 90-4, and that there is no
19 new information or change in circumstances that would preclude the City's ability to rely on EIR
20 90-4.

21 18. On February 10, 2022, the City's Planning Commission approved the Project and
22 determined that no environmental analysis was necessary.

23 19. On February 22, 2022, LVTC and Peggy Fuller timely appealed the Planning
24 Commission's decision to approve the Project without any further environmental analysis under
25 CEQA.

26 20. On April 20, 2022, the City Council denied the LVTC and Peggy Fuller appeal, and
27 upheld the Planning Commission approval of the Project. This was the City's final action on the
28 Project.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES AND CEQA MANDATES**

2 21. LVTC objected to the City's approval of the Project and failure to conduct a proper
3 environmental analysis pursuant to CEQA during the public hearings conducted by the Planning
4 Commission on February 10, 2022, and by the City Council on April 20, 2022. LVTC also timely
5 filed an appeal of the Planning Commission's approval of the Project and filed comment letters on
6 February 9, 2022 and April 20, 2022 with the City. LVTC, therefore, fully exhausted its
7 administrative remedies prior to commencing this lawsuit and before the final approval of the
8 Project.

9 22. LVTC complied with Public Resources Code section 21167.7 by filing a copy of this
10 Petition/Complaint with the California Attorney General.

11 23. LVTC complied with Public Resources Code section 21167.5 by providing the City
12 with a notice of intention to commence this action. Pursuant to Public Resources Code section
13 21167.8, LVTC is requesting that a settlement conference with the City be scheduled. A copy of
14 that notice is attached as Exhibit "A."

15 24. LVTC complied with Public Resources Code section 21167.4 by concurrently filing
16 with this Petition a request that the Court set a hearing on this matter.

17 25. LVTC complied with Public Resources Code section 21167.6, subdivision (a) by
18 concurrently filing with this Petition a request that the custodian of records, the Planning
19 Manager, assemble and transmit to the LVTC the materials which constitute the record of
20 proceedings upon which the City Council's decision is based so that LVTC may prepare the
21 administrative record in this matter in accordance with CEQA and Local Court Rules.

22 26. As a further direct and proximate consequence of Respondents/Defendants' actions,
23 LVTC retained the services of a law firm to require Respondents/Defendants comply with CEQA.

24 **FIRST CAUSE OF ACTION**

25 **(Writ of Administrative Mandamus, or in the Alternative, Writ of Mandate**
26 **for CEQA Violations**
26 **Against Respondents/Defendants)**

27 27. Petitioner re-alleges and incorporates by reference the preceding paragraphs in their
28 entirety, as though fully set forth herein.

1 28. The Project approved by the City Council is considered a "project" under CEQA and
2 subject to CEQA's requirements.

3 29. The City failed to ensure compliance with CEQA prior to approving the Project.

4 30. There is no evidence to support the City's erroneous conclusion that: (1) the Project
5 will not cause any substantial changes in any portion of the Project described in EIR 90-4
6 because the project is not modifying the scope or intent of the Specific Plan; (2) no substantial
7 changes have occurred to baseline conditions because no significant development adjacent to
8 the Project area which impacts the infrastructure, services, or development potential within the
9 City's boundaries has occurred; and, (3) no new information of substantial importance had been
10 provided with respect to the Specific Plan. The City Council failed to make full consideration of
11 EIR 90-4, and recognize the adverse environmental assessment of that EIR and any overriding
12 considerations.

13 31. The City claims EIR 90-4 is a master EIR. A master EIR has a shelf life of about five
14 years. (Cal. Code Regs., tit. 14, § 15179, subd. (a)(1).) EIR 90-4 is 30 years old. The City did not
15 comply with the CEQA guidelines necessary to utilize an ancient EIR. (See Cal. Code Regs., tit.
16 14, § 15179, subd. (b).)

17 32. Substantial changes are proposed in the Project which will require major revisions of
18 EIR 90-4. For example, the City eliminated EIR 90-4 mitigation measures requiring the
19 construction of a new fire station and public library even though EIR 90-4 concluded that without
20 these mitigation measures the impacts would be significant. Further, the City failed to provide a
21 legitimate reason for removing mitigation measures, and to support such reasoning with
22 substantial evidence in the record. Also, the new tract maps facilitate the reconfiguration of the
23 development within the Ritter Ranch Specific Plan. But, the City provided no analysis of the
24 traffic or other potential impacts caused by the reconfiguration.

