Civil No. H047705

In the Court of Appeal, State of California

SIXTH APPELLATE DISTRICT

WILLIAM HOBBS et al.,
Plaintiffs and Appellants

vs.

CITY OF PACIFIC GROVE et al.,
Defendants and Appellants.

Appeal From the Superior Court of the State of California
County of Monterey. Case No. 18CV002411
Honorable Lydia M. Villarreal, Judge Presiding

CITY OF PACIFIC GROVE'S CROSS-APPELLANT'S REPLY BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Pages

State Cases

State Statutes

State Regulations

Rules

Other Authorities

I. INTRODUCTION

Appellants and Cross-Respondents William Hobbs, Susan Hobbs, Donald Shirkey, and Irma Shirkey (together, "Appellants") agree their Coastal Act claim against Respondent and Cross-Appellant City of Pacific Grove ("City") is moot. In that claim, Appellants alleged the City's ordinance to sunset some short-term rental licenses by lottery violated the California Coastal Act because the City neither obtained a coastal development permit from the California Coastal Commission nor requested approval of an amendment to the City's Land Use Plan the Coastal Commission approved in 1989. The claim is without merit.

Although the trial court granted Appellants summary adjudication on this claim, the Coastal Commission has since certified the City's Local Coastal Program. The Coastal Commission's certification of the City's Local Coastal Program effectively approved the challenged short-term rental ordinance, Ordinance 18-005. The City's Local Coastal Program, including its Implementation Plan, incorporates the City's existing regulations limiting the density of short-term rentals. Because Ordinance 18-005 is consistent with those regulations, the Coastal Commission has in effect approved the City's regulation of its short-term rentals. As Appellants concede, this moots their Coastal Act claim, which was predicated on the lack of Coastal Commission approval.

Although moot, the Coastal Act claim remains unresolved below. Appellants initiated this appeal by seeking review after their voluntary dismissal of their other cause of action, for a purported violation of their right to due process. The City filed this protective cross-appeal on the Coastal Act claim to preserve its right to challenge the trial court's ruling on Appellants' Motion for Summary Adjudication should the Court grant Appellants' appeal. No judgment has been entered on the Coastal Act claim.

The City therefore respectfully requests the Court remand with directions to enter judgment for the City. Even if the Court finds the claim is not moot, the Coastal Commission does not have authority to regulate legislation like the City's ordinance to sunset certain short-term rental licenses, Ordinance 18-005. Even if it did, Ordinance 18-005 did not amend the City's Land Use Plan or violate the Coastal Act. It established business license restrictions of those operating short-term rental businesses in the City; it did not restrict access to the coast by banning an entire class of affordable visitor accommodations. (Contra *Kracke v. City of Santa Barbara* (2021) 63 Cal.App.5th 1089 (*Kracke*), review den. Aug. 11, 2021.)

Because, as Appellants' concede, the Coastal Commission has effectively approved the City's short-term rental regulations within the coastal zone, the Court should reverse the trial court's decision on Summary Adjudication and remand to enter judgment for the City on the Coastal Act claim.

II. ARGUMENT

A. THE COASTAL ACT CLAIM IS MOOT BECAUSE ORDINANCE 18-005 COMPLIES WITH THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM

All parties agree the Coastal Commission's certification of the City's Local Coastal Program renders Appellants' first cause of action for violation of the Coastal Act moot because Ordinance 18-005 complies with the City's certified Local Coastal Program. The City therefore requests the Court remand the City's cross-appeal with directions to enter judgment in the City's favor.

Appellants alleged Ordinance 18-005 was a "development" under the Coastal Act and therefore required "approval" from the Coastal Commission. (I CT 37[1] [First Amended Complaint for Declaratory and Injunctive Relief ("FAC"), Count I].) The trial court granted Appellants' motion for summary adjudication on this claim, stating "Ordinance 18-005 constitutes development within the Coastal zone, and the City needs to obtain approval by the [Coastal Commission] of a Local Coastal Program or obtain a Coastal Development Permit from the Commission." (III CT 649.)

