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11 **CHAPEL BIBLE FELLOWSHIP**

12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
15

16 CALVARY CHAPEL BIBLE
17 FELLOWSHIP, a California Non-Profit
18 Religious Corporation,

19 Plaintiffs,

20 vs.

21 COUNTY OF RIVERSIDE,

22 Defendant.

Case No.:

COMPLAINT

23 **PRELIMINARY STATEMENT**

24 1. This Complaint seeks declaratory and injunctive relief under the Religious
25 Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc (“RLUIPA”)
26 and the United States Constitution.

27 2. Plaintiff, Calvary Chapel Bible Fellowship (“CCBF”) is located in the
28 heart of the beautiful region of Riverside County (the “County”) commonly known as
the Temecula Wine Country. CCBF is often referred to as “Wine Country Calvary”

1 because of its location amongst the vineyards – an ambiance similar to that of the early
2 California Missions that began the California wine phenomenon.

3 3. Father Junipero Sera, the “Father of California Wine,” planted the first
4 known vineyard in California at the San Diego Mission de Alcala and vineyards graced
5 the California Missions for years to come. Today, however, Riverside County has
6 determined that a church is no longer compatible with vineyards and has banned all
7 religious assemblies from the Temecula Wine Country, an area that spans
8 approximately 17,900 acres, which is the equivalent of 28 square miles.

9 4. Meanwhile, the Temecula Wine Country is home to dozens of wineries,
10 large special occasion facilities, restaurants, residences and other uses. Concerts,
11 weddings, large public gatherings and other events occur every weekend in the Wine
12 Country. Wedding ceremonies occur frequently in the Temecula Wine Country, they
13 are just not allowed to occur in a church.

14 5. CCBF now seeks to build a new church sanctuary on its adjacent 23.4 acre
15 property where it can accommodate the special occasions of its members (like
16 weddings) and where it can accommodate the growing congregation. Its plans include
17 the planting of 75% of its 21.88 of its adjusted net site acres in vineyards.

18 6. Unfortunately, the County’s zoning scheme forbids religious assemblies in
19 this 28 square mile region of the County. This lawsuit seeks to compel the County to
20 correct its zoning ordinances that are in facial violation of RLUIPA and the United
21 States Constitution.

22 **PARTIES – PLAINTIFF**

23 7. CCBF is a nondenominational Christian church organized as a California
24 Non-Profit Religious Corporation.

25 8. CCBF is a thriving church located in Riverside County, California, whose
26 membership continues to grow. CCBF is a nondenominational Christian church
27 organized as a California Non-Profit Religious Corporation.

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1 religious worship are only allowed in certain designated zones, not including the C/V
2 Zone. Accordingly, CCBF is currently a nonconforming use.

3 25. As a nonconforming use, CCBF appears to be subject to Section 18.8 of
4 the zoning ordinance. Section 18.8(C)(4) provides that “general commercial uses” that
5 are “primarily permitted in C Zones” are only permitted to remain nonconforming for
6 one year from the date the use becomes a nonconforming use. Religious assemblies are
7 permitted in C Zones. Therefore, as a nonconforming use, the use of property must be
8 terminated in accordance with this section. Unlike other similarly situated secular
9 assembly uses such as special occasion facilities, CCBF is now faced with the potential
10 enforcement of Section 18.8 as a nonconforming use. Although the County Counsel’s
11 office opined that Section 18.8(c)(4) is not applicable to religious assemblies, the face
12 of the ordinance appears applicable to religious assemblies and CCBF is now at the
13 mercy of County Counsel’s subjective interpretation, which may change from one
14 person to the next.

15 26. A few months after banning churches and other religious uses in the C/V
16 Zone, the County adopted Ordinance No. 348.3928 adding restaurants, wine-tasting
17 rooms and retail wine sales as permissible uses in the C/V Zone.

18 27. On May 7, 2006, the County adopted Ordinance No. 348.4321 adding
19 special occasion facilities, bed and breakfasts, country inns, hotels, day spas and
20 cooking schools to the C/V zone.

21 28. In 2009, the County added child day care centers to the C/V zone by
22 adopting Ordinance No. 348.4596.

