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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

SANTA CRUZ COUNTY FOR SAFE TECH, Plaintiff and Petitioner, v. COUNTY OF SANTA CRUZ and DOES 1–10; Defendants and Respondents CTI TOWERS, INC, DELTA GROUP ENGINEERING, INC, AT&T and ROES 1–10 Real Parties in Interest	CASE NO.: 25CV02299 **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** California Environmental Quality Act, Cal. Pub Res. Code § 21000 *et seq*; Santa Cruz County Ordinance Code; Code of Civil Procedure §§ 1085, 1094.5 Dep't:

INTRODUCTION

1. This lawsuit seeks to enjoin and vacate the Santa Cruz County's ("Respondent") June 10, 2025 action approving the Summit Drive Wireless Project ("Project"), and the adoptions of an Initial Study / Mitigated Negative Declaration ("IS/MND") (State Clearinghouse No. 2024100746), finding that the Project would have no potentially significant environmental impacts, and a Mitigation Monitoring Program.

2. The Project involves the removal of the existing approximately 70-foot lattice tower and related structures followed by replacement with a 140 to 151.1-foot tall, green wireless communication facility and related structures.

3. The Project is located at 186 Summit Drive within the community of Bonny Doon in unincorporated Santa Cruz County ("Project Site").

4. In approving the Project, Respondent violated the California Environmental Quality Act, Cal. Pub Res. Code § 21100, *et seq* ("CEQA"), Santa Cruz County Ordinance Code, and California Code of Civil Procedure sections 1085, 1094.5.

PARTIES

5. Petitioner Santa Cruz County for Safe Tech, previously known as Bonny Doon Residents for Responsible Cell Coverage, ("Petitioner") is an unincorporated nonprofit group seeking to prevent significant adverse impacts that have not been adequately addressed in the Project's IS/MND or decision to approve the application.

6. Defendant and Respondent Santa Cruz County ("County" or "Respondent") is a county located in Santa Cruz, California. The Project is within the jurisdictional limits of the County.

7. Defendants and Respondents DOES 1 – 10 are entities whose true names, capacities, corporate, and associates are unknown to Petitioner at this time, and who, therefore, are sued using fictitious names. Petitioner will amend this Petition/Complaint to show the true names and capacities when ascertained.

8. Real Parties in Interest include CTI Towers, Delta Group Engineering, and AT&T ("Real Parties").

9. Real Party in Interest CTI Towers is the Project applicant and owner of the existing

lattice tower and proposed future monopole located at 186 Summit Drive.

10. Real Party in Interest Delta Group Engineering worked with CTI Towers to develop the Project's site planning and design.

11. Real Party in Interest AT&T is the wireless carrier currently planned for the monopole and provided additional information necessary for the Project application.

12. Real Parties in Interest ROES 1 – 10 are entities whose true names, capacities, corporate, and associates are unknown to Petitioner at this time, and who, therefore, are sued using fictitious names. Petitioner will amend this Petition/Complaint to show the true names and capacities when ascertained.

JURISDICTION AND VENUE

13. Pursuant to California Code of Civil Procedure ("CCP") sections 1085 and 1094.5 and California Public Resources Code ("PRC") sections 21168, 21168.5, and 21168.9, this Court has jurisdiction to issue a writ of mandate to set aside Respondent's decisions to (a) certify the Initial Study, (b) adopt a Mitigated Negative Declaration, and (c) purportedly approve the Project.

14. Venue is proper in this Court because the Project Site lies entirely within the County of Santa Cruz and the environmental impacts of the Project will be acutely felt in this County. The cause alleged in this Petition, or some part of that cause, arise in this county. (CCP section 393; *Cal. State Parks Foundation v. Super. Ct*. (2007) 150 Cal.App.4th 826.) Venue is also proper in this Court pursuant to Code of Civil Procedure sections 394 (actions against a city, county, or local agency), and 395 (actions generally), because Respondent is in the County of Santa Cruz.

15. This petition is timely filed within 30 days after Respondent's decision to issue a Notice of Determination, filed with the County of Santa Cruz Clerk of the Board on June 16, 2025, in accordance with PRC section 21167 subdivision (a).

