

ORIGINAL

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86150
90012
FILED
LOS ANGELES SUPERIOR COURT
AUG 10 2009
JOHN A. CLARKE, CLERK
BY AMBER LA FLEUR-GLAYTON, DEPUTY

Case assigned to:
D86 David Yaffe

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

12 VENICE STAKEHOLDERS
13 ASSOCIATION, an unincorporated
14 association,

15 Plaintiff/Petitioner,

16 v.

17 CALIFORNIA COASTAL
18 COMMISSION, a governmental entity,
19 and CITY OF LOS ANGELES,
20 CALIFORNIA, a governmental entity,

21 Defendants/Respondents.

Case No. **BS122073**

22 **VERIFIED PETITION FOR
23 PEREMPTORY WRIT OF
24 MANDATE AND COMPLAINT
25 FOR DECLARATORY RELIEF**

26 [Cal. Civ. Proc. Code §§ 1060, 1085,
27 1094.5]

28
CIT/CASE: BS122073 LEA/DEPN:
RECEIPT #: CH903057027
DATE PAID: 08/10/09 12:58:12 PM
PAYMENT: \$355.00 0310
RECEIVED:
CHECK: 350.00
CASH: 5.00
CHANGE:
CARD:

1 In support of its Verified Petition for Peremptory Writ of Mandate and
2 Complaint for Declaratory Relief (the "Petition"), petitioner Venice Stakeholders
3 Association ("Petitioner") alleges as follows:
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5 **INTRODUCTION**
6

7 1. In this action, Petitioner respectfully petitions for a peremptory writ of
8 mandate and other appropriate orders to invalidate the action by respondent California
9 Coastal Commission ("the Commission") to deny coastal development permits to the City
10 of Los Angeles (the "City") and grant related appeals from local coastal development
11 permits issued by the City, all of which relate to the establishment by the City of so-called
12 "Overnight Parking Districts" ("OPDs") in the Venice neighborhood of the City.
13 Petitioner further seeks a declaration that the Coastal Commission lacks jurisdiction over
14 the City's establishment of the OPDs generally, and over the coastal development permits
15 issued by the City and applied for by the City in particular. The Petition is made on the
16 ground that the Commission, by granting the appeals and denying the permits, has
17 exceeded its jurisdiction and that its decision was an abuse of discretion; and that the
18 Commission and the City wrongly believe that the Commission has jurisdiction over the
19 City's adoption and implementation of the OPDs.
20

21 2. Venice is an approximately three square mile district of the City of
22 Los Angeles that adjoins the Pacific Ocean. For many years the residential neighborhoods
23 of Venice have been clogged with parking by non-resident vehicles, including rental cars,
24 commercial vehicles, stored vehicles, recreational vehicles, campers and vans. In addition
25 to depriving residents of parking near their homes, many of these vehicles are used for
26 living quarters, and have given rise to crime, litter, public urination and defecation, and
27 other associated problems. Hundreds of vehicles in Venice are used for living quarters,
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1 and on many blocks, there are multiple vehicles being used in this way. Petitioner Venice
2 Stakeholders Association (“the Association”) is comprised of residents of Venice who are
3 affected by this phenomenon.
4

5 3. Existing city ordinances already forbid persons from living in
6 vehicles. However, the City does not enforce these ordinances, due in part to limited
7 police resources and due in part to the fact that it is difficult to establish that vehicles are
8 being used as living quarters. Therefore, for several years, the Venice Neighborhood
9 Council, its Overnight Parking District Committee and members of the Association have
10 worked with the City of Los Angeles to establish parking restrictions in the most impacted
11 parts of Venice. The proposed restrictions would forbid all parking during late night
12 hours, except pursuant to permits which would be issued solely to residents. The
13 limitations would be imposed only on those blocks where a two-thirds majority of
14 residents requested the restrictions, by means of a petition.
15

16 4. Over the years, the City has created parking districts in many
17 neighborhoods throughout the City, which place limitations on parking by all vehicles
18 other than those displaying permits issued to residents. Some of these districts limit
19 parking during daytime hours, others restrict parking during nighttime hours, and still
20 others limit parking to a specific maximum time period (such as two hours). The City
21 establishes and administers such districts through its Department of Transportation, and
22 generally implements permit parking on blocks where a majority or greater of the residents
23 vote for such a district by way of a petition.
24

25 5. In September 2005, the City Council of the City adopted an ordinance
26 providing for the establishment of overnight parking districts by which overnight parking
27 would be restricted to residents only, and authorized the City Council to establish such
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1 districts by means of resolution. Pursuant to this ordinance, in December 2006, the City
2 adopted four resolutions establishing four overnight parking districts in Venice. In May
3 2007, the City adopted a fifth resolution establishing a fifth such district.

