

MAY 19 2025

STATE CLEARINGHOUSE

BRIGGS LAW CORPORATION [FILE: 2224.01]
Cory J. Briggs (SBN 176284)
99 East "C" Street, Suite 203
Upland, CA 91786
Telephone: 909-949-7115

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

4/7/2025 7:05:50 PM

Attorneys for Plaintiff and Petitioner Save Del Cerro

Clerk of the Superior Court
By C. Martinez , Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – HALL OF JUSTICE

SAVE DEL CERRO,

Plaintiff and Petitioner,

vs.

CITY OF SAN DIEGO; and DOES 1 through 100,

Defendants and Respondents.

LIGHT ON A HILL, LLC; and DOES 101 through
1,000,

Defendants and Real Parties in Interest.

CASE NO. 25CU018462C

VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND
PETITION FOR WRIT OF MANDATE
UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND
OTHER LAWS

Plaintiff and Petitioner SAVE DEL CERRO ("Petitioner") alleges as follows:

Parties

1. Petitioner is a non-profit organization formed and operating under the laws of the State of California. At least one of Petitioner's members resides in or near the City of San Diego and has an interest in, among other things, ensuring compliance with environmental laws and protecting the region's environment and quality of life.

2. Defendant and Respondent CITY OF SAN DIEGO ("CITY") is a "public agency" under Section 21063 of the Public Resources Code. As a "public agency," CITY is required to comply with California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.* Petitioner is informed and believes and on that basis alleges that Defendant and Real Party in Interest

1 LIGHT ON A HILL, LLC, is a business of unknown form with some cognizable interest in the subject
2 matter of this lawsuit.

3 3. The true names and capacities of the Defendants/Respondents and Defendants/Real
4 Parties in Interest identified as DOES 1 through 1,000 are unknown to Petitioner, who will seek the
5 Court's permission to amend this pleading in order to allege the true names and capacities as soon as
6 they are ascertained. Petitioner is informed and believes and on that basis alleges that each of the
7 fictitiously named DOES 1 through 100 has jurisdiction by law over one or more aspects of the
8 proposed project that is the subject of this proceeding and DOES 101 through 1,000 has some other
9 cognizable interest in the subject matter of this lawsuit.

10 **Background Information**

11 4. On or about March 11, 2025, CITY's governing legislative body adopted those certain
12 Resolution nos. R-316107, R-316108, R-316109, R-316110, R-316111, and R-316112 for what is
13 commonly known as the All Peoples Church Project (collectively, the "Project").

14 5. Petitioner opposes the Project and challenges certain actions taken by
15 Defendants/Respondents, including but not limited to the adoption of the Resolutions and approval of
16 the Project and the associated environmental impact report (the "EIR"). In particular, Petitioner seeks
17 to invalidate the approvals with respect to the Project on the grounds, among others, that
18 Defendants/Respondents have violated CEQA, the Planning and Zoning Law ("PZL"), the San Diego
19 Municipal Code, and/or other laws.

20 **Notice Requirements and Time Limitations**

21 6. This lawsuit is being commenced not more than 30 days after the notice described in
22 Public Resources Code Section 21167(b)-(c) was filed with the county clerk (if such a notice was filed).

23 7. Petitioner has caused a Notice of Commencement of Action to be served on
24 Defendants/Respondents, as required by Public Resources Code Section 21167.5. A true and correct
25 copy of the Notice of Commencement of Action is attached to this pleading as Exhibit "A."

26 8. Petitioner will have caused a copy of this pleading to be served on the Attorney General
27 not more than 10 days after the commencement of this lawsuit, as required by Public Resources Code
28 Section 21167.7 and Code of Civil Procedure Section 388.

1 **Jurisdiction and Exhaustion of Administrative Remedies**

2 9. Petitioner seeks review by and relief from this Court under Public Resources Code
3 Sections 21168 and/or 21168.5, as applicable; and Code of Civil Procedure Sections 526a, 1060 *et seq.*,
4 and 1084 *et seq.*, among other provisions of law.