16. Petitioner has provided written notice of its intention to file this petition to Respondents in compliance with PRC section 21167.5, a true and correct copy of which, and the notice and proof of service are attached hereto as Exhibit A.

17. Petitioner has concurrently filed a notice of its election to prepare the record of administrative proceedings relating to this action, in compliance with PRC section 21167.6 or other

applicable laws, a true and correct copy of which notice is attached hereto as Exhibit B.

18. Petitioner has concurrently filed a request for hearing in compliance with PRC section 21167.4, a true and correct copy of which request is attached hereto as Exhibit C.

19. Petitioner has concurrently filed and served notice of this lawsuit to the California Attorney General in compliance with PRC section 21167.7 and CCP section 388, a true and correct copy of which notice is attached hereto as Exhibit D.

20. Petitioner has performed all conditions precedent to filing this instant action and has exhausted administrative remedies to the extent required by law under PRC section 21177 and Government Code section 65009. Petitioner and/or other agencies and individuals raised each of the legal deficiencies asserted in this petition orally or in writing during the Respondent's decision-making process. Moreover, any legal deficiency asserted in this petition that was not raised orally or in writing during Respondent's decision-making process could not have been raised at the public hearing by persons exercising reasonable diligence or Respondent prevented the issue from being raised at the public hearing.

21. The violations by Respondent as alleged herein have affected the beneficial interests of Petitioner and/or its supporting members. The relief sought by way of this Petition will redress this beneficial interest and the likelihood of future injury and interference with Petitioner's interests, and those of its supporting members.

22. Moreover, the violations by Respondent and Defendants affect a question of public rights and duties and Petitioner's action herein seeks to enforce said public rights and duties.

23. Petitioner has no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require Respondent to set aside the certification of the Project and the supporting environmental documents. In the absence of such remedies, Respondent's decisions will remain in effect in violation of state law and injurious to Petitioner and its members.

STATUTORY FRAMEWORK

California Environmental Quality Act

24. The California Environmental Quality Act, Cal. Public Resources Code ("PRC") §§

21100, *et seq* (CEQA) requires state and local agencies to identify the potentially significant environmental impacts of their actions, and then to avoid or mitigate those impacts if feasible.

25. CEQA requires agencies to analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Cmtys. for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

26. CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code of Regs., § 15002, subd. (a)(1).[1] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comrs*. (2001) 91 Cal.App.4th 1344, 1354.

27. Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. CEQA Guidelines, § 15002, subd. (a)(2) and (3); *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines, § 15002, subd. (a)(2).

28. To achieve its objectives of environmental protection, CEQA has a three-tiered

[1] 14 CCR 15000 *et seq*. are referred to herein as the "CEQA Guidelines." The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, Section 150000 et seq, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given "great weight in interpreting CEQA, except when . . . clearly unauthorized or erroneous." (Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal. 4th 204, 217.

structure. CEQA Guidelines, § 15002, subd. (k); *Comm. to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185 – 86. First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id*. Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform a threshold initial study. *Id.*; CEQA Guidelines, § 15063 subd. (a). If the study indicates that there is no substantial evidence that the project may cause a significant effect on the environment the agency may issue a negative declaration. *Id*., CEQA Guidelines, §§ 15063, subd. (b)(2), 15070. Finally, if the project will have a significant effect on the environment, an EIR is required. *Id.*

Initial Studies & The Fair Argument Standard Under The California Environmental Quality Act

29. As the California Supreme Court very recently held, "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310, 319-320 (citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491, 504–505); "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

30. In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR. CEQA Guidelines § 15371. Only if there is not even a "fair argument" that the project will have a significant environmental effect is adoption of an initial study and negative declaration appropriate. PRC §§ 21100, 21064. Since "[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process," by allowing the agency "to dispense with the duty [to prepare an EIR]," negative declarations are allowed only in cases where "the proposed project will not affect the environment at all." *Citizens of Lake Murray v. San Diego* 1989) 129 Cal.App.3d 436, 440, CEQA contains a "preference for resolving doubts in favor of environmental review." *Pocket*

Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 927 (emphasis in original).

Mitigation Negative Declaration Recirculation Standard

31. "Mitigated Negative Declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. PRC § 21064.5.