23 29. Even though churches and other religious uses are not permitted in the C/V
24 Zone, Section 14.74 of the Zoning Ordinance now permits several other nonreligious
25 assembly uses within the C/V Zone. The zoning ordinance permits special occasion
26 facilities, which are defined as “[a]n outdoor facility, in conjunction with a dwelling
27 unit or a winery, which may include a structure or building, which is used on special
28 occasions for public assembly for a specific period of time in return for compensation.

1 Special occasions may involve, but not be limited to, weddings, concerts, parties,
2 spectator oriented events or other celebrations.”

3 30. Unaware of the County’s actions to exclude religious uses in the C/V
4 Zone, CCBF purchased the Calle Contento Property in 2009 in order to allow for the
5 expansion of its growing church.

6 31. Meanwhile, the County, in partnership with the Temecula Valley Wine
7 Association, initiated development of the Wine Country Community Plan (“WCCP”).
8 The WCCP is a specific plan adding four new zones in the Southwest Planning Area of
9 the County commonly known as the Temecula Wine Country. The WCCP specific plan
10 encapsulates the entire C/V Zone, including CCBF’s Property.

11 32. To assist the County in developing the WCCP, the County organized an
12 Ad Hoc Group of “stakeholders” to develop the WCCP. At no time was CCBF or any
13 of the 3,500 parishioners invited to join the group of “stakeholders” nor were they
14 informed of the Ad Hoc group of vintners sponsored by the County.

15 33. The County held a Town Hall Meeting to present information developed
16 by the Ad Hoc Committee.

17 34. As a result of the Town Hall Meeting, equestrian property owners were
18 added to the approved list of “stakeholders” allowed to join the Ad Hoc Committee, but
19 CCBF was not given notice of the ad hoc process.

20 35. While the County was preparing the WCCP, CCBF was working with the
21 County in to expand its Church. Since churches and other religious uses were no longer
22 permitted within the C/V Zone, CCBF requested that the County amend the C/V Zone
23 to include churches and other religious land uses as permitted uses.

24 36. On December 7, 2009 and at the direction of a member of the Board of
25 Supervisors, CCBF sent a letter to the County informing the County that the C/V Zone
26 restrictions violated RLUIPA and requested that the County amend the C/V Zone to
27 permit churches and other religious uses.

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1 37. In 2010 and in response to the December 7 letter, the County Board of
2 Supervisors directed staff to prepare proposed Ordinance No. 348.4702 to allow
3 churches, temples and other places of religious worship to be permitted in the C/V zone
4 with a plot plan.

5 38. A plot plan is a land use application that is reviewed and decided upon by
6 the County Planning Director. So long as the Planning Director's decision is not
7 appealed to the planning commission, the Director's decision is final.

8 39. On May 28, 2010, CCBF sent another letter to the County's Board of
9 Supervisors and Planning Commission urging them to adopt proposed Ordinance No.
10 348.4702 and stressing to the County the importance of complying with RLUIPA.

11 40. The proposed Ordinance No. 348.4702 was agendized for the County
12 Planning Commission on three separate occasions (June 2, 2010; July 14, 2010; and
13 August 18, 2010) but each time the County tabled discussion of the proposed ordinance.

14 41. On September 15, 2010, the County's Planning Commission tentatively
15 approved Ordinance No. 348.4702 but again continued the item to November 3, 2010.

16 42. On November 3, 2010, the Planning Commission voted to take the
17 proposed ordinance off calendar. Instead of amending the C/V Zone, the County
18 explained to CCBF that it was going to adopt Ordinance No. 348.4713, which would
19 allow the Planning Director to approve non-designated uses that are substantially the
20 same in character and intensity as other permitted uses in a zone even though the
21 non-designated use is not listed as a permitted use under the applicable zoning
22 ordinance. The County adopted Ordinance No. 348.4713 on November 9, 2010.

23 43. On or about November 18, 2010, CCBF requested that the County
24 Planning Director find that its proposed project on Calle Contento was "substantially
25 the same in character and intensity" as the other uses already permitted within the C/V
26 Zone.

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1 44. On January 27, 2011, the County found that a church use was the same in
2 character and intensity as other uses already permitted in the C/V Zone, thereby
3 allowing CCBF to submit a land use application as a permitted use in the C/V Zone.