4
5 6. Pursuant to the California Coastal Act (Public Resources Code sec.
6 30000 et seq.) (the "Coastal Act"), the California Coastal Commission has jurisdiction
7 over certain types of activities occurring within the "coastal zone," which extends from the
8 shoreline inland by between several hundred feet and several miles, depending on the
9 location. These activities include "development" as defined by section 30106 of the
10 Coastal Act. The coastal zone includes portions of Venice.

11
12 7. The Coastal Act provides for local agencies such as the City to issue a
13 "local coastal development permit" ("local CDP") for activities that are under the
14 jurisdiction of the Commission. In the case of the City, local CDPs are issued by the
15 City's Department of Public Works ("DPW"). Pursuant to the Coastal Act, local CDPs
16 issued by the City are appealable to the Commission.

17
18 8. In addition to requiring local agencies to issue local CDPs appealable
19 to the Commission for areas located anywhere in the coastal zone, the Coastal Act also
20 provides that for activities within the area that is within 300 feet from the beach, the
21 Commission itself must issue a separate and distinct coastal development permit ("CDP").
22 Because the effect of this provision is to require that permits be issued by both the
23 Commission and a local agency, this 300-foot band is known as the "dual jurisdiction
24 area" of the coastal zone.

25
26 9. The City considers the enactment of permit parking regulations
27 within the coastal zone to potentially qualify as "development" under the jurisdiction of
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1 the Commission pursuant to section 30106 of the Coastal Act. Accordingly, the City's
2 Department of Transportation has a practice of consulting the staff of the Commission
3 before finally adopting such regulations. In the event that the Commission staff indicates
4 that the Commission does have jurisdiction over such regulations, the Department of
5 Transportation has a practice of applying for a local CDP from the City's Department of
6 Public Works, and where the activity in question is within the dual jurisdiction area, to also
7 apply directly with the Commission for a CDP.

8
9 10. Following the adoption of the first four resolutions establishing
10 overnight parking districts in Venice, on or about February 2, 2007, the City's Department
11 of Transportation asked staff of the Commission whether it had jurisdiction over a parking
12 management proposal involving the establishment of overnight parking districts in Venice,
13 pursuant to which parking would be prohibited between the hours of 2:00 a.m. and 6:00
14 a.m. except for vehicles displaying a permit available only to residents, on those blocks
15 where residents requested the restrictions by way of the usual petition process.

16
17 11. On or about February 28, 2007, staff of the Coastal Commission
18 wrote to the City's Department of Transportation and stated that because the proposal
19 would restrict the public's ability to use on-street parking in the coastal zone, it would
20 restrict access to the ocean and was accordingly within the Commission's jurisdiction.

21
22 12. The City's Department of Transportation did not challenge the
23 foregoing determination and proceeded to apply to the City's Department of Public Works
24 for five distinct local CDPs, each of them authorizing the establishment of one overnight
25 parking district. Two of the proposed districts (OPD-522 and OPD-523) included areas of
26 Venice adjoining the ocean, and accordingly were, at least in part, within the 300-foot
27 wide dual jurisdiction area. The other three proposed districts (OPD-520, OPD-521 and
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1 OPD-526) included areas wholly beyond 300 feet from the ocean, and thus were not
2 subject to dual jurisdiction.

