

FILED
SAN MATEO COUNTY

APR 09 2010

Clerk of the Superior Court

By *[Signature]*
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

HON. GEORGE A. MIRAM, JUDGE - DEPARTMENT NO. 28

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Dan Sterling,

Plaintiff(s),

vs.

California Coastal Commission,

Defendant(s).

CASE NO. CIV 482448

DECISION AND ORDER RE:

Plaintiff's Petition for Writ of
Mandate

Plaintiff's petition for Writ of Mandate came on regularly for hearing on February 25, 2010. J. David Breemer appeared on behalf of Plaintiffs/Petitioners. Deputy Attorney General Hayley Peterson appeared on behalf of Defendants/Respondents.

The Court has read and considered the briefings of the parties. It has also considered the oral arguments presented.

The Petition for Writ of Mandate is GRANTED. The condition imposing the affirmative agricultural easement is hereby stricken.

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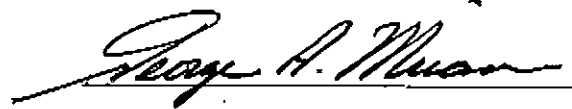
While the Commission may have jurisdiction to impose an affirmative agricultural easement under the Local Coastal Plan, the imposition of the easement here constitutes an unconstitutional taking, as it is disproportionate to the public impact of the house proposed. Further, the required nexus between the public impact and the affirmative agricultural easement has not been adequately substantiated.

Plaintiff/Petitioner is directed to prepare a Statement of Decision in conformity with and pursuant to California Code of Civil Procedure § 632 and Rule of Court § 3.1590.

IT IS SO ORDERED.

Dated:

MAR 23 2010



HON. GEORGE A. MIRAM

JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO **FILED**
SAN MATEO COUNTY

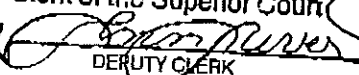
AFFIDAVIT OF MAILING

APR 09 2010

CASE NO.: CIV 482448

NAME: DAN STERLING VS. CALIFORNIA COASTAL COMMISSION

DOCUMENT: DECISION AND ORDER RE: PLAINTIFF'S PETITION FOR WRIT OF
MANDATE

Clerk of the Superior Court
By 
DEPUTY CLERK

I declare under penalty of perjury that I am over the age of 18 years and not a party to the above cause and on the following date I deposited in the United States Post Office mailbox at Redwood City, California a true copy of the foregoing document, enclosed in an envelope, with the proper and necessary postage prepaid thereon, and addressed to the following:

DAVID J. BYERS, ESQ.
1920 LESLIE STREET, SUITE 100
SAN MATEO, CA 94403

J. DAVID BREEMER, ESQ.
3900 LENNANE DRIVE, SUITE 200
SACRAMENTO, CA 95834

HALEY PETERSON, ESQ.
110 WEST A. STREET, SUITE 1100
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Executed on: 4-9-10
at Redwood City, California
JOHN C. FITTON, CLERK OF THE SUPERIOR COURT

By: 
Deputy Clerk