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January 28, 2022

Acting Presiding Justice Judith L. Haller
Associate Justice Terry O'Rourke
Associate Justice Patricia Guerrero
Court of Appeal of the State of California
Fourth Appellate District, Division One
750 B Street, Suite 300
San Diego, CA 92101

Re: Bankers Hill 150, et al. v. *City of San Diego*
(Case No. D077963, filed January 7, 2022)
Opposition to Request for Publication

Dear Justices Haller, O'Rourke and Guerrero:

The City respectfully opposes the two requests for publication of *Bankers Hill 150, et al. v. City of San Diego* (Case No. D077963, filed January 7, 2022) only with respect to the Density Bonus Law portion of the opinion on grounds that this issue was not briefed by the parties and the broad implications of such ruling should be fully vetted before a published decision is issued. It is the City's understanding that other public agencies will be filing oppositions to the requests prior to the February 7, 2022 deadline.

Sincerely,

MARA W. ELLIOTT, City Attorney

s/Jana Mickova Will

By

Jana Mickova Will
Deputy City Attorney

cc: Everett L. DeLano III, Esq.
Heather S. Riley, Esq.

COURT OF APPEAL, STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE

PROOF OF SERVICE

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Bankers Hill 150, et al. v. City of San Diego

Appeal No. D077963
Superior Court Case No. 37-2019-00020725-CU-WM-CTL

I, the undersigned, declare that:

I was at least 18 years of age and not a party to the case; I am employed in the County of San Diego, California. My business address is 1200 Third Avenue, Suite 1100, San Diego, California, 92101.

On January 28, 2022, I served true copies of the following document(s) described as:

- **LETTER IN OPPOSITION OF REQUEST FOR PUBLICATION**

on the interested parties in this action as follows:

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*BANKERS HILL 150 and
BANKERS HILL/PARK
WEST COMMUNITY
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(via TrueFiling)

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(via E-Mail)

- [XX] **(BY ELECTRONIC SERVICE)** By transmitting via TrueFiling to the above parties at the email addresses listed above.
- [XX] **(BY E-MAIL)** I caused to be served by electronically mailing a true and correct copy through electronic mail system to the e-mail addressee(s) set forth above.
- [] **(BY PERSONAL SERVICE)** I provided copies to Nationwide Legal for personal service on this date to be delivered to the office of the addressee(s) listed above.
- [] **(BY OVERNIGHT DELIVERY)** I enclosed said document(s) in a sealed envelope or package provided by Golden State Overnight (GSO) and addressed to the person(s) at the address(es) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of GSO.
- [] **(BY UNITED STATES MAIL)** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing with the United States Postal Service and that the correspondence shall be deposited with the United States Postal Service with postage fully prepaid this same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 28th day of January 2022, at San Diego, California.

Marci Bailey
Marci Bailey