4 45. Based on the County’s findings, CCBF submitted a plot plan to the County
5 on March 10, 2011 in order to expand its Church. The expansion project (as
6 subsequently amended) on the Calle Contento Property planned to erect a 2,480 square
7 foot religiously-based special occasion facility, a 68,389 open air wedding venue, a 768
8 square foot residence, a 31,496 square foot church building for offices and classrooms,
9 and a 49,379 square foot church building for a sanctuary (hereinafter referred to as the
10 “Project”).

11 46. Two months later, on May 6, 2011, a group known as “Protect Wine
12 Country” filed a lawsuit (Riverside County Case No. 1401719) against the County
13 challenging the validity of Ordinance 348.4713. Protect Wine Country, led by a
14 neighbor of CCBF, ultimately prevailed against the County in its lawsuit. This caused
15 Calvary’s land use application to be negated.

16 47. During this time period, the County continued to conduct advisory
17 meetings and public hearings wherein significant changes were made to the WCCP in
18 order to prepare it for final adoption. A Notice of Completion for the Draft Preliminary
19 Environmental Report for the WCCP was issued in February 2012.

20 48. CCBF made numerous unsuccessful requests for the County to add
21 religious assemblies as permitted uses in the proposed WCCP because Calvary’s
22 Property was originally included within the boundaries of the WCCP. On or about
23 February 1, 2012, CCBF requested in writing that religious assemblies be added as
24 permitted uses within the WCCP. Meanwhile, CCBF’s neighboring vintners voiced
25 opposition to CCBF and its desire to expand its facilities.

26 49. Since the County was not willing to include religious assemblies in the
27 WCCP, CCBF filed an application for a text amendment to permit churches in the C/V
28 zone with a plot plan on May 30, 2012.

1 50. When the County reviewed CCBF’s application for a text amendment, the
2 County informed CCBF that it would have to also apply for a General Plan Amendment
3 to allow religious uses within the C/V Zone.

4 51. On June 27, 2012, CCBF submitted a letter to Deputy County Counsel
5 Shellie Clack, informing the County that its EIR for the WCCP could be invalid for
6 failing to evaluate CCBF’s Project and other church uses in the WCCP.

7 52. On July 25, 2012, CCBF and its members attended a Planning Commission
8 hearing on the WCCP and requested that the County amend the WCCP to permit
9 churches in the WCCP.

10 53. At the December 5, 2012 Planning Commission hearing, CCBF and
11 numerous members spoke in objection to the WCCP because the WCCP would apply to
12 CCBF’s Property and it prohibited religious assemblies. CCBF again argued that the
13 WCCP should simply be amended to allow religious assemblies in the WCCP just as
14 other secular assemblies were permitted. The County then considered three options to
15 address CCBF and its proposed Project within the pending WCCP. The three options
16 were (1) revise its draft EIR to study and allow religious assemblies in the proposed
17 WCCP; (2) leave the proposed WCCP as it was then proposed – prohibiting religious
18 assemblies; or (3) carve out CCBF’s two parcels from the WCCP such that the WCCP
19 would be inapplicable to Calvary’s Property.

20 54. The estimated cost to revise the EIR and amend the WCCP to allow
21 religious uses within the WCCP was \$296,346.00. CCBF offered to pay \$100,000 of the
22 estimated costs as a donation to the County, but the County declined the offer and chose
23 not to allow religious assemblies in the WCCP. Instead, the Planning Commission
24 voted to carve out CCBF’s two parcels and exclude CCBF’s Property from the WCCP,
25 thereby requiring CCBF to pursue a general plan amendment and a text amendment to
26 the C/V Zone. The effect was that the County passed-off the burden of correcting its
27 ordinances to CCBF, leaving CCBF as a non-conforming use while leaving similarly
28 situated secular assemblies as permitted uses.

1 55. On December 18, 2012, CCBF submitted a letter to Shellie Clack, Deputy
2 County Counsel, the County Board of Supervisors, and the County Planning Director.
3 The letter once again stressed that permitting secular assemblies, but not permitting
4 religious assemblies, was a violation of RLUIPA.

5 56. On March 11, 2014, the County Board of Supervisors approved the WCCP
6 without making leave in accommodation for religious assemblies in the WCCP. The
7 County also “carved out” CCBF’s Property from the WCCP causing its properties to be
8 the only properties that would remain permanently in the C/V Zone. With the exception
9 of CCBF’s Property, the WCCP replaces the former C/V zone with new zone
10 designations called “Wine Country Zones”. CCBF’s Property remained subject to the
11 C/V Zone restrictions, notwithstanding the fact that all other surrounding properties
12 were now regulated by the WCCP.

