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TORRANCE AIRPORT ASSOCIATION,  
CHAPTER OF CALIFORNIA PILOTS ASSOCIATION

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

TORRANCE AIRPORT ASSOCIATION,  
CHAPTER OF CALIFORNIA PILOTS  
ASSOCIATION, a California Nonprofit Public  
Benefit Corporation,

Petitioner,

v.

CITY OF TORRANCE, a California municipal  
corporation and ROES 1 through 100,

Respondents,

CASE NO.: **24STCP00729**

UNLIMITED JURISDICTION

**VERIFIED PETITION FOR WRITS OF:**

- (1) ADMINISTRATIVE MANDAMUS  
(CCP § 1094.5)**
- (2) TRADITIONAL MANDATE (CCP §  
1085)**
- AND**
- (3) OTHER EXTRAORDINARY  
RELIEF**

[Petitioner's Request to Prepare the  
Administrative Record filed concurrently  
herewith]

Petitioner TORRANCE AIRPORT ASSOCIATION, CHAPTER OF CALIFORNIA PILOTS  
ASSOCIATION ("TAA") hereby brings the following Verified Petition for Writs of Administrative

1 Mandamus and Traditional Mandate (“Petition”) against Respondent CITY OF TORRANCE (“City”),  
2 and ROES 1 through 100, and allege as follows:

3 **PARTIES**

4 1. TAA, a California Nonprofit Public Benefit Corporation, is now, and at all relevant  
5 times mentioned herein, has been registered and approved to conduct business in the State of  
6 California, County of Los Angeles with its principal address 2785 Pacific Coast Highway #E164,  
7 Torrance, California 90505. TAA was initially formed in 1991 as Torrance Airport Boosters  
8 Association with its Articles of Organization filed with the State of California Secretary of State  
9 (“Secretary”) on February 8, 1991. One of its stated purposes is the “[p]reservation and enhancement  
10 of Torrance Airport as a public use facility.” On August 16, 1995, Torrance Airport Boosters  
11 Association filed with the Secretary a Certificate of Amendment of Articles of Incorporation changing  
12 its name to TAA.

13 2. City is now, and at all relevant times mentioned herein, a California municipal  
14 corporation, a charter city, located in the County Los Angeles and the owner of Torrance Municipal  
15 Airport.

16 3. Respondents 1 through 100 inclusive, whether individual, corporate, associate, or  
17 otherwise, are fictitious names of Respondents whose true names and capacities are, at this time,  
18 unknown to Petitioner. Petitioner allege that at all times herein mentioned, each of the Respondents  
19 sued herein as ROE was acting for himself/herself, or itself as an agent, servant, and employee of  
20 his/her or its co-respondents, and in doing the things hereinafter alleged, was acting within the scope  
21 of authority as that agent, servant and employee and with the knowledge, permission and/or consent  
22 of his/her or its co-respondents, and each of those factiously named respondents, whether acting for  
23 himself/herself or itself or as an agent, corporation, association, or otherwise, is in some way liable or  
24 responsible to Petitioner. At the time as Respondents’ true names become known to them, Petitioner  
25 will seek leave to amend its Petition to insert those Respondents’ true names. Reference herein to  
26 Respondents, without any other limitation, shall include both the specifically named and fictitiously  
27 named Respondents.

28 ///

4. Venue is proper in this Court per Code of Civil Procedure section 395(a) as the acts and omissions complained of herein occurred, and the property affected by those acts is located in Los Angeles County.

5. This Court has subject matter jurisdiction over this matter, pursuant to Code of Civil Procedure sections 1085 and 1094.5. TAA is an aggrieved person, as a person who itself or through a representative, appeared at the public hearings of the City Council and objected to the City’s adoption of Ordinance No. 3927 (“Landing Fee Ordinance”).

6. This Court has personal jurisdiction over each party in this action because each of them is either organized under the laws of the State of California, incorporated in, and/or qualified to conduct business, or conducting business, in the State of California and the County of Los Angeles.

7. The real property which is the subject of this Petition is located at and commonly known as Zamperini Field or Torrance Municipal Airport with the International Civil Aviation Organization (“ICAO”) identifier of KTOA.

8. This action is commenced within the time limits imposed for this action under Code of Civil Procedure sections 1085 and 1094.5. Further, TAA has exhausted all available legal remedies prior to filing this Petition.

