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 ATTORNEY FOR (Name): Sacramento Investment Without Displacement, Inc.

**FOR COURT USE ONLY**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**  
 STREET ADDRESS: 720 Ninth Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Sacramento, CA 95814  
 BRANCH NAME: Gordon D. Schaber Sacramento County Courthouse

CASE NAME:  
 Sacramento Investment Without Displacement v. Board of Regents of the University of California

<p><b>CIVIL CASE COVER SHEET</b></p> <p><input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)</p> <p><input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000)</p>	<p><b>Complex Case Designation</b></p> <p><input type="checkbox"/> Counter <input type="checkbox"/> Joinder</p> <p>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)</p>	<p>CASE NUMBER: _____</p> <p style="text-align: right;">By Fax</p> <p>JUDGE: _____</p> <p>DEPT.: _____</p>
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*Items 1–6 below must be completed (see instructions on page 2).*

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

<p><b>Auto Tort</b></p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p><b>Contract</b></p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input checked="" type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b></p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive


4. Number of causes of action (specify): One (1) Violation of CEQA

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 18, 2020

Patrick M. Soluri \_\_\_\_\_

  
 \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

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

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

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

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

## CASE TYPES AND EXAMPLES

**Auto Tort**

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

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

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

**Non-PI/PD/WD (Other) Tort**

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

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

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

**Real Property**

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

**Unlawful Detainer**

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

**Judicial Review**

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

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

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

**Enforcement of Judgment**

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

**Miscellaneous Civil Complaint**

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

**Miscellaneous Civil Petition**

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

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10 *Attorneys for Petitioner*  
11 *SACRAMENTO INVESTMENT WITHOUT*  
12 *DISPLACEMENT, INC.*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SACRAMENTO

15 **FILE BY FAX**

16 SACRAMENTO INVESTMENT WITHOUT  
17 DISPLACEMENT, INC.,

18 Petitioner,

19 v.

20 BOARD OF REGENTS OF THE  
21 UNIVERSITY OF CALIFORNIA; and DOES  
22 1 through 20, inclusive,

23 Respondents.

24 **CASE NO.**

25 **VERIFIED PETITION FOR WRIT OF  
26 MANDATE; ELECTION TO PREPARE  
27 THE ADMINISTRATIVE RECORD OF  
28 PROCEEDINGS**

(Code Civ. Proc., § 1085; Pub. Resources  
Code, §§ 21168, 21168.5)

1 **INTRODUCTION**

2 Petitioner SACRAMENTO INVESTMENT WITHOUT DISPLACEMENT, INC.  
3 (“SIWD” or “Petitioner”) petitions this Court for a writ of mandate directed to Respondent  
4 BOARD OF REGENTS OF THE UNIVERSITY OF CALIFORNIA (“UC” or “Respondent”),  
5 alleging as follows:

6 1. On November 19, 2020, the UC approved its UC Davis Sacramento Campus 2020  
7 Long Range Development Plan Update (“2020 LRDP”) and Aggie Square Phase 1 (collectively  
8 the “Project”). The UC also certified its UC Davis Sacramento Campus Long Range  
9 Development Plan Update and Final Supplemental Environmental Impact Report (“SEIR”) as its  
10 environmental review document for the Project pursuant to the California Environmental  
11 Quality Act (“CEQA”).

12 2. The Project would increase the current UC Davis Sacramento Campus population  
13 to 21,200 from an existing population of 13,500. This represents a population increase of 7,700  
14 while providing only 324 housing units for 411 on-campus residents. Thus, the vast majority of  
15 the Project’s population will need to find housing in the neighborhoods surrounding the Project  
16 or elsewhere.

17 3. According to the City of Sacramento (“City”) Market Study of Planning Areas and  
18 Community Plan area, the Broadway/Fruitridge community plan area’s population is over 87  
19 percent non-white and have a median income of only \$44,501 compared to the County median  
20 income of \$86,300. The types of potential impacts resulting from the Project will create a  
21 foreseeable disproportionate impact on protected classes in the surrounding neighborhoods.

22 4. While the Project could be an opportunity to benefit UC Davis, the City, and  
23 immediately surrounding neighborhoods alike, appropriate measures must be taken to ensure  
24 that existing residents of these surrounding communities equitably benefit from the planned  
25 improvements. Unless the deficiencies in the UC’s EIR are corrected, the UC’s actions will  
26 exacerbate existing housing inequities and drive displacement in some of Sacramento’s most  
27 historically underserved communities.

1           5.     The Sacramento Housing Alliance (“SHA”) describes the Project’s significant  
2 potential to displace nearby low-income residents, explaining in relevant part:

3           Much of the area around the UC Davis Sacramento Campus has been identified by  
4 UC Berkeley’s Urban Displacement Project as either already experiencing  
5 ongoing gentrification or at risk of doing so. According to [U.S. Census Bureau  
6 estimate data], the neighborhoods surrounding the Sacramento Campus  
7 experienced significant demographic change between 2008 and 2017: overall  
8 median household income increased almost 12% . . . the percentage of the  
9 population that is white and non-Hispanic/Latinx has increased . . . even as the  
percentage of the population that is white and non-Hispanic/Latinx in the city as a  
whole decreased. . . rents have increased, and the rental vacancy rate decreased . .  
making it even more difficult for lower income households to find affordable  
homes in the area. Without significant mitigation, the Aggie Square project stands  
to accelerate these trends . . . .