13 57. The WCCP consists of more than 17,900 contiguous acres – an area
14 similar in size to many California cities and equivalent to 28 square miles.

15 58. Under the WCCP, new zoning designations were adopted including the
16 Wine Country-Winery Existing Zone and the Wine Country – Winery Zone. These two
17 zoning districts entirely surround CCBF’s two parcels, which are the sole parcels
18 permanently remaining in the C/V Zone.

19 59. The Wine Country - Winery Existing Zone (Zoning Code Section 14.94)
20 provided for thirty-one then existing wineries to have special and more beneficial
21 development (less restrictive) standards from other property owners within the WCCP.
22 Special accommodations were provided to these 31 wineries within the WCCP but no
23 accommodation was provided for CCBF. The accommodations provided to the 31
24 wineries ensured that the existing wineries did not become nonconforming uses.

25 60. Many of these wineries legally operate large special occasion facilities
26 where they host weddings, concerts, conferences and other events on a larger scale than
27 CCBF’s usage of its Property and intended use of the Calle Contento Property. In fact,
28 one winery rents its special occasion facility to a church on Sunday mornings for the

1 church's regular worship services. This zone expressly permits, among other uses,
2 special occasion facilities, bed and breakfasts, wineries, wine club activities, wine club
3 events, Winegrowers Trade Association Events, gift sales, country inns, restaurants, bed
4 and breakfast inns, spas, and cooking schools.

5 61. The Wine Country – Winery Zone permits, among other uses, special
6 occasion facilities, hotels, resorts, golf courses, clustered residential subdivisions,
7 professional culinary academy, bed and breakfasts, wineries, wine club activities, wine
8 club events, Winegrowers Trade Association Events, gift sales, country inns,
9 restaurants, bed and breakfast inns, hotels, spas, and cooking schools. Churches and
10 Religious assemblies are not permitted.

11 62. At the September 24, 2013 hearing before the Board of Supervisors, one of
12 the Supervisors remarked: “So keeping them in the Citrus Vineyard Zone, we can then
13 come back and amend that plan to allow a church and we can be in compliance with
14 RLUIPA. . .” Essentially, the County “threw the Church a bone” hoping the Church
15 would be pacified with an “opportunity” to ask the County at a future date for zone
16 change, text amendment or some other onerous, expensive and subjective application
17 process. In doing so, however, the County recognized the fact that its zoning ordinances
18 in the Wine Country did not treat religious assemblies and institutions on equal terms to
19 nonreligious assemblies and institutions and hoped that this “carve out” might
20 marginally satisfy RLUIPA.

21 63. After the County adopted the WCCP, Protect Wine Country sued the
22 County in a case titled *Protect Wine Country v. County of Riverside*, RIC1401719 (the
23 “Protect Wine Country Lawsuit”). The Complaint alleges that the carve-out of CCBF’s
24 Property from the WCCP was illegal spot zoning. On October 29, 2014, CCBF
25 intervened in the Protect Wine Country Lawsuit. The ultimate intent of the lawsuit is to
26 thwart CCBF’s attempt to construct on the Calle Contento to Property and to obtain a
27 text amendment that would permit religious assemblies in the C/V Zone.

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1 68. This cause of action is a facial challenge to the Zoning Ordinance
2 Sections 14.71 through 14.74.

3 69. RLUIPA prohibits the County from imposing land use restrictions in a
4 manner that treats a religious assembly on less than equal terms with a nonreligious
5 assembly in violation of 42 U.S.C. § 2000cc(b)(1).

6 70. Riverside County Zoning Ordinance Section 14.71 through 14.74 facially
7 violate the “Equal Terms” provision of 42 USC § 2000cc(b)(1) because they treat
8 religious assemblies on less than equal terms to nonreligious assemblies and
9 institutions.

10 71. CCBF’s Property is located in the C/V Zone of Riverside County.

11 72. The intent of the C/V Zone is to “encourage agricultural cultivation,
12 vineyards, and wineries, which would preserve the rural lifestyle, wine-making,
13 atmosphere and long term viability of the wine-industry” and to “protect such areas
14 from incompatible uses which could result in reduced agricultural productivity and
15 increased urbanization within the policy area.” (Section 14.71 Ordinance No.
16 348.4802.)