The Coastal Commission approved the City's Local Coastal Program on March 11, 2020. (Motion for Judicial Notice in Support of City of Pacific Grove's Combined Respondents' and Cross-Appellants' Opening Brief ("MJN"), p. 13 [Coastal

[1] The Clerk's Transcript on Appeal will be referred to as [Vol.] CT [Page:Line] throughout this brief.

Commission Minutes, agenda item 20(c)].) A local coastal program consists of a land use plan and implementing ordinances, such as zoning ordinances, zoning district maps, and other implementing actions within sensitive coastal resources areas. (Pub. Resources Code, § 30108.6; see also *Hubbard v. California Coastal Com.* (2019) 38 Cal.App.5th 119, 125.) The City codified the implementing ordinances for its Local Coastal Program in Chapter 23.90 of the Pacific Grove Municipal Code[2] (the "Implementation Plan"). (MJN, Exh. B.) The City's approved Implementation Plan allows the City to maintain its existing limitations on the density of short-term rentals. (MJN, Exh. B at p. 61 [Pacific Grove Mun. Code, § 23.90.220, subd. (c)(8)].)

There is no dispute that the Coastal Commission's approval of the City's Local Coastal Program moots Appellants' challenge to Ordinance 18-005. (Combined Appellants' Reply and Cross-Appellees' Response Brief ("xRB"), p. 26 ["Appellants agree with the City … that [the Coastal Commission's approval of the City's Local Coastal Program] rendered the City's cross-appeal moot"].) Indeed, Appellants do not argue this Court should exercise its discretion to affirm the trial court's decision even though it is moot. (*Cucamongans United for Reasonable Expansion v. City of Rancho Cucamonga* (2000) 82 Cal.App.4th 473, 479–480 [describing elements for discretionary review of moot claims where case presents issues of broad public interest that may reoccur between parties and where material questions remain].)

[2] The City's Municipal Code is available online at https://www.codepublishing.com/CA/PacificGrove/.

The only remaining question is the appropriate disposition of the Coastal Act claim. The City requests the Court remand with instructions to enter judgment in the City's favor.

Appellants' Coastal Act claim remains pending below — the trial court never entered judgment on this claim. Instead, the trial court granted Appellants' motion to voluntarily dismiss their second cause of action for violation of due process. (9 CT 1867 [notice of voluntary dismissal]; 9 CT 1878 [order dismissing Count II with prejudice].) At oral argument on their motion for summary adjudication, Appellants asked the trial court to enjoin the City's enforcement of Ordinance 18-005, but the trial court denied the request. (1 RT 30:10–11.)[3] Appellants sought no other remedy on the Coastal Act claim. Nor did Appellants seek or obtain a final judgment on the Coastal Act claim either before or after it dismissed its only other cause of action on due process. Faced with Appellants' appeal of their voluntary dismissal, the City filed a protective cross-appeal on the Coastal Act claim. It did so to ensure it could challenge the trial court's Coastal Act decision if this Court were to find jurisdiction over Appellants' appeal of the due process claim.

The Court should therefore remand with instructions to grant judgment in the City's favor under the general rule that the Court must apply present law to a request for equitable relief. Appellants requested declaratory and injunctive relief on their

[3] The Reporter's Transcript on Appeal will be referred to as [Vol.] RT [Page:Line] throughout this brief.

Coastal Act claim. (I CT 40 [FAC, p. 12, ¶¶ i, iv].) These are equitable remedies which necessarily operate prospectively:

> It is settled law that the rights of the parties in an action in equity will be determined on the basis of the law as it exists at the time of the determination, rather than at the time the complaint was filed, and this rule applies to judgments on appeal as well as to judgments in the trial court. [Citation.] The version of the ordinance in force at the present is the relevant legislation for the purpose of the appeal. It is an established rule of law that on appeals from judgments granting or denying injunctions, the law to be applied is that which is current at the time of judgment in the appellate court. [Citation.]

(*City of Whittier v. Walnut Properties, Inc.* (1983) 149 Cal.App.3d 633, 640; accord *Torres v. City of Montebello* (2015) 234 Cal.App.4th 382, 403 ["Because mandamus must operate in the present, an intervening change in law may moot or otherwise make such relief unavailable"]; *Consumer Watchdog v. Department of Managed Health Care* (2014) 225 Cal.App.4th 862, 879 [same for injunctive relief].)