32. CEQA requires that a proposed Mitigated Negative Declaration be circulated for review and public comment for a minimum of 20 days. PRC § 21091(b); CEQA Guidelines § 15105(b)

33. If substantial revisions are made to a proposed Mitigated Negative Declaration after having been circulated to the public (e.g., new information, project changes, and new or modified mitigation measures), recirculation of the Mitigated Negative Declaration is required. PRC § 21080; CEQA Guidelines § 15073.5.

Availability of Supporting Documentation

34. CEQA requires that copies of a Mitigated Negative Declaration and all supporting documentation be made available to the public for review during the public comment period for the Mitigated Negative Declaration. PRC § 21092; CEQA Guidelines § 15072(f)(4).

Standard of Review for Actions Brought to Enforce the California Environmental Quality Act

35. When reviewing an agency's compliance with CEQA, the Court determines whether there has been a prejudicial abuse of discretion. Abuse of discretion is established if the agency did not proceed in the manner required by law or its decisions were not supported by substantial evidence. PRC § 21168.5; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. App. 4th 412, 427.

Santa Cruz County Ordinance Code.

36. The County's Ordinance Code is a compilation of all county ordinances of a general and permanent nature.

37. The Project Site is located in Santa Cruz County, California. Therefore, the Project is subject to the Santa Cruz County Ordinance Code.

38. The County Code Wireless Communication Facilities Ordinance requires project design compliance with multiple substantive criteria and the adoption of affirmative findings by the County. The adoption and entry of these findings are a mandatory prerequisite to project approval. Santa Cruz County Ordinance Code § 13.10.659-13.10.664.

39. Santa Cruz County Code sections 13.10.660(C)(4), (G)(1) and 13.10.661(D)(1) requires that in approving a wireless facility, the County find that the proposed facility eliminated or substantially reduced one or more significant gaps in the applicant carrier's network, and the proposed facility is located on the least visually obtrusive site and least visually obtrusive portion of the site, where the applicant provides substantial evidence that it chose the best solution for the community after a meaningful comparison of alternative site designs, including but not limited to considering less sensitive sites, alternative system designs, alternative tower designs, placement of antennas on existing structures, and other viable, technologically feasible, and environmentally equivalent or superior potential alternatives.

40. Santa Cruz County Code section 13.10.661(A) requires conformance with those requirements, along with the General Plan and other zoning and development standards. Section 13.10.661(A)(4) mandates that the application contain the "materials necessary to allow the [County] "to make required findings and ensure that the proposed facility will comply with applicable local, State, and Federal law and will not endanger the public health, safety, or welfare." Sections 13.10.660(C)(4), (G)(1) and 13.10.661(D)(1) then set several mandatory findings that must be made before the application can be approved.

41. The County seeks to evade compliance with the Wireless Communication Facilities Ordinance by ignoring the Project's clear adverse impacts on the nearby residents of the Bonny Doon Community and the County-designated scenic roads.

Standard of Review for Quasi-Judicial Land Use Decisions

42. Courts may review quasi-judicial land use decisions to ensure compliance with applicable laws and ordinances. In scrutinizing the legality of land use decisions, a Court "must

scrutinize the record and determine whether substantial evidence supports the administrative agency's findings and whether these findings support the agency's decision." *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514. Moreover, an agency's findings cannot be merely conclusory and are required to disclose the analytic route as well as reason for its decision. *West Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1522.

PRIVATE ATTORNEY GENERAL

43. This proceeding involves enforcement of important rights affecting the public interest. Issuance of the relief requested in this Petition will confer a substantial benefit on the public, including citizens, residents, businesses, and taxpayers of the County, and will result in the enforcement of important public rights by requiring Respondent to comply with CEQA and other legal requirements applicable to the proposed Project; by voiding the Project approvals and prohibiting Respondent and Real Parties in Interest from taking further actions with respect to the Project until it has complied with those legal requirements; and by prohibiting the Respondent from undertaking any portion of the Project until they have fully complied with these legal requirements.

STATEMENT OF FACTS

44. On or about October 13, 2023, Petitioner submitted a comment letter to the County Zoning Administrator raising concerns with the Project's compliance with the County Code and the significant environmental impacts of the Project.