17 73. In addition to agricultural uses, the C/V Zone specifically allows the
18 following uses: retail wine sales stores, sampling rooms, restaurants, delicatessens, bed
19 and breakfast inns, hotels and special occasion facilities, single family homes, country
20 inns, day spas, cooking schools, public utilities, wineries, hotels, one 18-hole golf
21 course, and child day care centers. (Section 14.71 & 14.73, Ordinance 348.4802.)

22 74. Each of the above described uses, are permitted provided that a plot plan is
23 obtained.

24 75. Ordinance 348.3888 excluded churches, temples, and other places of
25 religious worship from the C/V Zone.

26 76. Churches generally, and CCBF specifically, are as similarly situated to the
27 intent and purpose of the C/V Zone as the other permitted uses within the C/V Zone.
28 For example, a church that complies with the development standard that requires 75%

1 of the property to be planted in vineyards is no different than a special occasion facility
2 that is planted with vineyards. Yet the County treats churches and other religious land
3 uses on less than equal terms with the permitted secular comparators.

4 77. Special occasion facilities are practically no different than a church.
5 Section 14.72 of Ordinance 348 defines “special occasion facility” “[a]n outdoor
6 facility, in conjunction with a dwelling unit or a winery, which may include a structure
7 or building, which is used on special occasions **for public assembly** for a specific
8 period of time in return for compensation. Special occasions may involve, but not be
9 limited to, **weddings**, concerts, parties, spectator oriented events or other celebrations.”

10 78. Like “special occasion facilities,” CCBF is used for public assembly.
11 CCBF performs wedding ceremonies, hosts concerts, baptisms, dedications, retreats,
12 and other special events. In addition, religious assemblies, and CCBF in particular, can
13 meet all of the development standards required of other allowable uses. For example,
14 CCBF’s use of the property is conditioned on CCBF providing a minimum amount of
15 planting on its Rancho California Property. Further, CCBF would be required to plant
16 75% of its Calle Contento Property in vineyards if it were a permitted use like special
17 occasion facilities. This is a condition that CCBF has expressly agreed to do. CCBF’s
18 planting would further the agricultural interests stated by the County just the same as a
19 special occasion facility.

20 79. A religious use is just as likely to promote the intent of the C/V Zone as
21 retail wine sales stores, sampling rooms, restaurants, delicatessens, bed and breakfast
22 inns, hotels and special occasion facilities, single family homes, country inns, day spas,
23 cooking schools, public utilities, wineries, hotels, 18-hole golf courses, and child day
24 care centers. Yet religious uses, like CCBF’s, are excluded from the C/V Zone.
25 Wedding ceremonies occur frequently in the Temecula Wine Country, they are just not
26 allowed to occur in a church. Wine is regularly consumed in the Temecula Wine
27 Country, it just can’t be consumed as part of a communion in a new church building.

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1 87. As a result of the previously mentioned settlement agreement between
2 Protect Wine Country and the County, CCBF's properties are subject to the policies,
3 requirements and development standards of the WCCP. CCBF is effectively hamstrung
4 in the use of its property because any religious use of CCBF's property must effectively
5 satisfy the policies, requirements, and development standards of the WCCP (including,
6 but not limited to Zoning Ordinances Sections 14.91-14.94). This is due to the fact that
7 any modification to the C/V Zone must also be effective to modify the WCCP. The
8 result is that the policies of the WCCP will certainly limit the permissible modifications
9 of property within the WCCP, which effectively limits all modifications to the C/V
10 Zone.

11 88. CCBF also sought to have its properties included in the WCCP at the
12 planning stages and to have religious assemblies identified as permissible uses within
13 the WCCP because CCBF knew that it was going to be completely surrounded by
14 17,900 acres of the WCCP. CCBF knew Protect Wine Country would object to CCBF's
15 continued and expanded development and that the County's failure to consider and
16 accommodate CCBF's existing use would lead to continued conflicts in zoning. CCBF
17 desires for its properties to be included in the WCCP and for religious assemblies to be
18 identified as a permissive use in order to prevent the unequal treatment the Church
19 continues to receive by County zoning requirements.

