



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
doug@lozeaudrury.com

U.S. Mail and E-mail

July 12, 2019

Chula Vista City Council
c/o Mayor Mary Casillas Salas
276 Fourth Avenue
Chula Vista, CA 91910
msalas@chulavistaca.gov

Kerry K. Bigelow
City Clerk
276 Fourth Avenue, Bldg. A
Chula Vista, CA 91910
cityclerk@chulavistaca.gov

Kelly Broughton
Director of Development Services
City of Chula Vista
Public Services Building
Chula Vista Civic Center
276 Fourth Avenue
Chula Vista, CA 91910
kbroughton@chulavistaca.gov

Re: Notice of Intent to File Suit Under the California Environmental Quality Act Regarding Otay Ranch Freeway Commercial Sectional Planning Area Plan Planning Area 12 Project (SCH NO. 1989010154); MPA17-0012; MPA-17-0011; CVT-19-0001; DR 17-0037; IS17-0005

Dear Mayor Salas, Ms. Bigelow, and Mr. Broughton:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility ("SAFER")** regarding the City's approval of the Otay Ranch Freeway Commercial Sectional Planning Area Plan Planning Area 12 Project ("Project") and accompanying CEQA addendum.

Please take notice, pursuant to Public Resources Code ("PRC") §21167.5, that SAFER intends to file a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), PRC §21000 *et seq.*, against Respondents and Defendants City of Chula Vista and City Council of the City of Chula Vista ("Respondents") in the Superior Court for the County of San Diego, challenging the June 18, 2019 decision of Respondent City Council of the City of Chula Vista to approve the Project and the accompanying Third Addendum.

The Petition being filed will request that the Court grant the following relief:

1. Issue a peremptory writ of mandate directing Respondents to set aside the approval of the Project, the CEQA Addendum prepared for the Project; the amendments to the General Development Plan, the Section Planning Area Plan, approving PC District Regulations and Development Agreement; the tentative subdivision map, and the design review permit unless and until Respondents have prepared, circulated, and considered a legally adequate EIR prior to any subsequent approval action;
2. Issue a peremptory writ of mandate directing Respondents and Real Party in Interest to suspend all activity in furtherance of the Project unless and until Respondents take all necessary steps to bring their actions into compliance with CEQA;
3. Issue a preliminary and permanent injunction staying the effect of Respondents' approval of the Project;
4. Issue a declaratory judgment declaring Respondents' approval of the Project to be null and void and contrary to law;
5. Award costs of suit;
6. Award attorneys' fees pursuant to Code of Civil Procedure §1021.5 and any other applicable provisions of law; and
7. Grant such other and further relief as the Court deems just and proper.

Sincerely,



Douglas J. Chermak
Lozeau | Drury LLP