

Bond Case Briefs

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ZONING & LAND USE - CALIFORNIA

Shahbazian v. City of Rancho Palos Verdes

Court of Appeal, Second District, Division 7, California - November 22, 2017 - Cal.Rptr.3d - 2017 WL 562340 - 2 - 17 Cal. Daily Op. Serv. 11, 246

Landowners, who were Middle Eastern in ethnicity, brought action against city, alleging negligence, inverse condemnation, and selective enforcement arising out of city's denial of permit for landowners' deck, in contrast to city's issuance of permit for non-Middle Eastern neighbors' fence.

The Superior Court denied city's special motion to strike. City appealed.

The Court of Appeal held that landowners' causes of action against city did not arise from protected activity and thus did not fall within ambit of law prohibiting strategic lawsuits against public participation (anti-SLAPP law).

Even if granting or denying a building permit was an issue of public interest, landowners' causes of action against city for negligence, inverse condemnation, and selective enforcement, arising from city's decisions to grant building permit to neighbors while denying building permit to landowners, did not arise from protected activity and thus did not fall within ambit of law prohibiting strategic lawsuits against public participation (anti-SLAPP law); city did not identify any statement or writing on which causes of action were based, and elements of causes of action did not require landowners to prove that city made any statement or writing or otherwise took action to further city's exercise of its constitutional rights to free speech and to petition.