5 10. Petitioner exhausted administrative remedies to the extent required by law. Alternatively
6 and additionally, neither Public Resources Code Section 21177(a)-(b) nor any other exhaustion-of-
7 remedies requirement may be applied to Petitioner.

8 11. Defendants/Respondents' conduct in approving the Project without complying with
9 CEQA and other applicable laws constitutes a prejudicial abuse of discretion because, as alleged in this
10 pleading, they failed to proceed in a manner required by law.

11 12. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law, since
12 its members and other members of the public will suffer irreparable harm as a result of
13 Defendants/Respondents' violations of CEQA and other applicable laws. Defendants/Respondents'
14 approval of the Project also rests on their failure to satisfy a clear, present, ministerial duty to act in
15 accordance with the applicable laws. Even when Defendants/Respondents are permitted or required
16 by law to exercise their discretion in approving projects under those laws, they remain under a clear,
17 present, ministerial duty to exercise their discretion within the limits of and in a manner consistent with
18 those laws. Defendants/Respondents have had and continue to have the capacity and ability to approve
19 the Project within the time limits of and in a manner consistent with those laws, but
20 Defendants/Respondents have failed and refused to do so and have exercised their discretion beyond
21 the limits of and in a manner that is not consistent with those laws.

22 13. Petitioner has a beneficial right and interest in Defendants/Respondents' fulfillment of
23 all their legal duties, as alleged in this pleading.

24 **FIRST CAUSE OF ACTION:**
25 **Illegal Approval and Adoption of Project**
26 **(Against All Defendants/Respondents and All Defendants/Real Parties in Interest)**

27 14. Paragraphs 1 through 13 are fully incorporated into this paragraph.

28 15. Petitioner is informed and believes and on that basis alleges that the Project does not
comply with all applicable laws. By the time of this lawsuit's commencement, however, Petitioner had

1 not been provided with a complete copy of the Project's administrative record and is therefore unable
2 to allege all violations of law that occurred with respect to the Project's approval. The wrongdoing
3 alleged in this pleading is therefore based on the limited, biased, self-serving information that
4 Defendants/Respondents chose to make available prior to this lawsuit's commencement.

5 16. Subject to the informational limitations imposed by Defendants/Respondents, Petitioner
6 is informed and believes and on that basis the Project does not comply with all applicable laws. By way
7 of example and without limitation (including alternative theories of liability):

8 A. The Project violates CEQA. In particular:

9 i. CEQA requires that every environmental impact report identify and
10 analyze the significant adverse environmental impacts of a proposed project, giving due consideration
11 to both short-term and long-term impacts, providing decision-makers with enough information to enable
12 them to make an informed decision with full knowledge of the likely consequences of their actions, and
13 providing members of the public with enough information to participate meaningfully in the
14 environmental-review and project-approval process. CEQA also requires that every environmental
15 impact report identify and analyze a reasonable range of alternatives to a proposed project. CEQA
16 further requires that every environmental impact report identify and analyze all reasonable mitigation
17 measures for a proposed project's significant adverse environmental impacts. In each respect, CEQA
18 mandates that the analyses contained in an environmental impact report and all decisions of the lead
19 agency based on the report be supported by substantial evidence in the administrative record.

20 ii. The Project's EIR fails to provide adequate identification and analysis
21 of the significant adverse environmental impacts of the Project, including but not limited to the
22 following: (i) inconsistencies between the Project and the applicable land-use plans and zoning
23 ordinances; (ii) traffic and circulation; (iii) air quality; (iv) noise; (v) growth-inducing impacts; and (vi)
24 cumulative impacts. Further, neither the analysis of impacts in the Project's EIR nor
25 Defendants/Respondents' certification of the EIR in this respect is supported by substantial evidence
26 in the administrative record.

27 iii. Additionally and alternatively, the Project's EIR fails to provide adequate
28 identification and analysis of a reasonable range of alternatives to the Project. Further, neither the

1 analysis of alternatives in the EIR nor Defendants/Respondents' certification of the EIR in this respect
2 is supported by substantial evidence in the administrative record.

