

F I L E D

Clerk of the Superior Court

FEB 17 2009

By. M. BARHAM, Deputy

ORIGINAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO--HALL OF JUSTICE

AFFORDABLE HOUSING COALITION OF
SAN DIEGO COUNTY and CITIZENS FOR
RESPONSIBLE EQUITABLE
ENVIRONMENTAL DEVELOPMENT,

Petitioners,

vs.

CITY OF SAN DIEGO and DOES 1 through 100,

Respondents;

DOES 101 through 1,000,

Real Parties in Interest.

CASE NO. 37-2007-00083593-CU-TT-CTL

~~Proposed~~
**JUDGMENT ON PETITION FOR WRIT
OF MANDATE**

Trial Date: December 4, 2008

Department: 74 (Quinn)

This proceeding came on regularly for trial on December 4, 2008, at 10:00 a.m. in Department 74 of the San Diego County Superior Court (Hall of Justice), with the Honorable Linda B. Quinn sitting without a jury. Petitioners Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development appeared by and through attorneys Cory J. Briggs and Mekaela M. Gladden of Briggs Law Corporation. Respondent City of San Diego appeared by and through attorney Carmen Brock of the Office of the City Attorney of the City of San Diego.

Following the trial, the Court took the matter under submission. On December 8, 2008, the Court issued a minute order granting the petition for writ of mandate.

1 Based on that minute order, which is now incorporated into this Judgment on Petition for Writ
2 of Mandate by reference, **IT IS ORDERED, ADJUDGED, AND DECREED** that:

3 1. A peremptory writ of mandate shall issue to command Respondent City of San Diego
4 as follows:

5 A. Those certain Amendments to Regulations Related to Affordable
6 Housing Density Bonus ("Density-Bonus Amendments"), approved by the City Council
7 of the City of San Diego through Ordinance no. O-19689 (finally passed on December
8 5, 2007), are now set aside and declared to be invalid;

9 B. That certain Supplement to an Environmental Impact Report no. 96-0333
10 (State Clearinghouse no. 96081056) ("Supplemental EIR"), certified by the City Council
11 of the City of San Diego through Resolution no. 303154 (finally passed on November
12 16, 2007), is now set aside and declared to be invalid; and

13 C. Respondent shall suspend any and all activities under and take no action
14 in reliance on the Density-Bonus Amendments, the Supplemental EIR, or any
15 combination of those two items until the Court determines that Respondent has
16 complied with all laws applicable to the approval of the Amendments and the
17 certification of the Supplemental EIR.

18 2. This judgment may be amended to allow Petitioners Affordable Housing Coalition of
19 San Diego County and Citizens for Responsible Equitable Environmental Development to recover their
20 attorney fees incurred in connection with this proceeding from Respondent City of San Diego if and
21 when Petitioners bring a successful motion for attorney fees.

22 3. This judgment may be amended to allow Petitioners Affordable Housing Coalition of
23 San Diego County and Citizens for Responsible Equitable Environmental Development to recover their
24 costs incurred in connection with this proceeding from Respondent City of San Diego if and when

25 Petitioners file a memorandum of costs and after the Court considers any motion to challenge the
26 memorandum. *Petitioners shall recover costs from Respondent in the amount*
of \$9,798.00.
Petitioners shall recover attorney fees from Respondent in the amount
of \$54,116.99.
Date: 2-17, 2009.

Anda B. Quinn
Judge of the Superior Court
ACCELINDA B. QUINN

F I L E D
Clerk of the Superior Court
FEB 17 2009

PROOF OF SERVICE

By M. BARRAN, Deputy

1. My name is Mekaela M. Gladden. I am over the age of eighteen. I am employed by _____ State of California, County of San Bernardino.
2. My business _____ residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111, Upland, CA 91786
3. On January 30, 2009, I served _____ an original copy a true and correct copy of the following documents: [Proposed] Judgment on Petition for Writ of Mandate

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I _____ deposited the envelope/package with the U.S. Postal Service

_____ placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of _____, California.

- by overnight delivery.* I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.
- by facsimile transmission.* Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.
- by e-mail delivery.* Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: January 30, 2009

Signature: 

SERVICE LIST

Affordable Housing Coalition of San Diego County *et al.* v. City of San Diego *et al.*
San Diego County Superior Court case no. 37-2007-00083593-CU-TT-CTL

Jan Goldsmith
Carmen A. Brock
OFFICE OF THE CITY ATTORNEY
1200 Third Avenue, Suite 1100
San Diego, CA 92101-4100

Attorneys for Defendant City of San Diego