25 33. Substantial changes have occurred with respect to the circumstances under which
26 the Project is being undertaken which will require major revisions in EIR 90-4. For example,
27 Leona Valley has experienced a major increase in commuter-based traffic in the past ten years,
28 which was not contemplated or analyzed by EIR 90-4. In fact, the traffic analysis does not predict

1 traffic impacts after 2010. Average Daily Trips in 1990 were estimated at 3,000, and, as of 2020,
2 they had more than doubled to 6,500 even without any additional housing being constructed at
3 Ritter Ranch. New roads have been constructed, traffic patterns have changed since EIR 90-04
4 was certified which causes new impacts and more severe impacts. The geographic areas for the
5 study in EIR 90-4 were improperly restricted to only eastbound traffic; westbound traffic must be
6 analyzed. There is no consideration that in the event of a disaster such as a major earthquake
7 or wildland fire, evacuation efforts would be severely impeded by the addition of thousands of
8 new residents.

9 34. New information, which was not known and could not have been known at the time
10 EIR 90-4 was certified as complete, became available. For example, since the Project was
11 approved, the air quality rules and regulations have changed significantly, resulting in significant
12 differences to air quality impacts. New models address air quality impacts that were not included
13 in previous models. New air quality mitigation measures, such as the Greenhouse Gas Reduction
14 Exchange (a registry and information exchange for greenhouse gas emissions reduction credits
15 designed specifically to benefit the state of California) and new energy mitigation measures have
16 been identified since EIR 90-4 was certified. The jurisdiction has changed from the South Coast
17 Air Quality Management District ("SCAQMD") to the Antelope Valley Air Quality Management
18 District ("AVAQMD").

19 35. The City knew that EIR 90-4 was unreliable and outdated as a CEQA document to
20 support the Project approval and that a subsequent EIR was required.

21 36. New information is required to be made available to the public prior to project
22 approval, and should be included in a new environmental assessment. (Pub. Resources Code, §
23 21166; Cal. Code Regs., tit. 14, § 15162.)

24 37. The Project application included a new traffic report. The City failed to analyze the
25 effects of a new traffic study finding worsening environmental impacts, and questioning the
26 efficacy of the mitigation measures required in EIR 90-4. The new traffic report shows the Project
27 exceeds the AVAQMD threshold levels, but the City failed to identify and require traffic mitigation
28 programs to reduce the impact to below AVAQMD thresholds. The City is requiring the Real

1 Party in Interest pay fees to mitigate the traffic impacts, but paying the fees alone is an insufficient
2 mitigation measure; there must be an established correlation between the amount of fees and
3 impact such that the impact would be fully and timely mitigated by the infrastructure paid for by
4 the fees.

5 38. Since the certification of EIR 90-4, the Project site has recolonized with early
6 succession native plant species. Although Glen Lukos Associates visited the site on November
7 17, 2021, to document current conditions, the visit was not conducted during the typical blooming
8 period for most special-status plant species. As such, the determination of special status plant
9 species presence or absence cannot be confirmed or relied upon to assess new impacts to
10 biological resources caused by the Project. The City's failure to require the appropriate studies
11 and consider the potential impacts violates CEQA's requirements.

12 39. The City admits that energy was not evaluated in detail in EIR 90-4 even though
13 CEQA explicitly requires such an analysis. An energy analysis should include: (1) the project's
14 energy requirements and its energy use efficiencies by amount and fuel type for each stage of the
15 project, including construction, operation, maintenance and/or removal; (2) the energy
16 intensiveness of materials; (3) the effects of the project on local and regional energy supplies and
17 on requirements for additional capacity; (4) the effects of the project on peak and base period
18 demands for electricity and other forms of energy; (5) the degree to which the project complies
19 with existing energy standards; (6) the effects of the project on energy resources; and (7) the
20 project's projected transportation energy use requirements and its overall use of efficient
21 transportation alternatives. (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th
22 256.) If there are significant impacts, the EIR is required to discuss mitigation measures for
23 significant environmental impacts, including measures to reduce the wasteful, inefficient, and
24 unnecessary consumption of energy. The City failed to comply with CEQA.

25 40. New earthquake faults were discovered by SunCal through trenching efforts that took
26 place on the Project site after the certification of EIR 90-4. New faults must be evaluated under
27 CEQA. The City failed to conduct an appropriate analysis of the effect of earthquakes as
28 required by CEQA.

