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11 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

13 TAXPAYERS FOR RESPONSIBLE LAND) Case No.
14 USE, an unincorporated association; and)
15 LA JOLLA SHORES ASSOCIATION, a)
16 California non-profit corporation,)
17) PETITION FOR WRIT OF MANDATE
18 Plaintiffs and Petitioners,) [CEQA, CCP §§ 1085 and 1094.5]; and
19 v.) COMPLAINT FOR INJUNCTIVE RELIEF
20) [CCP § 526a].
21 CITY OF SAN DIEGO, a California municipal)
22 corporation; CITY COUNCIL OF THE CITY OF)
23 SAN DIEGO, the governing body of the CITY OF)
24 SAN DIEGO, and DOES 1-10 inclusive,)
25)
26 Defendants and Respondents.)
27)
28)
29)
30 HILLEL OF SAN DIEGO, a California)
31 corporation; ROBERT MARSHALL, an)
32 individual; and DOES 11-20, inclusive,)
33)
34)
35 Real Parties-in-Interest.)
36)
37)
38)

39 **INTRODUCTION**

40 1. Plaintiffs and Petitioners TAXPAYERS FOR RESPONSIBLE LAND USE and LA
41 JOLLA SHORES ASSOCIATION (“Petitioners” or “Plaintiffs”) challenge the CITY OF SAN DIEGO’s
42 (“CITY”) approval of a phased development project identified as Project No. 6098, proposed by
43 HILLEL OF SAN DIEGO (“HILLEL”), which includes, among other things, a 12,100 square-foot

1 student center building above a 17,000 square foot subterranean garage, located on open space on La
2 Jolla Village Drive across from the University of California San Diego (“HILLEL PROJECT” or
3 “PROJECT”).

4 2. On May 9, 2006, the CITY approved a Planned Development Permit, Site Development
5 Permit, Street Vacation, Easement Abandonment, Lot-Line Adjustment Parcel Map and Public
6 Right-of-Way, and certified a mitigate negative declaration finding that the HILLEL PROJECT, as
7 mitigated, could not have a significant impact on the environment.

8 3. The approval included the sale of CITY-owned land, commonly known as Site 653
9 (“SITE 653”), to HILLEL at a price that was approximately \$300,000 below fair market value. The sale
10 of SITE 653 was made without an open bidding process and constitutes unlawful waste of CITY
11 property.

12 4. Petitioners allege Respondents violated CEQA by certifying a mitigated negative
13 declaration when an environmental impact report (“EIR”) was required by law. In addition,
14 Respondents failed to make the findings required to support its actions under the municipal code, and
15 such findings are not supported by substantial evidence in the record.

16 **JURISDICTION**

17 5. This Court has jurisdiction under Public Resource Code sections 21167(b), 21168 and
18 21168.5 and Code of Civil Procedure sections 1085 and 1094.5. Parties and the PROJECT site are
19 located in San Diego County. Venue is proper in the Central Division because Petitioners’ causes of
20 action arose, the PROJECT is located, and Respondents and Real Parties-in-Interest conduct business,
21 within the Central Division.

22 **PARTIES**

23 6. Plaintiff and Petitioner TAXPAYERS FOR RESPONSIBLE LAND USE (“TRLU”) is an
24 unincorporated association. TRLU’s members reside in the community of La Jolla. They associated
25 specifically to oppose the HILLEL PROJECT, and for the general purpose of promoting “the protection
26 and preservation of La Jolla’s quality of life.” TRLU is clearly defined and does not purport to represent
27 anyone but its own members. TRLU’s membership is easily identifiable through discovery and is united
28 by a community of interest. TRLU’s members include Susan Moore and Sherri S. Lightner, both of

1 whom submitted comments in opposition to the PROJECT.

2 7. Plaintiff and Petitioner LA JOLLA SHORES ASSOCIATION (“LJSA”) is a 501(c)(4)
3 tax exempt California non-profit corporation. Its purposes are, among other things, to protect La Jolla
4 Shores’ neighborhoods; to represent its members’ interests in CITY land use proceedings that affect the
5 La Jolla Shores community; and to preserve and enhance the local environment. LJSA and its members
6 submitted numerous comments opposing the PROJECT.