45. On or about October 20, 2023, the Project came before the County Zoning Administrator and was continued to allow for the submission of additional evidence, including information regarding an updated alternative site analysis.

46. On or about January 17, 2024, Petitioner submitted a comment letter to the County Zoning Administrator raising additional concerns regarding the planning use of a CEQA exemption for the Project.

47. On or about January 19, 2024, the Project came before the County Zoning Administrator, who considered revised site plans and approved the Project at a limit of 140-feet tall and exempted the Project from CEQA.

48. On January 31, 2024, Santa Cruz County for Safe Tech, then referred to as "Bonny Doon Residents for Responsible Cell Coverage" timely appealed the Zoning Administrator's approval and use of a CEQA exemption for the Project.

49. On or about March 27, 2024, the Project came before the County Planning Commission for resolution of the appeal filed by Petitioner. The Commission determined an Initial Study was required to evaluate the Project's environmental impacts.

50. On or about October 17, 2024, Respondent released a Draft Mitigation Negative Declaration ("Draft MND") for the Project and circulated the Draft Mitigation Negative Declaration for public comment until November 1, 2024.

51. On or about January 9, 2025, Respondent released a Final Mitigated Negative Declaration for the Project and circulated the Final Mitigated Negative Declaration for public comment until February 5, 2025.

52. On or about February 5, 2025, Petitioner submitted public comment on the Final Mitigated Negative Declaration raising concerns with insufficient evidence, unsupported findings, and the need for further review under CEQA.

53. On February 12, 2025, the Planning Commission considered the Initial Study/Mitigated Negative Declaration and denied the Project finding that (1) there was no gap in coverage per AT&T's online wireless service coverage maps; (2) the 125 Patrick Road alternative site, an existing tower at 150 feet in height, would be capable of providing wireless coverage equal to that of the proposed facility at Summit Drive and was therefore a technologically feasible and less intrusive alternative to the proposed project location; and (3) the proposed facility did not represent the least visually obtrusive feasible site, given its visual impacts being located in the center of the Summit Drive neighborhood.

54. Real Party in Interest CTI Towers timely filed an appeal of the Planning Commission's denial on February 25, 2025.

55. On May 6, 2025, the Santa Cruz County Board of Supervisors took jurisdiction of the matter and directed a *de novo* review of the Project.

56. On or about May 6, 2025, Petitioner gave both written and verbal public comment at the Board of Supervisors hearing on the Project, reiterating concerns about the sufficiency of the evidence

in the record regarding unsubstantiated claims of coverage gaps and the adequacy of CEQA review.

57. On June 10, 2025, Respondent, through the Board of Supervisors, granted the appeal of Real Party in Interest CTI Towers, approved the Project, adopting the Mitigated Negative Declaration finding that the Project would have no potentially significant environmental impacts and a Mitigation Monitoring Program. No formal findings, as required by the County Code, were made at the June 10, 2025 hearing. Significantly, a decision was made to remove the monopine method of camouflage and instead paint the tower green, a design idea that no one had heard until that day and no one has seen.

58. On or about June 10, 2025, Petitioner gave both written and verbal public comment at the Board of Supervisors appeal hearing on the Project reiterating the existing concerns with the adequacy of review under CEQA and sufficiency of evidence in the record to support the findings required by the County Code, particularly around unsubstantiated claims of coverage gaps and multiple viable alternative sites that were not adequately considered.

59. The Final MND was deficient on numerous fronts including, but not limited to:

a. Failing to include an accurate, stable, and finite project description by shifting descriptions of the Project's actual height and a significant design change from the originally proposed monopine to an undescribed tower that will be painted green;

b. Failing to adequately analyze or mitigate for the Project's aesthetic impacts on the nearby scenic roads, including failing to provide visual mockups from all angles where the Project may be visualized; and

c. Failing to adequately analyze the impacts associated with the additional 20 feet in height allowed for under Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012.