3
4 13. On or about August 26, 2008, the City's Department of Public Works
5 issued local CDPs for each of the five proposed districts (CDP No. 08-07: OPD 520; CDP
6 No. 08-08: OPD 521; CDP No. 08-09: OPD 522; CDP No. 08-10: OPD 523; and CDP No.
7 08-11: OPD 526) (together, the "OPDs"). Several opponents of the OPDs then appealed
8 this decision to the City's Board of Public Works. A public hearing was held on or about
9 November 17, 2008, and the Board of Public Works denied the appeals and approved the
10 OPDs with minor changes. The City then submitted a "Notice of Final Local Action" to
11 the Commission, reflecting its decision.

12
13 14. Numerous individuals filed appeals of the OPDs with the
14 Commission. Pursuant to the Coastal Act, the Commission initially analyzed whether
15 there was any "substantial issue" as to the approved project's conformity with the Coastal
16 Act. On or about February 4, 2009, the Commission determined that a substantial issue
17 existed, on the ground that the parking restrictions could adversely impact coastal access
18 by eliminating part of the primary parking supply for early-morning beachgoers.

19
20 15. Under the Coastal Act, the effect of the Commission's "substantial
21 issue" finding was to trigger a public hearing of the underlying appeals, in which it would
22 review the local CDPs as a de novo matter, i.e., using the same standard of review as it
23 would have used if the City applied to the Commission for the permits in the first instance.

24
25 16. While the appeals were pending, the City also submitted two separate
26 applications for CDPs directly with the Commission, for the two districts partially within
27

1 the dual jurisdiction area. These two applications were consolidated for hearing with the
2 five appeals. The Commission's public hearing was then scheduled for June 11, 2009.

3
4 17. On February 21, 2009, in a community-wide election held by the
5 Venice Neighborhood Council, a neighborhood council established in accordance with the
6 Los Angeles City Charter, Venice residents passed, by a vote of 891 to 608, a resolution
7 reaffirming that Venice residents had the same right as other residents in the City to
8 establish parking districts by means of a two-thirds vote by way of petitions, "to preserve
9 parking for residents and for night-time security". The election generated the largest
10 turnout in the history of the Council.

11
12 18. Meanwhile, in response to the pending appeals before the Coastal
13 Commission, numerous Venice residents wrote letters to the Commission supporting the
14 OPDs. These letters included a plethora of eyewitness reports concerning the impacts of
15 the many non-resident vehicles parking on residential streets, including the illegal use of
16 vehicles for living quarters, and the resulting late-night noise, public inebriation, crime,
17 litter, and leakage and dumping of raw sewage into yards, alleys and storm drains.

18
19 19. On May 21, 2009, the staff of the Commission issued its staff report,
20 and recommended that the Commission approve the permits and deny the appeals. The
21 staff report included a proposed resolution approving the permits, accompanied by lengthy
22 findings and new special conditions added by Commission staff. The special conditions
23 included: (1) reducing the hours restriction to 2:00 a.m. to 5:00 a.m. in the two districts
24 closest to the ocean, thereby allowing earlier access to street parking in these areas; (2)
25 providing parking at public parking lots near the beach 24 hours per day, with four hours
26 of free parking at least until 9 a.m.; and (3) limiting the term of the Commission's approval

1 to five years and requiring a new application for a permit amendment to allow for
2 consideration of any unanticipated impacts to coastal resources.

3
4 20. In its proposed findings, Commission staff noted that “[a]lthough the
5 appellants raised several issues with regard to the City’s proposed permit parking program,
6 including allegations that the proposal violates the right of the general public to use the
7 public rights-of-way and that it discriminates against homeless people who live in vehicles,
8 the Coastal Act issue is public access.”

9
10 21. Addressing the issue of public access specifically, the proposed
11 findings noted that the number of early-morning beachgoers driving to the beach is
12 “estimated to be no more than a few dozen (before 6 a.m.)” The findings proceeded to
13 explain that these beachgoers would be accommodated by the special conditions, which
14 would allow unrestricted parking in the two OPDs adjoining the ocean beginning as early
15 as 5:00 a.m., and at least four hours of free parking in the early morning hours at several
16 public parking lots close to the ocean, where overnight parking would also be prohibited so
17 as to free up spaces for early morning beachgoers.

18
19 22. In conclusion, the proposed findings stated that “[a]s conditioned, the
20 proposed project is consistent with the Public Access and Recreation policies of the
21 Coastal Act.”

