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8 The Samuel Lawrence Foundation

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 THE SAMUEL LAWRENCE)
12 FOUNDATION, a California Non-Profit)
13 Public Benefit Corporation,)
14)
15 Plaintiff and Petitioner,)
16 vs.)

17 CASE NO.: **19STCP05431**
18)
19 **VERIFIED PETITION FOR WRIT OF**
20 **MANDATE AND COMPLAINT FOR**
21 **INJUNCTIVE AND DECLARATORY**
22 **RELIEF**

23 CALIFORNIA COASTAL COMMISSION,)
24 an agency of the State of California and)
25 DOES 1 through 20, inclusive,)
26)
27 Defendants and Respondents.)

28 **(C.C.P. § 1094.5)**

29)
30

31 SOUTHERN CALIFORNIA EDISON, SAN)
32 DIEGO GAS & ELECTRIC COMPANY,)
33 CITY OF RIVERSIDE, CITY OF ANAHEIM,)
34 and ROES 1 through 20, inclusive,)
35)
36 Real Parties in Interest.)

1 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff and Petitioner, The Samuel Lawrence Foundation (hereinafter “Petitioner” or
3 “SLF”) respectfully petitions this Court for a Writ of Mandate, under Code of Civil
4 Procedure § 1094.5, directed to Defendant and Respondent, California Coastal Commission
5 (“Respondent” or “CCC”), an agency of the State of California and alleges as follows:

6 **THE PARTIES**

7 1. Petitioner, SLF, is a California Non-Profit Public Benefit Corporation that
8 advocates for nuclear safety and for the responsible closure of the San Onofre Nuclear
9 Generating Station (“SONGS”). SLF advocates on behalf of itself and its members who
10 reside, own property or work in the Coastal Zone in which SONGS and its waste storage
11 site(s) are located.

12 2. Respondent, California Coastal Commission (hereinafter “Commission”) is an
13 agency of the State of California charged with the administration of the California Coastal
14 Act, Public Resources Code 30000, et seq. (hereinafter “Coastal Act”).

15 3. Real Party In Interest, Southern California Edison, (hereinafter “SCE”) is a
16 California Corporation and utility. SCE is the majority owner of SONGS.

17 4. Real Party In Interest, Pacific Gas & Electric Company, is a California
18 Corporation and utility. Pacific Gas & Electric Company is a minority owner of SONGS.

19 5. Real Party In Interest, City of Riverside, is a municipal corporation and
20 charter city in California. The City of Riverside is a minority owner of SONGS.

21 6. Real Party in Interest, City of Anaheim, is a municipal corporation and charter
22 city in California. The City of Anaheim is a former minority owner of SONGS but a co-
23 applicant of the CDP challenged in this case.

24 7. Petitioner is ignorant of the true names and capacities of Respondents or other
25 Real Parties in Interest sued herein as DOES 1 through 20, inclusive, and ROES 1 through
26 20, inclusive, and, therefore, sue these individuals and/or entities by such fictitious names.
27 Petitioner will amend this petition to allege the true names and capacities of fictitiously
28

1 named parties when ascertained. Petitioner is informed and believe and thereon allege that
2 each party designated herein as a DOE and/or a ROE is responsible for the events and
3 happenings alleged in this petition or has a beneficial interest in the discretionary actions
4 challenged herein.

5 8. Petitioner is informed, believes and thereon alleges that at all times herein
6 mentioned, Respondents or other Real Parties in Interest, and each of them, were the agents,
7 servants, employees, partners, and alter egos of the remaining Respondents or other Real
8 Parties in Interest, that the acts complained of herein were done within the course and scope
9 of said agency, service, employment, and partnership, and that the acts by each Respondent
10 or other Real Party in Interest were ratified, approved, and adopted by each of the remaining
11 Respondents or other Real Parties in Interest. Whenever the terms “Respondent,” or “Real
12 Parties in Interest” is used herein, it shall mean “Respondents and/or other Real Parties in
13 Interest, and each of them.”

14 **JURISDICTION AND VENUE**

15 9. Jurisdiction over the Respondent and Real Parties in Interest, and each of
16 them, exists because each Respondent and Real Parties in Interest named in this litigation are
17 present and operating within the jurisdictional limits of the County of Los Angeles or do
18 business within the County of Los Angeles and/or in California.