According to Appellants, the only deficiency in Ordinance 18-005 with respect to the Coastal Act was its lack of approval from the Coastal Commission. (xRB, pp. 26–27 ["the Superior Court correctly held that Ordinance 18-005 violates the Coastal Act, because that Ordinance constitutes 'development,' Cal. Pub. Res. Code §§ 30108.6, 30510, and the City therefore was required to get pre-approval from the Commission before adopting it,

which it did not"].) Had the City been able to show Ordinance 18-005 was consistent with its certified Local Coastal Program, it would not have needed a development permit from the Coastal Commission. (Pub. Resources Code, § 30600.5, subd. (c) ["after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by the respective local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan"]; *Citizens for South Bay Coastal Access v. City of San Diego* (2020) 45 Cal.App.5th 295, 312 [Coastal Act does not preempt City's determination that City development did not require coastal development permit under City's local coastal program].) Because the City's Local Coastal Program was not certified when the trial court considered Appellants' Motion for Summary Adjudication, the trial court ruled in Appellants' favor. The City's certified Local Coastal Program corrected any alleged deficiency in Ordinance 18-005 by specifically allowing the City to regulate the density of short-term rentals. (MJN, Exh. B at p. 61 [Pacific Grove Mun. Code, § 23.90.220, subd. (c)(8)] [City's implementation program authorizing the City to continue "to prevent conditions leading to increased demand for city services and adverse impacts in residential areas and coastal resources"].) The Court should therefore reverse and remand to the trial court with direction to enter judgment on the Coastal Act claim in the City's favor consistent with the current status of the City's certified Local Coastal Program.

B. THE CITY'S RESTRICTIONS ON SHORT-TERM RENTALS DID NOT REQUIRE COMMISSION APPROVAL

Even if the Court considers the validity of Ordinance 18-005 under the Coastal Act, it must hold that the City's lottery for short-term rental licenses did not violate the Coastal Act. Ordinance 18-005 did not amend the 1989 Land Use Plan and it was not a "development" within the meaning of the Coastal Act. The trial court's failure to harmonize Ordinance 18-005 and the 1989 Land Use Plan was error, as was its decision that the Ordinance was "development," notwithstanding the evidence that it was not.

1. Ordinance 18-005 Did Not Modify the City's 1989 Land Use Plan

The City's 1989 Land Use Plan, which was in effect when the City adopted Ordinance 18-005, did not expressly regulate short-term rentals. This is unsurprising since the City did not allow short-term rentals at that time. (II CT 272:1; see also *County of Sonoma v. Superior Court* (2010) 190 Cal.App.4th 1312, 1315, fn. 3 [Under a "permissive" zoning code, "any use not enumerated in the code is presumptively prohibited," (citation omitted)].) However, the 1989 Land Use Plan did contain policies giving priority to visitor-serving uses. (I ACT 74.) By failing to harmonize the 1989 Land Use Plan with Ordinance 18-005, as case law requires, the trial court erred.

A local coastal program consists of "(a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions." (Pub. Resources Code, § 30108.6.) Implementing actions must be consistent with policies in the land use plan, but local governments may decide how best to implement policies in the land use plan through zoning ordinances, regulations, or other programs. (Pub. Resources Code, § 30513; cf. *Yost v. Thomas* (1984) 36 Cal.3d 561, 572 [commission review of land use plan limited to plan's compliance with Coastal Act]; see *Holden v. City of San Diego* (2019) 43 Cal.App.5th 404, 412 [project does not need to "rigidly conform" to a general plan to be consistent with the general plan's policies and goals].) "The Coastal Act sets minimum standards and policies with which local governments within the coastal zone must comply; it does not mandate the action to be taken by a local government in implementing local land use controls." (*Yost v. Thomas, supra,* 36 Cal.3d at p. 572.) The standard of review for implementing actions "shall be the land use plan as certified by the Commission." (Cal. Code Regs., tit. 14, § 13542, subd. (c).)