22
23 23. On June 11, 2009, the Commission heard the appeals of the five local
24 CDPs and the City’s two original CDP applications, respectively. After the public
25 hearing, the Commission voted against its staff’s recommendation and denied the CDPs
26 and granted the appeals. The Commission made no findings whatsoever in support of this
27 determination.

1 **FIRST CAUSE OF ACTION**

2 (Writ of Mandate)

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4 34. Petitioner repeats and realleges paragraphs 1 through 33, above, and
5 incorporates them herein by this reference as though set forth in full.

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7 35. The Commission's action should be set aside on the following
8 grounds:

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10 a. The Commission's determination was an abuse of discretion
11 because the Commission made no findings whatsoever in support of its decision;

12
13 b. There is not substantial evidence in the administrative record
14 before the Commission that would support a finding that the OPDs would adversely affect
15 coastal access, or to support any other finding sufficient to trigger the Commission's
16 jurisdiction to deny the OPDs;

17
18 c. The Commission lacked jurisdiction over the City's
19 establishment of the overnight parking districts generally, and over the CDPs in particular,
20 because the OPDs do not constitute "development" that may be regulated under section
21 30106 of the Coastal Act;

22
23 d. The Commission lacked jurisdiction over the City's
24 establishment of parking districts where parking is limited between the hours of 2:00 a.m.
25 and 6:00 a.m., because section 22507.5 of the California Vehicle Code has specifically
26 granted local governments the right to restrict parking during those hours, thereby
27 superseding any jurisdiction the Commission would otherwise have over such restrictions;

1 e. The expropriation of residential parking by non-residents at
2 night and the illegal use of vehicles for living quarters, and the resulting effects, constitute
3 a public nuisance, which the City has authority to abate by means of the adoption of the
4 OPDs, and the Commission lacks jurisdiction to limit such authority pursuant to Public
5 Resources Code section 30005(b);

6
7 f. The use of vehicles for living quarters, by generating litter and
8 causing the leakage and dumping of raw sewage into yards, alleys and storm drains, is an
9 activity that adversely impacts significant resources of the coastal zone, and particularly
10 the waters and lands of the coastal zone, and as such the City is entitled to impose
11 conditions, restrictions, and/or limitations on this activity by the adoption of the OPDs,
12 pursuant to Public Resources Code section 30005(a), and the conflict between the
13 protection of public access to the coast and the protection of the waters and lands of the
14 coastal zone from pollution must be resolved in a manner which on balance is the most
15 protective of the waters and lands of the coastal zone, as mandated by Public Resources
16 Code section 30007.5, namely, by the adoption and implementation of the OPDs; and

17
18 g. The protection of public access to the coast must be balanced
19 against the rights of individual property owners, with due consideration to the proximity of
20 the access area to adjacent residential uses and the protection of privacy of adjacent
21 property owners, and in light of these factors the adoption of the OPDs places reasonable
22 limitations on time, place and manner of public access to the coast as contemplated by
23 section 30214 of the Coastal Act;

24
25 WHEREFORE, Petitioner prays for relief as set forth below.
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1 40. The City believes that the Commission's contentions as describe
2 above are either legally correct, or legally binding on the City, or both.

3
4 WHEREFORE, Petitioner prays for relief as set forth below.

5
6 **ON THE FIRST CAUSE OF ACTION:**

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8 1. Issue a peremptory writ of mandate as follows:

9
10 a. ordering the Commission to set aside its decision of June 11,
11 2009, in which it granted the following appeals: A-5-VEN-08-340 (CDP No. 08-07: OPD
12 520); A-5-VEN-08-341 (CDP No. 08-08: OPD 521); A-5-VEN-08-342 (CDP No. 08-09:
13 OPD 522); A-5-VEN-08-343 (CDP No. 08-10: OPD 523); and A-5-VEN-08-344 (CDP
14 No. 08-11: OPD 526); denied the associated permits; and denied Application Nos. 5-08-
15 313 (OPD 523) and 5-08-314 (OPD 522); and

16
17 b. ordering the Commission to deny all of the above-described
18 appeals and to grant the above-described permits.