19 10. Jurisdiction over the subject matter of this lawsuit exits because Petitioner’s
20 claim arises under California state law and it is not one of the types of cases listed as a
21 limited civil case in Civil Code §§ 85 or 86.

22 11. Venue is properly before this court in this action, pursuant to California Code
23 of Civil Procedure Section 401(1), because the Coastal Act gives the right for anyone to
24 maintain an action against the Commission. Thus, it permits the commencement of an action
25 under the Act in the County of Sacramento. Accordingly, this action may be maintained in
26 any city in which the Attorney General maintains an office. The Attorney General maintains
27 an office in the City of Los Angeles. Therefore, venue is properly situated in Los Angeles.
28

1 development if there are feasible alternatives or feasible mitigation measures available that
2 would substantially lessen any significant impacts that the activity may have on the
3 environment. In this regard, the Commission is required, among other things, to disapprove
4 of a project if alternatives or feasible environmental mitigation measures are available (Pub.
5 Resources Code, § 21080.5, subd. (d)(2)(A))

6 24. Coastal Act Section 30250 provides that the Commission must consider the
7 individual and cumulative impact of development on coastal resources. The coastal resources
8 affected by the proposed project will include the San Onofre state beach and campground,
9 the resources at Marine Corps Base Camp Pendleton, aquifers below grade, and large swaths
10 of terrestrial ecology.

11 25. In turn, Coastal Act Section 30105.5 explains the terms “cumulatively” or
12 “cumulative effect” to mean “the incremental effects of an individual project shall be
13 reviewed in connection with the effects of past projects, the effects of other current projects,
14 and the effects of probable future projects.”

15 26. Coastal Act Section 30251 provides: “The scenic and visual qualities of
16 coastal areas shall be considered and protected as a resource of public importance. Permitted
17 development shall be sited and designed to protect views to and along the ocean and scenic
18 coastal areas, to minimize the alteration of natural land forms, to be visually compatible with
19 the character of surrounding areas, and, where feasible, to restore and enhance visual quality
20 in visually degraded areas.”

21 27. Coastal Act Section 30253 states, in relevant part, that the Project shall:

22 (a) Minimize risks to life and property in areas of high geologic, flood, and fire
23 hazard.

24 (b) Assure stability and structural integrity, and neither create nor contribute
25 significantly to erosion, geologic instability, or destruction of the site or surrounding area or
26 in any way require the construction of protective devices that would substantially alter
27 natural landforms along bluffs and cliffs...

1 evidence provided by the Petitioner demonstrating the Project is not consistent with Chapter
2 3 of the Coastal Act.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner prays for judgment in its favor as follows:

5 1. That this Court issue a Writ of Mandamus directing the Coastal Commission
6 to set aside its approval of the CDP and remanding the permit application back to the
7 Commission for a decision consistent with this Court's ruling on the merits;

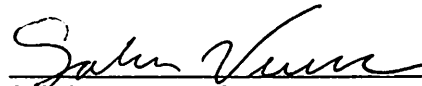
8 2. For a temporary restraining order, and preliminary and permanent injunctions
9 enjoining further development under the permit until this action can be decided on the merits;

10 3. For costs of suit; and

11 4. For such other and further relief as the Court may deem just and proper.

12
13 Dated: December 16, 2019

Respectfully Submitted,

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16 Sabrina D. Venskus
17 Attorney for Petitioners

1 **VERIFICATION**

2 I, Sabrina Venskus, declare:

3 I am an attorney at law duly admitted and licensed to practice before all courts of this
4 State.

5 I am the attorney of record for The Samuel Lawrence Foundation (Petitioner) in the
6 above-entitled action.

7 Petitioner's representatives are unavailable at this time to verify this pleading and for
8 that reason I am making this verification on their behalf.

9 I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE**
10 **AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF** and know
11 the contents thereof.

12 I am informed and believe that the matters stated therein are true, and, on that ground,
13 I allege that the matters stated therein are true.

14 Executed on December 16, 2019 at Ojai, California.

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

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18 _____
19 Sabrina Venskus
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