Case No. B300528

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION 6

THEODORE R. KRACKE,

Plaintiff and Respondent,

vs.

CITY OF SANTA BARBARA,

Defendant and Appellant.

Appeal from a Judgment of the Ventura County Superior Court
Case No. 56-2016-00490376-CU-WM-VTA
Honorable Mark S. Borrell, Judge

AMICUS CURIAE BRIEF OF LEAGUE OF CALIFORNIA CITIES IN SUPPORT OF CITY OF SANTA BARBARA

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I. INTRODUCTION

In the 1980s, the California Coastal Commission ("Coastal Commission") certified a Local Coastal Program ("LCP") – the apex of local planning regulations under the California Coastal Act of 1976 (Pub. Resources Code, § 30000 *et seq*.) ("Coastal Act") – for the City of Santa Barbara ("City"). The certified LCP prohibited the operation of hotels within certain zoning districts, including residential zones. The City's Municipal Code, which is part of the LCP, defines a "hotel" as a building, or portion of a building, "designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days . . . ." (Santa Barbara Municipal Code, § 28.04.395.) At all times since the certification of the City's LCP, the definition of "hotel" has remained unchanged as has the prohibition on the operation of hotels in residential zones.[1]

It is readily evident that the use of property for a short-term vacation rental ("STVR") entails the occupancy of a residential dwelling unit, or a portion of one, for a period less than thirty days, and thus falls within the Municipal Code's definition of a "hotel." Because the Municipal Code provision is embodied in the City's LCP, STVRs are and continuously have been prohibited in residential zones since the time the Coastal Commission certified the LCP.

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[1] Even if not explicitly prohibited, STVRs are not allowed in residential zones pursuant to the permissive zoning doctrine under which any uses not specifically enumerated in the Municipal Code to be permitted are presumptively prohibited. (*The Kind and Compassionate v. City of Long Beach* (2016) 2 Cal.App.5th 116, 128; *City of Corona v. Naulis* (2008) 166 Cal.App.4th 418, 425, 431; see *Urgent Care Medical Services v. City of Pasadena* (2018) 21 Cal.App.5th 1086, 1095.)

The City's interpretation of its zoning ordinances is entitled to deference unless clearly erroneous or absurd consequences would result. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1193; *MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 219; see *Boling v. Public Employment Relations Board* (2018) 5 Cal.5th 898, 911.) In consideration of the unambiguous definition of "hotel" in the Municipal Code, and because STVRs are more accurately characterized as commercial rather than residential in nature, it cannot be concluded that the inclusion of STVRs in the definition of "hotel" is arbitrary or capricious.

So, where's the beef? Based on evidence of varying historical enforcement practices relating to the prohibition on STVRs in residential zones – including times when the City allowed some such uses to be maintained, to be issued a business license, and to remit transient occupancy taxes – the trial court held that recent action by the City Council to approve funding arrangements for an enhanced enforcement program for STVRs required the City to first obtain a Coastal Development pursuant to the Coastal Act.

The linchpin of the trial court's judgment is its holding that the City Council's recent action constitutes "development" for purposes of the Coastal Act. (See Pub. Resources Code, § 30106.) The trial court's judgment, if affirmed by this Court, would compel every coastal city in California to obtain a Coastal Development Permit – a discretionary land use entitlement – perhaps ultimately from the Coastal Commission, before being allowed to make staffing and budgeting determinations associated with enforcement of the city's existing and longstanding land use regulations, even where those regulations are embedded in the city's certified LCP.

Amicus Curiae League of California Cities respectfully submits the City Council's action does not constitute "development" under the Coastal Act. The League of California Cities urges this Court, upon exercising its independent de novo review of the trial court's interpretation and application of Public Resources Code section 30106, to reverse the trial court's judgment.