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20 **ON THE SECOND CAUSE OF ACTION:**

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22 2. Issue a declaration as follows:

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24 a. that the Commission has no jurisdiction over the adoption by
25 the City of the overnight parking districts as they were approved and adopted by the City's
26 Board of Public Works on or about November 17, 2008;

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VERIFICATION

I, Mark Ryavec, declare as follows:

I am an officer of the Venice Stakeholders Association. I have read the foregoing Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief and know its contents. I am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe that the facts alleged in the Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief are true.

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

Executed this 10th day of August, 2009, at Los Angeles, California.



MARK RYAVEC

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
 John A. Henning, Jr. (State Bar No. 159138)
 125 North Sweetzer Avenue
 Los Angeles, California 90048

TELEPHONE NO.: (323) 655-6171 FAX NO.: (323) 655-6109
 ATTORNEY FOR (Name): Petitioner

FOR COURT USE ONLY

FILED
 LOS ANGELES SUPERIOR COURT

AUG 10 2009
 JOHN A. CLARKE, CLERK
 BY AMBER LA FLEUR-CLAYTON, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Central

CASE NAME: Venice Stakeholders Association v. California Coastal Commission

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)

CASE NUMBER: **BS122073**

JUDGE:
 DEPT:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|---|--|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input checked="" type="checkbox"/> Writ of mandate (02)</p> <p><input checked="" type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental /Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|---|---|--|

2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial post-judgment judicial supervision |
3. Type of remedies sought (check all that apply):
- a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Two
5. This case is is not a class action suit.
- Date: August 10, 2009
 John A. Henning, Jr.


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE Venice Stakeholders Assn. v. California Coastal Commn.

CASE NUMBER

BS122073

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 4 HOURS/ DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|---|--|--|--|
| Auto Tort | Auto (22) | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Dam./Wrongful Death | 1., 2., 4. |
| | Uninsured Motorist (46) | <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist | 1., 2., 4. |
| Other Personal Injury/Property Damage/Wrongful Death Tort | Asbestos (04) | <input type="checkbox"/> A6070 Asbestos Property Damage | 2. |
| | | <input type="checkbox"/> A7221 Asbestosis - Personal Injury/Wrongful Death | 2. |
| | Product Liability (24) | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental) | 1., 2., 3., 4., 8. |
| | Medical Malpractice (45) | <input type="checkbox"/> A7210 Medical Malpractice -Physicians& Surgeons | 1., 2., 4. |
| | | <input type="checkbox"/> A7240 Other Professional Health Care Malpractice | 1., 2., 4. |
| Other Personal Injury Property Damage Wrongful Death (23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) | 1., 2., 4. | |
| | <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) | 1., 2., 4. | |
| | <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress | 1., 2., 3. | |
| | <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1., 2., 4. | |
| Non-Personal Injury/Property Damage/Wrongful Death Tort | Business Tort (07) | <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract) | 1., 2., 3. |
| | Civil Rights (08) | <input type="checkbox"/> A6005 Civil Rights/Discrimination | 1., 2., 3. |
| | Defamation (13) | <input type="checkbox"/> A6010 Defamation (slander/libel) | 1., 2., 3. |
| | Fraud (16) | <input type="checkbox"/> A6013 Fraud (no contract) | 1., 2., 3. |
| | Intellectual Property (19) | <input type="checkbox"/> A6016 Intellectual Property | 2., 3. |

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

| | |
|---|-------------|
| SHORT TITLE Iannitti v. City of Palos Verdes Estates | CASE NUMBER |
|---|-------------|