10           6.     The UC does not, however, mitigate the Project’s impact on displacement.  
11 Instead, the UC adopts a strained legal position that somehow displacement is outside the scope  
12 of issues that must be disclosed and mitigated under CEQA. Rather than take leadership by  
13 mitigating the impacts of its own Project, the UC instead seeks to slough off that duty to other  
14 entities such as the City.

15           7.     The UC takes this same approach with respect to other issues. For example,  
16 Caltrans requested that UC study the Project’s safety impacts at a U.S. 50 interchange, and the  
17 UC responded by asserting this was somehow Caltrans’ responsibility. Also, The City requested  
18 that the UC provide additional information to ensure safe linkages between City and UC  
19 transportation facilities, and further ensure necessary mitigation was adequately funded, but the  
20 UC refuses. Finally, the UC refuses to reduce, or even mitigate, its GHG emissions to the levels  
21 set forth in statewide policy, and instead purports to comply with an arbitrary “net zero”  
22 standard.

23           8.     While the Project is laudable, the SEIR fails to adequately analyze potentially  
24 significant environmental effects in several resource areas, fails to properly set forth and  
25 evaluate all feasible mitigation measures and Project alternatives, and fails to support its  
26 findings with substantial evidence. As such, the SEIR is fundamentally inadequate in its  
27 preparation and must be set aside. The UC can and must do better to disclose and mitigate the  
28 Project’s impacts.

1 **PARTIES**

2 9. Petitioner SACRAMENTO INVESTMENT WITHOUT DISPLACEMENT, INC.  
3 (“SIWD” or “Petitioner”) is a California domestic nonprofit organization. SIWD is a coalition of  
4 social justice advocates, equity-focused organizations, and community partners organized to  
5 support the health and stability of neighborhoods impacted by development and to create a  
6 united voice for local environmental concerns.

7 10. Respondent THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (“UC”  
8 or “Respondent”) is a public trust corporation and state agency established pursuant to the  
9 California Constitution vested with administering the University of California. The UC acted as  
10 the CEQA “lead agency” for the Project, its impacts, mitigation measures, and alternatives to  
11 lessen or avoid any significant environmental impacts.

12 11. The true names and capacities, whether individual, corporate, associate,  
13 governmental, co-conspirator, partner or alter-ego of those Respondents sued herein under the  
14 fictitious names of DOES 1 through 20, inclusive, are not known to Petitioner, who therefore  
15 sues those Respondents by such fictitious names. Petitioner will ask leave of Court to amend  
16 this Petition and insert the true names and capacities of these Respondents when the same have  
17 been ascertained. Petitioner is informed and believes and, on that basis, alleges, that  
18 Respondents designated herein as DOE Respondents are legally responsible in some manner for  
19 the events and happenings alleged in this Petition, and that Petitioner’s alleged injuries were  
20 proximately caused by said Respondents’ conduct.

21 **FACTUAL BACKGROUND**

22 **The Proposed Project and UC Approval Process**

23 12. The UC Davis Sacramento campus is located approximately 2.5 miles southeast of  
24 the State Capitol and 17 miles east of the UC Davis main campus in Davis, California. The UC  
25 Davis Sacramento campus consists of approximately 150 acres and houses UC Davis Health.

26 13. The relevant underlying UC actions at issue include approval of the 2020 LRDP  
27 and Aggie Square Phase I. UC long range development plans are like a city or county’s general  
28

1 plans in that they establish the land use patterns and relevant policies that guide campus  
2 development. The SEIR purports to provide programmatic review of the 2020 LRDP.

3 14. The Project would increase the current UC Davis Sacramento Campus population  
4 to 21,200 from an existing population of 13,500 with only 324 housing units proposed for an  
5 estimated 411 on campus residents. To accommodate the increased population and respond to  
6 evolving higher education needs at UC Davis, the 2020 LRDP purports to provide additional  
7 capacity for facility growth above the 2010 LRDP forecast of 6.57 million gsf to a new 2020  
8 LRDP forecast of 7.07 million gsf.

9 15. The UC also certified the SEIR as a project-level CEQA document for Aggie  
10 Square Phase I, which includes four new buildings, totaling more than 1.3 million square feet,  
11 along with improvements to the roughly 9.55-acre site. The four buildings comprise  
12 approximately 1,233,290 gross square feet (gsf) of building space and an additional 549,996 gsf  
13 of parking structure space. One of the buildings would be a 329,530 gsf office, classroom, and  
14 co-working space in a ten-story building called the Lifelong Learning Tower. An additional  
15 620,260 gsf would be used for science, technology, and engineering in two buildings that would  
16 be up to eight stories tall. The fourth building included in the Aggie Square Project is a 283,500  
17 gsf apartment building that would contain 324 multi-family apartment units, and expected to  
18 house 411 people.

