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Clerk of the Superior Court  
By V. Bahena ,Deputy Clerk

John Buse (SBN 163156)  
Meredith Stevenson (SBN 328712)  
Evan Levy (SBN 359556)  
CENTER FOR BIOLOGICAL DIVERSITY  
2100 Franklin St., Suite 375  
Oakland, California 94612  
Telephone: (510) 844-7100  
Facsimile: (510) 844-7150  
jbuse@biologicaldiversity.org  
mstevenson@biologicaldiversity.org  
elevy@biologicaldiversity.org

Stuart M. Flashman (SBN 148396)  
LAW OFFICES OF STUART M. FLASHMAN  
5626 Ocean View Dr.  
Oakland, CA 94618-1533  
Telephone: (510) 652-5373  
stu@stuflash.com

Attorneys for Center for Biological Diversity,  
Preserve Wild Santee, Endangered Habitats  
League, and California Chaparral Institute

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN DIEGO**

PRESERVE WILD SANTEE, CENTER  
FOR BIOLOGICAL DIVERSITY,  
ENDANGERED HABITATS LEAGUE,  
and CALIFORNIA CHAPARRAL  
INSTITUTE

Petitioners,

v.

CITY OF SANTEE, CITY OF SANTEE  
CITY COUNCIL; and DOES 1 through  
20, inclusive,

Respondents.

HOMEFED FANITA RANCHO, LLC;  
and DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No. 25CU036645C

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

[Pub. Res. Code § 21000, et seq.  
(California Environmental Quality Act);  
Gov. Code § 65000 et seq. (State Planning  
and Zoning Law); Gov. Code § 66410 et  
seq. (Subdivision Map Act); Code Civ.  
Proc. §§ 1094.5, 1085]

Petition Filed July 11, 2025

## **INTRODUCTION**

1. Petitioners Preserve Wild Santee, Center for Biological Diversity, California Chaparral Institute, and Endangered Habitats League challenge Respondents City of Santee (“City”) and the City Council of the City of Santee’s June 2025 approval of the Fanita Ranch Project (“Project”) and certification of a Second Recirculated Revised Environmental Impact Report (“Second Recirculated REIR” or “REIR”) for the Project (State Clearinghouse 2005061118).

2. The approved Project provides for the creation of a large residential and commercial complex on a 2,638-acre undeveloped site on the northern edge of the City. The Project contemplates the construction of about 3,000 residential units including 445 market-rate Active Adult age-restricted units, commercial structures, a road network, and other infrastructure on a wild, rugged, and ecologically rich site within a state-designated Very High Fire Hazard Severity Zone.

3. The City has a long history of authorizing development on the site in violation of state law. In 2012, this Court twice invalidated the City’s attempts to approve a prior version of the project consisting of about 1,380 residential units, based on the City’s failure to properly evaluate fire safety, wildlife, and water supply impacts under the California Environmental Quality Act (“CEQA”). In 2020, the City approved an even larger, more destructive project, and once again environmental groups—the Petitioners in the present case—sued. This Court found that the City had again violated CEQA and failed to properly evaluate the 2020 project’s wildfire and public safety impacts, and directed the City to rescind the Projects’ approvals.

4. Critically, the project approved in 2020 required an amendment of the City’s General Plan to accommodate the vast increase in density compared to the previously approved developments (1,380 to 3,000 units, or about a 134 percent increase). In November 2020, the City’s voters approved a ballot initiative called “Measure N.” The measure imposed a requirement that certain development projects that increase density beyond what the General

1 Plan allows—like the 2020 Fanita Ranch Project—must be submitted to City voters for  
2 approval.

3 5. In 2022, the City and the developer revived the 2020 project, approving it with  
4 virtually no material changes. Unlike the 2020 approvals, however, the 2022 approvals did not  
5 include a General Plan Amendment to address the development’s considerable density increase.  
6 Fearing the results of a public vote due to the project’s longstanding unpopularity, the City and  
7 the developer instead crafted the 2022 approvals in a manner calculated to evade the  
8 requirements of Measure N.

9 6. Petitioners challenged the 2022 approvals, and this Court again granted  
10 Petitioners’ Writ of Mandate, ruling that the 2022 approvals violated the State Planning and  
11 Zoning Law and Subdivision Map Act, which require development projects to be consistent  
12 with the applicable general plan. The Court also ruled that the City violated CEQA because the  
13 Recirculated EIR failed to disclose the project’s inconsistency with the General Plan, and  
14 violated the Elections Code because it re-approved a project subject to a qualifying referendum  
15 without waiting the requisite 12 months after rescinding the project.

16 7. With this action, Petitioners challenge the City’s renewed attempt to evade  
17 Measure N’s voter approval requirements. Like the 2022 approvals, the current Project is  
18 virtually identical to the project approved in 2020 that required a General Plan Amendment.  
19 This time, however, the City attempts to justify its complete disregard for its own General Plan  
20 and the will of the City’s voters based on the Project’s inclusion of 445 market-rate, age-  
21 restricted housing units (or about 15 percent of the Project’s total units). But no provision of  
22 state law permits the City to more than double density beyond what is allowed under its General  
23 Plan, much less to thwart the due process and electoral rights of the voters.

24 8. Petitioners also challenge Respondents’ violations of CEQA due to the City’s  
25 failure to conduct any new or supplemental environmental analysis based on significant new  
26 information regarding the Project’s wildfire impacts. As a result of this failure, no new measures  
27 or alternative designs were considered or implemented.



16. Petitioners have satisfied any and all conditions precedent to filing this instant action and have exhausted any and all administrative remedies to the extent required by law, including, but not limited to, timely submitting extensive comments objecting to the approval of the Project and identifying in writing to Respondents the deficiencies in Respondents' environmental review for the Project.

17. This Petition is timely filed in accordance with Public Resources Code section 21167 and California Code of Regulations, title 14, section 15112, and Government Code section 65009.

## THE PARTIES

18. Petitioner PRESERVE WILD SANTEE is a volunteer community environmental organization and political committee that has worked to protect and enhance the quality of life and preserve natural resources in the City of Santee and surrounding areas since 1994. Preserve Wild Santee's members offer input into local land use decisions in an effort to produce better development projects with fewer environmental and fire safety impacts, and those members will be directly and adversely affected by approval and construction of the Project. Preserve Wild Santee submitted written comments to the City objecting to and commenting on the Project.

19. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has approximately 93,000 members worldwide, including members who reside within communities in the vicinity of the Project. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and the overall quality of life for people in the region where the Project is proposed. Members of the Center will be directly and adversely affected by the approval and construction of the Project. The Center submitted written comments to the City objecting to and commenting on the Project.

20. Petitioner ENDANGERED HABITATS LEAGUE is a tax-exempt non-profit California corporation dedicated to the conservation of native ecosystems and to sustainable

land use and transportation planning. Since 1991, Endangered Habitats League has engaged in planning partnerships across Southern California. Endangered Habitats League is extremely active in the San Diego region, where many of its members live and enjoy the biological diversity of the area, including the vicinity of the Project site, and will be directly and adversely affected by the Project. Endangered Habitats League joined written comments to the City objecting to and commenting on the Project.

21. Petitioner CALIFORNIA CHAPARRAL INSTITUTE is an education, research, and advocacy organization dedicated to the preservation of native shrubland habitats throughout the West (including San Diego County and the vicinity of the Project site) and to supporting the creative spirit as inspired by nature. California Chaparral Institute's members will be directly and adversely affected by the approval and construction of the Project. California Chaparral Institute joined written comments to the City objecting to and commenting on the Project.

22. Respondent CITY OF SANTEE (the "City"), a political subdivision of the State of California, is responsible for regulating and controlling land use in the City, including implementing and complying with the provisions of CEQA. The City is the "lead agency" for the Project for the purposes of Public Resources Code Section 21067, with principal responsibility for conducting environmental review of the Project. The City has a duty to comply with CEQA, the State Planning and Zoning Law, the Elections Code, and other state laws.

23. Respondent CITY COUNCIL OF THE CITY OF SANTEE (the "Council") is the duly elected decision-making body of the City. As the decision-making body, the Council is responsible for granting the various approvals necessary for the Project and for ensuring that the City has conducted an adequate and proper review of the Project's environmental impacts under CEQA.

24. On information and belief, Real Party in Interest HOMEFED FANITA RANCHO, LLC ("Real Party in Interest"), is registered to do business in the State of California, is the owner of the real property that is the subject of the approvals challenged in this action, is the

1 Project applicant for purposes of CEQA, and is the recipient of the approvals challenged in this  
2 action. HOMEFED FANITA RANCHO, LLC is also identified as the “Project Applicant” in the  
3 June 12, 2025 CEQA Notice of Determination (“NOD”) the City issued for the Project.