7 8. Petitioners and Plaintiffs have associational standing to bring this Petition and Complaint
8 on behalf of their members. Petitioners’ members have beneficial interests in this proceeding because:
9 they reside in the community of La Jolla in close geographical proximity to the HILLEL PROJECT; will
10 be detrimentally impacted by the PROJECT’s parking, traffic, and other environmental impacts; pay
11 taxes to the CITY; and have commented during and otherwise participated in all stages of the CITY’s
12 administrative review of the PROJECT and its environmental impacts. Further, Plaintiffs’ members are
13 taxpayers and are assessed for and liable to pay, and within one year before commencement of this
14 action have paid, taxes in the CITY. The interests this action seeks to protect are germane to Plaintiffs’
15 purposes, and neither the claims asserted nor the relief requested require the participation of Plaintiffs’
16 individual members in the lawsuit.

17 9. Petitioner TRLU also has standing to bring this action on its own behalf. TRLU was
18 organized in response to and for the purpose of opposing the HILLEL PROJECT. It will therefore be
19 directly benefitted if the requested relief is granted, and will suffer a direct harm if the writ is denied.

20 10. Defendant and Respondent CITY OF SAN DIEGO (“CITY”) is a California municipal
21 corporation. Defendant and Respondent CITY COUNCIL OF THE CITY OF SAN DIEGO (“CITY
22 COUNCIL”) is the CITY’s governing body. CITY, through the CITY COUNCIL, is the lead agency
23 responsible under the California Environmental Quality Act (“CEQA”) for evaluating the environmental
24 impacts of the HILLEL PROJECT. CITY, through the CITY COUNCIL, is also the agency responsible
25 for approving all components of the HILLEL PROJECT.

26 11. Real Party-in-Interest HILLEL OF SAN DIEGO is a religious student group and a
27 California corporation. Real Party-in-Interest is the applicant for Project 6098 and has obtained
28 Respondents’ approval for the PROJECT.

1 12. It is alleged, on information and belief, that the single family residence located at 8976
2 Cliffridge Avenue in La Jolla is currently owned by Real Party-in-Interest ROBERT MARSHALL
3 (Trustee/Conservator) and therefore this action may have some impact on his property interest.
4 However, it is further alleged on information and belief, that Real Party-in-Interest has leases the
5 property located at 8976 Cliffridge Avenue, and the owner will return the property to its prior use after
6 the PROJECT is completed. Petitioner is willing to dismiss ROBERT MARSHALL on the parties'
7 stipulation that he is not a necessary or indispensable party under CCP § 389; that HILLEL has the same
8 or superior interest in the HILLEL PROJECT; and that Robert Marshall will not suffer any prejudice
9 from this action.

10 13. Petitioner does not know the true names and capacities of the parties sued herein as
11 DOES 1 through 20, and therefore sues such parties by fictitious names. Petitioner will amend this
12 complaint to allege their true names and capacities when ascertained. Petitioner is informed and
13 believes and thereon alleges that the interests of each of the fictitiously named parties may be directly
14 affected by adjudication of this Petition and Complaint.

THE PROJECT

15
16 14. The HILLEL PROJECT has two phases. The first phase is the continued operation of
17 HILLEL administrative offices from an existing single family residence located at 8967 Cliffridge
18 Avenue.

19 15. The second phase of the PROJECT is the construction and use of a new, 12,100 square-
20 foot student center and a 17,000 square-foot subterranean parking garage. These facilities are to be built
21 on CITY property, known as SITE 653, located immediately adjacent to 8967 Cliffridge Ave. Upon
22 these facilities' completion, HILLEL will discontinue its use of the Cliffridge residence and move its
23 administrative offices to the new student center.

24 16. The HILLEL PROJECT was considered and rejected by every community planning group
25 that considered it, including: (i) the La Jolla Shores Permit Review Committee of the Community
26 Planning Association; (ii) the La Jolla Shores Association; (iii) the La Jolla Shores Advisory Board; (iv)
27 the La Jolla Traffic and Transportation Board; (v) the La Jolla Community Planning Association; and
28 (vi) the La Jolla Town Council.

1 requirements of Public Resources Code § 21167.5 by providing Respondents with notice of this action
2 prior to filing the lawsuit, and by filing a proof of service with the Court at the time of filing this action.

3 25. On the date of filing of this action, Petitioners, through counsel, requested that
4 Respondents prepare a true and correct copy of the record of proceedings for the challenged PROJECT
5 approval. Petitioners reserve the right to elect to prepare the record of the proceedings.

6 26. On the date of the filing of this action, Petitioners, through counsel, provided the
7 California Attorney General with notice of this action.

