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ORIGINAL FILED
JUN 04 2001
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

11 LA COSTA BEACH HOMEOWNERS'
12 ASSOCIATION, a California Corporation,
13 RICHARD ZIMAN, an individual, DAPHNA
14 ZIMAN, an individual, ART ZOLOTH, an
15 individual, HELEN ZOLOTH, an individual,
16 FREDDIE FIELDS, an individual, CORINNA
17 FIELDS, an individual, PEG YORKIN, an
18 individual, BUDGE OFFER, an individual,
19 JERRY MONKARSH, an individual,
20 VIRGINIA MANCINI, an individual, RYAN
21 O'NEAL, an individual, AARON SPELLING,
22 ~~an individual, CANDY SPELLING,~~
23 individual, NANCY HAYES, an individual,
24 and LOU ADLER, an individual,

Petitioners,

v.

21 CALIFORNIA COASTAL COMMISSION, a
22 California state agency, and DOES 1 through
23 50, inclusive,

Respondents.

24 GAMMA FAMILY TRUST, BROAD
25 REVOCABLE TRUST and NANCY M.
26 DALY LIVING TRUST,

Real Parties-in-Interest.

Case No. BS063276

**[PROPOSED] JUDGMENT GRANTING
PEREMPTORY WRIT OF MANDATE**

The Honorable David Yaffe
Department 86

Petition filed May 12, 2000

Hearing Date: May 10, 2001
Time: 9:30 a.m.
Dept.: 86

[Proposed] Judgment Granting Peremptory Writ of Mandate

LAW OFFICE OF
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1 This matter came on regularly for hearing on May 10, 2001 in Department 86 of this Court,
2 located at 111 N. Hill Street, Los Angeles. Patricia L. Glaser and Clare Bronowski of Christensen,
3 Miller, Fink, Jacobs, Glaser, Weil & Shapiro LLP appeared for Petitioners; Nedra E. Austin, Deputy
4 Attorney General, appeared for Respondent; Robert H. Philibosian and James F. McShane of
5 Sheppard, Mullin, Richter & Hampton LLP appeared for Real Party in Interest Broad Revocable
6 Trust. There were no appearances for Real Parties in Interest Gamma Family Trust and Nancy M.
7 Daly Living Trust.

8 The Court having reviewed the administrative record of the proceedings by Respondent
9 California Coastal Commission ("Respondent") in this matter, consisting of 56 volumes, and the
10 briefs and argument by counsel; the Court having taken judicial notice of the pleadings on file in Los
11 Angeles Superior Court Case No. BS063275; the matter having been submitted for decision; and the
12 Court having directed that judgment and a peremptory writ of mandate issue in this proceeding,

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 14 1. Judgment be entered, and hereby is entered, in favor of Petitioners.
- 15 2. A peremptory writ of mandate directed to Respondent shall issue under seal of this
16 Court, ordering Respondent to vacate and rescind its April 12, 2000 approval of amendments to
17 Coastal Development Permit 4-99-146, Coastal Development Permit 4-99-185, and Coastal
18 Development Permit 4-99-266, ~~whereby Real Parties in Interest ("Real Parties") were permitted to~~
19 ~~delete the on-site view corridors previously required on Real Parties' properties and substitute off-~~
20 ~~site mitigation for visual impacts by dedicating an 80-foot wide undeveloped parcel fronting on La~~
21 ~~Costa Beach for public view and beach access use.~~

22 3. Petitioners shall recover costs in this proceeding from Respondent in the amount of
23 \$ _____

24 4. The Court retains jurisdiction for purposes of Respondent's return to the Court's
25 peremptory writ of mandate and for purposes of Petitioners' entitlement to attorneys' fees.
26 *Matter is remanded to respondent for further proceedings consistent*
27 *with the decision of the Court.*

27 Dated: JUN 04 2001

28 David P. Yaffe
Judge David Yaffe

Sheppard, Mullin, Richter & Hampton

Jun 5 2001 14:15

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 2121 Avenue of the Stars, Eighteenth Floor, Los Angeles, California 90067.

On May 16, 2001, I served the foregoing document(s) described as:

(PROPOSED) JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

(BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

X (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressees at the following facsimile numbers:

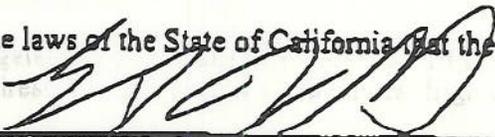
By Facsimile (213) 897-2801
Nedra Austin
DEPUTY ATTORNEY GENERAL
300 S. Spring Street, Suite 5212
Los Angeles, CA 90013

By Facsimile (310) 772-6635
Andrew Cushnir, Esq.
Broad Revocable Trust
Sun America
1999 Avenue of the Stars, 37th Floor
Los Angeles, CA 90067

By Facsimile (213) 620-1398
Robert H. Philobosian
James F. McShane
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street
Forty-Eighth Floor
Los Angeles, CA 90071

Executed this 16th day of May, 2001, at Los Angeles, California.

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


ELIZABETH J. GIFFIN

LAW OFFICE
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COASTAL CONSERVANCY

Staff Recommendation

April 27, 2000

CARBON/LA COSTA BEACH PUBLIC ACCESS DEDICATION

File No. 00-033

Project Manager: Marc Beyeler

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104.1 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby accepts the dedication of fee title to real property located at 21704 Pacific Coast Highway, Malibu, (Los Angeles County Assessor's Parcel No. 4451-003-033), as shown in Exhibits 2 and 3 to the accompanying staff recommendation, to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay in satisfaction of Coastal Commission permit amendments nos. 4-99-146-A2, 4-99-185-A and 4-99-266-A, approved by the Coastal Commission on April 12, 2000, subject to the following conditions:

1. Prior to opening the real property to public access, the Conservancy shall approve a public access management plan, including a site plan for minor public access improvements on the property; and
2. Prior to opening the real property to public access, the Coastal Commission shall approve a coastal development permit for the access improvements described in the site plan."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 *et seq.* of the Public Resources Code;
2. The proposed project is consistent with Section 31104.1 of the Public Resources Code; and