4 25. Petitioners do not know the true names and capacities, whether individual,  
5 corporate, associate, or otherwise, of respondents DOES 1 through 20, inclusive, and therefore  
6 sue said respondents under fictitious names. Petitioners will amend this Petition to show their  
7 true names and capacities when the same have been ascertained. Each of the respondents is the  
8 agent and/or employee of Respondents, and each performed acts on which this action is based  
9 within the course and scope of such respondent’s agency and/or employment.

10 26. Petitioners do not know the true names and capacities, whether individual,  
11 corporate, associate, or otherwise, of real parties in interest DOES 21 through 40, inclusive, and  
12 therefore sue said real parties in interest under fictitious names. Petitioners will amend this  
13 Petition to show their true names and capacities when the same have been ascertained.

#### 14 **GENERAL ALLEGATIONS**

##### 15 **The Proposed Project Site and Environmental Setting**

16 27. The Project would be located on an approximately 2,638-acre site on the City’s  
17 northern edge. Visitors to the site are treated to moderate to steep slopes and ridges, the Santee  
18 Lakes Recreation Preserve, open space and recreational areas including Goodan Ranch Regional  
19 Park and Sycamore Canyon Open Space Preserve to the north and west. The entirely  
20 undeveloped Project site would be accessed from new planned road extensions.

21 28. The Project site is at extremely high risk of wildfire. Updated 2025 maps confirm  
22 that the entire Project site lies within an area designated by the California Department of  
23 Forestry and Fire Protection as a Very High Fire Hazard Severity Zone, the highest fire risk  
24 designation in California. Moderate and High Fire Hazard Severity Zones border the Project  
25 site. This designation is well deserved, as the area has burned at least 65 times in the last 100  
26 years. The most notable recent fire—the 2003 Cedar fire—burned over 280,000 acres, including  
27 an estimated 95 percent of the Project site. Given the site’s alignment with the Santa Ana winds,

steep topography, and flammable vegetation, that fire spread southwest at a rate of up to 6,000 acres per hour.

29. In January 2025, the Eaton and Palisades Fires destroyed more than 18,000 homes and structures, burned over 57,000 acres, and resulted in at least 29 fatalities in Los Angeles County under conditions similar to those on the Project site. These fires' rapid destruction occurred during conditions that could similarly arise on the Project site: a dry winter in southern California, following a dry fall, following a particularly wet winter, and fueled by Santa Ana winds and steep topography.

30. The features of the Project site make it uniquely at-risk for these fast-moving, wind-driven fires. Its topography is in alignment with the Santa Ana winds, which can influence fire spread by creating wind-driven fires. The site is surrounded by chaparral, coastal sage scrub, native grassland, and nonnative grassland, all of which, as the REIR recognizes, is highly flammable. The grasslands are also characterized by much more rapid fire spread rates than other vegetation types. The steep terrain and rural landscapes surrounding the Project area, which are not managed for vegetation fuel, would make fire suppression difficult.

31. The site contains a wealth of biological resources. The site consists almost entirely of "biological core" areas as identified in the San Diego County Multiple Species Conservation Plan. The majority of the Project site is covered by vegetation communities considered sensitive by the California Department of Fish and Wildlife ("CDFW"), including over 1,400 acres of coastal sage scrub, over 600 acres of chaparral, about 1,775 acres of native valley needlegrass grassland, about 30 acres of coast live oak woodland, and approximately 20 acres of riparian forest and other riparian vegetation. The site also supports dozens of endangered, threatened, and rare wildlife and plant species. These include Quino checkerspot butterfly, Hermes copper butterfly, California gnatcatcher, and Crotch's bumblebee, which was determined to be a candidate species under the California Endangered Species Act by the California Fish & Game Commission. Crotch's bumblebee has experienced a 98 percent population decline in the last decade, in large part due to development of its natural habitat and human encroachment.



1 **Santee General Plan**

2 32. The Santee City Council adopted its General Plan, which guides development in  
3 the City including the Project site, on August 20, 2003. The City's General Plan is "the  
4 constitution" for all future development. It serves as the long-term policy guide for the City's  
5 physical, economic, and environmental growth. The City has described its General Plan as the  
6 "statement of the community's vision" for growth within the City limits.

7 33. The General Plan designates the Project site as PD—Planned Development. The  
8 PD designation allows mixed use development on the site, but the development must still be  
9 consistent with the City's General Plan.

10 34. The Land Use Element is one of seven mandatory elements in the City's General  
11 Plan. It is intended to guide the ultimate pattern of development in the community; it specifies  
12 the location, type and amount of housing, commercial services, and open space that will  
13 comprise the City at buildout.

14 35. The Land Use Element of the General Plan sets forth requirements specific to the  
15 Project site including, but not limited to: traffic, transportation, and roadway improvements,  
16 planning requirements, park dedication, and specific amenities. The Land Use element also  
17 imposes minimum lot size requirements on the Project site: 6,000 square foot lots for 20 percent  
18 of residential lots, 10,000 square foot lots for 20 percent of residential lots, and 20,000 square  
19 foot lots for 60 percent or greater of the residential lots.

20 **Previous Development Plans for the Project Site**

21 36. Following the City's incorporation in 1980, the Fanita Ranch site has been subject  
22 to several development proposals of varying intensity. In 1983, the Carlton Santee Corporation  
23 applied for a 606-unit project on a portion of the site. Following preparation of an environmental  
24 impact report ("EIR"), the City approved this development in 1984, but the property was sold  
25 and the approvals expired. In 1997, a subsequent owner, Westbrook Communities (and its  
26 subsidiary, Westbrook Fanita Ranch, LP), proposed a 3,000-unit development, the Fanita Ranch  
27

Specific Plan, and an amendment to the City's General Plan to accommodate the development. The City approved this project in 1999, but voters rejected this approval by referendum.

37. In 2005, the next property owner, Barratt American, submitted an application for a 1,380-unit project consisting of four distinct development bubbles dispersed throughout the site. The City approved the vesting tentative tract map and certified an EIR for this project in 2007. Three of the present Petitioners—Preserve Wild Santee, Center for Biological Diversity, and Endangered Habitats League—challenged these approvals under CEQA and the Subdivision Map Act ("*Fanita I*"). The trial court found the City's environmental review of the project to be inadequate and issued a writ of mandate requiring the City to reconsider its conclusion that the project's fire safety impacts were less than significant. The City prepared a Revised EIR containing a new analysis of fire safety impacts, and certified the Revised EIR in 2009. The *Fanita I* petitioners again challenged this approval ("*Fanita II*"). The trial court again found the City's environmental review to be deficient and issued a writ of mandate. The *Fanita II* amended writ of mandate, issued on August 21, 2012, directed the City to set aside all project approvals and the EIR certification.

38. The *Fanita I* petitioners also appealed the Superior Court's judgment in that case. Ultimately, the Court of Appeal held that, in addition to the inadequate fire safety analysis, the project also improperly deferred mitigation for impacts to the Quino checkerspot butterfly and provided an inadequate analysis of water supply. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.)

39. In April 2013, the City adopted a resolution setting aside the project approvals and EIR certification.

40. During the *Fanita I* and *Fanita II* litigation, and amidst the 2008 financial crisis, Barratt American and its subsidiary, Fanita Ranch, LP, entered bankruptcy proceedings. In a court-approved settlement disposition, Westbrook Fanita Ranch, LP re-acquired ownership of the Fanita Ranch property. In 2011, the HomeFed Corporation acquired the property from Westbrook Fanita Ranch, LP.

**The 2020 Proposed Project**

41. In 2018, Real Party in Interest and applicant HomeFed Fanita Rancho, LLC submitted an application for a considerably larger and more intensive development than the development approved in 2007. The 3,008-unit project included 80,000 square feet of commercial development, associated roadways, and other infrastructure. In contrast to the 2007 project, with its four development bubbles, the 2018 application located development in two large clusters in the northern part of the property.

42. Unlike the 2007 project, the 2018 proposal was inconsistent with the City's General Plan, requiring an amendment. To accommodate the larger, and much denser development, the proposal included a General Plan Amendment to change the site's land use designation to "Specific Plan."