60. On or about June 16, 2025, a Notice of Determination was posted for the Project.

FIRST CAUSE OF ACTION

(Violations of CEQA; MND Does Not Comply With CEQA)

61. Petitioner hereby reallege and incorporate all the above paragraphs as if fully set forth herein.

62. Respondent violated CEQA by adopting a Mitigated Negative Declaration that fails to

adequately analyze and mitigate for the Project's environmental impacts, including but not limited to:

a. Failure to provide an adequate project description. The Project's initial study document's project description is inadequate and did not provide a stable and consistent project description;

b. Failure to adequately analyze or mitigate the Project's impact on aesthetics;

63. As a result of the foregoing defects and others according to proof, Respondent prejudicially abused their discretion by adopting a Mitigated Negative Declaration that does not comply with CEQA and by approving the Project in reliance thereon. Accordingly, Respondent's certification of the Mitigated Negative Declaration and purported approval of the Project must be set aside.

SECOND CAUSE OF ACTION

(Violations of CEQA; Failure to Substantially Support Factual Findings)

64. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

65. CEQA requires that a lead agency's findings for the approval of a project be supported by substantial evidence in the administrative record. CEQA further requires that a lead agency provide an explanation of how evidence in the record supports the conclusions it has reached.

66. Respondent violated CEQA by failing to adopt any findings.

67. The proposed findings included in the agenda packet posted by Respondent are inadequate as a matter of law as they are not supported by substantial evidence in the record, including but not limited to the following:

a. The determinations that the Project's environmental impacts would be less than significant or that adopted mitigation measures would avoid or lessen the Project's significant effects on the environment to less than significant levels, specifically relating to the Project's monopine design as mitigation for aesthetic impacts, which was significantly altered from the design studied in the IS/MND to become "painted green" at the 6/10/25 hearing; and

b. The determinations of the Project's impacts relating to height as the actual height of the tower remains unclear throughout the supporting documentation, including the Conditions of Approval, which establish a varying height of 151.1 feet or 140 feet, and disregards the additional 20

feet of height allowed for under Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012

68. As a result of the foregoing defects, Respondent prejudicially abused their discretion by making determinations or adopting findings that do not comply with the requirements of CEQA and approving the Project in reliance thereon. Accordingly, Respondent's adoption of the Mitigated Negative Declaration and purported approval of the Project must be set aside.

THIRD CAUSE OF ACTION

(Violations of CEQA; Failure to Recirculate Mitigated Negative Declaration)

69. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

70. CEQA requires recirculation of a Mitigated Negative Declaration for a minimum of 20 days whenever substantial revisions have been made to the Mitigated Negative Declaration.

71. The Final MND for the Project did not include the significant changes to the Project design and failed to include proper visual simulations for adequate analysis of the Project's impacts on the scenic roads with a 20-foot extension, or as painted green, despite concerns raised by Petitioner.

72. As a result of the foregoing defects, Respondent prejudicially abused their discretion by failing to proceed in a manner required by law as required by CEQA and approving the Project in reliance thereon. Accordingly, Respondent's adoption of the Mitigated Negative Declaration and purported approval of the Project must be set aside.

FOURTH CAUSE OF ACTION

(Violations of Land Use Law; Failure to Enter Findings; Provide Supporting Documentation)

73. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

74. Here, the County failed to proceed in a manner required by law since they failed to make the findings required by Santa Cruz County Code sections 13.10.660(C)(4), (G)(1) and 13.10.661(D)(1), including findings that the proposed facility eliminated or substantially reduced one or more significant gaps in the applicant carrier's network, and the proposed facility is located on the least visually obtrusive site and least visually obtrusive portion of the site, where the applicant provides

substantial evidence that it chose the best solution for the community after a meaningful comparison of alternative site designs, including but not limited to considering less sensitive sites, alternative system designs, alternative tower designs, placement of antennas on existing structures, and other viable, technologically feasible, and environmentally equivalent or superior potential alternatives.

75. The County failed to proceed in a manner required by law when approving the Project despite its impacts on nearby scenic roads, ability for co-location at a nearby existing tower, clearly demonstrated presence of outdoor stationary, in-vehicle, and in-home mobile coverage, and improper visual settings, which are required to be minimized to the maximum extent feasible under Santa Cruz County Code section 13.10.660.