8 27. Petitioners are entitled to attorney's fees pursuant to Code of Civil Procedure § 1021.5 in
9 that:

10 a. The successful disposition of this lawsuit will result in the enforcement of
11 important rights affecting the public interest and will confer significant benefits upon the public or large
12 class of persons. Petitioners seek to enforce provisions of important state and local environmental laws,
13 and to restrain the waste of public resources, to the benefit of the public, and to rectify certain procedural
14 improprieties which will benefit all future participants in the decision-making process employed by
15 Respondents;

16 b. The necessity and financial burden of private enforcement is such as to make the
17 award appropriate; and

18 c. Such fees will not be paid out of any recovery.

19 28. The actions of Respondents herein complained of were arbitrary and capricious and
20 Petitioners are entitled to recover attorney's fees pursuant to Government Code § 800.

21 **FIRST CAUSE OF ACTION**
22 **(VIOLATION OF CEQA)**

23 29. Petitioners incorporate all previous paragraphs as if fully set forth.

24 30. Respondents prepared and certified a mitigated negative declaration for the HILLEL
25 PROJECT. Respondents failed to properly analyze the impacts of the HILLEL PROJECT and ignored
26 comments that the proposed Hillel Student Center will have significantly more use than anticipated in
27 the project description, which in turn would increase environmental impacts. Also, in violation of the
28 mandates of CEQA, Respondents deferred mitigation for the PROJECT until potential impacts of the
PROJECT are identified by future studies.

1 31. Petitioners provided a fair argument based on substantial evidence that the PROJECT
2 may have numerous significant environmental impacts, including, but not limited to, traffic, parking,
3 aesthetics, open space and geology. The PROJECT would increase traffic and slow traffic flow on the
4 streets surrounding the PROJECT site, including on La Jolla Village Drive. The PROJECT would
5 reduce parking in the area, and increase the competition for existing parking in the neighborhood. The
6 PROJECT would dwarf the other single family residences in the area, and change the land-use
7 designation for the site. The PROJECT would occupy a lot that was identified as open-space by the
8 CITY and set aside for the purpose of mitigating previous environmental impacts. The HILLEL
9 PROJECT fails to comply with the La Jolla Community Plan and other municipal and zoning codes
10 applicable to the PROJECT site. The PROJECT would excavate approximately 6,000 cubic yards of
11 material, well in excess of the limits prescribed by the City of San Diego.

12 32. In addition, Respondents failed to provide an adequate PROJECT description, in that the
13 CITY COUNCIL severely amended the PROJECT on the day of the hearing and did not include the sale
14 of land in the project description. The sale of the land was identified in a “notice of errata” submitted on
15 the day of the final hearing. The mitigated negative declaration was required to be recirculated for
16 public comment.

17 33. Respondents violated Public Resources Code section 21080 by preparing a mitigated
18 negative declaration despite substantial evidence in the record that the HILLEL PROJECT may have a
19 significant impact on the environment. The Respondents abused their discretion under CCP § 1094.5 in
20 that they failed to proceed in a manner required by law, the approval was not supported by the findings
21 and the findings were not supported by the evidence.

22 34. Respondents must rescind their certification of the Mitigated Negative Declaration of the
23 HILLEL PROJECT, rescind all approvals for the HILLEL PROJECT, and produce a full environmental
24 impact report as required by law.

25 35. Petitioners and the public will suffer great and irreparable injury if the HILLEL
26 PROJECT is allowed to proceed during and after this action. Petitioners have no adequate remedy at
27 law for the threatened injuries. An award of damages will not prevent significant environmental
28 impacts. Injunctive relief is therefore appropriate to restrain Respondents from processing the permits or

1 selling SITE 653.

2 **SECOND CAUSE OF ACTION**
3 **CCP § 1094.5**
4 **(Planned Development Permit)**

4 36. Petitioners reallege all previous paragraphs as if fully set forth.

5 37. Petitioners allege, on information and belief, that the CITY, through the CITY
6 COUNCIL, approved a planned development permit for the HILLEL PROJECT (“Planned Development
7 Permit”, or “PDP”) at the May 9, 2006 CITY COUNCIL hearing. The Planned Development Permit
8 included numerous “deviations” from relevant land use and zoning laws.

9 38. The HILLEL PROJECT does not comply with the applicable land use plans, including
10 the applicable La Jolla Community Plan. The PROJECT also does not comply with the applicable
11 zoning designation for SITE 653 or 8976 Cliffridge Avenue.