43. That same year, citizens of the City of Santee secured the required signatures to place an initiative measure entitled the "Santee General Plan Protection Initiative." ("Measure N") on the November 2020 ballot. Measure N would require voter approval for any development action that would increase residential density or intensity over what the General Plan currently permits. Proponents of Measure N noted that the measure was motivated by the City Council's support for "developer-driven changes" to the city's General Plan, allowing "controversial" decisions and intensified land use at the public's expense.

44. On September 23, 2020, the City approved the new, denser Fanita Ranch project, including a General Plan Amendment and other entitlements (which included a specific plan, an amendment to the zoning, vesting tentative map, development review permit, conditional use permit, and a development agreement), certified the EIR, and adopted findings in support of the Project approval and certification of the EIR.

45. The General Plan Amendment made two changes to the Santee General Plan. First, it changed the land use designation for Fanita Ranch from Planned Development to Specific Plan. Second, it amended the text of the Santee General Plan, including the "guiding principles" for development of the Fanita Ranch property. These two changes to the General

1 Plan were to accommodate a denser residential development than the City's General Plan  
2 allowed.

3 46. Approximately one month later, on or around October 29, 2020, City residents  
4 filed a signed referendum petition (Referendum) with the City Clerk. The Referendum proposed  
5 to refer the 2020 project's General Plan Amendment to the voters of the City before it could  
6 become law.

7 47. Once filed with the City, the Referendum had an immediate effect on the General  
8 Plan Amendment. First, it suspended the effective date of the General Plan Amendment.  
9 Second, it imposed a mandatory duty on the Council to either repeal the General Plan  
10 Amendment or to place the Referendum on the ballot. The City Council on January 13, 2021,  
11 opted not to repeal the General Plan Amendment and instead chose to submit the Referendum to  
12 the voters at the next regularly scheduled election, almost two years later, on November 8, 2022.  
13 While Measure N, if passed, would apply to all future proposed General Plan Amendments in  
14 the City, the Referendum specifically concerned whether the 2020 General Plan Amendment for  
15 the 2020 Fanita Ranch project could take effect.

16 48. Meanwhile, the *Fanita I* and *II* petitioners challenged the 2020 Project approval  
17 ("*Fanita IIP*"). The trial court again found the City's environmental review to be inadequate. It  
18 identified a number of deficiencies, including that:

- 19 a. The City had not modelled evacuation times or assessed those modeled times  
20 under traffic scenarios;
- 21 b. Absent evacuation modeling and an analysis of the modeling's results, the City  
22 had no evidence to show that its reliance on a "staggered" evacuation would be  
23 adequate to safely evacuate residents and the surrounding community, let alone a  
24 mass evacuation of the project and surrounding communities;
- 25 c. The City had failed to study how the project and its additional nine thousand  
26 residents would impact evacuation times for the surrounding community;

- d. The City’s environmental analysis lacked any methodology or evidence supporting that residents would be safe under its stopgap plan for residents to remain at home while fires surrounded the development; and
- e. The City had failed to study whether the project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, as CEQA requires.

49. The trial court again found the City’s environmental review of the project to be inadequate and issued a writ of mandate requiring the City to reconsider its conclusion that the project’s fire safety and evacuation impacts were less than significant.

50. The *Fanita III* amended writ of mandate, issued on April 26, 2022, directed the City to set aside all project approvals, including the 2020 General Plan Amendment, and the EIR certification.

### **Santee Requires a Vote of the People Before Certain Land Use**

#### **Changes Can Go Into Effect**

51. On November 3, 2020, the voters of Santee adopted Measure N. Measure N provides that voters have the legislative final say before any amendment to certain land use documents becomes effective. The measure states, in part:

#### **Section 2: Amendment of the General Plan**

The Land Use Element of the General Plan of the City of Santee shall be amended as hereinafter set forth. This amendment shall not be modified or rescinded without the approval of a simple majority of the voters of the City voting at a special or general election.

The following shall be added to the General Plan under the Land Use Element ‘7.0 Objectives and Policies’ as ‘Objective 12.0 Maintain the Integrity and Consistency of the General Plan.’

‘Policy 12.1 Permitted land uses in the City shall be intensified only when the voters approve such changes. **No General Plan amendment, Planned Development Area** or new Specific Planning Area **shall be adopted** which would:

- 1) increase the residential density permitted by law,
- 2) change, alter, or increase the General Plan Residential Land Use categories if the change intensifies use; or
- 3) change any residential designation to commercial or industrial designation on any property, or visa versa, if the change intensifies use;

1 **unless and until such action is approved and adopted by the voters of the City**  
2 **at a special or general election, or approved first by the City Council and then**  
3 **adopted by the voters in such an election.'**

4 52. Measure N's "Purpose and Findings" section expressly identified the importance  
5 of protecting the General Plan against "unwise densification and intensification amendments,"  
6 as well as the special interests that may pressure the City Council to approve such amendments.  
7 Measure N specifically called attention to the voters' concerns over development at Fanita  
8 Ranch, noting that the California Fair Political Practices Commission had levied fines against  
9 Santee for the City Council's laundering of campaign contributions related to the proposed  
10 Fanita Ranch development, specifically the project's request for a "density intensifying General  
11 Plan Amendment."

12 53. Measure N includes specific exemptions for General Plan Amendments necessary  
13 to comply with state or federal affordable housing requirements.

14 54. Pursuant to the adoption of Measure N, the City requires a vote of the people  
15 before it may adopt certain General Plan Amendments, particularly those that increase the  
16 residential density permitted by law.

#### 17 **The City's Efforts to Circumvent Its General Plan and Voter Accountability**

##### 18 **The State Density Bonus Law**

19 55. Originally enacted in 1979, California's Density Bonus Law (Gov. Code §§  
20 65915-65918) allows developers to increase density on a property above the maximum set under  
21 a jurisdiction's General Plan for the purpose of promoting low-income housing construction and  
22 removing impediments to construction. (*Building Industry Assn v. City of Oceanside* (1994) 27  
23 Cal. App. 4th 744, 770.)

24 56. The California Legislature has declared that housing availability is of vital  
25 statewide importance and that state and local governments have a responsibility to provide for  
26 the housing needs of all economic segments of the community. (Gov. Code § 65580(a), (d).)  
27 The Legislature has also declared that "there exists within the urban and rural areas of the state a  
28 serious shortage of decent, safe, and sanitary housing which persons and families of low or

1 moderate income, including the elderly and handicapped, can afford.” (Health & Saf. Code  
2 §50003(a).)

3 57. California’s Density Bonus Law provides a tool to assist developers in including  
4 very low-, low-, and moderate-income housing units in their new developments. A “density  
5 bonus” is a density increase over the otherwise maximum allowable residential density as of the  
6 date of application by the applicant to the municipality. (Gov. Code § 65915(f).) The law’s  
7 express purpose is to encourage municipalities to offer incentives to housing developers that will  
8 contribute significantly to the economic feasibility of lower income housing in proposed  
9 housing developments. (Gov. Code § 65917.)

10 58. Under the Density Bonus Law, when a developer agrees to construct a certain  
11 percentage of housing units for moderate, low, or very low income households, or to construct a  
12 senior citizen housing development, the city or county must grant the developer one or more  
13 itemized concessions, incentives, waivers, or reductions and a “density bonus,” which allows the  
14 developer to increase a development’s density by a certain percentage above the maximum  
15 allowable limit under local zoning law. (Gov. Code § 65915(a),(b).)

16 59. Local agencies, such as the City, are required by the Density Bonus Law to adopt  
17 an ordinance “that specifies how compliance with [the Density Bonus Law] will be  
18 implemented.” (Gov. Code § 65915(a).)

19 **The City Council Adopts an Ordinance to Avoid General Plan Requirements**

20 60. On August 25, 2021, the City Council approved Urgency Ordinance No. 592,  
21 enacting an “Essential Housing Program” (“Program”). Under the Program, the City may  
22 qualify a project for the Program, which then “exempts” the project from “needing to seek  
23 legislative approvals,” including any necessary General Plan Amendments. The Ordinance cited  
24 the Density Bonus Law as authority for waiving General Plan Amendments for certain certified  
25 “Essential Housing” projects.

26 61. The City’s stated purpose for the Essential Housing Program was the City’s desire  
27 to “amend its local regulatory process.”

62. The Program established a point system. To qualify as an essential housing program, a Project must achieve 50 points according to an assessment sheet that includes various subcategories, such as water quality, air quality and greenhouse gas emissions, safety, parks and recreation, etc.

63. Only ten of those points must be from the “housing” category. The credit assessment is designed such that a development can achieve the requisite housing credits without providing a single unit of affordable housing.