1 41. The City is well aware that CEQA now requires a project to contemplate several
2 factors that are not assessed in EIR 90-4, including vehicle miles travelled, greenhouse gas
3 emissions, and a water supply analysis (SB 610 and SB 221). LVTC understands that a water
4 supply and service agreement existed at one time between the County of Los Angeles and a prior
5 developer regarding Ritter Ranch. But, it is unknown if this agreement is transferrable to the new
6 property owner, and if not whether there is sufficient water supply for the Project. The City's
7 failure to address these issues in a subsequent EIR violates CEQA.

8 42. The Project site is located in a Very High Fire Severity Zone designation, and will
9 increase the fire risks by providing additional fuel and ignition sources. The high wind velocity
10 coupled with the High Fire Hazard Severity Zone is not addressed in EIR 90-4, nor are the
11 environmental impacts of a fire (such as ash, pollution, water runoff, mud, and flood damage).
12 Accordingly, the City failed to address the fire-related impacts to public safety.

13 43. The City acknowledges that all homeowners and tenants must be advised of the
14 potential health risks associated with increases to the power capacity of the power transmission
15 lines and increased size of the towers, but fails to accompany the statement with an analysis
16 assessing the extent of this impact or risk to human health. Accordingly, the City failed to
17 consider the impacts and mitigation measures for changes in the power transmission lines.

18 44. The City claims that the proposed landscape plan, architectural design and materials,
19 and site plan are designed to exceed the intent and desired effect of the standards established in
20 the Ritter Reach Specific Plan, but these new plans which are not addressed in EIR 90-4 could
21 increase environmental impacts. For example, the new landscaping plan could require an
22 increase in irrigation, permit invasive species, or increase fuel for fires; the new architectural
23 materials could affect fire resistance; the new site plan could cause new traffic impacts. The City
24 violated CEQA by failing to analyze the potential environmental effects of such changes.

25 45. Mitigation measures have evolved significantly over the last 30 years, and require
26 new techniques that may not be deferred. It is well established that an agency may not presume
27 the success of mitigation measures that have not been formulated or adequately described at the
28 time of project approval. (*Sundstrom & County of Mendocino* (1988) 202 Cal.App.3d 296.) Here,

1 several of the conditions of approval require that mitigation be developed and approved at a later
2 date, and provides City staff with the discretion to determine whether and to what extent to
3 mitigate without public process. Accordingly, the mitigation measures and conditions of approval
4 are woefully inadequate, and violate CEQA.

5 46. The Project's conditions of approval require that a new development agreement be
6 executed between the City and applicant that replaces the expired development agreement, and
7 that the Project shall be subject to all applicable provisions of the new development agreement. A
8 number of the conditions of approval and mitigation measures rely on this development
9 agreement, and without the new development agreement there is no assurance that the
10 mitigation will be timely implemented. The potential environmental impacts associated with this
11 part of the Project are also not assessed with the rest of this Project. The proposed agreement is
12 a reasonable foreseeable consequence of the Project (it is required) and the action will be
13 significant in that it will likely change the scope or nature of the Project (since the Project will be
14 subject to all applicable provisions of the agreement). This is classic unlawful piecemealing, and
15 is prohibited under CEQA.

16 47. The Project site is considered to be a CEQA-significant cultural resource due to the
17 presence of prehistoric artifacts and is a named prehistoric lithic production site. Even though the
18 EIR 90-4 includes archaeological mitigation measures, the City stated that it does not intend to
19 require monitoring. This violates CEQA.

20 48. CEQA mandates the preparation of an Initial Study if a project requires an analysis to
21 assess the potential environmental impacts. (Cal. Code Regs., tit. 14, §§ 15060, 15063, 15102,
22 15365.) The City relies on a memorandum of consistency rather than an Initial Study to assess
23 the potential environmental effects of the Project. A memorandum of consistency is not a
24 recognized CEQA document, and is less extensive than an Initial Study. The memorandum fails
25 to discuss all the resource categories, reveal the source of the conclusions the data relied upon,
26 or explain how the mitigation measures work. The City did not comply with proper CEQA protocol
27 by relying on a memorandum of consistency instead of preparing an Initial Study.

28 49. All environmental analysis must derive from a public agency. (*See Sundstrom &*

1 *County of Mendocino* (1988) 202 Cal.App.3d 296.) However, the City failed to conduct an
2 independent review and analysis, and instead relied entirely upon response letters and the
3 memorandum of consistency prepared by the project applicant's representatives.