19 16. A Notice of Preparation (“NOP”) for the SEIR was prepared and circulated on  
20 February 7, 2020, for public comment period that ended on March 10, 2020. Several  
21 organizations provided comments about the Project’s serious potential for displacement.

22 17. A Draft SEIR was subsequently prepared and circulated for public review and  
23 comment from July 31, 2020 to September 17, 2020. A public hearing was held on September  
24 3, 2020 to receive oral input from agencies and the public on the Draft SEIR. Approximately 20  
25 comment letters were received including seven from State and local agencies, and 11 from  
26 organizations or individuals. In addition, a public hearing on the Draft SEIR was held on  
27 September 2, 2020, and 16 members of the public provided oral comments.

1           18.    The UC approved the Project at its hearing on November 19, 2020, and filed its  
2 Notice of Determination (“NOD”) with the State Clearinghouse on November 20, 2020.

3 **Population, Housing and Displacement Impacts**

4           19.    The Project is located in direct proximity to Sacramento low-income  
5 neighborhoods. Accordingly, several organizations and public agencies commented in response  
6 to both the NOP and SEIR that the Project would likely result in displacement of local residents.

7 On this issue SACOG explained:

8                    “[A]s a large-scale investment in a historically disadvantaged neighborhood, it is  
9 important that we recognize the risk for existing businesses and residents. When  
10 there is an influx of new money and people in an area that had one been under-  
11 invested in, the incoming change can lead to major disruptions to people’s lives,  
12 most often in the form of pushing them out. Ensuring that existing neighborhood  
residents are engaged in a meaningful way and incorporating anti-displacement  
strategies is one way to promote equitable development and prevent  
displacement.”

13           20.    Several commenters stated that the SEIR did not adequately analyze and disclose  
14 displacement impacts, much less mitigate such impacts to the extent feasible as CEQA requires.

15           21.    The UC acknowledged that the Project may result in displacement, stating in  
16 relevant part, “[I]t is reasonably foreseeable that an indirect effect of the 2020 LRDP Update  
17 could be some level of displacement of existing low-income residents as a result of new  
18 investment to meet the demands of employees at the expanded project facilities.” This  
19 important concession requires the UC to study the issue. (*Protect the Historic Amador*  
20 *Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (“[I]n preparing an  
21 EIR, the agency must consider and resolve every fair argument that can be made about the  
22 possible significant environmental effects of a project”).)

23           22.    While conceding that the Project may reasonably result in displacement, the UC  
24 refused to analyze the Project’s impact in the SEIR by claiming the Project’s displacement  
25 effects were “indirect” and therefore purely “social and economic effects” that are outside the  
26 scope of CEQA. The UC’s legal arguments are incorrect, and do not excuse the SEIR’s failure  
27 to analyze and disclose displacement impacts.



1           23.    The issue of displacement is squarely within the scope of CEQA. Appendix G to  
2 the CEQA Guidelines asks whether a project would “[d]isplace substantial numbers of existing  
3 people or housing, necessitating the construction of replacement housing elsewhere?”

4           24.    CEQA Guidelines Appendix G does not distinguish between “direct” and  
5 “indirect” displacement. Indeed, CEQA provides that both “direct” and “indirect” impacts must  
6 be analyzed. (CEQA Guidelines, § 15358.)

7           25.    To the extent displacement is somehow considered a “social or economic effect”  
8 despite it being expressly included in CEQA Guidelines Appendix G, such issues must  
9 nevertheless be analyzed to the extent they cause physical changes in the environment. (CEQA  
10 Guidelines, § 15131.) Further, social and economic effects are relevant to determine the  
11 significance of a project’s physical changes to the environment. (*Ibid.*)

12           26.    Displacement is a population and housing impact that is within the scope of  
13 CEQA. It also leads to growth inducement as well as increases in VMT and GHG emissions,  
14 which are also within the scope of CEQA. Finally, growth inducement is relevant to determine  
15 the significance of impacts to growth inducement, VMT and GHG. Accordingly, the SEIR must  
16 analyze and disclose the Project’s displacement impacts.

17 **Other Project Impacts**

18           27.    The SEIR’s defects are not limited to its failure to analyze and mitigate for  
19 displacement or impacts resulting from and related to displacement.

20           28.    Effective July 1, 2020, degradation in level of service (“LOS”) is no longer  
21 considered a significant impact under CEQA. Instead, vehicle miles traveled (“VMT”) is one  
22 measure to assess transportation impacts along with other considerations such as safety and  
23 impacts to transit, pedestrian and bicycle facilities.

24           29.    In order to provide guidance to public agencies on the recent change from LOS-  
25 based analysis to VMT-based analysis, the Governor’s Office of Planning and Research  
26 (“OPR”) released a Technical Advisory on Evaluating Transportation Impacts under CEQA  
27 (“Technical Advisory”), which “contains technical recommendations regarding assessment of  
28

1 VMT, thresholds of significance, and mitigation measures.” The Technical Advisory is neither a  
2 regulation nor a part of the CEQA Guidelines.