64. So that the ordinance would qualify as an urgency ordinance, and thus take effect immediately, the City declared a City-wide state of emergency, to be in effect for the next five years, until August 25, 2026. For a state of emergency to remain in effect, the governing body is required to review the need for continuing the emergency at least once every 60 days until the governing body terminates the emergency. (Gov. Code § 8630.) On information and belief, in the approximately four years since the ordinance was passed, the City Council has not reviewed the need for the continuing emergency.

65. The City claimed that this ordinance was “necessary to achieve the goals set forth in the City’s Housing Element.” In the Housing Element, cities identify the programs they will adopt to meet the goals of their housing element. The most recent revised Housing Element, found compliant with state law in December 2022—well after development of the “Essential Housing Program”—makes no mention of an “Essential Housing Program,” nor how it would contribute to meeting the City’s affordable housing goals.

**City Development Director Certifies the Project as an “Essential Housing” Project**

66. On or around December 28, 2021, the City’s Director of Development certified the Project as an “Essential Housing” project. This was the first time in the City’s history that the City had certified a project as an “Essential Housing” project. In fact, this Project was the only project the City certified in 2021, and the City has only certified two others since 2021.

67. According to the City’s most recent Housing Element, the City is in need of 200 low-income households and 406 extremely-low income households.



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69. Pursuant to the court's writ of mandate in *Fanita III*, on or about May 25, 2022, the City Council set aside all project approvals for the *Fanita III* project. This writ included repealing the 2020 General Plan Amendment.

71. On the morning of June 8, 2022, the Center submitted a letter to the City. It noted that the City could not use its failure to comply with the law when it adopted the General Plan Amendment for the 2020 Project as a justification for avoiding voter accountability and the City's obligations under the Elections Code to submit the referendum to the voters. These comments included that the City lacked discretionary authority to conclude that a qualifying referendum was moot and that allowing the voting public to weigh in on the Fanita Ranch Project is a key aspect of participatory decision-making, serving the underlying democratic purpose of California's constitutionally authorized voter referendum process.

## **The City Approves the 2022 Project and Certifies a Recirculated EIR**

73. On June 10, 2022, the day after the City removed the Referendum from the ballot, the City issued a Notice of Availability (“NOA”) of the Draft Recirculated Sections of the Final Revised EIR (“Draft Recirculated REIR”) for the Project and circulated it for public review and comment. The proposed Project made no changes to the footprint or design of the Project, but

1 for reincorporating a road extension that was initially part of the 2020 Project. All of the  
2 Project's maximum 3,008 proposed residences are market-rate; none qualify as affordable  
3 housing under any applicable statutory definition of the term. The Draft Recirculated REIR  
4 purported to remedy the deficiencies in the prior EIR that the Court had identified in *Fanita III*.  
5 And unlike in 2020, the City determined that the 2022 project's density increase did not require  
6 a General Plan Amendment, despite the project remaining substantially similar to the 2020  
7 project that did include a General Plan Amendment. Instead, the City asserted for the first time  
8 that, despite the Project's inconsistencies with the General Plan, a General Plan Amendment was  
9 now no longer necessary because the Development Director had "certified" the Project as an  
10 "Essential Housing" project.

11 74. Relatedly, without a General Plan Amendment, the City evaded the requirements  
12 of Measure N and did not hold a vote on the 2022 project.

13 75. The *Fanita I, II, and III* Petitioners submitted several sets of comments on the  
14 Draft Recirculated REIR, identifying a number of deficiencies including that the City failed to  
15 adequately analyze the land use impacts, including the project's consistency with the General  
16 Plan. Specifically, Petitioners noted that the Project proposed a higher density of development  
17 than the General Plan allows, and the Draft Recirculated REIR did not acknowledge these  
18 designations and the resulting irreconcilable conflict between the Project and the General Plan.  
19 Accordingly, the Draft Recirculated REIR failed to consider the environmental impacts that  
20 would follow from developing the area contrary to the General Plan.

21 76. Nevertheless, despite widespread opposition from both Petitioners and the  
22 community, on September 14, 2022, the City Council voted to approve the Project, certify the  
23 EIR, and adopt findings in support of the Project approval and certification of the EIR.

24 77. On October 14, 2022, the *Fanita I, II, and III* Petitioners challenged the 2022  
25 Project approval ("*Fanita IV*"). During this round of litigation, Petitioners brought five causes of  
26 action: (1) CEQA violations due to an inadequate EIR; (2) violation of State Planning and  
27 Zoning Law due to inconsistency with the General Plan; (3) violation of the Subdivision Map  
28

1 Act due to inconsistency with the General Plan; (4) violation of state Very High Fire Hazard  
2 Severity Zone regulations; and (5) violation of Elections Code because the City approved the  
3 Project without a vote despite qualifying referendum.

4 78. During briefing, Respondents argued that project approval required no General  
5 Plan Amendment because state housing laws such as the Density Bonus Law authorized the City  
6 to adopt Ordinance No. 592 and find that projects compliant with the Ordinance are deemed  
7 General Plan consistent.

8 79. The trial court again ruled in favor of Petitioners, finding the Project inconsistent  
9 with the City of Santee's General Plan. The court = determined the followings:

- 10 a. The City's analysis was inadequate under CEQA due to its failure to discuss  
11 inconsistencies with the General Plan;
- 12 b. The City could not rely on the Density Bonus Law to excuse its failure to amend  
13 the General Plan because the developer did not seek any incentives, waivers or  
14 concessions under this law, and any reliance was thus an unpersuasive post hoc  
15 rationalization;
- 16 c. The City's project approval violated State Planning and Zoning Law and the  
17 Subdivision Map Act due to the project's inconsistency with the General Plan; and
- 18 d. The City violated the Elections Code by removing the Referendum from the  
19 ballot.

20 80. The *Fanita IV* decision, issued on August 9, 2024, directed the City to vacate and  
21 set aside the REIR certification and associated project approvals and to comply with the State  
22 Planning and Zoning Law, the Subdivision Map Act, the Elections Code, and all applicable state  
23 regulations.

24 81. On December 11, 2024, the City Council adopted a resolution vacating and setting  
25 aside the REIR certification and associated project approvals.

1                    **Santee Amends Its Essential Housing Program Ordinance No. 592**

2            82.    On January 22, 2025, the Council introduced and conducted the first reading of an  
3 Amendment to Urgency Ordinance No. 592 (the “Amendment”) purportedly to address the  
4 Court’s ruling that the City failed to adequately articulate how the Project’s processing under the  
5 Essential Housing Program conforms to the General Plan.

6            83.    The Amendment purports that the Density Bonus Law and other state housing  
7 laws authorize the Essential Housing Program. The Amendment also clarifies that projects  
8 certified under the Essential Housing Program’s procedures and meet its requirements also  
9 comply with the Santee General Plan through the use of density bonus units, concessions,  
10 incentives, and/or waivers to eliminate any inconsistencies. Specifically, pursuant to the Density  
11 Bonus Law, the Amendment further purports that the granting of the bonus, concessions,  
12 incentives, or waivers do not require an Amendment to the Santee General Plan or any other  
13 legislative action/approval. (See Gov. Code, § 65915 subds. (f)(5), (j)(1).)

14           84.    The Amendment also claims an exemption from CEQA on the basis that the City  
15 Attorney’s determination contemplated by the Amendment is a ministerial action not subject to  
16 CEQA under Public Resources Code § 21080(a) and (b)(1), and there is no possibility that the  
17 determination may have a significant effect on the environment.

18           85.    On February 12, 2025, Petitioners submitted a comment letter to the Council  
19 regarding the Amendment, urging the Council not to adopt the Amendment and explaining the  
20 following:

- 21           a.    The Court’s ruling and judgment did not identify ambiguity in the Ordinance  
22           requiring the Amendment: rather, the Court explained that the City could not rely  
23           on the Density Bonus Law to justify the Project’s inconsistency with the General  
24           Plan because the Project did not apply for or receive any incentives, waivers, or  
25           concessions under the law;  
26           b.    Government Code section 65915, subdivision (n) does not authorize the issuance  
27           of concessions, waivers, and density bonuses for projects that “may not meet the  
28

1 strict requirements of State Density Bonus Law” as the Amendment allows;  
2 Rather, Government Code section 65915 only allows cities to make, by ordinance,  
3 two types of adjustments to the Density Bonus Law’s strict schedule for density  
4 bonuses keyed to the number of affordable units that will be constructed: a city  
5 may grant density bonuses greater than what the Density Bonus Law requires for  
6 developments that meet Density Bonus Law requirements, and a city may only  
7 grant a “proportionately lower density bonus” for developments that do not meet  
8 the Density Bonus Law’s requirements in Gov. Code § 65915(n);

9 c. To the extent that the City intends to apply the amended Essential Housing  
10 Ordinance to approve the Project, which does not meet the affordability  
11 requirements of the Density Bonus Law, such application is inconsistent with Gov.  
12 Code § 65915(n); and

13 d. The Amendment is not exempt from CEQA because it will have a significant  
14 effect on the environment.