II. AS A PRELIMINARY MATTER, MUNICIPALITIES HAVE A VALID AND LEGITIMATE BASIS ROOTED IN THE POLICE POWER TO RESTRICT, AND EVEN PROHIBIT, SHORT-TERM VACATION RENTALS

The California Constitution grants a broad police power to local agencies to make and enforce laws for the promotion and protection of the public health, safety and general welfare and other matters related to legitimate governmental purposes. (Cal. Const., art. XI, § 7; *Birkinfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 158; *Carlin v. City of Palm Springs* (1971) 14 Cal.App.3d 706, 711.) The California Supreme Court has held that land use regulations – which include such matters as use limitations, development standards, parking and lighting conditions, landscaping requirements, and other design criteria – are "valid exercises of the city's traditional police power, and do not amount to a taking merely because they might incidentally restrict a use, diminish the value, or impose a cost in connection with the property." (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 886 (citations omitted); *HFH, Ltd. v. Superior Court* (1975) 15 Cal.3d 508, 518.)

It has long been perfectly legal in California to both regulate and outright ban STVRs. Such uses are not viewed as the same as or equivalent to residential uses, but rather as uses that create special challenges in residential neighborhoods, leading to a need to be treated uniquely. Curiously, Petitioner fails to even mention, much less analyze, the California

landmark case on the subject. In *Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579, the Court of Appeal upheld a city's ban on STVRs in single-family residential zones, even though STVRs were already operating at the time the ban was established. In doing so, the court eloquently articulates – even though nearly 30 years ago – why a local public entity and its residents might disfavor STVR uses:

> It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes – at least 12% in this case, according to the record – are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the Council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a Scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow – without engaging in the sort of activities that weld and strengthen a community.

(234 Cal.App.3d at p. 1591.)[2]

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[2] The court's observations were accurately prescient, in Santa Barbara as well as numerous other communities throughout the state. (See, e.g., N. Bettenhausen, "There Goes the Neighborhood: Regulating the Growing Short-Term Rental Industry," *Orange County Lawyer* (July 2015), pp. 16-19 [http://www.virtualonlineeditions.com/publication/?i=263758&article_id=2042764&view=articleBrowser&ver=html5].)

More recently, *Watts v. Oak Shores Community Assn.* (2015) 235 Cal.App.4th 466 dealt with a homeowners association's regulations of STVRs and reflects further judicial recognition of the special challenges posed by STVRs. In that case, the homeowners association adopted special fees and regulations applicable only to STVRs, which the owners of the affected residences claimed to constitute impermissible unequal treatment. The court summarized the evidence that occupants of STVRs cause more problems than owners or their guests, including parking, lack of awareness of rules, noise and use, and abuse of facilities, and then stated:

> That short-term renters cost the Association more than long-term renters or permanent residents is not only supported by the evidence but experience and common sense places the matter beyond debate. Short-term renters use the common facilities more intensely; they take more staff time in giving directions and information and enforcing the rules; and they are less careful in using the common facilities because they are not concerned with the long-term use consequences of abuse.

(235 Cal.App.4th at p. 473.)

The California Legislature has also recognized that short-term lodging does not constitute a residential use of property. The Housing Crisis Act of 2019 (Gov. Code, § 66300 *et seq*.) was enacted to combat the shortage of housing in the state by reducing or eliminating barriers to the expeditious review of and action on housing development applications, even so far as providing for "by right" approval of certain projects. Nonetheless, the Legislature acknowledge the authority of local agencies to preclude STVRs in residential neighborhoods, ***specifically identifying STVRs as examples of commercial uses***: "Notwithstanding subdivisions (b) and (f), an affected

county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, ***including, but not limited to, short-term occupancy of a residence***, consistent with the authority conferred on the county or city by other law." (*Id*., § 66300(c) (emph. added).)

Santa Barbara's STVR regulations directly relate to prevention of the deterioration of the residential character of neighborhoods, and their conversion to hotel zones, the depletion of housing stock, especially for long-term rental purposes, and the avoidance of parking, traffic, noise and other safety impacts. The City's enforcement of those regulations undeniably advances valid and legitimate governmental concerns.