12 39. The CITY abused its discretion by approving the deviations included in the PDP. The
13 effect of the deviations can only be achieved through procedures for obtaining variances, which the
14 applicant did not seek.

15 40. Petitioners allege, on information and belief, that the CITY COUNCIL failed to address
16 and consider the findings necessary to issue the PDP, and any subsequent resolution that includes such
17 findings will be a post hoc rationalization of the May 9, 2006 action of the CITY COUNCIL.

18 41. On information and belief Petitioners alleges the CITY COUNCIL did not and cannot
19 make the findings required by the San Diego Municipal Code to approve a Planned Development Permit
20 (“PDP”) for the HILLEL PROJECT.

21 42. If the findings necessary to approve the PDP were/are made by the CITY, such findings
22 are not supported by the evidence.

23 43. The failure of the CITY COUNCIL to discuss and adopt findings at the May 9, 2006,
24 hearing deprived the public of a “fair trial” on the merits of the PROJECT.

25 44. The CITY’s decision approving the PDP should be rescinded because the CITY
26 COUNCIL abused its discretion by failing to proceed in the manner required by law, failing to produce
27 findings required by law, and by making findings not supported by the evidence.

28 **THIRD CAUSE OF ACTION**
CCP § 1094.5

1 **(Public Right of Way and Street Vacation)**

2 45. Petitioners reallege all previous paragraphs as if fully set forth.

3 46. On information and belief Petitioners allege the CITY, through the CITY COUNCIL,
4 authorized the vacation of a portion of La Jolla Scenic Drive North, a portion of La Jolla Scenic Drive,
5 and a portion of Torrey Pines Road.

6 47. On information and belief Petitioners further allege the CITY did not and cannot make
7 the findings required to vacate a street or public right of way under the California Streets and Highways
8 Code and the San Diego Municipal Code, including but not limited to those findings required under
9 California Streets and Highways Code § 8324 and San Diego Municipal Code § 125.0941.

10 48. On information and belief Petitioners allege the CITY COUNCIL failed to consider and
11 address the findings necessary to authorize vacation of a street and public right-of-way, and any
12 subsequent resolution that includes such findings will be a post hoc rationalization of the May 9, 2006
13 action of the CITY COUNCIL.

14 49. The failure of the CITY COUNCIL to consider, discuss, and adopt findings at the May 9,
15 2006 hearing deprived the public of a “fair trial” on the merits of the PROJECT.

16 50. Approval of the Street Vacation must be rescinded because the CITY COUNCIL abused
17 its discretion by failing to proceed in the manner required by law, failing to produce findings required by
18 law, and making findings not supported by the evidence.

19 **FOURTH CAUSE OF ACTION**
20 **CCP § 1094.5**
21 **(Site Development Permit)**

22 51. Petitioners reallege all previous paragraphs as if fully set forth.

23 52. On information and belief Petitioners allege the CITY, through the CITY COUNCIL,
24 approved a site development permit for the HILLEL PROJECT (“Site Development Permit”) at the May
25 9, 2006 CITY COUNCIL hearing.

26 53. The HILLEL PROJECT, including Phase I thereof, does not comply with the applicable
27 land use plans. The PROJECT also does not comply with the applicable zoning designation for SITE
28 653 or 8976 Cliffridge Avenue.

54. On information and belief Petitioners allege the CITY COUNCIL did not and cannot

1 make the findings required by the San Diego Municipal Code to approve a Site Development Permit for
2 the HILLEL PROJECT.

3 55. If the findings necessary to approve the Site Development Permit were/are made by the
4 CITY, such findings are not supported by the evidence.

5 56. On information and belief Petitioners allege the CITY COUNCIL failed to address and
6 consider the findings necessary to issue the Site Development Permit, and any subsequent resolution that
7 includes such findings will be a post hoc rationalization of the May 9, 2006 action of the CITY
8 COUNCIL.

9 57. The failure of the CITY COUNCIL to discuss, consider and adopt findings at the May 9,
10 2006 hearing deprived the public of a “fair trial” on the merits of the PROJECT.

11 58. Approval of the Site Development Permit should be vacated because the CITY
12 COUNCIL abused its discretion by failing to proceed in the manner required by law, failing to produce
13 findings required by law, and making findings not supported by the evidence.