FIFTH CAUSE OF ACTION

(Violations of Land Use Law; Lack of Sufficiently Supporting Evidence; Abuse of Discretion)

76. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

77. The administrative record does not contain sufficient evidence to support the affirmative findings required by Santa Cruz County Code sections 13.10.660(C)(4), (G)(1) and 13.10.661(D)(1), even if they had been made. The Applicant did not carry its burden of supplying the evidence necessary to allow the County "to make required findings and ensure that the proposed facility will comply with applicable local, State, and Federal law and will not endanger the public health, safety, or welfare."

78. Petitioner was denied a meaningful opportunity to present evidence and argument on the final design as approved by the County on appeal. The last-minute project design changes therefore violated Petitioner's procedural due process rights.

79. The County's decision to approve the Project was arbitrary, capricious, an abuse of discretion and/or an unwarranted exercise of any discretion the County may have had.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for judgment as set forth below:

A. For a writ of mandate commanding Respondent to vacate and withdraw the certification of the Initial Study and any purported approvals of the Project, and to require Respondent to complete the full CEQA Environmental Impact Review and public comment period as required by law;

B. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions enjoining Respondent and Real Parties in Interest, and their agents, employees, officers or representatives, and all persons acting in concert or participating with Real Parties in Interest from taking any action to implement the project, unless and until Respondent fully comply with CEQA, Santa Cruz County Code, and California Code of Civil Procedure.

C. For a declaration of the rights and duties of the parties hereto, including but not limited to a declaratory judgment that Respondent violated its duty pursuant CEQA, Santa Cruz County Code, and California Code of Civil Procedure by adopting the Mitigated Negative Declaration, issuing a Notice of Determination, curtailing the required public comment period, and purporting to approve the project and that the approval for the project, including the environmental document and the permit issuance, are null and void and without legal effect;

D. For such other relief as this Court deems appropriate and just.

DATED: July 16, 2025

MITCHELL M. TSAI LAW FIRM

By: _____

MITCHELL M. TSAI
GRACE M. HOLBROOK
Attorneys for Santa Cruz County for Safe Tech

I, Tim Richards, am a Representative of Santa Cruz County For Safe Tech, a Petitioner and Plaintiff in this action. I am authorized to make this verification on its behalf. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know its contents. The facts alleged therein are within my own knowledge and I know these facts to be true, except as stated, on information and belief.

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

Executed on Jul 16, 2025, at Santa Cruz, California.

Tim Richards

Tim Richards (Jul 16, 2025 10:06 PDT)

Tim Richards, Representative
Santa Cruz County for Safe Tech

EXHIBIT A

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Suite 200
Pasadena, California 91101

VIA ELECTRONIC & U.S. MAIL

July 16, 2025

Tricia Webber, County Clerk
County of Santa Cruz, County Clerk's Office
701 Ocean Street, Room 310
Santa Cruz, CA 95060
Em: tricia.webber@santacruzcountyca.gov

Delta Groups Engineering, INC.
18006 Sky Park Circle, 201
Irvine, CA 92614

CTI Towers Assets II, LLC
3300 Paramount Parkway, Suite 110
Morrisville, NC 27560

AT&T Mobility LLC
1025 Lenox Park Blvd NE
Atlanta, GA 30319

RE: Notice of Intent to File Suit Under the California Environmental Quality Act,

Dear County Clerk of Santa Cruz County

On behalf of Santa Cruz County for Safe Tech ("**Petitioner**"), this Office is contacting you regarding the County of Santa Cruz's (collectively "**County**" or "**Respondents**") action on June 10, 2025 and all subsequent actions certifying initial study and mitigated negative declaration ("**IS/MND**") for the Summit Drive Wireless Project ("**Project**") on the community of Bonny Doon in unincorporated Santa Cruz County ("**Project Site**").

Please take notice, pursuant to Public Resources Code ("**PRC**") § 21167.5, that Petitioner intends to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), Cal. Public Resources Code §§ 21000, *et seq* ("CEQA") against Respondents challenging the unlawful actions taken by the City on June 10, 2025, approving the Project and posting the related Notice of Determination ("NOD") in violation of CEQA.

