

Liberty Counsel Intervenes in California NIMBY Case

Liberty Counsel has filed a motion in Ventura County Superior Court to dismiss a lawsuit, brought by the Dos Vientos Community Preservation Association (Association) and Donald Armstrong, which attempts to force the City of Thousand Oaks to discriminate against a California church and a nonprofit organization.

The Association is fine with having a YMCA rent the facility, but objects to a church renting the same facility. Such biased discrimination is often referred to as “Not in my back yard” (NIMBY).

In *Dos Vientos Community Preservation Association v. City of Thousand Oaks*, Liberty Counsel represents a religious nonprofit foundation (Foundation) which purchased a building and entered into an agreement to rent the facility to Calvary Chapel. The City of Thousand Oaks supports the use of the facility by the church. However, the neighborhood association filed suit objecting to the church. The association claims that the facility should be used for a YMCA, not a church.

The association wants to prevent the church from using the facility, stating that the use has not been cleared under the California Environmental Quality Act (CEQA). The city and Liberty Counsel argue CEQA does not apply, and, at any rate, any discrimination against the church use violates the Religious Land Use and Institutionalized Persons Act (RLUIPA), which requires that religious organizations receive equal treatment as do other organizations in government zoning decisions.

The foundation purchased the building from the YMCA in January 2018. The building is located in a commercial complex that is

part of a larger residential and commercial development in the city. The overall development was approved by the city in 2002.

The city approved an environmental impact report and development permit as required under CEQA and other state laws. Part of the consideration for approval of the project was that the developer would donate a parcel of land to the local YMCA for it to build a center in the neighborhood. The YMCA built and operated a center before it closed in December 2017. The YMCA then sold the property, including the building, to the foundation, which intends to make minor changes and then allow Calvary Chapel to use the facility.

The foundation applied for the necessary permits from the city, which determined that no new environmental review was required under CEQA because there would only be minor changes to the property and the use of the property for a church, like the use of the property for a YMCA, is permitted in that commercial zoning.

“This is a frivolous lawsuit by a neighborhood association that lacks merit and reeks of discrimination against a Christian church,” says Mat Staver, founder and chairman of Liberty Counsel. “When the association welcomes a YMCA but wants to stop a church, the discrimination is obvious and blatant. Such discrimination violates the law. We thank the City of Thousand Oaks for following the law and wish only that the neighborhood association would understand the law and stop this frivolous action.” {eo}

For the original article, visit .