III. THE CITY COUNCIL'S ACTION TO APPROVE FUNDING FOR AN ENHANCED ENFORCEMENT PROGRAM IS NOT "DEVELOPMENT" UNDER THE COASTAL ACT

The enactment of the Coastal Act was accompanied by several legislative findings and declarations concerning the statewide need for and goals of the law, speaking largely to the protection of coastal resources and the preservation and promotion of public access to the coast. (E.g. see, Pub. Resources Code, §§ 30001, 30001.5.) At the same time, the Coastal Act recognizes that notwithstanding statewide interests (*Yost v. Thomas* (1984) 36 Cal.3d 561, 571), local governments play a substantial role in the implementation of the law. "To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." (*Id*., § 30004(a).) In fulfilling the intentions of the Coastal Act, local governments are charged with the responsibility to prepare LCPs for the portion of the coastal zone situated within their boundaries (*id*., § 30500(a)),

which LCPs are to establish the allowable (and impermissible) uses in congruence with each agency's general plan (see *id*., §§ 30108.5, 30108.6). (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 794.)

Once the Coastal Commission certifies a local government's LCP, the authority to implement the LCP and to issue Coastal Development Permits for "development," unless such permits are exempted or waived, is delegated to the local government. (Pub. Resources Code, § 30519; *Pacific Palisades Bowl Mobile Estates, LLC*, *supra*, 55 Cal.4th at p. 794; *Citizens for South Bay Coastal Access v. City of San Diego* (2020) 45 Cal.App.5th 295, 307; *Beach & Bluff Conservancy v. City of Solano Beach* (2018) 28 Cal.App.5th 244. 252.)

As a general rule, "any person . . . wishing to perform or undertake any development in the coastal zone . . . shall obtain a coastal development permit." (Pub. Resources Code, § 30600(a).) In turn, "development" is defined by the Coastal Act as follows:

> "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or

> alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
>
> As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

(*Id*., § 30106.)

Admittedly, "development" has been given a broad interpretation and has been applied to a wide variety of situations. However, the construction of the term nevertheless has been focused on activities resulting in adverse impacts to coastal resources or physical access. The City's desire to enforce its longstanding ban on STVRs in residential zones implicates neither. With regard to "access," the Coastal Act emphasizes access to and along the coast itself. (E.g., Pub. Resources Code, §§ 30001.5(c), 30210 *et seq*.) The Coastal Act has never been interpreted to guarantee a right to access private residences in the coastal zone.

While the establishment of land use regulations is certainly the province of LCPs, the League of California Cities has been unable to find a reported California state court case holding that the adoption or modification of land use regulations constitutes "development" under the Coastal Act for which a Coastal Development Permit is required.[3]

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[3] The League is aware of an unpublished federal district court decision

In contrast to the statutory definition of "development," the City Council's recent action to approve funding arrangements for an enhanced enforcement program for STVRs does not entail "the placement or erection of any solid material or structure," the "discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste," or the "grading, removing, dredging, mining, or extraction of any materials." Petitioner does not argue to the contrary.

The remaining issue is whether the City Council's recent action constitutes a "change in the density or intensity of use of land." Simply put, it does not. Continuously from the certification of the City's LCP in the 1980s, the operation of STVRs in residential zones has been prohibited. The face, substance, and effect of that regulation has never changed. What did