The petition being filed will seek the following relief:

A. For a writ of mandate commanding Respondent to vacate and withdraw the certification of the Initial Study and any purported approvals of the Project, and to require Respondent to complete the CEQA environmental review and public comment period as required by law;

B. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions enjoining Respondent and Real Parties in Interest, and their agents, employees, officers or representatives, and all persons acting in concert or participating with Real Parties in Interest from taking any action to implement the

project, unless and until Respondent fully comply with CEQA, Santa Cruz County Code, and California Code of Civil Procedure.

C. For a declaration of the rights and duties of the parties hereto, including but not limited to a declaratory judgment that Respondent violated its duty pursuant CEQA, Santa Cruz County Code, and California Code of Civil Procedure by adopting the Mitigated Negative Declaration, issuing a Notice of Determination, curtailing the required public comment period, and purporting to approve the project and that the approval for the project, including the environmental document and the permit issuance, are null and void and without legal effect;

D. For such other relief as this Court deems appropriate and just.

Petitioner urges Respondents to rescind the NOD for the Project, as well as the existing Project approvals, and to prepare the appropriate CEQA document for this Project as required by law.

Very Truly Yours,

Mitchell M. Tsai
Attorneys for Petitioner Santa Cruz County for Safe Tech

PROOF OF SERVICE

I, Jonathan Montano, declare as follows:

I am a resident of the State of California, and employed in Pasadena, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is: 139 South Hudson Avenue, Ste. 200, Pasadena, California 91101

On July 16, 2025, I served a copy of the foregoing document(s) entitled:

Notice of Intent to File Suit Under the California Environmental Quality Act

on the following parties:

Tricia Webber, County Clerk
County of Santa Cruz, County Clerk's Office
701 Ocean Street, Room 310
Santa Cruz, CA 95060
Em: tricia.webber@santacruzcountyca.gov

CTI Towers Assets II, LLC
3300 Paramount Parkway, Suite 110
Morrisville, NC 27560

Delta Groups Engineering, INC.
18006 Sky Park Circle, 201
Irvine, CA 92614

AT&T Mobility LLC
1025 Lenox Park Blvd NE
Atlanta, GA 30319

By depositing a true and correct copy in a sealed envelope with the United States Postal Service with postage fully prepaid as well as by electronic service, via either electronic transmission or notification.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed July 16, 2025 at Pasadena, California.

Jonathan Montano

EXHIBIT B

MITCHELL M. TSAI (Cal. Bar No. 277156)
GRACE M. HOLBROOK (Cal. Bar No. 348546)
MITCHELL M. TSAI LAW FIRM
139 S. Hudson Ave., Suite 200
Pasadena, California 91101
Ph: (626) 314-3821
Em: mitch@mitchtsailaw.com
Em: graceh@mitchtsailaw.com
Em: info@mitchtsailaw.com

W. Scott McCollough
McCollough Law Firm PC
2290 Gatlin Creek Rd.
Dripping Springs, Texas 78620
(512) 633-3498
V: (512) 633-3498
F: (512) 692-2522
E: wsmc@dotlaw.biz
(pending *pro hac vice*)

Attorneys for Petitioners,
Santa Cruz County for Safe Tech

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

SANTA CRUZ COUNTY FOR SAFE TECH, Plaintiff and Petitioner, v. COUNTY OF SANTA CRUZ and DOES 1–10; Defendants and Respondents CTI TOWERS, INC, DELTA GROUP ENGINEERING, INC, AT&T and ROES 1–10 Real Parties in Interest	CASE NO.: **ELECTION REGARDING ADMINISTRATIVE RECORD** California Environmental Quality Act, Cal. Pub Res. Code § 21000 *et seq*; Santa Cruz County Ordinance Code; Code of Civil Procedure §§ 1085, 1094.5

TO THE HONORABLE COURT, RESPONDENTS AND REAL PARTIES:

PLEASE TAKE NOTICE THAT under the California Environmental Quality Act, Pub. Res. Code § 21167.6(b)(2) ("CEQA"), Petitioner hereby elects to prepare the administrative record of proceedings in the referenced matter.