3 iv. Additionally and alternatively, the Project's EIR fails to provide adequate
4 identification and analysis of measures to mitigate the Project's significant adverse environmental
5 impacts and fails to eliminate or substantially reduce all such impacts. Further, neither the analysis of
6 mitigation measures nor Defendants/Respondents' certification of the EIR in this respect is supported
7 by substantial evidence in the administrative record.

8 v. CEQA requires every lead agency to identify all adverse environmental
9 impacts of a proposed project that will be significant and determine whether such impacts can be
10 avoided or mitigated. With respect to any such impacts that cannot feasibly be avoided or mitigated,
11 the lead agency must make at least one written finding that there are specific overriding economic, legal,
12 social, technological, or other benefits of the proposed project that outweigh the impacts.

13 vi. Defendants/Respondents approved the Project based on one or more
14 written findings that there exist considerations outweighing the Project's significant adverse
15 environmental impacts, but there is not substantial evidence in the administrative record to support all
16 such findings. Additionally and alternatively, Defendants/Respondents approved the Project based on
17 one or more non-written findings that such considerations exist. Defendants/Respondents also failed
18 to make all required written findings regarding the Project's impacts.

19 vii. CEQA requires every lead agency to provide a good-faith, reasoned
20 analysis in response to comments received on an environmental impact report, to address
21 recommendations and objections in detail, and to explain why specific comments and suggestions were
22 not accepted.

23 viii. Petitioner and others commented on, made recommendations about, and
24 objected to the Project and the EIR throughout the process leading up to Defendants/Respondents'
25 certification of the EIR and approval of the Project.

26 ix. Defendants/Respondents failed to respond adequately to the comments,
27 recommendations, and objections made by Petitioner and others with regard to the Project, the
28 sufficiency of the EIR, and the overall process for considering whether the Project should be approved.

1 Defendants/Respondents also failed to provide written responses to public agencies on comments made
2 by them with respect to the EIR at least 10 days prior to certification of the EIR.

3 x. As a result of Defendants/Respondents' violation of CEQA, Petitioner
4 and other members of the public have been harmed insofar as they and the responsible decision-makers
5 were not fully informed about the potential adverse environmental impacts of the Project, and insofar
6 as Petitioner and other members of the public did not have an opportunity to participate meaningfully
7 in the analysis of such impacts prior to approval of the Project.

8 B. The Project violates the PZL. In particular:

9 i. The Project was approved by Defendants/Respondents without a finding
10 by their legislative body that the Project is consistent with the applicable general plan and other
11 planning policies as required by the PZL. Alternatively, Defendants/Respondents made the requisite
12 finding, but it was not supported by sufficient evidence in the record.

13 ii. In approving the Project, Defendants/Respondents were legally obligated
14 to make the finding and to support it with sufficient evidence in the record.

15 iii. Petitioner and other members of the public have been harmed as a result
16 of Defendants/Respondents' violations of the PZL because they have been denied the benefits and
17 protections provided by compliance with the statutory scheme.

18 17. There is currently a dispute between Petitioner and Defendants/Respondents over the
19 Project's approval. Petitioner contends that the Project's approval has no legal force or effect because
20 it violates one or more applicable laws. Defendants/Respondents dispute Petitioner's contention. The
21 parties therefore require a judicial determination of the legal force and effect (if any) of the Project's
22 approval.

23 Prayer

24 FOR ALL THESE REASONS, Petitioner respectfully prays for the following relief against all
25 Defendants/Respondents and all Defendants/Real Parties in Interest (and any all other parties who may
26 oppose Petitioner in this lawsuit):

27 A. A judgment or other appropriate order determining or declaring that
28 Defendants/Respondents failed to fully comply with CEQA, the PZL, and/or one or more other

1 applicable laws as they relate to the Project and that there must be full compliance therewith before final
2 approval and implementation of the Project may occur;

3 B. A judgment or other appropriate order determining or declaring that
4 Defendants/Respondents failed to comply with CEQA, the PZL, and/or one or more other applicable
5 laws as they relate to the Project and that its approval and implementation was illegal in at least some
6 respect, rendering the approval and implementation null and void;