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involving a challenge to a municipal ordinance prohibiting STVRs on the ground, among others, that the ordinance violates the Coastal Act because it constitutes "development." The court rejected the claim. ". . . [T]he City would also have had to seek Commission approval if the Ordinance amounted to 'development' as defined by the Coastal Act [because the city lacked a certified LCP and, as a result, the Coastal Commission had Coastal Development Permit jurisdiction]. The City argues that it was not required to seek the Commission's approval of the Ordinance because the Ordinance is not a 'development.' This argument is persuasive. Plaintiffs have not convinced the Court that it should adopt a broad interpretation of 'development,' which would include every possible change in the law that might result in a change to land use. Further, Plaintiffs cite to no case or statute that interprets 'development' to include city-wide land-use regulations. To overcome the common sense definition and understanding of the term 'development,' Plaintiffs must do more. Therefore, the Court finds that Plaintiffs have not met their burden to demonstrate a likelihood of success on this issue." (*Homeaway.com, Inc. v. City of Santa Monica*, No. 2:16-CV-06641-ODW(AFM), 2018 WL 1281772, at *4 (C.D. Cal. Mar. 9, 2018).) Unpublished federal court decisions, while not precedential, may be cited for their persuasive value. (*Dimon v. County of Los Angeles* (2008) 166 Cal.App.4th 1276, 1283, fn. 8.)

change in the eyes of the trial court was the City's orientation and policy with regard to the enforcement of the regulation, but that is something altogether different than what is described in Public Resources Code section 30106 and represents an inappropriate broadening of the statutory language.

In short, the trial court's holding would dictate all local government decisions regarding staffing and budgeting for the implementation and enforcement of existing laws and regulations that are encompassed by a certified LCP be treated as "development" subject to the requirement for a Coastal Development Permit. Such a result could not have been intended by the Coastal Act. Whether the City determines to ramp up its enforcement efforts regarding the long preexisting prohibition on STVRs in residential zones has no bearing on the protection of coastal resources. (To be sure, it could be better argued that putting the brakes on a constantly rotating parade of temporary occupants actually would redound to the benefit of sensitive coastal resources.) Similarly, the enhancement of the City's enforcement program does not in any way inhibit physical access to the coast.

In reaching its holding, the trial court relied heavily on this Court's opinion in *Greenfield v. Mandalay Shores Community Association* (2018) 21 Cal.App.5th 896 (*Greenfield).* While superficially appealing at first blush due to the common subject matter of STVRs in the coastal zone, the holding in *Greenfield* is ultimately inapposite to Santa Barbara's circumstances. The material distinction rests in the underlying governmental regulations or, more accurately with regard to *Greenfield*, ***the lack thereof***. In *Greenfield*, the owner of property within a private residential community governed by a homeowners association desired to operate a STVR. The private residential community was situated within the City of Oxnard. Nonresidents had been "renting beach homes on a short-term basis" for decades. (21 Cal.App.5th at

p. 898) The city had a certified LCP that did not explicitly address STVRs but "historically treated [STVRs] as a residential activity and collected a transient occupancy tax for short-term rentals." (*Id*. at p. 899.)

The homeowners association adopted a resolution banning STVRs and the property owner sought a preliminary injunction to stay enforcement of the ban. (21 Cal.App.5th at p. 898.) The trial court denied the motion and this Court reversed. In sharp contrast to the case at hand involving Santa Barbara, the Court observed: "Here the [STVR] ban changes the intensity of use and access to single-family residences in the Oxnard Coastal Zone. [STVRs] were common in Oxnard Shores before the ban; now they are prohibited." (*Id*. at p. 901.) The Court further remarked that "[t]he decision to ban or regulate [STVRs] must be made by the City and Coastal Commission, not a homeowners association." (*Id*., at pp. 901-902.)

In stark difference from the regulations of the City of Oxnard, the regulations of the City of Santa Barbara embodied in its Municipal Code and certified LCP prohibit STVRs in residential zones. In addition, the staffing and budgeting decision of the City Council to approve an enhanced enforcement program did not change "the intensity of use and access to single-family residences" provided by the longstanding existing regulations. Accordingly, the *Greenfield* decision does not support the trial court's holding.