15 86. On February 12, 2025, the Council conducted a second reading of the Amendment  
16 and adopted the Amendment.

17 **The City’s Renewed Efforts to Circumvent Its General Plan and Voter Accountability**

18 87. On February 21, 2025, just over a week after the City amended its Essential  
19 Housing Program Ordinance, the City issued a Notice of Availability (“NOA”) of the Draft  
20 Second Recirculated Sections of the Final EIR (“Draft Second Recirculated REIR”) for the same  
21 Project proposed in 2020 and circulated it for public review and comment. The Second  
22 Recirculated Sections of the Final REIR include revisions to the Preface and Land Use and  
23 Planning sections of the Final REIR; the Ruling, Judgment, and Writ (Appendix S); and a  
24 Supporting Legal Memorandum (Appendix T). The Draft Second Recirculated REIR purported  
25 to remedy all deficiencies in the prior EIR that the court had identified in *Fanita IV*.

26 88. During this round, Appendix T asserted, for the first time, that the Project’s 445  
27 Active Adult units qualify the Project for density bonus benefits for “senior citizen housing  
28

developments” under the Density Bonus Law. (Gov. Code, § 65915, subds. (b)(1)(C), (e)(1), (f)(3)(A), (p)(1).) As a result, Appendix T asserted that the Project, which remains certified as an “Essential Housing” project, requires no General Plan Amendment and no vote under Measure N.

89. Petitioners and numerous others, including federal, state, and local agencies, conservation organizations, and individual members of the public, submitted comments on the Draft Second Recirculated REIR. Numerous commenters voiced concern over new information on the Project’s significant impacts and identified numerous deficiencies in the Draft Second Recirculated REIR. For example, commenters explained that new information from the 2025 Eaton and Palisades Fires in Los Angeles indicate that the Project would have significant impacts on wildfire risk and wildfire safety, and that the Draft Second Recirculated REIR’s analysis and proposed mitigation of those impacts was woefully inadequate in light of changed circumstances and new information.

90. On April 10, 2025, before the close of the comment period on the Draft Second Recirculated REIR, Petitioner Center for Biological Diversity submitted written comments to the City. These comments included that:

- a. The Draft Second Recirculated REIR did not take into account new information regarding the Project’s individual and cumulative impacts due to increased wildfire ignition risk, including 2025 maps updating the entire Project site to a Very High Fire Hazard Severity Zone; the 2025 Eaton and Palisades Fires; and recent studies on changing wildfire patterns and behavior;
- b. The Draft Recirculated REIR did not take into account new information regarding the Project’s wildfire safety risks to residents, including new information on the difficulties of evacuating older residents, such as those in the Project’s Active Adult community, during the Eaton and Palisades Fires; recent studies on public health risks from wildfires; and recent studies regarding evacuation challenges for older populations during natural disasters;

- c. As a result of failing to consider this new information, the Draft Second Recirculated REIR failed to adequately assess and mitigate the Project's wildfire risks;
- d. The Project remains inconsistent with applicable General Plan policies that guide development on the site; and
- e. The Project's inclusion of 445 Active Adult units does not qualify the Project for the State Density Bonus Law.

91. On April 11, 2025, Petitioner Endangered Habitats League submitted written comments incorporating by reference Petitioner Center for Biological Diversity's April 10, 2025 comment letter.

92. On April 9, 2025 before the close of the comment period on the Draft Second Recirculated REIR, Petitioner California Chaparral Institute submitted written comments on the Draft Second Recirculated REIR to the City, explaining, among other things, that the Draft Second Recirculated REIR failed to comply with CEQA because it failed to consider new information regarding wildfire risks following the Eaton and Palisades Fires.

93. On April 2, 2025 before the close of the comment period on the Draft Recirculated Second REIR, Petitioner Preserve Wild Santee submitted written comments on the Draft Second Recirculated REIR to the City. The comments explained, among other things, that the Draft Second Recirculated REIR failed to comply with CEQA in the following respects:

- a. The Draft Second Recirculated REIR lacked an adequate Project Description;
- b. The Draft Second Recirculated REIR failed to fully disclose, analyze or mitigate the Project's significant wildfire risks in light of the Eaton, Palisades, and Lahaina Fires and failed to adequately evaluate the Project's wildfire safety impacts, including evacuation in light of new information from these recent fires;
- c. The Draft Second Recirculated REIR failed to disclose and analyze new information on several fire-related impacts such as rising costs of fire insurance,

1 impacts of increased wildfires on flood risks, and resulting cleanup of toxic  
2 material after a wildfire;

3 d. The Draft Second Recirculated REIR failed to consider the new Fire Hazard  
4 Severity Zone maps for the Project site;

5 e. The Active Adult community does not constitute a “senior citizen housing  
6 development” and does not qualify for a density bonus on the basis of its Active  
7 Adult units;

8 f. The Draft Second Recirculated REIR overlooked new information from the Los  
9 Angeles Fires regarding impacts of wildfires on older residents and evacuation  
10 challenges for this demographic; and

11 g. The Draft Second Recirculated REIR failed to address new information regarding  
12 the increased frequency of extreme weather events and record-breaking  
13 temperatures relevant to wildfire risk, severity, and other Project impact.

14 94. On May 30, 2025, less than two weeks before a scheduled public hearing to  
15 approve the Project on June 11, 2025, the City released a Final Recirculated REIR for the  
16 Project to the public. The Final Recirculated REIR contained minimal line edit text changes to  
17 the Draft Second Recirculated REIR and Respondents’ responses to public comments on the  
18 Draft Second Recirculated REIR. Many of the defects identified in the Draft Second  
19 Recirculated REIR identified by Petitioners and other commenters persisted in the Final  
20 Recirculated EIR. The City did not recirculate the Final Recirculated EIR for public review and  
21 comment.

22 95. On June 10, 2025, one day prior to the start of the June 11, 2025 public hearing to  
23 approve the Project, the Center submitted comments regarding the Final Recirculated REIR for  
24 the Project. The letter addressed the City’s response to Petitioners’ submission on the Draft  
25 Second Recirculated REIR by providing additional information and legal argument, and  
26 explaining why the City’s responses to comments were inadequate. The comments explained,  
27  
28



1 among other things, that the City’s environmental review failed to comply with CEQA in the  
2 following respects:

- 3 a. The Final Recirculated REIR’s analysis of and mitigation for the Project’s  
4 significant wildfire, wildfire safety, and wildfire evacuation impacts remained  
5 inadequate because it failed to acknowledge or adequately analyze conditions on  
6 the Project site similar to the conditions that contributed to the 2025 LA Fires;
- 7 b. The Final Recirculated REIR improperly relied on project features to avoid  
8 assessing relevant new information regarding recent wildfires and evacuation  
9 challenges for older residents; and
- 10 c. The Final Recirculated REIR failed to adequately respond to the Center’s  
11 comments on the Draft Second Recirculated REIR.

12 96. On June 11, 2025, Petitioner Preserve Wild Santee also submitted comments  
13 regarding the Final Recirculated REIR. The comments explained, among other things, that the  
14 City’s environmental review failed to comply with CEQA in the following respects:

- 15 a. The Final Recirculated REIR relied too heavily on design features to mitigate  
16 wildfire risks and fails to adequately support their efficacy;
- 17 b. The Final Recirculated REIR failed to consider updated Fire Hazard Severity  
18 Zones, new information from the 2025 Los Angeles Fires, and recent studies  
19 regarding fire patterns and behavior;
- 20 c. The Active Adult community does not constitute a “senior citizen housing  
21 development” and does not qualify for a density bonus on the basis of its Active  
22 Adult units;
- 23 d. Measure N requires a vote due to the Project’s density increase; and
- 24 e. The Project remains inconsistent with applicable General Plan and General Plan  
25 policies that guide development on the Project site.
- 26 f. The Final Recirculated REIR failed to respond to the Preserve Wild Santee’s  
27 comments on the Draft Second Recirculated REIR.