DATED: July 16, 2025

MITCHELL M. TSAI, ATTORNEY AT LAW

By: _____
MITCHELL M. TSAI
Attorneys for Petitioners Santa Cruz County for Safe Tech

EXHIBIT C

MITCHELL M. TSAI (Cal. Bar No. 277156)
GRACE M. HOLBROOK (Cal. Bar No. 348546)
MITCHELL M. TSAI LAW FIRM
139 S. Hudson Ave., Suite 200
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Attorneys for Petitioners,
Santa Cruz County for Safe Tech

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

SANTA CRUZ COUNTY FOR SAFE TECH, Plaintiff and Petitioner, v. COUNTY OF SANTA CRUZ and DOES 1–10; Defendants and Respondents CTI TOWERS, INC, DELTA GROUP ENGINEERING, INC, AT&T and ROES 1–10 Real Parties in Interest	CASE NO.: **REQUEST FOR HEARING** California Environmental Quality Act, Cal. Pub Res. Code § 21000 *et seq*; Santa Cruz County Ordinance Code; Code of Civil Procedure §§ 1085, 1094.5

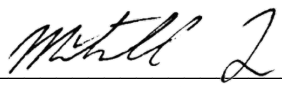
TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, pursuant to Public Resources Code§ 21167.4 and Los Angeles County Superior Court Local Rule 3.232(h), Petitioner and Plaintiff Santa Cruz County for Safe Tech ("Petitioner") requests a hearing on the merits of their Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), which Petition alleges violations of, inter alia, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq*.

This request is being filed with the Court and served on the parties. Following the filing of this Request for Hearing and Notice of Request, any party may apply to the Court to establish a briefing schedule and hearing date for the hearing. *Leavitt v. County of Madera* (2004) 123 Cal.App.4th 1502, 1514-23. The hearing date, time, and place, and the briefing schedule for the hearing are to be established by the Court following such application by any party. *Id*.

DATED: July 16, 2025

MITCHELL M. TSAI, ATTORNEY AT LAW

By: 

MITCHELL M. TSAI
Attorneys for Petitioner Santa Cruz County for Safe Tech

EXHIBIT D

MITCHELL M. TSAI (Cal. Bar No. 277156)
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(pending *pro hac vice*)

Attorneys for Petitioners,
Santa Cruz County for Safe Tech

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

SANTA CRUZ COUNTY FOR SAFE TECH, Plaintiff and Petitioner, v. COUNTY OF SANTA CRUZ and DOES 1–10; Defendants and Respondents CTI TOWERS, INC, DELTA GROUP ENGINEERING, INC, AT&T and ROES 1–10 Real Parties in Interest	CASE NO.: **NOTICE TO ATTORNEY GENERAL** California Environmental Quality Act, Cal. Pub Res. Code § 21000 *et seq*; Santa Cruz County Ordinance Code; Code of Civil Procedure §§ 1085, 1094.5

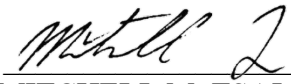
To the Attorney General of the State of California:

PLEASE TAKE NOTICE, under Public Resources Code § 21167.7 and Code of Civil Procedure § 388, that on July 16, 2025, Petitioner filed a VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF in Santa Cruz County Superior Court. The Plaintiff and Petitioner alleges, inter alia, violations of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21100, *et seq.* Santa Cruz County Ordinance Code; Code of Civil Procedure §§ 1085, 1094.5.

A copy of the Petition is attached as Exhibit A.

DATED: July 16, 2025

MITCHELL M. TSAI, ATTORNEY AT LAW

By: 

MITCHELL M. TSAI
Attorneys for Petitioner Santa Cruz County for Safe Tech

PROOF OF SERVICE

I, Jonathan Montano, being duly sworn, deposes and says:

I am a citizen of the United States and work in Los Angeles County, California. I am over the age of eighteen years and am not a party to the within entitled action. My business address is: 139 S. Hudson Ave., Suite 200, Pasadena, California 91101. I served this list of persons with the following document(s) on July 16, 2025:

NOTICE TO ATTORNEY GENERAL

The document(s) was served on:

By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as well as by electronic transmission as set forth below.

CEQA Coordinator
Office of the Attorney General
Environment Section
1300 "I" Street
Sacramento, CA 95814-2919
Em: CEQA@doj.ca.gov

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

Executed this July 16, 2025, at Pasadena, California.

Jonathan Montano