The trial court's holding that ***any*** change is sufficient to require a coastal development permit must be seriously questioned. If the trial court were correct, then the City's prior lax practices in the enforcement of the STVR ban would have necessitated approval of a coastal development permit to be effective. Because no such permit was obtained for those circumstances, it naturally follows that the purported "change" was of no legal consequence.

Similarly, in this regard, the trial court's holding is also suspect because of its inconsistency with the so-called equal dignities rule by which an official enactment of a public agency can be repealed or modified only in the same manner as the means of the original adoption of the legislation. (*City of Sausalito v. County of Marin* (1970) 12 Cal.App.3d 550, 566-567; see *Blotter v. Farrell* (1954) 42 Cal.2d 804, 810-811.) In accordance with the rule, the City Council could not have effectively altered the regulatory prohibition on STVRs in residential zones without the formality of an amendment to the City's general plan and zoning and an amendment to the certified LCP – steps the City never took.

The recent City Council action concerning budgeting and staffing matters cannot be characterized as law-making or regulatory legislation. Rather, it reflected simply the approval of funding arrangements for an enhanced enforcement program for STVRs in accordance with the law adopted in the 1980s and not since changed.

It is well settled that a local government cannot be estopped from the enforcement of its land use regulations by reason of the actions, inactions or representations of its officials and employees in conflict with those laws. (E.g., *Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1259; *Golden Gate Water Ski Club v. County of Contra Costa* (2008) 165 Cal.App.4th 249, 262; *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, 774.) Consequently, even though the City declined at times in the past to commence enforcement proceedings against certain STVRs operating in violation of the certified LCP but in the absence of complaints, and in some instances even countenanced those operations,[4] this

[4] The City's prior issuance of business licenses to some STVR operators was not regulatory action. Indeed, business licenses do not represent zoning

conduct did not rise to the level of precluding the City from prospectively engaging in the enhanced enforcement activities recently approved by the City Council.

Even if one were to accept the trial court's conclusion that a city's decision to enforce the provisions of its certified LCP somehow constitutes a "change in the density or intensity of use of land," the Coastal Act makes clear that enforcement activities do not constitute "development" for which a coastal development permit is required. The Coastal Act declares that none of its provisions "is a limitation on . . . the power of any city . . . to declare, prohibit, and abate nuisances." (Pub. Resources Code, § 30005(b).) Violations of the City's Municipal Code are deemed to be a public nuisance. (Gov. Code, § 38771; Santa Barbara Municipal Code, § 1.28.040; see *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1086.) As a consequence, the City cannot be compelled to obtain a coastal development permit as a prerequisite to staffing and budgeting decisions to initiate enforcement proceedings for violations of its Municipal Code that are also encompassed in its certified LCP.

IV. THE TRIAL COURT'S JUDGMENT WOULD IMPAIR AND INTERFERE WITH A CITY ATTORNEY'S INDEPENDENT AUTHORITY TO COMMENCE ENFORCEMENT PROCEEDINGS BY REQUIRING THAT A LAND USE PERMIT FIRST BE OBTAINED

Taken to its natural end, the trial court's holding that the City – or, likely more specifically, its City Attorney – must first obtain a coastal

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entitlements; instead, they are for revenue-raising purposes only. (Santa Barbara Municipal Code, § 5.04.040 ["The ordinance codified in this chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation"].)

development permit to undertake an enhanced enforcement program for STVRs would lead to the result that the Coastal Commission is ultimately in the position to direct the City Attorney to refrain from such enforcement activities. This obviously would constitute an impairment of and interference with the City Attorney's independent judgment and obligation to do justice. Such an outcome is particularly problematic given that coastal development permits are land use entitlements subject to standards and findings requirements that are wholly unrelated to legitimate law enforcement considerations. (See Pub. Resources Code, § 30604.)

As noted above, California counties and cities "may make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (Cal. Const., art. XI, § 7.) This grant of authority includes the power to enact and enforce zoning regulations. (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1151-1152.)