20 **THIRD CAUSE OF ACTION**

21 **RLUIPA -Nondiscrimination**

22 **Zoning Ordinance Sections 14.71 through 14.74**

23 89. CCBF incorporates by references the factual allegations contained in
24 paragraphs 1 through 88 as though set forth in full.

25 90. This cause of action is a facial challenge to Zoning Ordinance
26 Sections 14.71 through 14.74.

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1 91. RLUIPA provides that “[n]o government shall impose or implement a land
2 use regulation that discriminates against any assembly or institution on the basis of
3 religion or religious denomination.” 42 U.S.C. § 2000cc(b)(2).

4 92. Zoning Ordinance Sections 14.71 through 14.74 discriminate against
5 religious assemblies and CCBF in particular.

6 93. Defendants, under color of state law, have deprived and continue to
7 deprive Plaintiff of its right to the free exercise of religion as secured by the Religious
8 Land Use and Institutionalized Persons Act of 2000 by imposing and implementing a
9 land use regulation that discriminates against any assemblies or institutions on the basis
10 of religion or religious denomination.

11 **FOURTH CAUSE OF ACTION**

12 **RLUIPA -Nondiscrimination**

13 **Zoning Ordinance Sections 14.91 through 14.94**

14 94. CCBF incorporates by references the factual allegations contained in
15 paragraphs 1 through 93 as though set forth in full.

16 95. This cause of action is a facial challenge to Zoning Ordinance
17 Sections 14.91 through 14.94.

18 96. RLUIPA provides that “[n]o government shall impose or implement a land
19 use regulation that discriminates against any assembly or institution on the basis of
20 religion or religious denomination.” 42 U.S.C. § 2000cc(b)(2).

21 97. Zoning Ordinance Sections 14.91 through 14.94 discriminate against
22 religious assemblies and CCBF in particular.

23 98. Defendants, under color of state law, have deprived and continue to
24 deprive Plaintiff of its right to the free exercise of religion as secured by the Religious
25 Land Use and Institutionalized Persons Act of 2000 by imposing and implementing a
26 land use regulation that discriminates against any assemblies or institutions on the basis
27 of religion or religious denomination.

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1 **FIFTH CAUSE OF ACTION**

2 **RLUIPA - Unreasonable Limitation**

3 **Zoning Ordinance Sections 14.71 through 14.74**

4 99. CCBF incorporates by references the factual allegations contained in
5 paragraphs 1 through 98 as though set forth in full.

6 100. This cause of action is a facial challenge to Zoning Ordinance
7 Sections 14.71 through 14.74.

8 101. RLUIPA provides that “[n]o government shall impose or implement a land
9 use regulation that (A) totally excludes religious assemblies from a jurisdiction; or (B)
10 unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.
11 42 U.S.C. § 2000cc(b)(3).

12 102. Zoning Ordinance Sections 14.71 through 14.74 exclude and unreasonably
13 limit religious assemblies.

14 103. Defendants, under color of state law, have deprived and continue to
15 deprive Plaintiff of its right to the free exercise of religion as secured by the Religious
16 Land Use and Institutionalized Persons Act by imposing and implementing a land use
17 regulation that excludes and unreasonably limits religious assemblies and institutions
18 within a jurisdiction.

19 **SIXTH CAUSE OF ACTION**

20 **RLUIPA - Unreasonable Limitation**

21 **Zoning Ordinance Sections 14.91 through 14.94**

22 104. CCBF incorporates by references the factual allegations contained in
23 paragraphs 1 through 103 as though set forth in full.

24 105. This cause of action is a facial challenge to Zoning Ordinance
25 Sections 14.91 through 14.94.

26 106. RLUIPA provides that “[n]o government shall impose or implement a land
27 use regulation that (A) totally excludes religious assemblies from a jurisdiction; or (B)

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1 unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.
2 42 U.S.C. § 2000cc(b)(3).

3 107. Zoning Ordinance Sections 14.91 through 14.94 facially exclude and
4 unreasonably limit religious assemblies from more than 17,900 contiguous acres – an
5 area similar in size to many California cities and equivalent to 28 square miles.