97. On the morning of June 11, 2025, prior to the Council meeting, Petitioner Center for Biological Diversity submitted additional written testimony, explaining that the Project remains inconsistent with applicable General Plan policies and that the Project's inclusion of 445 so-called "Active Adult" units does not qualify the Project for the Density Bonus Law. The Center testimony stated that, for the City to legally approve the Project, it must amend its General Plan and put the decision to a vote, as Measure N requires; otherwise the City will violate voters' due process rights and the state constitutional right of initiative.

98. On the evening of June 11, 2025, the Council began the public hearing to approve the Project and certify the Final Recirculated EIR. Numerous representatives of environmental organizations and members of the public testified at the hearing in opposition to the Project.

## **Respondents' Approval of the Project and Certification of the Final Recirculated EIR**

99. At the conclusion of the public hearing on the Project, the Council voted to approve the Project, certify the Final Recirculated EIR, and adopt findings in support of the Project approval and certification of the Final Recirculated EIR.

100. The next day, on or about June 12, 2025, the City filed a Notice of Determination for the Project with the County Clerk, which stated that the City had approved the Project, prepared an EIR, and adopted Findings.

101. The Notice of Determination listed HomeFed Fanita Rancho, LLC, c/o Jeff O'Connor as the Project applicant.

102. The approved Project includes 445 market-rate Active Adult housing units in its northwestern corner, in addition to 1,203 Low Density Residential units, 866 Medium Density Residential units, and 435 Village Center units throughout the Project site. All designations are permitted to have the same amenities, including clubhouses, pool facilities, community gardens, and community supported agriculture, with no additional amenities permitted specifically for the Active Adult neighborhood.

103. As a result of Respondents' actions in approving the Project, certifying the Final Recirculated EIR for the Project, and failing to adopt the required General Plan Amendments,

1 Petitioners and their members will suffer significant and irreparable harm. Petitioners have no  
2 plain, speedy, or adequate remedy at law for this irreparable harm. Unless this Court grants the  
3 requested writ of mandate to require Respondents to set aside certification of the Final  
4 Recirculated EIR and approval of the Project, Respondents' approval will remain in effect in  
5 violation of state law.

6 104. Respondents have prejudicially abused their discretion and failed to proceed in the  
7 manner required by law in the following ways:

8 **FIRST CAUSE OF ACTION**

9 **Violation of CEQA – Failure to Evaluate New Information and Changed**  
10 **Circumstances (Public Resources Code § 21000, et seq.; CEQA Guidelines 14 Cal. Code**  
11 **Regs. § 15000 et seq.)**

12 105. Petitioners hereby incorporate by reference each and every allegation set forth  
13 above.

14 106. CEQA was enacted by the legislature to ensure that the long-term protection of the  
15 environment is a guiding criterion in public decisions. CEQA requires the lead agency for a  
16 project with the potential to cause significant environmental impacts to prepare an EIR for the  
17 project that complies with the requirements of the statute, including, but not limited to, the  
18 requirement to disclose and analyze the project's potentially significant environmental impacts.  
19 The EIR must provide sufficient environmental analysis such that the decisionmakers can  
20 intelligently and fully consider environmental consequences when acting on the proposed  
21 project. Such analysis must include and rely upon thresholds of significance that are based on  
22 substantial evidence in the record.

23 107. CEQA also mandates that the lead agency analyze and adopt feasible and  
24 enforceable mitigation measures that would reduce or avoid any of a project's significant  
25 environmental impacts. If any of the project's significant impacts cannot be mitigated to a less  
26 than significant level, then CEQA bars the lead agency from approving a project if a feasible  
27

1 alternative is available that would meet the project’s objectives while avoiding or reducing its  
2 significant environmental impacts.

3 108. CEQA requires that substantial evidence in the administrative record support all of  
4 the agency’s findings and conclusions, including those contained in the EIR, and that the agency  
5 explain how the evidence in the record supports the conclusions the agency has reached.

6 109. Respondents committed a prejudicial abuse of discretion and failed to proceed in a  
7 manner required by law by failing to address new information and changed Project elements and  
8 circumstances regarding the Project’s wildfire and fire evacuation impacts.

9 110. **Supplemental or Subsequent EIR.** CEQA requires that a supplemental or  
10 subsequent EIR be prepared when (1) the project is changed; (2) circumstances surrounding the  
11 project have changed; or (3) new, previously unavailable information becomes available, and the  
12 changes or new information present substantial evidence indicating that a new impact not  
13 previously identified or studied in the prior EIR, or a substantial increase in the severity of a  
14 previously-studied impact will occur. In such cases, environmental review must be reopened to  
15 address the new or significantly increased impact. Here, the City has alleged that approximately  
16 15 percent of the Project will consist of “senior housing,” yet has completely failed to evaluate  
17 the wildfire evacuation and other consequences of re-branding the Project as a “senior housing  
18 development.” As a result of Respondents’ failure to prepare a supplemental or subsequent EIR,  
19 or to address the environmental consequences of the Project’s changes in any way, the public  
20 and public agencies were deprived of any meaningful opportunity to review and comment on the  
21 approved Project, its substantial adverse environmental consequences, and the new information  
22 regarding other unanalyzed environmental effects of the Project. By failing to prepare a  
23 supplemental or subsequent EIR, Respondents failed to proceed in the manner required by law,  
24 and their decision to approve the Project was not supported by substantial evidence.

25 111. **Recirculation.** CEQA requires an amended EIR to be recirculated for public  
26 review and comment if significant new information is added to an EIR after a draft EIR is  
27 prepared, but before certification of the final EIR and/or the EIR is inadequate and conclusory in  
28

1 nature. Despite new significant information regarding, among other things, the Eaton and  
2 Palisades wildfires, the lessons learned from these events about structure survivability, risks  
3 posed by proximate structures in dense development, fire evacuation impacts, repeated record-  
4 breaking temperatures and their impacts to wildfire risk and senior living, Respondents failed to  
5 recirculate the EIR as CEQA requires. As a result of Respondents' failure to recirculate the EIR,  
6 the public and public agencies were deprived of any meaningful opportunity to review and  
7 comment on the approved Project, its substantial adverse environmental consequences, and the  
8 new information regarding other unanalyzed environmental effects of the Project. By failing to  
9 amend and recirculate the EIR, Respondents failed to proceed in the manner required by law,  
10 and their decision to approve the Project was not supported by substantial evidence.

11       **112. Wildfire and Wildfire Safety.** As result of Respondents' failure to evaluate new  
12 information, Project changes, and changed circumstances regarding wildfire impacts and  
13 wildfire evacuation, the EIR fails to adequately disclose, analyze, and/or mitigate the Project's  
14 significant direct, indirect, and cumulative impacts relating to wildfire and wildfire safety. The  
15 EIR's analysis of wildfire and wildfire safety related impacts is inadequate because, among  
16 other things, the EIR:

- 17       a. fails to include and fully analyze all wildfire and wildfire safety impacts resulting  
18       from the Project (including an accurate description of existing conditions and  
19       wildfire ignition risks resulting from the Project), and fails to support with  
20       substantial evidence its conclusions regarding the Project's wildfire and wildfire  
21       safety impacts, including, but not limited to, increased wildfire ignition risks from  
22       the Project and increased exposure of persons in the Project and the vicinity to  
23       wildfire risk;
- 24       b. fails to adequately analyze the Project's impacts on wildfire evacuation and road  
25       capacity;

- 1 c. relies on wildfire and wildfire safety mitigation measures that are vague,  
2 ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or  
3 otherwise inadequate; and  
4 d. fails to incorporate all feasible mitigation and avoidance measures to reduce  
5 impacts related to wildfire and wildfire safety.

6 **113. Inconsistency With Applicable Plans.** CEQA requires that an EIR discuss any  
7 inconsistencies between the proposed project and applicable general plans, specific plans, and  
8 regional plans. (Guidelines § 15125(d).) The recirculated portions of the EIR now  
9 acknowledge—in somewhat oblique doublespeak—that the Project is inconsistent with the  
10 City’s General Plan, but evades any analysis of this inconsistency on the specious ground that a  
11 130 percent increase in density over that permitted by the General Plan is authorized under state  
12 law. In particular, the EIR entirely fails to discuss the density of development that the General  
13 Plan permits on the site, and thus fails to describe the density bonus that is being bestowed on  
14 the Project. Thus, the EIR fails to disclose that the City is not granting a “bonus” in allowable  
15 density; rather, it is entirely disregarding its own General Plan in order to avoid risking  
16 submitting the Project to the City’s voters pursuant to Measure N.