Under this standard, the Court must harmonize more specific implementing actions with more general land use policies. (*Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 928 (*Ross*).) For example, Malibu's local coastal program requires a minimum buffer of 100 feet between new development and "environmentally sensitive habitat areas." (*Id.* at p. 926.) Malibu's land use plan defines environmentally sensitive habitat

areas as "riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands" and includes a map of such areas. (*Ibid.*) However, Malibu's Local Implementation Plan gives the Environmental Review Board or the City's biologist, in consultation with the California Department of Fish and Game, discretion to set the buffer for dune environments. (*Id.* at p. 927.)

Malibu submitted an amendment to its local coastal program to allow subdivision of a lot in the coastal zone to the Coastal Commission for approval. (*Ross*, *supra*, 199 Cal.App.4th at p. 911.) The Coastal Commission decided a five-foot buffer between the proposed development and environmentally sensitive dune habitat satisfied Malibu's local coastal program and the Coastal Act. The Court of Appeal agreed. "The city's Land Use Plan Policy 3.23 and Local Implementation Plan section 4.6.1.G, which were simultaneously certified by the commission on September 13, 2002, should be interpreted together to give effect to all provisions of the local coastal program." (*Id.* at p. 928.) Construing the City's land use policy to require a 100-foot buffer for all environmentally sensitive habitats "would render the city's Local Implementation Plan … superfluous and inoperable." (*Id.* at p. 929.)

Here, the City's short-term rental ordinance complied with its 1989 Land Use Plan and the Coastal Act; it did not amend the Land Use Plan. Appellants simply assume Ordinance 18-005 amended the Land Use Plan because that Plan was adopted before the City allowed short-term rentals. (xRB, p. 29.) However,

the 1989 Land Use Plan, in accordance with the Coastal Act, required that "visitor-serving and commercial recreational facilities are given priority on suitable private lands over private residential, general industrial, or general commercial development." (I ACT 74.)[4] It also provided that the Coastal Act requires "lower cost visitor and recreational facilities be protected, encouraged and, where feasible, provided, and gives preference to development providing public recreational opportunities." (*Ibid.*)

The sunset provisions in Ordinance 18-005 do not conflict with the policies in the City's 1989 Land Use Plan favoring visitor-serving facilities where feasible. It is merely the latest in a decade of short-term rental regulations. Before 2010, the City prohibited short-term rentals. (II CT 272:1.) It began issuing time-limited licenses in 2010. (II CT 272:18–20; I ACT 255 [Ord. 10-001].) The City's regulations evolved, and by 2017, the City had capped the number of short-term rental licenses at 250. (I ACT 287.) It was only when the number of short-term rental licenses exceeded this cap that the City approved Ordinance 18-005 to equitably sunset excess licenses via lottery. (II CT 274.) The Ordinance stated that it "addresses density in Over-Dense Blocks. … This Ordinance requires each existing licensed STR be evaluated for its impact on City-wide STR density limits." (I ACT 300.)

[4] The City cites the Augmented Clerk's Transcript on Appeal in the following form: [Vol.] ACT [Page:Line].

Ordinance 18-005 harmonizes the Land Use Plan's policy in favor of low-cost visitor facilities with the City's established regulation of short-term rentals in residential zones. It requires the City Manager to evaluate each existing short-term rental license individually to ensure it complied with existing land use regulations, and if they did not, to enter them in a lottery to reduce short-term rentals to a density consistent with the City's municipal code. Ultimately, only 22 of the 72 licenses in the coastal zone were designated by lottery to sunset. (II CT 275.) Ordinance 18-005 gives appropriate deference to the 1989 Land Use Plan by allowing short-term rentals on "suitable" private lands in the coastal zone. It is consistent with the City's land use policies and the Coastal Act's preference for public recreational opportunities. It did not impermissibly "amend" the 1989 Land Use Plan, as Appellants claim, and therefore Coastal Commission approval was unnecessary.

In their brief, Appellants ignore these facts concerning the expansion of short-term rentals within the City's coastal zone since 2010. So did the trial court below. Appellants thus do nothing to bear their burden on summary judgment or adjudication to show the City, as a matter of law, impermissibly amended the 1989 Land Use Plan without the Coastal Commission's approval.

Neither do Appellants dispute that Ordinance 18-005's severability clause would save it for areas outside the coastal zone. (II ACT 302–303; see Cross-Appellant's Opening Brief, pp. 56–57.) Thus, the Court cannot affirm the trial court even if it

were to find Ordinance 18-005 amended the Land Use Plan and required pre-approval by the Commission.

