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By [Signature]
DEPUTY

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

10 SAVE BERKELEY'S NEIGHBORHOODS, a
11 California nonprofit public benefit corporation;
12 Plaintiff,
13 vs.

14 THE REGENTS OF THE UNIVERSITY OF
15 CALIFORNIA; JANET NAPOLITANO, in her
16 capacity as President of the University of
17 California; CAROL T. CHRIST, in her capacity as
18 Chancellor of the University of California,
19 Berkeley; and DOES 1 through 20,
20 Respondents.

Case No. [Signature] 19022887

PETITION FOR WRIT OF MANDATE

**[CALIFORNIA ENVIRONMENTAL
QUALITY ACT]**

1 Plaintiff Save Berkeley's Neighborhoods alleges:

2 1. On or about May 16, 2019, Respondent Regents of the University of California approved the Upper
3 Hearst Development Plan for Goldman School of Public Policy (GSPP) and Minor Amendment to the 2020
4 Long Range Development Plan (2020 LRDP) (Project) and certified a Final Supplemental Environmental
5 Impact Report (FSEIR) for the Project.

6 2. This action challenges Respondents' approval of the Project on grounds the approval violates the
7 California Environmental Quality Act (CEQA).

8 3. Education Code section 67504 provides that "The Legislature further finds and declares that the
9 expansion of campus enrollment and facilities may negatively affect the surrounding environment.
10 Consistent with the requirements of the California Environmental Quality Act (CEQA), it is the intent of
11 the Legislature that the University of California sufficiently mitigate significant off-campus impacts related
12 to campus growth and development."

13 4. Public Resources Code section 21080.09, subdivision (b) requires that "Environmental effects
14 relating to changes in enrollment levels shall be considered for each campus or medical center of public
15 higher education in the environmental impact report prepared for the long range development plan for the
16 campus or medical center." Public Resources Code section 21080.09, subdivision (d) requires that
17 Respondents and the University of California, Berkeley "consider the environmental impact of academic
18 and enrollment plans" pursuant to CEQA and "that any such plans shall become effective for a campus ...
19 only after the environmental effects of those plans have been analyzed" as required by CEQA.

19 **Parties**

20 5. Plaintiff SAVE BERKELEY'S NEIGHBORHOODS (Plaintiff) is a California nonprofit public
21 benefit corporation formed to provide education and advocacy to improve quality of life, protect the
22 environment and implement best planning practices. Plaintiff's founders, members, and directors live in
23 the area affected by the Project's environmental effects, and will suffer injury from adverse environmental
24 impacts caused by this Project if the legal violations alleged herein are not remedied. Plaintiff was formed
25 and brings this action to represent and advocate the beneficial interests of its founders, members, and
26 directors in obtaining relief from these legal violations and to improve quality of life, protect the
27 environment and implement best planning practices in connection with UC Berkeley's increases in student
28 enrollment and expansion of infrastructure.

6. Respondent THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (hereinafter "Regents")

1 is a public trust corporation and state agency established pursuant to the California Constitution vested with
2 administering the University of California including the management and disposition of property of the
3 University and the lead agency for the 2020 LRDP under CEQA, and is thus responsible for analyzing,
4 disclosing, and mitigating the environmental impacts of the 2020 LRDP and the excess increase in student
5 enrollment.

6 7. Respondent JANET NAPOLITANO is the President of the University of California and is named
7 herein solely in this capacity. Regents' Policy 8103 delegates to the President of the University the Regents'
8 authority for budget or design for capital projects consistent with approved Long Range Development Plans
9 and minor Long Range Development Plan amendments.

10 8. Respondent CAROL T. CHRIST is the Chancellor of the University of California, Berkeley, and
11 named herein solely in this capacity.

12 9. Respondents Regents, Janet Napolitano, and Carol T. Christ are hereinafter collectively referred to
13 as "Respondents."

14 10. Plaintiff does not know the true names and capacities of Respondents fictitiously named herein as
15 DOES 1 through 20, inclusive. Plaintiff is informed and believes, and thereon alleges, that such fictitiously
16 named Respondents are responsible in some manner for the acts or omissions complained of or pending
17 herein. Plaintiff will amend this Petition to allege the fictitiously named Respondents' true names and
18 capacities when ascertained.

18 Statute of Limitations

19 11. Respondents filed a Notice of Determination for the Project with the Governor's Office of Planning
20 and Research on May 17, 2019. Plaintiff filed this Petition within the thirty (30) day limitations period
21 provided in subdivision (c) of Public Resources Code section 21167(c).

22 Notice Requirements

23 12. In accordance with Public Resources Code section 21167.5, Plaintiff served Respondents with
24 written notice of commencement of this action on June 10, 2019. The Notice of Commencement of Action
25 and Proof of Service are attached hereto as Exhibit 1.

26 13. In accordance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388,
27 Plaintiff has provided a copy of this pleading to the Attorney General's office. (See Exhibit 2 attached
28 hereto.)

1 **Jurisdiction and Venue**

2 14. Plaintiff brings this action in mandamus pursuant to Code of Civil Procedure sections 1085, 1088.5,
3 and 1094.5, and Public Resources Code sections 21168 and 21168.5; and as a complaint for declaratory
4 relief pursuant to Code of Civil Procedure section 1060. The Court has jurisdiction over these claims.

5 15. Venue is proper in Alameda County under Code of Civil Procedure section 394, subdivision (a),
6 because UC and Respondents are situated therein.

7 **Standing**

8 16. Plaintiff and, to the extent applicable, its members are beneficially interested in Respondents' full
9 compliance with CEQA. Respondents owed a mandatory duty to comply with CEQA with respect to the
10 2020 LRDP and the excess increase in student enrollment. Plaintiff has the right to enforce the mandatory
11 duties that CEQA imposes on Respondents.

12 **Exhaustion of Administrative Remedies**

13 17. Respondents' approval of the Project is final and not subject to further administrative appeal
14 procedures.

15 18. In accord with Public Resources Code section 21177, subdivision (b), Plaintiff objected to
16 Respondents' approval of the Project orally or in writing during the public comment period or prior to the
17 close of the public hearing on the Project before the filing of any Project related Notice of Determination.

18 19. In accordance with Public Resources Code section 21177, subdivision (a), all alleged grounds for
19 non-compliance with CEQA that are alleged herein were presented to Respondents during the public
20 comment period for, or prior to the close of the public hearing on, the Project.

21 20. In the alternative, pursuant to Public Resources Code section 21177, subdivision (e), there was no
22 opportunity for members of the public to raise the grounds of noncompliance alleged in this Petition prior
23 to Respondents' approval of the Project.

24 **Private Attorney General Doctrine**

25 21. Plaintiff brings this action as a private attorney general pursuant to Code of Civil Procedure section
26 1021.5, and any other applicable legal theory, to enforce important rights affecting the public interest.

27 22. Issuance of the relief requested herein will confer a significant benefit on a large class of persons by
28 ensuring that Respondents complete adequate environmental review of the Project's environmental effects.

23 23. Issuance of the relief requested herein will result in the enforcement of important rights affecting the
24 public interest. By compelling Respondents to complete adequate environmental review of the Project's