17 **114. Response to Comments.** CEQA requires that a lead agency evaluate and respond  
18 to all environmental comments on the Draft EIR that it receives during the public review period.  
19 The responses must describe the disposition of the issues raised and must specifically explain  
20 reasons for rejecting suggestions and for proceeding without incorporating the suggestions. The  
21 Final EIR’s responses to comments fail to meet CEQA’s requirements because they fail to  
22 adequately dispose of all the issues raised, fail to provide specific rationale for rejecting  
23 suggested Project changes, including the consideration or adoption of feasible mitigation  
24 measures or alternatives, or fail to address the comments. The Final EIR’s responses to  
25 comments, including Petitioners’, fail to satisfy the requirements of law.

26 **115.** Based upon each of the foregoing reasons, the EIR is legally defective under  
27 CEQA. Respondents prejudicially abused their discretion in violation of CEQA in approving the  
28

1 Project. As such, the Court should issue a writ of mandate directing Respondents to set aside the  
2 certification of the EIR and approval of the Project.

### 3 **SECOND CAUSE OF ACTION**

#### 4 **Violation of State Planning and Zoning Law — Density Bonus Law**

##### 5 **(Government Code § 65915)**

6 116. Petitioners hereby incorporate by reference each and every allegation set forth  
7 above.

8 117. The Density Bonus Law, Government Code section 65915, provides for limited  
9 residential density bonuses for certain affordable and senior housing projects.

10 118. In particular, Government Code section 65915 provides that a “senior citizen  
11 housing development” is entitled to a density bonus of “20 percent of the number of senior  
12 housing units.” In other words, even if the Project’s 445 market rate “Active Adult” units  
13 qualify as senior citizen units, the Project would be limited to a density bonus of approximately  
14 89 additional units above and beyond what the General Plan allows under the Density Bonus  
15 Law.

16 119. The “Active Adult” units do not qualify as senior citizen units under state law, and  
17 the Project does not provide any amenities for the putative senior residents.

18 120. Government Code section 65915 also provides that a city may provide a greater  
19 density bonus than described in the Density Bonus Law “for a development that meets the  
20 requirements of this section.”

21 121. Even if the Project is a “development that meets the requirements” of the Density  
22 Bonus Law, the City is not providing a “greater density bonus” than described in the Density  
23 Bonus Law (20 percent of the number of senior housing units). It is instead bestowing a massive  
24 increase in density—approximately 1,700 units or 130 percent over what the General Plan  
25 allows—that is completely unrelated to the number of senior housing units in the Project or the  
26 affordability of those units. This is not a “greater density bonus”—it is a qualitatively different  
27 bonus than allowed under the Density Bonus Law.

1 122. Respondents' approval of the Project violates the Density Bonus Law and is  
2 beyond the authority granted to cities and counties under the Density Bonus Law.

3 **THIRD CAUSE OF ACTION**

4 **Violation of State Planning and Zoning Law — Inconsistency with General Plan**  
5 **(Government Code § 65000 et seq.)**

6 123. Petitioners hereby incorporate by reference each and every allegation set forth  
7 above.

8 124. The California State Planning and Zoning Law requires the legislative body of  
9 each City to adopt a General Plan for the physical development of the city. The City's General  
10 Plan is a fundamental land use planning document and serves as the constitution for future  
11 development within the City. Land use actions, including the approvals associated with the  
12 Project, must be consistent with the General Plan. Government Code section 65030.1 directs  
13 that decisions about growth "should be guided by an effective planning process, including the  
14 local general plan." Government Code section 65300.5 requires that the local general plan be  
15 "integrated, internally consistent and compatible."

16 125. The Project is inconsistent with mandatory City General Plan policies, including,  
17 but not limited, to policies regarding: the density of allowable development on the Project site;  
18 the requirement to prepare a specific plan for the site; traffic, transportation, and roadway  
19 improvements; minimum lot sizes; planning requirements; park dedication; and specific required  
20 amenities. In approving the Project, the City did not amend its General Plan to address these  
21 inconsistencies. The City's purported justifications for approving the Project despite its  
22 inconsistencies with the General Plan do not excuse the City's violation of the State Planning  
23 and Zoning Law.

24 126. The City's approval of the Project is inconsistent with the General Plan policy  
25 adopted by voter initiative Measure N, which requires that certain land use changes within the  
26 City must be approved by a vote of the people.



127. The City's approval of the Project without a General Plan Amendment unlawfully skirted the requirements of Measure N and denied City voters their due process rights under Measure N.

128. By approving a project inconsistent with the City's General Plan, Respondents prejudicially abused their discretion and violated provisions of the State Planning and Zoning Law, requiring invalidation of the City's approvals.

#### **FOURTH CAUSE OF ACTION**

## Violation of Subdivision Map Act — Inconsistency with General Plan

**(Government Code § 66410 et seq.)**

129. Petitioners hereby incorporate by reference each and every allegation set forth above.

130. The Subdivision Map Act is a state statute designed to regulate the subdivision of real property in California. *Gardner v. County of Sonoma* (2003) 29 Cal.4th 990, 996-97; Gov. Code § 66411. The purposes of the Act include, among other things, ensuring that a community's growth is orderly and that necessary improvements are made so that the subdivision does not become a burden on neighbors and taxpayers. *Gardner*, 29 Cal.4th at 997. To implement these purposes, the Subdivision Map Act mandates that subdivision approvals, including approvals of vesting tentative maps, be consistent with an adopted general plan, specific plans, and local zoning regulations. Gov. Code §§ 66473.5, 66498.3(a).

131. The City violated the requirements of state law by approving a vesting tentative map for the Project that is inconsistent with the requirements of the City's General Plan. For example, and as described above, the Project is inconsistent with, *inter alia*: mandatory City General Plan policies, regarding the density of allowable development on the Project site; the requirement to prepare a specific plan for the site; traffic, transportation, and roadway improvements; minimum lot sizes; planning requirements; park dedication; and specific required amenities.

1 WHEREFORE, Petitioners pray for relief as follows:

2 **PRAYER FOR RELIEF**

3 1. For alternative and peremptory writs of mandate directing Respondents to vacate  
4 and set aside certification of the Final Second Recirculated REIR, adoption of the Findings and  
5 Statement of Overriding Considerations, and approval of all associated Project permits,  
6 entitlements, and approvals;

7 2. For alternative and peremptory writs of mandate directing Respondents to comply  
8 with CEQA and the CEQA Guidelines, the State Planning and Zoning Law, the Subdivision  
9 Map Act, and all applicable state regulations, and take any other action as required by Public  
10 Resources Code section 21168.9;

11 3. For a temporary stay, temporary restraining order, and preliminary and permanent  
12 injunctions restraining Respondents or Real Party in Interest, and their agents, servants, and  
13 employees, and all others acting in concert with them or on their behalf, from taking any action  
14 to implement, fund or construct any portion or aspect of the Project, pending full compliance  
15 with the requirements of CEQA and the CEQA Guidelines, the State Planning and Zoning Law,  
16 the Subdivision Map Act, and all applicable state regulations;

17 4. For a declaration that Respondents' actions in certifying the Final Second  
18 Recirculated REIR and approving the Project violated CEQA and the CEQA Guidelines, the  
19 State Planning and Zoning Law, the Density Bonus Law, and the Subdivision Map Act, and that  
20 the certification and approvals are invalid and of no force or effect, and that the Project is  
21 inconsistent with other applicable plans, policies, or regulations;

22 5. For costs of the suit;

23 6. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and  
24 other provisions of law; and

25 7. For such other and future relief as the Court deems just and proper.  
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1 DATED: July 11, 2025

CENTER FOR BIOLOGICAL DIVERSITY

2  
3 By: 

4 John Buse  
5 Meredith Stevenson  
6 Evan Levy

7 LAW OFFICES OF STUART M. FLASHMAN

8 Stuart M. Flashman

9 Attorneys for Petitioners CENTER FOR  
10 BIOLOGICAL DIVERSITY, PRESERVE WILD  
11 SANTEE, ENDANGERED HABITATS LEAGUE,  
12 and CALIFORNIA CHAPARRAL INSTITUTE  
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I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents.

Executed on July 11, 2025, at Santee, California.

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

Van Collinsworth, Director  
Preserve Wild Santee

# **Exhibit A**



***Via FedEx***

July 10, 2025

James Jeffries, City Clerk  
City of Santee  
Santee City Hall, City Council  
10601 Magnolia Avenue, Building 3  
Santee, CA 92071

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

Dear Mr. Jeffries:

Preserve Wild Santee, Center for Biological Diversity, Endangered Habitats League, and California Chaparral Institute (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the City of Santee and the City Council of the City of Santee (“Respondents”) approving the Fanita Ranch Project (“Project”) and certifying the 2025 Second Recirculated Final Environmental Impact Report for the Project. Petitioners submit this notice pursuant to Public Resources Code section 21167.5

The action will commence on July 11, 2025 and will be based *inter alia* upon Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the 2025 Second Recirculated Environmental Impact Report and approving the Project.