Exercising its independent judgment and construing the evidence in the light most favorable to the City, the non-moving party below, this Court should accordingly find the trial court erred to find the contrary. (*Brown v. Goldstein* (2019) 34 Cal.App.5th 418, 432 [de novo review of summary judgment]; *Barenborg v. Sigma Alpha Epsilon Fraternity* (2019) 33 Cal.App.5th 70, 76 [courts draw all reasonable inferences in non-moving party's favor on summary judgment].) The Court must reverse the trial court's ruling on summary adjudication that Ordinance 18-005 amended its Land Use Plan without Coastal Commission permission.

2. Ordinance 18-005 is Not "Development" Under the Coastal Act

Appellants' response to the City's argument that Ordinance 18-005 is not a development within the meaning of the Coastal Act is notable for what it lacks — any mention of *City of Dana Point v. California Coastal Comm'n* (2013) 217 Cal.App.4th 170, 188 (*Dana Point*). Appellants' failure to even attempt to distinguish *Dana Point* concedes the point that legislation of general applicability is not "development." (See Cross-Appellant's Opening Brief, p. 58.)

Dana Point is instructive because it distinguishes the Commission's limited authority over local government permitting decisions from local government's plenary authority over land

use. The City of Dana Point adopted an ordinance declaring public nuisance conditions existed in the area of beach access trails. (*Dana Point*, *supra*, 217 Cal.App.4th at p. 179.) To abate the public nuisance, the City installed gates that were only open from 8:00 a.m. to 5:00 p.m. or 7:00 p.m., depending on the time of year. (*Ibid.*) This violated a condition of the City's local coastal program requiring unrestricted public access to the beach. (*Id.* at p. 178.)

The Commission heard an appeal from the City's adoption of the nuisance abatement ordinance and purported to deny " 'the claim of exemption for the proposed development, on the ground that the development is not exempt from the permitting requirements of the Coastal Act.' " (*Dana Point*, *supra*, 217 Cal.App.4th at p. 180.) However, the Court of Appeal found the Commission did not have jurisdiction to hear this appeal: A "municipality's legislative action in adopting an ordinance is not a quasi-adjudicatory administrative decision as to which the Commission has appellate jurisdiction." (*Id.* at p. 188.) "[N]othing in the Commission's administrative regulations implementing the Coastal Act … suggests that the Commission has ever interpreted [Public Resources Code] section 30625 as granting it appellate jurisdiction to consider whether **development mandated by a local government's nuisance abatement ordinance, or by any other local ordinance**, requires a permit." (*Ibid.*, emphasis added.) A pretextual nuisance abatement action may be within the Commission's jurisdiction,

but the act of adopting the ordinance was not. (*Id.* at p. 193 et seq.)

Under *Dana Point*'s reasoning, the City's legislative act of adopting Ordinance 18-005 to regulate short-term rentals both within and outside the coastal zone is not a development within the Coastal Commission's jurisdiction, and the City had no obligation to obtain a coastal development permit before approving that Ordinance. The Coastal Commission has a limited bailiwick, and though courts interpret its authority broadly, ultimately the City may regulate housing in a way that does not impact access to the coast. (See Cross-Appellant's Opening Brief, § VI(A)(2); cf. *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach* (2021) 61 Cal.App.5th 595, 598 ["Even broadly construed statutes have boundaries," construing Gov. Code, § 56000 et seq.].)

Appellants' authority is not to the contrary. Both *Greenfield v. Mandalay Shores Community Association* (2018) 21 Cal.App.5th 896 (*Greenfield*) and *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238 (*Surfrider*) involved Coastal Commission enforcement against private parties. A private parties' attempt to limit access to the coast is different than the City's exercise of its constitutional police power to regulate (not prohibit, as Appellants persist in claiming [e.g., xRB, p. 35]) short-term rentals via its business license ordinance. The City has an interest in regulating short-term rentals to prevent a backlash like 2018's Measure M, an initiative which banned short-term rentals in every residential zone outside the

coastal zone. (II CT 275.) No such public interest or constitutional power underpins a private party's development attempts.