| A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|---|--|
| Professional Negligence (25) | <input type="checkbox"/> A6017 Legal Malpractice | 1., 2., 3. |
| | <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) | 1., 2., 3. |
| Other (35) | <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort | 2., 3. |
| Wrongful Termination (36) | <input type="checkbox"/> A6037 Wrongful Termination | 1., 2., 3. |
| Other Employment (15) | <input type="checkbox"/> A6024 Other Employment Complaint Case | 1., 2., 3. |
| | <input type="checkbox"/> A6109 Labor Commissioner Appeals | 10. |
| Breach of Contract/Warranty (06) (not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) | 2., 5. |
| | <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) | 2., 5. |
| | <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) | 1., 2., 5. |
| | <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 1., 2., 5. |
| Collections (09) | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff | 2., 5., 6. |
| | <input type="checkbox"/> A6012 Other Promissory Note/Collections Case | 2., 5. |
| Insurance Coverage (18) | <input type="checkbox"/> A6015 Insurance Coverage (not complex) | 1., 2., 5., 8. |
| Other Contract (37) | <input type="checkbox"/> A6009 Contractual Fraud | 1., 2., 3., 5. |
| | <input type="checkbox"/> A6031 Tortious Interference | 1., 2., 3., 5. |
| | <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence) | 1., 2., 3., 8. |
| Eminent Domain/Inverse Condemnation (14) | <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels | 2. |
| Wrongful Eviction (33) | <input type="checkbox"/> A6023 Wrongful Eviction Case | 2., 6. |
| Other Real Property (26) | <input type="checkbox"/> A6018 Mortgage Foreclosure | 2., 6. |
| | <input type="checkbox"/> A6032 Quiet Title | 2., 6. |
| | <input type="checkbox"/> A6060 Other Real Property(not eminent domain, landlord/tenant, foreclosure) | 2., 6. |
| Unlawful Detainer-Commercial (31) | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Detainer-Residential (32) | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Detainer-Drugs (38) | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs | 2., 6. |
| Asset Forfeiture (05) | <input type="checkbox"/> A6108 Asset Forfeiture Case | 2., 6. |
| Petition re Arbitration (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration | 2., 5. |

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|---|-------------|
| SHORT TITLE Iannitti v. City of Palos Verdes Estates | CASE NUMBER |
|---|-------------|

| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|---|--|--|--|
| Judicial Review (Cont'd.) | Writ of Mandate (02) | <input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review | 2., 8. 2. 2. |
| | Other Judicial Review (39) | <input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review | 2., 8. |
| Provisionally Complex Litigation | Antitrust/Trade Regulation (03) | <input type="checkbox"/> A6003 Antitrust/Trade Regulation | 1., 2., 8. |
| | Construction Defect (10) | <input type="checkbox"/> A6007 Construction defect | 1., 2., 3. |
| | Claims Involving Mass Tort (40) | <input type="checkbox"/> A6006 Claims Involving Mass Tort | 1., 2., 8. |
| | Securities Litigation (28) | <input type="checkbox"/> A6035 Securities Litigation Case | 1., 2., 8. |
| | Toxic Tort Environmental (30) | <input type="checkbox"/> A6036 Toxic Tort/Environmental | 1., 2., 3., 8. |
| | Insurance Coverage Claims from Complex Case (41) | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only) | 1., 2., 5., 8. |
| Enforcement of Judgment | Enforcement of Judgment (20) | <input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9. |
| Miscellaneous Civil Complaints | RICO (27) | <input type="checkbox"/> A6033 Racketeering (RICO) Case | 1., 2., 8. |
| | Other Complaints (Not Specified Above) (42) | <input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8. |
| Miscellaneous Civil Petitions | Partnership Corporation Governance (21) | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case | 2., 8. |
| | Other Petitions (Not Specified Above) (43) | <input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition | 2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9. |

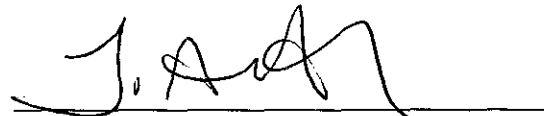
| | |
|---|-------------|
| SHORT TITLE Iannitti v. City of Palos Verdes Estates | CASE NUMBER |
|---|-------------|

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

| | | | |
|---|-------------|-------------------|--|
| REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. | | | ADDRESS Administrative Mandamus (CCP 1094.5) action. Respondent City's address: 200 N. Spring Street |
| CITY Los Angeles | STATE CA | ZIP CODE 90012 | Respondent California Coastal Commission's address: 200 Oceangate, 10th Floor Long Beach, CA 90802 |

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the County _____ courthouse in the _____ Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: August 10, 2009


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 John A. Henning, Jr.

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form JC 982.2(b)(1).
4. Complete Addendum to Civil Case Cover Sheet form CIV 109 _____ (eff. Date).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.