4 50. The Respondents/Defendants have a clear, present, and mandatory duty to comply
5 with CEQA in the ways described above. LVTC has a clear, present, and beneficial right in
6 Respondents/Defendants' performance of its duties and actions in a manner prescribed by and in
7 obedience to California law.

8 51. The Court can compel the Respondents/Defendants to follow these mandatory laws.

9 52. LVTC has no plain, adequate or speedy remedy at law, other than that herein prayed.

10 53. In each of the respects enumerated above, Respondents/Defendants have violated
11 their duties under law, abused their discretion, failed to proceed in the manner required by law,
12 and decided the matters complained of without the support of substantial evidence. Accordingly,
13 the approval of the Project must be set aside, and a subsequent EIR required.

14 **SECOND CAUSE OF ACTION**

15 **(Declaratory Relief Against All Respondents/Defendants)**

16 54. Petitioner re-alleges and incorporates by reference the preceding paragraphs in their
17 entirety, as though fully set forth herein.

18 55. An actual controversy has arisen and now exists between the Petitioner/Plaintiff and
19 Respondents/Defendants relative to their respective rights and duties, in that the
20 Petitioner/Plaintiff contends that Respondents/Defendants violated CEQA when the Project was
21 adopted without proper CEQA review. Respondents/Defendants dispute these contentions that
22 they violated CEQA.

23 56. A judicial declaration is necessary and appropriate at this time.

24 57. Petitioner has no adequate or speedy remedy at law, other than that herein prayed by
25 which the rights of Petitioner may be determined.

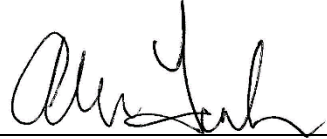
26 **PRAYER FOR RELIEF**

27 **WHEREFORE**, Petitioner/Plaintiff prays for judgment against Respondents/Defendants, and each
28 of them, jointly and severally, as follows:

- 1 1. For a writ, commanding Respondents/Defendants to set aside and vacate the
- 2 approval of the Project, and that Respondents/Defendants prepare a subsequent EIR in
- 3 accordance with CEQA requirements and the Court's decision before considering further
- 4 approval of the Project;
- 5 2. For the Court to retain jurisdiction over this matter until such time as
- 6 Respondents/Defendants have fully complied with their duties under the Court's Writ;
- 7 3. For a declaration that Respondents/Defendants violated CEQA in approving the
- 8 Project without a subsequent EIR and without considering certain environmental factors;
- 9 4. For an injunction directing Respondents/Defendants to refrain from issuing any
- 10 permits or approvals for the Project until Respondents/Defendants have fully complied with their
- 11 duties under the Court's Writ;
- 12 5. For such costs and attorneys' fees that Petitioner/Plaintiff may be entitled to under the
- 13 law, including, but not limited to, section 1021.5 of the California Code of Civil Procedure; and,
- 14 6. For additional relief as the Court may deem just and proper.

15
16 DATED: May 20, 2022

HANSON BRIDGETT LLP

17
18 By: 

19 ALENE TABER
20 JILLIAN AMES
21 Attorneys for Leona Valley Town Council

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing **VERIFIED PETITION AND COMPLAINT BY LEONA VALLEY TOWN COUNCIL FOR: (1) WRIT OF ADMINISTRATIVE MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF MANDATE; AND, (2) DECLARATORY RELIEF** and know its contents.

I, Michelle Flanagan am the Vice President of the Leona Valley Town Council, a California Nonprofit Corporation formed under the laws of the State of California, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

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

Executed on May 20, 2022, at Leona Valley, California.