3 30. The Technical Advisory directly links VMT and GHG, stating in relevant part:

4 VMT and Greenhouse Gas Emissions Reduction. Senate Bill 32 (Pavley, 2016)  
5 requires California to reduce greenhouse gas (GHG) emissions 40 percent below  
6 1990 levels by 2030, and Executive Order B-16-12 provides a target of 80 percent  
7 below 1990 emissions levels for the transportation sector by 2050. . . The  
8 California Air Resources Board (CARB) has provided a path forward for  
9 achieving these emissions reductions from the transportation sector in its 2016  
10 Mobile Source Strategy. CARB determined that it will not be possible to achieve  
11 the State’s 2030 and post-2030 emissions goals without reducing VMT growth.

9 31. Consistent with the need to reduce VMT in order to achieve state policy to reduce  
10 GHG emissions, the Technical Advisory recommends a numeric significance threshold of 15  
11 percent reduction in VMT from baseline conditions: “In summary, achieving 15 percent lower  
12 per capita (residential) or per employee (office) VMT than existing development is both  
13 generally achievable and is supported by evidence that connects this level of reduction to the  
14 State’s emissions goals.”

15 32. The SEIR purports to analyze the Project’s impacts based on VMT. The SEIR  
16 found, “The overall growth in VMT under the 2020 LRDP Update is projected to outpace  
17 campus population, leading to an increase in daily per capita VMT,” and further, “The 2020  
18 LRDP Update would generate additional VMT compared to existing conditions.”

19 33. Despite acknowledging that the Project would increase VMT, the SEIR  
20 nevertheless finds the impact is less than significant – and thereby proposes no mitigation for  
21 VMT impacts – because the Project would be located in an area designated as “low VMT” as  
22 mapped by SACOG.

23 34. Even if the Technical Advisory’s screening threshold for “residential and office  
24 projects” constitutes a CEQA significance standard that is relevant to the Project, compliance  
25 with that standard would not excuse the UC’s attempt to end the analysis since “[c]ompliance  
26 with the threshold does not relieve a lead agency of the obligation to consider substantial  
27 evidence indicating that the project’s environmental effects may still be significant.” (CEQA  
28 Guidelines, § 15064, subd. (b)(2); see also *East Sacramento Partnership for a Livable City v.*

1 *City of Sacramento* (2016) 5 Cal.App.5th 281, 300.) The SEIR’s own analysis constitutes  
2 substantial evidence that the Project’s impact on VMT is significant despite purported  
3 compliance with the Technical Advisory’s screening threshold for “residential and office  
4 projects.”

5 35. The SEIR engaged in similar sleight of hand with respect to GHG emissions.  
6 With respect to one of the two significance standards for GHG emissions, the SEIR explains,  
7 “Given the seriousness of climate change and the regional significance of the Sacramento  
8 Campus, UC Davis has determined that for purposes of this analysis, any increase in GHG  
9 emissions above existing conditions (net zero) would result in a significant impact on the  
10 environment.” (Emphasis added.)

11 36. The SEIR’s seemingly-laudable “net zero” significance standard stands in stark  
12 contrast with, and is arbitrary in relation to, California statewide policy of reducing state-wide  
13 greenhouse gas emissions to 1990 levels by the year 2020 (Health and Safety Code § 38550), 40  
14 percent below 1990 levels by the 2030 (Health and Safety Code § 38566), 80 percent below  
15 1990 levels by 2050 (Executive Order S-3-05). (*Cleveland National Forest Foundation v. San*  
16 *Diego Assn. of Governments* (2017) 3 Cal.5th 497 [“These targets were based on a scientific  
17 consensus that climate change was largely caused by human activity resulting in elevated levels  
18 of carbon dioxide and other heat-trapping gases in the atmosphere and that drastic reductions in  
19 greenhouse gas emissions were required to stabilize the climate”].)

20 37. The need to significantly reduce GHG emissions against baseline conditions is  
21 well understood by the UC. The Draft SEIR acknowledges that “attainment of the state’s long-  
22 term climate change goal of carbon neutrality (EO B-55-10) will require deep emissions  
23 reductions across all sectors.”

24 38. While recognizing the need for “deep emissions reductions across all sectors,” the  
25 UC is arbitrarily assigning for itself a significantly less ambitious standard than required “across  
26 all sectors.” This arbitrary significance standard further results in considerably less mitigation  
27 for GHG emissions.

1           39.     The prejudice to informed decision-making resulting from the SEIR’s arbitrary  
2 significance standard is exacerbated by its unsupported assumption of GHG reductions through  
3 compliance with the “University’s Carbon Neutrality Initiative” as well as reliance on vague,  
4 unenforceable and impermissibly-deferred GHG mitigation measures.

5           40.     The SEIR does not represent a good faith effort by the UC to analyze and disclose  
6 the Project’s GHG impacts, much less mitigate those impacts consistent with state GHG policy  
7 to the extent feasible.

8           41.     Closely related to GHG emissions is CEQA’s requirement to analyze a project’s  
9 use of energy. The CEQA Guidelines require:

10           If analysis of the project's energy use reveals that the project may result in significant  
11 environmental effects due to wasteful, inefficient, or unnecessary use of energy, or  
12 wasteful use of energy resources, the EIR shall mitigate that energy use. This analysis  
13 should include the project's energy use for all project phases and components, including  
14 transportation-related energy, during construction and operation. In addition to building  
code compliance, other relevant considerations may include, among others, the project's  
size, location, orientation, equipment use and any renewable energy features that could be  
incorporated into the project.