6 108. Defendants, under color of state law, have deprived and continue to
7 deprive Plaintiff of its right to the free exercise of religion as secured by the Religious
8 Land Use and Institutionalized Persons Act by imposing and implementing a land use
9 regulation that excludes and unreasonably limits religious assemblies and institutions
10 within a jurisdiction.

11 **SEVENTH CAUSE OF ACTION**

12 **Violation of the United States Constitution**

13 **Freedom of Speech: First and Fourteenth Amendments**

14 **(42 U.S.C. § 1983)**

15 109. CCBF incorporates by references the factual allegations contained in
16 paragraphs 1 through 108 as though set forth in full.

17 110. This cause of action is a facial challenge to Zoning Ordinance
18 Sections 18.30 and 18.28.

19 111. Defendants, under color of state law, have deprived and continue to
20 deprive Plaintiff of its right to speak on matters of religion as secured by the First
21 Amendment to the United States Constitution, made applicable to the States by the
22 Fourteenth Amendment by discriminating against Plaintiff based on the religious nature
23 of its expression by allowing public officials unbridled discretion in granting a Plot Plan
24 and/or Conditional Use Permit during the land use permitting process.

25 112. Zoning Ordinance 18.30(C)(2) provides that no plot plan may be
26 subjectively granted unless it complies with the following standard: “The overall
27 development of the land shall be designed for the protection of the public health, safety
28 and general welfare; to conform to the logical development of the land and to be

1 compatible with the present and future logical development of the surrounding
2 property.”

3 113. Likewise Zoning Ordinance 18.28(D) provides that “[a] conditional use
4 permit shall not be granted unless the applicant demonstrates that the proposed use will
5 not be detrimental to the health, safety or general welfare of the community. Any permit
6 that is granted shall be subject to such conditions as shall be necessary to protect the
7 health, safety or general welfare of the community.”

8 114. Zoning Ordinances 18.30(C)(2) and 18.28(D) grant unbridled discretion in
9 land use decisions affecting religious speech and are facially unconstitutional.

10 **JURY DEMAND**

11 115. Plaintiff hereby demands a jury trial.

12 **PRAAYER FOR RELIEF**

13 WHEREFORE, Plaintiff, Calvary Chapel Bible Fellowship, prays for relief on all
14 causes of action as follows:

15 a. For a declaration that Sections 14.71 through 14.74 of Riverside County
16 Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(1).

17 b. For a declaration that Sections 14.91 through 14.94 of Riverside County
18 Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(1).

19 c. b. For a declaration that Sections 14.71 through 14.74 of Riverside
20 County Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(2).

21 d. For a declaration that Sections 14.91 through 14.94 of Riverside County
22 Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(2).

23 e. For a declaration that Sections 14.71 through 14.74 of Riverside County
24 Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(3).

25 f. For a declaration that Sections 14.91 through 14.94 of Riverside County
26 Ordinance 348 facially violate 42 U.S.C. § 2000cc(b)(3).

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1 g. For a declaration that the County's process and ordinances governing the
2 approval of plot plans and conditional use permits violate CCBF's right to free speech
3 under the U.S. Constitution.

4 h. For an injunction requiring the County of Riverside to amend Zoning Code
5 Sections 14.71 through 14.74, to include religious assemblies as a permitted use subject
6 to reasonable development standards and on equal terms to other similarly situated
7 comparators.

8 i. For an injunction requiring the County of Riverside to amend Zoning Code
9 Sections 14.91 through 14.94, to include religious assemblies as a permitted use subject
10 to reasonable development standards and on equal terms to other similarly situated
11 comparators.

12 j. For an injunction requiring the County to apply objective standards in the
13 granting or denying of a Plot Plan (Zoning Ordinance 18.30(C)(2)) or Conditional Use
14 Permit (Zoning Ordinance 18.28(D)) to religious assemblies wherein the purpose of the
15 land use is in furtherance of the applicant's religious speech.

16 k. For compensatory damages according to proof.

17 l. For attorney's fees pursuant to 42 U.S.C. 1988(b) and other applicable
18 statutes;

19 m. For costs of suit.

20 n. For any other relief that the Court deem just and proper.

21
22 Respectfully submitted,
23 TYLER & BURSCH, LLP

24
25 Dated: February 10, 2016

26 /s/ Robert H. Tyler
27 Robert H. Tyler
28 Attorneys for Plaintiff, **CALVARY
CHAPEL BIBLE FELLOWSHIP**