Sincerely,

John Buse  
Senior Counsel  
Center for Biological Diversity  
2100 Franklin St., Suite 375,  
Oakland, CA 94612  
Tel: (510) 844-7125  
jbuse@biologicaldiversity.org

cc: [clerk@cityofsantee.gov](mailto:clerk@cityofsantee.gov), Amy.Hoyt@bbklaw.com



***Via FedEx***

July 10, 2025

James Jeffries, City Clerk  
City Council of the City of Santee  
Santee City Hall, City Council  
10601 Magnolia Avenue, Building 3  
Santee, CA 92071

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

Dear Mr. Jeffries, Mayor Minto, and Councilmembers:

Preserve Wild Santee, Center for Biological Diversity, Endangered Habitats League, and California Chaparral Institute (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the City of Santee and the City Council of the City of Santee (“Respondents”) approving the Fanita Ranch Project (“Project”) and certifying a 2025 Final Second Recirculated Environmental Impact Report for the Project. Petitioners submit this notice pursuant to Public Resources Code section 21167.5

The action will commence on July 11, 2025 and will be based *inter alia* upon Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the 2025 Final Second Recirculated Environmental Impact Report and approving the Project.

Sincerely,

John Buse  
Senior Counsel  
Center for Biological Diversity  
2100 Franklin St., Suite 375,  
Oakland, CA 94612  
Tel: (510) 844-7125  
jbuse@biologicaldiversity.org

cc: clerk@cityofsantee.gov, Amy.Hoyt@bbklaw.com

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 I am employed in Oakland, California. I am over the age of 18 and not a party to the foregoing  
4 action. My business address is Center for Biological Diversity, 2100 Franklin Street, Suite 375,  
5 Oakland, California 94612. My email address is trettinghouse@biologicaldiversity.org.

6 On July 10, 2025, I served a true and correct copy of the following document(s):

7 **Notice of Commencement of Legal Action Pursuant to CEQA**

8 [X] BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through  
9 Center for Biological Diversity's electronic mail system to the email address(s) shown below.

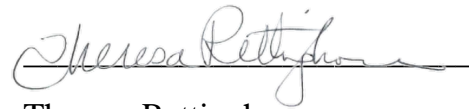
10 [X] BY FEDERAL EXPRESS: By placing a true and correct copy thereof in sealed  
11 envelope(s). Such envelope(s) were addressed as shown below. Such envelope(s) were  
12 deposited for collection and mailing following ordinary business practices with which I am  
13 readily familiar.

14

15 James Jeffries, City Clerk	James Jeffries, City Clerk
16 City of Santee	City Council of the City of Santee
17 Santee City Hall, City Council	Santee City Hall, City Council
18 10601 Magnolia Avenue, Building 3	10601 Magnolia Avenue, Building 3
19 Santee, CA 92071	Santee, CA 92071

20  
21 [x] STATE: I declare under penalty of perjury under the law of California that the foregoing  
22 is true and correct.

23 Executed on July 10, 2025 at Alameda, California.

24   
25 Theresa Rettinghouse  
26  
27  
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# **Exhibit B**

1 John Buse (SBN 163156)  
2 Meredith Stevenson (SBN 328712)  
3 Evan Levy (SBN 359556)  
4 CENTER FOR BIOLOGICAL DIVERSITY  
5 2100 Franklin St, Ste. 375  
6 Oakland, California 94612  
7 Telephone: (510) 844-7100  
8 Facsimile: (510) 844-7150  
9 jbuse@biologicaldiversity.org  
10 mstevenson@biologicaldiversity.org  
11 elevy@biologicaldiversity.org  
12

13 Stuart M. Flashman (SBN 148396)  
14 LAW OFFICES OF STUART M. FLASHMAN  
15 5626 Ocean View Dr.  
16 Oakland, CA 94618-1533  
17 Telephone: (510) 652-5373  
18 stu@stuflash.com  
19

20 *Attorneys for Petitioners Preserve Wild Santee,*  
21 *Center for Biological Diversity, Endangered Habitat*  
22 *League, and California Chaparral Institute*  
23

24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
25 **COUNTY OF SAN DIEGO**  
26

27 PRESERVE WILD SANTEE, CENTER  
28 FOR BIOLOGICAL DIVERSITY,  
ENDANGERED HABITATS LEAGUE,  
and CALIFORNIA CHAPARRAL  
INSTITUTE,

Petitioners,

v.

CITY OF SANTEE, CITY OF SANTEE  
CITY COUNCIL; and DOES 1 through  
20, inclusive,

Respondents.

HOMEFED FANITA RANCHO, LLC;  
and DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No.

**PETITIONERS' NOTICE OF  
ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

[Pub. Res. Code § 21167.6]

Petition Filed July 11, 2025

1           **TO RESPONDENTS CITY OF SANTEE AND CITY COUNCIL OF THE CITY**  
2 **OF SANTEE:**

3           In the above-captioned action, Petitioners Preserve Wild Santee, Center for Biological  
4 Diversity, Endangered Habitats League, and California Chaparral Institute (“Petitioners”)  
5 petition this Court for a Writ of Mandate, directed to the City of Santee and the City Council of  
6 the City of Santee (“Respondents”). Petitioners challenge Respondents’ June 11, 2025 approval  
7 of the Fanita Ranch Project (“Project”) and certification of the Final Second Recirculated  
8 Revised Environmental Impact Report (“Final Recirculated REIR”) for the Project (State  
9 Clearinghouse # 205061118). Petitioners seek a determination that Respondents’ approvals were  
10 inconsistent with, among other things, the requirements of the California Environmental Quality  
11 Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the CEQA Guidelines, Title  
12 14, California Code of Regulations, section 15000 *et seq.*

13           Pursuant to Public Resources Code section 21167.6(b)(2), Petitioners hereby elect to  
14 prepare the record of proceedings for this action. The record will be organized chronologically,  
15 paginated consecutively, and indexed so that each document may be clearly identified as to its  
16 contents and source, in form and format consistent with California Rules of Court, Rule 3.2205.

17           Petitioners will include in the record of proceedings all documents, including transcripts,  
18 minutes of meetings, notices, correspondences, reports, studies, proposed decisions, final drafts,  
19 and any other documents or records relating to Respondents’ approval of the Project and  
20 certification of the Final Recirculated REIR.

1 DATED: July 11, 2025

CENTER FOR BIOLOGICAL DIVERSITY

2  
3 By: 

4 John Buse  
5 Meredith Stevenson  
6 Evan Levy

7 LAW OFFICES OF STUART M. FLASHMAN

8 Stuart M. Flashman

9 Attorneys for Petitioners PRESERVE WILD  
10 SANTEE, ENDANGERED HABITAT  
11 LEAGUE, CALIFORNIA CHAPARRAL  
12 INSTITUTE, and CENTER FOR BIOLOGICAL  
13 DIVERSITY  
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# **Exhibit C**



*Via Electronic Mail*

July 11, 2025

Rob Bonta, Attorney General  
Office of the Attorney General  
Attn: Environmental/CEQA Filing  
1300 I Street  
Sacramento, CA 95814-2919

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

Dear Attorney General Bonta:

The attached Petition for Writ of Mandate in *Preserve Wild Santee et al. v. City of Santee, et al.* (San Diego County Superior Court), is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code 21167.7.

Petitioners in this case challenge the City of Santee's approval of the Fanita Ranch Project ("Project"), and certification of the Second Recirculated Revised Environmental Impact Report ("Recirculated REIR") for the Project. Petitioners' complaint is partially based on California Environmental Quality Act claims. Petitioners allege environmental harms that could affect the public generally and the natural resources of the state. Petitioners are specifically concerned that the Project will have significant negative environmental impacts on, among other things, wildfire risks and that the Project remains inconsistent with the City's General Plan, including density limitations intended to reduce wildfire impacts on this site within a Very High Fire Hazard Zone. Petitioners are also concerned about the City's deficient response to comments on the 2025 Draft Second Recirculated Revised EIR and the City's failure to address significant new information and changed circumstances related to wildfire impacts.

Please acknowledge receipt. Thank you for your attention to this matter.

Sincerely,

John Buse, General Counsel & Legal Director  
Center for Biological Diversity  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)

Attached: Petition for Writ of Mandate