Kracke, *supra*, 63 Cal.App.5th 1089, is more like *Greenfield* and *Surfrider* than this case. In *Kracke*,[5] the City of Santa Barbara did not enact legislation that the court found was "development." Santa Barbara's City Council simply directed its staff to begin enforcing Santa Barbra's hotel regulations against short-term rentals, effectively banning them in the coastal zone after the City had accepted the benefit of those short-term rentals for years. (*Kracke*, 63 Cal.App.5th 1089 [278 Cal.Rptr.3d 370, 372, 375] [city cannot unilaterally ban short-term rentals "particularly when it not only allowed the operation of STVRs for years but also benefitted from the payment of transient occupancy taxes"].) It was not new legislation that constituted "development," but the city's about-face in its enforcement activity after it had benefited from such rentals that the Court found problematic.

Ordinance 18-005 was not a unilateral ban on short-term rentals in the coastal zone. Nor is it a capricious change in enforcement strategy. It is a local law. It affected only 22 of the 72 short-term rental licenses in the coastal zone, and it does not prevent property owners from establishing new vacation rentals as licenses become available. (II CT 275.) It does not prevent home sharing. (II CT 348.) Ordinance 18-005 is a business license

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[5] Appellants improperly rely on the trial court's decision in *Kracke*. (xRB, pp. 34-35.) As this Court knows, in California, such trial court decisions are non-citable and cannot be relied upon by the parties or the Court. (Cal. Rules of Court, rule 8.1115(a).)

regulation to prevent overcrowding of vacation rentals and the corresponding impacts on nearby residences. (II CT 272.) It does not present the issue of concern to the court in *Kracke*.

Any doubt about Ordinance 18-005's compliance with the Coastal Act should be allayed by the Coastal Commission's certification of the City's Local Coastal Program. The City's Implementation Plan allows the City to "prevent conditions leading to increased demand for city services and adverse impacts in residential areas and [on] coastal resources." (MJN, Exh. B at p. 61 [Pacific Grove Mun. Code, § 23.90.220, subd. (c)(8)].) The City may do this by maintaining a "55-foot zone of exclusion" between short-term rentals. (*Ibid.* [Pacific Grove Mun. Code, § 23.90.220, subd. (c)(8)(A)].) The Coastal Commission has signed off on the City's short-term rental regulations.

III. CONCLUSION

Appellants' Coastal Act claim is moot. All parties agree. The Coastal Commission has effectively approved the City's regulation of short-term rentals in the coastal zone under Ordinance 18-005. Even if this claim was not moot, the City's reasonable limitations on the number of business licenses in certain areas is consistent with its Land Use Plan at the time and thus did not require Coastal Commission approval before the City could implement it. Nor do Appellants explain how a City law of general applicability can constitute "development" that requires a development permit from the Coastal Commission. The City therefore respectfully requests the Court reverse the trial court's

decision on the Coastal Act claim and remand this matter with instructions to enter judgment for the City on the Coastal Act claim.

DATED: September 1, 2021 **DeLAY & LAREDO**

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CERTIFICATE OF COMPLIANCE WITH CAL. RULES OF COURT, RULE 8.204(c)(1)

The foregoing Cross-Appellant's Reply Brief was produced using 13-point font and contains 4,097 words, including footnotes but excluding the tables, cover information, and certificates. It is therefore shorter than the 14,000 words permitted by California Rules of Court, rule 8.204(c)(1). In preparing this Certificate, I relied on the word count generated by Microsoft Word for Microsoft Office.

DATED: September 1, 2021 **DeLAY & LAREDO**

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PROOF OF SERVICE

William Hobbs, et al. v. City of Pacific Grove, et al.
Sixth District Court of Appeal, Case No. H047705

I, Kerry Gogan, declare:

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 790 E. Colorado Boulevard, Suite 850, Pasadena, California 91101-2109. My email address is: KGogan@chwlaw.us. On September 1, 2021, I served the document(s) described as **CITY OF PACIFIC GROVE'S CROSS-APPELLANT'S REPLY BRIEF** on the interested parties in this action addressed as follows:

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Executed on September 1, 2021, at Pasadena, California.

__/s/ Kerry Gogan_____
Kerry Gogan