15 (CEQA Guidelines, § 15126.2, subd. (b).)

16           42.     Contrary to state policy, the SEIR reveals that the Project would result in increased  
17 electricity consumption by nearly four-fold, increased onsite gasoline consumption by more than  
18 20 percent, and increased natural gas and diesel consumption by more than 10 percent each  
19 against baseline conditions. The SEIR proposes no significant infrastructure to increase onsite  
20 generation of renewable energy to offset these significant demand increases. Instead, the SEIR  
21 doubles-down on its reliance on vague and unsubstantiated mitigation measures – once again,  
22 measured against an arbitrary standard that is inconsistent with state policy – to conclude that  
23 the impact less than significant.

24           43.     With respect to energy use associated with increased VMT emissions in particular,  
25 the SEIR repeats its position that the Project would be located in “a low VMT-generating area of  
26 the Sacramento region.” That a Project is located in a low-VMT area is not mitigation for a  
27 Project’s incremental energy use associated with its VMT – particularly when the Project will  
28

1 admittedly increase its per-capita VMT in relation to existing conditions. The UC’s legal  
2 position is contrary to state policy: locating a project in a “low-VMT area” is not a license to  
3 increase VMT with impunity and further avoid the consequence associated with that increase in  
4 energy consumption. Further, the UC’s attempt to rely on internal trip capture to “reduce  
5 transportation energy” is devoid of any quantification or meaningful analysis.

6 44. With respect to transportation impacts, Caltrans commented that the Project could  
7 negatively impact safety at the U.S. 50 interchange ramps at Stockton Boulevard, and requested  
8 that the UC analyze this impact. The UC refused, and even stated that “Caltrans is responsible  
9 for performing this safety analysis” for the Project.

10 45. The City of Sacramento raised similar concerns about the need to ensure safe  
11 connections between the Project and City transportation facilities. The City asked the UC to  
12 “identify funding for required improvements, including potentially contributing to any  
13 improvements assumed to be constructed by the City, that were the basis for determining project  
14 automobile/bicycle conflicts are Less Than Significant.” The UC refused.

15 46. The City also identified with specificity the “proposed extension of 3rd Avenue  
16 easterly from Stockton Boulevard onto the Stockton Campus,” commenting that, “[A]t  
17 minimum, peak hour traffic volume forecasts and signal warrant information needs to be  
18 provided to determine the appropriate traffic control device required to address the operations  
19 and safety at this intersection.” The UC refused to disclose this information to the public in the  
20 SEIR, stating, “The comment does not allege that the projects will result in unsafe conditions  
21 during peak hour but alleges that it must be studied. CEQA does not require a Lead Agency to  
22 conduct every recommended test and perform all recommended research to evaluate the impacts  
23 of a project.”

24 47. Similar deflection and obfuscation occurred in other resource areas. For example,  
25 the Sacramento Metropolitan Air Quality Management District (“SMAQMD”) commented that  
26 the Draft SEIR did not adequately follow SMAQMD guidance for assessing impacts to criteria  
27 pollutants, did not adequately quantify the Project’s GHG emissions for purposes of assessing  
28

1 GHG impacts, and did not ensure that its GHG mitigation measures were sufficiently  
2 enforceable.

3 48. The SMAQMD also shared other commenters' concerns regarding the SEIR's  
4 reliance on SACOG screening maps to conclude in cursory fashion that the Project's impact on  
5 VMT would be less than significant despite actually increasing VMT, observing, "To fully  
6 justify use of these maps to call the project VMT impact less than significant, the SEIR should  
7 provide specific and enforceable mitigation measures to ensure its consistency with this low-  
8 VMT area. We recommend using Sac Metro Air District's Recommended Guidance for Land  
9 Use Emission Reductions v.4.2 (Guidance v4.2) to accomplish this." The UC disregarded this  
10 request.

11 49. The UC's refusal to fully comply with Guidance v4.2 is understood in the context  
12 of the SMAQMD's later comment, which states "Please note that 'Integrate Below Market Rate  
13 Housing' is a quantified mitigation measure in Sac Metro Air District's Guidance v4.2" Once  
14 again, and consistent with the UC's steadfast refusal to meaningfully address displacement and  
15 housing impacts, the UC summarily disregarded this suggested VMT mitigation strategy by  
16 asserting, "Below market housing is not currently included in the 2020 LRDP Update."

17 **JURISDICTION AND VENUE**

18 50. This Court has jurisdiction over the matters alleged in this Petition pursuant to  
19 Code of Civil Procedure section 1085 and Public Resources Code sections 21168 and 21168.5.

20 51. Venue is proper in Sacramento Superior Court because the UC is a public officer  
21 within the meaning of Code of Civil Procedure sections 393, subdivision (b), and the cause of  
22 action arose entirely in Sacramento. (*Regents of University of California v. Superior Court*  
23 (1970) 3 Cal.3d 529, 534-543.)