14 **FIFTH CAUSE OF ACTION**
15 **CCP §1085**
16 **(Sale of SITE 653)**

17 59. Petitioners reallege all previous paragraphs as if set forth in full.

18 60. On information and belief Petitioners allege the CITY, through the CITY COUNCIL on
19 May 9, 2006, authorized the CITY’s Mayor to execute on CITY’s behalf an agreement to sell SITE 653
20 to HILLEL for \$940,000.

21 61. The process by which the CITY authorized the sale of SITE 653 does not conform to the
22 mandatory procedures required by the San Diego Municipal Code.

23 62. The San Diego Municipal Code requires that sales of CITY property be made by the
24 CITY COUNCIL and “in pursuance of” a prior CITY COUNCIL resolution that, among other things,
25 includes: “A statement that the property will be sold by negotiation or by public auction, or by sealed
26 bids, or by a combination of public auction, and sealed bids; providing, however, that in the event that
27 such property is to be sold by negotiation, then the reasons therefore shall be included in the resolution.”

28 63. The sale of SITE 653 to HILLEL is the result of exclusive negotiations between the CITY
and HILLEL. The sale, however, is not pursuant to a prior CITY COUNCIL resolution that includes the

1 statements expressly required by the municipal code.

2 64. The Court should issue a writ ordering the CITY COUNCIL to vacate its action
3 authorizing the sale of SITE 653, and prohibiting any negotiated sale of the site, until the CITY
4 COUNCIL adopts the resolution required by the San Diego Municipal Code.

5 **SIXTH CAUSE OF ACTION**
6 **CCP § 526a**
7 **(Injunctive Relief Restraining the Waste of Public Property)**

7 65. Plaintiffs reallege all previous paragraphs as if set forth.

8 66. Plaintiffs seek an order restraining the waste of CITY property. Specifically, Plaintiffs
9 seek an order enjoining the sale of SITE 653 to HILLEL at a price substantially below the site's fair
10 market value.

11 67. At its May 9, 2006 hearing on the HILLEL PROJECT, the CITY COUNCIL authorized
12 the sale of SITE 653 to HILLEL for a purchase price of \$940,000. This purchase price is at least
13 \$250,000 below the site's fair market value.

14 68. Two good faith offers to purchase SITE 653 at a price greater than \$940,000 were made
15 to the CITY COUNCIL at its May 9, 2006 hearing.

16 69. The first such offer was to purchase the site "as is" (i.e., without the land added to the site
17 by the CITY COUNCIL's vacation of the adjacent street and public-right-of-way) for a purchase price,
18 to be paid in cash immediately or at the CITY's instruction, of \$1,200,000. If this offer were to be
19 accepted, two single family residences would be built on the site.

20 70. The second offer presented at the May 9, 2006 CITY COUNCIL hearing was to purchase
21 SITE 653 for \$1,300,000. This offeror would develop the site with 3 single family residences.

22 71. The residential uses proposed by the two potential buyers at the May 9, 2006 CITY
23 COUNCIL hearing would mitigate or eliminate all negative impacts associated with, and would confer
24 public benefits equal to or greater than, those associated with the HILLEL PROJECT. These uses
25 would, for example, avoid the HILLEL PROJECT's inconsistencies with relevant land use plans, zoning
26 and the adjacent residential neighborhood, and would eliminate the HILLEL PROJECT's parking
27 impacts. These proposed residential uses would further provide the CITY and public with property-tax
28 revenues that cannot be generated by the HILLEL PROJECT.

1 72. The only CITY discussion of the May 9, 2006 offers concluded the offers could not be
2 considered because the CITY COUNCIL had previously authorized exclusive negotiations with HILLEL
3 for the sale of SITE 653. However, the CITY COUNCIL has never authorized exclusive negotiations
4 with HILLEL for sale of the site.

5 73. Respondents' sale of SITE 653, unless and until enjoined and restrained by order of this
6 court, will produce waste and cause great and irreparable injury to Plaintiffs and CITY taxpayers.
7 Plaintiffs have no adequate remedy at law for the wasteful disposition of SITE 653 as authorized by the
8 CITY COUNCIL.

9 **SEVENTH CAUSE OF ACTION**
10 **(Failure To Exercise Due Care in Authorizing the Sale of Property)**

11 74. Plaintiffs incorporates all previous paragraphs as if fully set forth herein.

12 75. Respondents owe a duty of care to the taxpayers of the City of San Diego, including
13 Plaintiffs' members, in authorizing the sale of public property.