7 C. Injunctive relief prohibiting Defendants/Respondents (and any and all persons acting at
8 the request of, in concert with, or for the benefit of one or more of them) from taking any action on any
9 aspect of, in furtherance of, or otherwise based on the Project unless and until Defendants/Respondents
10 comply with CEQA, the PZL, and all other applicable laws, as determined by the Court;

11 D. Any and all other relief that may be authorized by CEQA, the PZL, or other applicable
12 laws, or any combination of them, but is not explicitly or specifically requested elsewhere in this Prayer;

13 E. Any and all legal fees and other expenses incurred by Petitioner in connection with this
14 lawsuit, including but not limited to reasonable attorney fees as authorized by the Code of Civil
15 Procedure; and

16 F. Any and all further relief that this Court may deem appropriate.

17 Date: April 5, 2025.

Respectfully submitted,

18 BRIGGS LAW CORPORATION

19
20 By:


Cory J. Briggs

21 Attorneys for Plaintiff and Petitioner Save Del Cerro
22
23
24
25
26
27
28

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT AND OTHER LAWS**

Exhibit "A"



99 East "C" Street, Suite 203
Upland, CA 91786
T: 909-949-7115
F: 909-949-7121

BLC File(s): 2224.01

5 April 2025

Mayor and City Council
c/o City Clerk Diana Fuentes
City of San Diego
202 C Street, 2nd Floor
San Diego, CA 92101

Via E-mail Only

Re: Notice of Commencement of Action

Dear Mayor and City Council:

I represent Save Del Cerro and am sending this Notice of Commencement of Action on my client's behalf.

Please be advised that an action is to be commenced by my client in San Diego County Superior Court against your agency. The action will challenge your agency's approval of the subject matter of Items 310A-310B and 331A-331D on the San Diego City Council's agenda for March 11, 2025 (All Peoples Church Project), on the grounds that the approval violated the California Environmental Quality Act (PUB. RES. CODE § 21000 *et seq.*). The action may also challenge your agency's approval of item based on one or more violations of other laws.

If you have any questions, please feel free to contact me.

Sincerely,

BRIGGS LAW CORPORATION

A handwritten signature in black ink that reads 'Cory J. Briggs'. The signature is written in a cursive, flowing style.
Cory J. Briggs



Cory Briggs

From: CLK City Clerk <CityClerk@sandiego.gov>
Sent: Saturday, April 5, 2025 10:12 AM
To: Cory Briggs
Subject: Automatic reply: Notice of Commencement of Action

Thank you for contacting the Office of the City Clerk!

To ensure you receive the best and most expeditious service, we have provided you with links to the right resources you may be looking for from our office.

Public Comment for an upcoming City Council Meeting (to ensure proper distribution, please use the webform): <https://www.sandiego.gov/city-clerk/agenda-comment-form>

To **request documents or records maintained by the City Clerk**, please complete the linked form **HERE** (<https://citynet.sandiego.gov/rm/research>). Internal requests by email will be directed to complete this form.

Public Records Act Request: <https://www.sandiego.gov/communications/public-records-requests>

Passport Services: <https://www.sandiego.gov/city-clerk/inforecords/passport>

Citizens Services Directory: <https://www.sandiego.gov/citizen-services-directory>

Get It Done-Citizens Services Request Portal: <https://www.sandiego.gov/get-it-done>

If your inquiry is not related to any of these services, a member of our team will reply promptly.

If this is an urgent matter, please call 619-533-4000, and we will be happy to answer your call.

Thank you again for reaching out to our office.

Office of the City Clerk
202 C Street, MS2A, San Diego, CA 92101
Phone: 619-533-4000
cityclerk@sandiego.gov
Hours: Monday - Friday, 8 a.m. to 5 p.m.

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE etc. and know its contents.

☒ **CHECK APPLICABLE PARAGRAPH**

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☐ an Officer ☐ a partner ☒ a member of Save Del Cerro

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. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on April 5, 20 25, at San Diego, California.

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

Joshua Billauer

Type or Print Name


Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is, _____

On _____, 20 _____, I served the foregoing document described as _____

_____ on _____ in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ **BY MAIL**

☐ * I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.

Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at

_____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, 20 _____, at _____, California.

☐ *(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 20 _____, at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I

☐ (Federal) declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

*(By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

** (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