24 52. This Petition is timely filed in accordance with Public Resources Code section  
25 21167, subdivision (b) as the UC filed its notice of determination for the Project on November  
26 20, 2020.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 53. Petitioner has exhausted administrative remedies to the extent required by law.  
3 Petitioner has performed all conditions precedent to this filing and participated in the  
4 administrative process. Petitioner actively participated in the administrative process leading up  
5 to the UC's approval of the Project and issuance of a notice of determination, and stated its  
6 objections to the UC's actions. (Pub. Resources Code, § 21177, subd. (b).)

7 54. The UC has taken final agency actions with respect to certifying the SEIR and  
8 approving the Project. The UC has a mandatory duty to comply with all state and federal laws,  
9 including but not limited to CEQA, prior to undertaking the discretionary actions at issue in this  
10 lawsuit.

11 **STANDING**

12 55. Petitioner has standing to assert the claims alleged in this Petition because it is  
13 beneficially interested in this matter, as required by Code of Civil Procedure section 1086.  
14 Petitioner is a non-profit organization comprised of social justice advocates, equity-focused  
15 organizations and community partners and dedicated to support the health and stability of  
16 neighborhoods impacted by of large development projects in Sacramento and to create a united  
17 voice for local environmental concerns. Also, many of Petitioner's coalition members reside in  
18 Sacramento. The growth of the UC Davis Sacramento campus pursuant to the 2020 LRDP will  
19 have direct impacts on Petitioner and its members. Petitioner's interests have been, are being,  
20 and will continue to be adversely affected by the UC's failure to comply with applicable laws,  
21 and by the Project's negative impacts to resources including but not limited to available housing,  
22 transportation and public services. Unless the relief requested herein is granted, Petitioner, its  
23 members and the environment will be adversely affected and injured by the UC's failure to  
24 comply with CEQA in approving the project and certifying the SEIR.

25 56. Petitioner also actively participated in the administrative process conducted by the  
26 UC to determine the project's environmental impacts and to ensure the UC complied with  
27 CEQA and all other applicable laws in processing the application for the project.

1 **IRREPARABLE HARM**

2 57. The UC’s failures, set forth in this Petition, constitute a prejudicial abuse of  
3 discretion within the meaning of the Code of Civil Procedure and CEQA. (See Code Civ. Proc.,  
4 § 1085; Pub. Resources Code, §§ 21168, 21168.5.)

5 58. Petitioner possesses no other remedy than to challenge the UC’s abuse of  
6 discretion other than by means of this lawsuit. If the UC’s actions concerning the project are  
7 effectuated, Petitioner and the environment will be irreparably harmed. No money damages  
8 could adequately compensate for that harm.

9 **PRIVATE ATTORNEY GENERAL DOCTRINE**

10 59. Petitioner brings this action as a private attorney general pursuant to Code of Civil  
11 Procedure section 1021.5, and any other applicable legal theory, to enforce important rights  
12 affecting the public interest.

13 60. Issuance of the relief requested in this Petition will confer a significant benefit on  
14 the general public by requiring the UC to carry out its duties under CEQA before approving the  
15 project.

16 61. Issuance of the relief requested in this Petition will also result in the enforcement  
17 of important rights affecting the public interest by compelling the UC to engage in a fair,  
18 objective, and legally adequate analysis of the project’s environmental impacts, and to ensure  
19 that the public has a meaningful opportunity to review and comment on these impacts and  
20 mitigation measures for that project.

21 62. The necessity and financial burden of enforcement are such as to make an award  
22 of attorney’s fees appropriate in this case. Absent enforcement by the Petitioner, the UC will  
23 proceed with a project that will cause significant, unmitigated environmental impacts that might  
24 otherwise have been reduced or avoided through legally adequate environmental review and the  
25 adoption of feasible mitigation measures.



1 **NOTICE OF CEQA SUIT**

2 63. On December 18, 2020, the Petitioner served a notice of Petitioner’s intent to file  
3 this lawsuit, pursuant to Public Resources Code section 21167.5. (See Exhibit A, Notice of  
4 Commencement of Action against the Board of Regents of the University of California.)

5 **ELECTION TO PREPARE ADMINISTRATIVE RECORD**

6 64. Pursuant to Public Resources Code, section 21167.6, subdivision (b)(2), the  
7 Petitioner elects to prepare the record of proceedings in this action.

8 **FIRST CAUSE OF ACTION**

9 **Violations of CEQA  
(Pub. Resources Code, § 21000 et seq.)**

10 65. Petitioner incorporates by reference each and every allegation contained in  
11 Paragraphs 1 through 65 as though fully set forth herein.