A city's discretionary power in determining whether and when to initiate proceedings for the enforcement of its laws cannot be reposed in another public agency or even the courts. (*Riggs v. City of Oxnard* (1984) 154 Cal.App.3d 526, 530 [holding that a city could not be commanded to exercise its prosecutorial discretion in a particular manner with regard to a zoning ordinance violation]; *Blankenship v. Michalski* (1957) 155 Cal.App.2d 672, 675, 678 [denying a writ of mandate that would have compelled a city attorney to commence abatement proceedings, again for a zoning ordinance violation].) As part of a separate branch of government, a court can neither compel a city to adopt specific regulations nor can direct the city's exercise of discretion in enforcing its regulations. (*Nickerson v. County of San Bernardino* (1918) 179 Cal. 518, 522-523.) To allow or countenance otherwise

would constitute a violation of the separation of powers principles. (*City Council v. Superior Court* (1960) 179 Cal.App.2d 389, 394-395.)

Moreover, a city attorney's role as a prosecutor – charged with enforcing municipal regulations – is subject to important ethical responsibilities that would be inconsistent with a need, as determined by the trial court, to obtain a coastal development permit before undertaking an enforcement action. Violations of municipal ordinances are misdemeanors unless otherwise provided by the ordinance. (Gov. Code, § 36900(a).) Prosecutions are undertaken in the name of the People rather than the City. Heightened standards of impartiality and objectivity, as well as a determination of the existence of probable cause, are critical factors in informing the city's attorney discretion. (See *People ex rel. J. Clancy v. Superior Court* (1985) 39 Cal.3d 740, 746.) Such independent discretion would be compromised and impermissibly influenced were its exercise subject to the control of another public entity, whether the Coastal Commission or otherwise.

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V. CONCLUSION

For the reasons demonstrated above and in the briefs submitted by the City of Santa Barbara, the City Council action making budgeting and staffing decisions related to an enhanced enforcement program for the City's ban on STVRs in residential zones does not constitute "development" under the Coastal Act. Therefore, the trial court's judgment should be reversed and the matter remanded with direction to enter a new judgment denying Petitioner's petition for a writ of mandate in its entirety.

Respectfully submitted,

Dated: May 22, 2020

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CERTIFICATE OF WORD COUNT

Pursuant to and in compliance with Rule 8.204, subdivision (c) of the California Rules of Court, and in reliance on the word count of the computer program used to prepare the foregoing Amicus Curiae Brief of League of California Cities in Support of City of Santa Barbara, I hereby certify that the brief, including footnotes, contains 4,287 words as counted by Microsoft Word 2013. This brief is printed in 13-point Century Schoolbook font.

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

Dated: May 22, 2020

RUTAN & TUCKER, LLP
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PROOF OF SERVICE

Theodore P. Kracke v. City of Santa Barbara
Court of Appeal, Second Appellate District, Div. 6, No. B300528
Ventura County Superior Court No. 56-2016-00490376-CU-WM-VTA

The undersigned declares:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action. My business address is c/o Rutan & Tucker, LLP, 611 Anton Boulevard, 14th Floor, Costa Mesa, California 92626.

On May 22, 2020, I served the foregoing **AMICUS CURIAE BRIEF OF LEAGUE OF CALIFORNIA CITIES IN SUPPORT OF CITY OF SANTA BARBARA** on the parties to the within action as follows:

☑ (By U.S. Mail) On the same date, at my said place of business, copies of the documents were enclosed in a sealed envelope, addressed as indicated on the attached Service List and placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service and, pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Costa Mesa, California.

☑ (By electronic Service) Pursuant to California Rules of Court, Rules 2.251(a)(2) and 2.251(a)(3), by submitting an electronic version of the document(s) to TrueFiling, through the user interface at www.truefiling.com,

I caused the document(s) to be sent to the indicated person(s) as listed on the attached Service List.

Executed on May 22, 2020.

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

/s/ Mia R. Slobodien
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