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DE ANZA COVE HOMEOWNERS
6 ASSOCIATION, INC.

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10 DE ANZA COVE HOMEOWNERS
ASSOCIATION, INC., a California non-profit
11 corporation,

12 Plaintiff,

13 v.

14 CITY OF SAN DIEGO, a California
municipality; and
15 DOES 1-100, inclusive,

16 Defendants.

17 AND RELATED CROSS ACTION
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Case No. GIC 821191

**PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR
SUMMARY ADJUDICATION**

DATE: January 7, 2005
TIME: 11:00 a.m.
DEPT: 66
I/C JUDGE: Honorable Charles Hayes

Complaint Filed: Nov. 17, 2003
Trial Date: June 10, 2005

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1. The birth of a new community..... 4

 A. The City nurtures the growth of De Anza Cove by authorizing permanent construction ... 4

 B. In the 1960’s, the City re-zones De Anza Cove to parkland—thereby ensuring closure of the mobilehome park 5

 C. The City requires its lessee to propose a redevelopment plan that would change the use of the land from a mobilehome park to a “higher and better use” 5

2. The early 1980’s and the Kapiloff Bill era. 5

 A. Assemblyman Kapiloff and Councilman Gotch knew what was going on at De Anza Cove..... 5

 B. In 1981, the City decides to press on with its plans to redevelop De Anza Cove..... 6

 C. The Legislature moves into action to protect the residents..... 7

 D. ...while the City wants to build another hotel. 8

 E. The City knew that the Kapiloff Bill could become law *only* if it approved the Bill. 8

 F. The City considered what it would owe in relocation benefits—and considered *not* approving the Kapiloff Bill..... 9

 G. Hearing the City’s grumblings, the Legislature sends its own message..... 9

 H. The City calculates the millions it will reap by passing the Kapiloff Bill..... 9

 I. And the City weighs the consequences of losing its land use authority—and millions upon millions of dollars—if it decides not to ratify the Kapiloff Bill 10

 J. The City makes another planning decision and takes action—the City ratifies the Kapiloff Bill..... 10

 K. The Kapiloff Bill’s language is unequivocal. 11

 L. The State never exempted the City from the MRL or other State statutes..... 11