12 66. The UC prejudicially abused its discretion in certifying the SEIR. The UC did not  
13 proceed in the manner required by law and its decisions in approving the project and certifying  
14 the SEIR are not supported by substantial evidence. (Pub. Resources Code, § 21168.5; *Vineyard*  
15 *Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426.)  
16 These legal deficiencies include, without limitation, the following:

17 **Failure to Adequately Analyze Significant Environmental Impacts**

18 67. CEQA requires that an EIR describe the proposed project’s significant  
19 environmental effects. Each must be revealed and fully analyzed in the EIR. (Pub. Resources  
20 Code, § 21100, subd. (b), CEQA Guidelines, § 15126.2, subd. (a).) “[T]he adequacy of an EIR’s  
21 discussion of environmental impacts is an issue distinct from the extent to which the agency is  
22 correct in its determination whether the impacts are significant.” (*Sierra Club v. County of*  
23 *Fresno* (2018) 6 Cal.5th 502, 514; *Cleveland National Forest Foundation v. San Diego Assn. of*  
24 *Governments* (2017) 3 Cal.5th 497, 514–515; *see also Berkeley Keep Jets Over the Bay Com. v.*  
25 *Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1371.) “[W]hether a description of an  
26 environmental impact is insufficient because it lacks analysis or omits the magnitude of the  
27 impact is not a substantial evidence question. A conclusory discussion of an environmental  
28 impact that an EIR deems significant can be determined by a court to be inadequate as an

1 informational document without reference to substantial evidence.” (*Sierra Club, supra*, 6  
2 Cal.5th at 514.) To “comport with its intended function” an EIR must include “detail sufficient  
3 to enable those who did not participate in its preparation to understand and to consider  
4 meaningfully the issues raised by the proposed project.” (*Ibid.* [internal quotations omitted].)  
5 “Whether or not the alleged inadequacy is the complete omission of a required discussion or a  
6 patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must  
7 decide whether the EIR serves its purpose as an informational document.” (*Ibid.*)

8 68. Here the SEIR fails to adequately disclose, analyze, mitigate, and avoid potentially  
9 significant impacts, including, but not limited to:

- 10 a. Population and housing, including displacement;
- 11 b. Growth inducement;
- 12 c. Greenhouse gas (“GHG”) emissions;
- 13 d. Energy consumption;
- 14 e. Air emissions;
- 15 f. Transportation;
- 16 g. and land use.

17 **Failure to Adequately Analyze the Project’s Cumulative Impacts**

18 69. An EIR must discuss a cumulative impact if the project’s incremental effect  
19 combined with the effects of other projects is cumulatively considerable. (CEQA Guidelines, §  
20 15130, subdivision (a).) In performing cumulative impact analysis, the lead agency must analyze  
21 the project’s incremental effects in connection with the effects of past projects, other current  
22 projects, and probable future projects. (CEQA Guidelines, § 15065, subd. (a)(3).) An EIR must  
23 make a reasonable, good faith effort to disclose cumulative impacts. (*Citizens for Open Gov’t v.*  
24 *City of Lodi* (212) 205 Cal.App.4th 296, 320.)

25 70. Here, the EIR fails to adequately disclose, analyze, mitigate and avoid potentially  
26 significant cumulative impacts including, but not limited to:

- 27 a. Population and housing, including displacement;
- 28 b. Growth inducement;

- c. GHG emissions;
- d. Energy consumption;
- e. Air emissions;
- f. Transportation;
- g. and land use.

### **Mitigation Measures are Unenforceable, Vague, and Inadequate**

71. “An EIR shall describe feasible measures which could minimize significant adverse impacts.” (CEQA Guidelines § 15126.4(a)(1).) An agency may not approve a project that will have significant environmental impacts if there are feasible mitigation measures that would substantially lessen those effects. (Pub. Resources Code, §§ 21002; Cal. Code Regs., tit. 14, §§ 15002, subd. (a)(3), 15021, subd. (a)(2).)

72. An agency must provide that mitigation measures are fully enforceable through permit conditions, agreements, or other measures. (Pub. Resources Code, § 21081.6, subd. (b).)

73. The efficacy of a mitigation measure in remedying the identified environmental problem must be apparent in the EIR. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168; *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 95; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116; *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 433.) An EIR must contain facts and analysis disclosing the analytical route the agency traveled from evidence to action, not just the agency's bare conclusions and opinions. (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118.) An EIR must then describe mitigation measures and explain why they will work. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 203.)

74. Here, the SEIR fails to include adequate facts and analysis for mitigation measure relied upon to reduce the Project's significant impacts.

75. Mitigation measures are also incorporated into the Project description. An EIR cannot incorporate proposed mitigation measures into its project description as a means to then conclude that potential impacts would be less than significant. (*Lotus v. Department of*

1 *Transportation* (2014) 223 Cal.App.4th 645,655-656.) Doing so prevents an accurate  
2 determination of a measure's effectiveness. (*Ibid.*)

3 76. Mitigation measures in the EIR are unenforceable, impermissibly vague,  
4 inadequate and impermissibly deferred. This includes, but is not limited to, mitigation measures  
5 for:

- 6 a. Population and housing, including displacement;
- 7 b. Transportation;
- 8 c. Air emissions;
- 9 d. GHG emissions;
- 10 e. Energy usage;
- 11 f. and cumulative impacts.

12 **Findings Not Supported by Substantial Evidence**

13 77. The UC's statement of overriding considerations is not supported by substantial  
14 evidence because air quality and transportation impacts that are identified as significant and  
15 unavoidable may, in fact, be reduced to less than significant through adoption of mitigation  
16 measures proposed by public commenters.

17 78. Accordingly, Petitioner prays for the relief requested below.