14 76. Respondents breached their duty of care by authorizing the sale of SITE 653 to HILLEL
15 for a purchase price that was and is at least \$250,000 less than the site's fair market value. This is
16 particularly true because the uses of SITE 653 proposed by other, willing buyers would be more
17 beneficial, and cause fewer negative impacts, than HILLEL's proposed use.

18 77. On information and belief, Plaintiffs allege that Respondents further breached their duty
19 of care by approving the sale of SITE 653 after entering six-year, unauthorized and exclusive
20 negotiations with HILLEL for the sale of the site. Respondents' failure to sell SITE 653 through a
21 competitive process designed to maximize CITY and public benefits caused or will cause damages to
22 CITY taxpayers, including Plaintiffs' members, in an amount that exceeds \$250,000.

23 78. A public official who controls the sale of public property may be held personally liable to
24 repay improperly expended funds if he or she fails to exercise due care in authorizing the sale. Plaintiffs
25 expressly reserve the right to amend this complaint to name individual members of the CITY COUNCIL
26 as parties to this action and hold them personally responsible for the taxpayers' loss.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Petitioners and Plaintiffs pray:

1. On the FIRST CAUSE OF ACTION, that the Court issue a writ of mandate ordering

1 Respondents to void and set aside: (i) the certification and adoption of the mitigated negative declaration
2 on the HILLEL PROJECT, and (ii) all other approvals and resolutions adopted in furtherance of the
3 PROJECT, including but not limited to approval of the sale of SITE 653, the Planned Development
4 Permit, the Site Development Permit and the Public Right of Way and Street Vacation, until
5 Respondents fully comply with CEQA.

6 2. On the SECOND CAUSE OF ACTION, that the Court issue a writ of mandate ordering
7 respondents to void and set aside the Planned Development Permit approved as part of the HILLEL
8 PROJECT.

9 3. On the THIRD CAUSE OF ACTION, that the Court issue a writ of mandate ordering
10 respondents to void and set aside the Public Right of Way and Street Vacation approved as part of the
11 HILLEL PROJECT.

12 4. On the FOURTH CAUSE OF ACTION, that the Court issue a writ of mandate ordering
13 Respondents to void and set aside the Site Development Permit approved as part of the HILLEL
14 PROJECT.

15 5. On the FIFTH CAUSE OF ACTION, that the Court issue a writ of mandate ordering
16 Respondents to void and set aside their May 9, 2006 action authorizing the sale of SITE 653 to HILLEL.

17 6. On the SIXTH CAUSE OF ACTION, that the Court issue a temporary restraining order
18 and preliminary and permanent injunctions enjoining defendants, real-parties-in-interest, and their agents
19 from taking any action in furtherance of the sale of SITE 653 to HILLEL as authorized by the CITY
20 COUNCIL at its May 9, 2006 hearing.

21 7. On the SEVENTH CAUSE OF ACTION, for damages replacing Respondents'
22 expenditure of public funds, in an amount to be determined at trial; and

23 8. On ALL CAUSES OF ACTION:

24 a. That the Court issue a temporary restraining order, preliminary injunction and/or
25 administrative stay order enjoining the Respondents, Real Parties-in-Interest, and their agents from
26 taking any action in furtherance of the PROJECT, including but not limited to entering an agreement for
27 the sale of SITE 653 to HILLEL;

28 b. For attorneys' fees pursuant to CCP § 1021.5 and Government Code § 800;

- c. For costs of suit incurred herein; and
- d. For such other relief as the Court deems proper

DATED: June 12, 2006

COAST LAW GROUP LLP

Todd T. Cardiff
Attorney for Plaintiffs and Petitioners
TAXPAYERS FOR RESPONSIBLE LAND USE,
and LA JOLLA SHORES ASSOCIATION

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1 **VERIFICATION**

2 [Code of Civil Procedure §§ 446 and 2015.5]

3 I, SHERRI S. LIGHTNER, am President of TAXPAYERS FOR RESPONSIBLE LAND USE
4 and am the Chair of the Board of Directors of the LA JOLLA SHORES ASSOCIATION. I have read
5 the foregoing Complaint and Petition and know the contents thereof. The same is true of my own
6 knowledge, except as to those matters alleged on information and belief, and as to those matters, I
7 believe them to be true.

8 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
9 true and correct. Executed this twelfth of June, 2006, in the County of San Diego.

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11 _____
12 Sherri S. Lightner
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