<p>Michelle Flanagan</p> <hr/> <p>Print Name of Signatory</p>	<p>DocuSigned by: Michelle Flanagan</p> <hr/> <p>6028454BAF544B4... Signature</p>
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EXHIBIT A

From: Elaine T. Maestro
Sent: Thursday, May 19, 2022 4:12 PM
To: mbehen@cityofpalmdale.org; cityclerkdepartment@cityofpalmdale.org
Cc: Alene Taber; Jillian Ames
Subject: Notice of Intent to Commence a Lawsuit Challenging the City of Palmdale's Approval and Adoption of Conditional Use Permit 22-001, Planned Development 21-001, and Vesting Tentative Tract Maps 51604, 51606, 51607, 52093, and 52116

Attachments: 2022-05-19 Notice of Intent to Commence Lawsuit Challenging City of Palmdale's Approval and Adoption of the Project.pdf; 3bclean-control.bin

Tracking:

Recipient	Read
mbehen@cityofpalmdale.org	
cityclerkdepartment@cityofpalmdale.org	
Alene Taber	
Jillian Ames	Read: 5/19/2022 4:13 PM

Dear Mr. Behen and City Clerk,

On behalf of Ms. Taber, attached please find her letter of today's date for your consideration regarding the above-referenced matter. Please contact Ms. Taber by email at ataber@hansonbridgett.com or by her direct dial (213) 839-7708 should you have any questions.

Very truly yours,

Elaine T. Maestro

Assistant to

Alene M. Taber, Esq.

Hanson Bridgett LLP

(925) 746-8488 Direct

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EMaestro@hansonbridgett.com



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The foregoing applies even if this notice is embedded in a message that is forwarded or attached.

ALENE M. TABER
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DIRECT FAX (213) 839-7733
E-MAIL ataber@hansonbridgett.com



May 19, 2022

Michael Behen
Deputy City Manager
City of Palmdale
38300 Sierra Highway
Palmdale, CA 93550
(661) 267-5337
mbehen@cityofpalmdale.org

Office of City Clerk
38300 Sierra Highway
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Palmdale, CA 93550
(661) 267-5151
cityclerkdepartment@cityofpalmdale.org

Subject: Notice of Intent to Commence a Lawsuit Challenging the City of Palmdale's Approval and Adoption of Conditional Use Permit 22-001, Planned Development 21-001, and Vesting Tentative Tract Maps 51604, 51605, 51606, 51607, 52093, and 52116 (collectively, the "Project") for Failure to Certify a Subsequent Environmental Impact Report ("EIR")

Dear Mr. Behen and City Clerk:

You are hereby advised that Leona Valley Town Council ("LVTC") intends to file a lawsuit in Los Angeles County Superior Court challenging the City of Palmdale's ("City") approval and adoption of the above referenced Project for failure to certify a subsequent EIR. LVTC challenges the action on the ground that, among other things, the City failed to consider the Project's adverse or potentially adverse effects on the surrounding environment as required under the California Environmental Quality Act ("CEQA") and instead relied upon an outdated Final Environmental Impact Report ("FEIR"). Among other things, substantial evidence shows major revisions are necessary to EIR 90-4 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; that substantial changes have occurred with respect to the circumstances under which the project is undertaken, which will require major revisions to said EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects; and that there is new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete. Accordingly, the City failed to comply with CEQA.

Mr. Behen and City Clerk
May 19, 2022
Page 2

This notice is given pursuant to Public Resources Code section 21167.5. Pursuant to Public Resources Code section 21167.8, LVTC is requesting that a settlement conference be scheduled by the County within 20 days after the petition is served. LVTC is amenable to meeting with the City to discuss modifications to the Project that would address LVTC's concerns with the Project and the significant impacts it will potentially create.

To schedule a settlement conference, please contact me at (415) 995-7708 or via email at ATaber@hansonbridgett.com.

Very truly yours,

A handwritten signature in blue ink that reads "Alene Taber". The signature is written in a cursive, flowing style.

Alene M. Taber
Counsel

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

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 Contra Costa, State of California. My business address is 1676 N. California Blvd., Suite 620, Walnut Creek, CA 94596.

On May 19, 2022, I served true copies of the following document(s) described as

Notice of Intent to Commence a Lawsuit Challenging the City of Palmdale's Approval and Adoption of Conditional Use Permit 22-001, Planned Development 21-001, and Vesting Tentative Tract Maps 51604, 51605, 51606, 51607, 52093, and 52116 (collectively, the "Project") for Failure to Certify a Subsequent Environmental Impact Report


on the interested parties in this action as follows:

Michael Behen Deputy City Manager City of Palmdale 38300 Sierra Highway Palmdale, CA 93550 (661) 267-5337 mbehen@cityofpalmdale.org	Office of City Clerk 38300 Sierra Highway Suite C Palmdale, CA 93550 (661) 267-5151 cityclerkdepartment@cityofpalmdale.org
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address emaestro@hansonbridgett.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on May 19, 2022, at Concord, California.



Elaine T. Maestro