18 **PRAYER**

19 WHEREFORE, Petitioner prays for judgment and relief as hereinafter set forth:

- 20 1. That the Court issue a peremptory writ of mandate directing the UC to:
  - 21 a. Vacate and set aside all approvals associated with the 2020 LRDP and  
22 Aggie Square Phase I;
  - 23 b. Comply with CEQA by preparing legally adequate environmental  
24 documentation under CEQA for the 2020 LRDP and Aggie Square Phase I; and
  - 25 c. Suspend all necessary steps and all activity in furtherance of the 2020  
26 LRDP and Aggie Square Phase I Project until the UC takes all necessary steps to bring its  
27 actions into compliance with CEQA;

1           2.     That the Court issue a stay, temporary restraining order, a preliminary and/or  
2 permanent injunction barring the UC, and all persons working on its behalf, from proceeding  
3 with any activity that may result in any physical change in the environment pending completion  
4 of this litigation and full compliance with CEQA;


5           3.     That Petitioner be awarded costs of this proceeding;

6           4.     That Petitioner be awarded reasonable attorney's fees for this action pursuant to  
7 Code of Civil Procedure section 1021.5, and any other applicable provisions of law; and

8           5.     That Petitioner be awarded such other and further relief as the Court deems just  
9 and proper.

10 Dated: December 21, 2020

SOLURI MESERVE  
A LAW CORPORATION

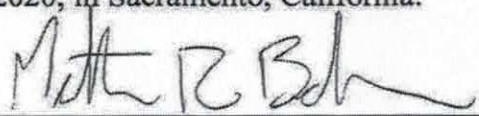
11  
12  
13 By:   
14 Patrick M. Soluri  
15 Attorneys for Petitioner  
16 Sacramento Investment Without Displacement,  
17 Inc.  
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1 VERIFICATION

2 I, Matthew Baker, am a board member of Petitioner Sacramento Investment Without  
3 Displacement, Inc. I have read the foregoing Verified Petition for Writ of Mandate and know  
4 the contents thereof. The same is true of my own knowledge, except as to those matters that are  
5 alleged on information and belief, and as to those matters, I believe them to be true.

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

8 Executed this 21st day of December, 2020, in Sacramento, California.

9   
10 \_\_\_\_\_  
11 Matthew Baker

# **EXHIBIT A**



tel: 916.455.7300 · fax: 916.244.7300  
510 8th Street · Sacramento, CA 95814

December 18, 2020

Office of the Secretary and Chief of Staff to the Regents  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607  
Email: [regentsoffice@ucop.edu](mailto:regentsoffice@ucop.edu)

**RE: Notice of Commencement of Action Against the Board of Regents of the University of California**

To The Board of Regents of the University of California:

Please take notice, under Public Resources Code section 21167.5, that Petitioner Sacramento Investment Without Displacement intends to file a Verified Petition for Writ of Mandate (the “Petition”) under the provisions of the California Environmental Quality Act, Public Resources Code section 21000 et seq. (“CEQA”), against the Board of Regents of the University of California (“UC”). The Petition challenges the UC Davis Final Supplemental Environmental Impact Report (“SEIR”) for the UC Davis Sacramento Campus 2020 Long Range Development Plan Update (“2020 LRDP”) and Aggie Square Phase 1 (collectively the “Project”). The lawsuit will be based on violations of CEQA and other claims, as discussed more fully in the Project’s administrative and environmental review proceedings. The exact nature of the allegations and relief sought is described in the Petition that Petitioner plans to file as early as December 21, 2020.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:   
Patrick M. Soluri

PS/wra

cc: Anagha Clifford ([Anagha.clifford@ucop.edu](mailto:Anagha.clifford@ucop.edu)) (via email only):

Attachment: Proof of Service



## **PROOF OF SERVICE**

I hereby declare that I am employed in the City of Sacramento, County of Sacramento, California. I am over the age of 18 years and not a party to the action. My business address is 510 8th Street, Sacramento, California 95814.

On December 18, 2021, I served the attached document:

### **NOTICE TO BOARD OF REGENTS OF THE UNIVERSITY OF CALIFORNIA RE COMMENCEMENT OF ACTION**

on the following parties or attorneys for parties, as shown below:

Office of the Secretary and Chief of Staff to the Regents  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607  
Email: regentsoffice@ucop.edu

Service was caused as follows:

✓ **BY FIRST-CLASS MAIL:** I am readily familiar with this business's practice for collecting and processing correspondence for mailing with the U.S. Postal Service. In the ordinary course of business, correspondence would be deposited with the U.S. Postal Service on the day on which it is collected. On the date written above, following ordinary business practices, I placed for collection and mailing at my place of business the attached document in a sealed envelope, with postage fully prepaid, addressed as shown above.

✓ **VIA ELECTRONIC MAIL:** I caused such document to be sent by electronic mail to the addressee at the email addresse listed above. The document was served electronically from my place of business at 510 8th Street, California 95814 from my electronic service address at wona@semlawyers.com.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California on December 18, 2020.

*s/ Wona Rosier-Arauz*  
\_\_\_\_\_  
Wona Rosier-Arauz