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Court Rules in Favor of City of San Leandro in Church Site Rezoning Suit

SAN LEANDRO, CA – On December 22, the federal district court in San Francisco issued a long-awaited decision in litigation filed by the International Church of the Foursquare Gospel against the City of San Leandro. In the lawsuit, the Church contended that the City violated the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and the Church's constitutional rights by not agreeing to rezone certain industrial land in San Leandro as a site for the Church's expansion. The Church already operates a large church in San Leandro but, according to the Church, has outgrown its current facilities. The case for the City was argued by Deborah Fox, principal at Meyers Nave law firm and special counsel for the City of San Leandro.

United States District Court Judge Phyllis J. Hamilton rejected each of the Church's nine legal claims and found that the City had acted fairly and lawfully in all of its actions. Judge Hamilton noted that "RLUIPA does not require cities to grant churches preferential rights over other property owners," and added that the City had actually considerably expanded the areas zoned to allow church uses in response to the Church's application. The court also recognized the City's "compelling interest" in reserving certain key lands for industrial uses, noting that the City therefore acted properly in denying a request to rezone an industrial property the Church had purchased on Catalina Street. The Court also found no evidence of arbitrary treatment nor any evidence of religious discrimination.

"We are heartened that the court has ruled in our favor in this case," stated San Leandro Mayor Tony Santos. "We were, of course, disappointed that the Church opted to resolve their relocation issue through the courts after having made every effort to assist the Church in finding a suitable property in San Leandro that was zoned appropriately. This has been a time-consuming and costly case, but affirms what we have felt all along, which is that the City had been fair and reasonable in its negotiations with the Church and was in no way discriminatory in its denial of their rezoning request."

It is unknown whether the Church will appeal the district court decision. City officials have expressed hope that the decision will end the litigation and allow the Church and the City to work together to find a suitable location for new or additional church facilities consistent with the City's zoning.

"The Foursquare Gospel Church has been a welcome and valued member of the San Leandro community for many years," stated Jayne Williams, San Leandro City Attorney and Managing Principal at Meyers Nave. "The Church has acknowledged that it wants to be a good neighbor and the City is pleased that the trial court litigation has concluded and that the City and Church can continue their ongoing positive working relationship."

About Meyers Nave

Founded in 1986, Meyers Nave is a law firm recognized for its work with all types of public entities in California and provides the full scope of legal services to cities, counties, redevelopment agencies and special districts statewide.

Meyers Nave's areas of practice include labor/employment; torts; redevelopment; city attorney/general counsel representations; eminent domain; litigation; writs and appeals; public contracts and land use; and environmental law.

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