9. An ordinance is a legislative act that is reviewable by writ of mandate. (*Yes in My Back Yard. v. City of Culver City* (2023) 96 Cal.App.5th 1103, 1112-13.)

10. In accordance with Code of Civil Procedure section 1094.6(c), TAA has concurrently filed a request for City to prepare the administrative record.

11. On March 5, 1948, the United States executed a Quitclaim Deed to City for a portion of the Torrance Municipal Airport, which was commonly referred to as the Lomita Flight Strip (“Airport”). As part of this Quitclaim Deed, City was required to not “limit its usefulness as an airport.”

12. TAA is informed and believes, based on its review of publicly recorded documents and publicly available correspondence obtained via the Freedom of Information Act, that on March 22,

1 1956, the United States and the City entered into a deed conveying the “lands or interests in lands”  
2 upon which the Airport sits to the City, on the condition that the City “will maintain the project  
3 constructed thereon,” i.e., as the Federal Aviation Administration has interpreted (in, e.g. an April 7,  
4 2004 letter from Mark McClardy, Manager, Airports Division, FAA, “coordinated with the Airports  
5 Division and the Office of the Regional counsel at the FAA Western-Pacific Region, and the Office  
6 of Airports and the Office of the Chief Counsel at Headquarters”), that the City maintain the Airport  
7 as an Airport. This deed was accepted by a resolution approved by the then Mayor of the City on May  
8 1, 1956.

### 9 **TAA’S OPERATIONS AT THE AIRPORT**

10 13. Over 25 years ago, TAA began operations in support of the Airport. At the time of  
11 filing, TAA had 148 Airport user members, many of whom have aircraft that are subject to the Landing  
12 Fee Ordinance.

### 13 **CITY’S ATTACK ON FLYING AIRCRAFT**

14 14. On October 25, 1977, under Subject 10, Airport Noise Ordinance, City Council  
15 separately created, approved, and adopted Resolution No. 77-215, a Resolution of the City Council of  
16 the City of Torrance Reaffirming a Previously Adopted Policy to Institute a Program of Aircraft Noise  
17 Abatement and Directing the City Manager and Other City Officials to Take Certain Steps to  
18 Implement Such Program. In the fifth Whereas clause of Resolution No. 77-215, it states, “[T]he  
19 volume of flights emanating from Torrance Municipal Airport will be controlled at a level compatible  
20 with community tranquility....” Section 1 of Resolution No. 77-215 states, “That it hereby reaffirms  
21 the noise abatement policies for the Torrance Municipal Airport which it has previously adopted  
22 (supplementary to those polices which are the subject of the noise abatement ordinance), to wit:”  
23 Section 1, Item 16 of Resolution No. 77-215 states, “That the number of flight schools on the Airport  
24 be limited to six (the number of schools now operating).” (“6-Flight School Limitation”.) Section 1,  
25 Item 21 of Resolution No. 77-215 states, “That the City Manager seek alternative training fields for  
26 training flights, particularly touch and go and stop and go operations.”

27 15. In November 1981, City published the Torrance Municipal Airport Aircraft Noise  
28 Control and Land Use Compatibility Study (“ANCLUC Report”). On page 1-1 of the ANCLUC

Report, it states, “The long history of over 1000 flight operations per day at Torrance Municipal Airport (TOA) has produced conflicts with surrounding residential land uses that were sufficient to cause the City to initiate a comprehensive aircraft noise abatement program.”

16. On December 14, 2021, City Council considered Agenda Item 9H, Community Development – Award Consulting Services Agreement for Airport Noise Monitoring System and Authorize an Additional Environmental Quality Officer. Expenditure: \$627,078 (Non-General Fund). Numerous comments were made complaining about flying aircraft from flight schools.

17. On March 29, 2022, City Council considered Agenda Item 9B, Community Development – Accept and File Torrance Municipal Airport (Zamperini Field) Noise Abatement Update. Expenditure: None. During consideration of this Agenda Item, City Council listened to discussions on the Torrance Municipal Code Section 51.2.3(e)’s prohibition on early left turns and the number of flights due to the flight schools at Torrance Municipal Airport. Numerous comments were made complaining about aircraft flying over homes and that something has to be done.

18. On November 8, 2022, City Council considered Agenda Item 9I, City Attorney, Community Development, and General Services – Accept and File Torrance Municipal Airport (Zamperini Field) Noise Abatement and Airport Operations Update and Review and Provide Direction on Implementation of Landing Fees. Expenditure: None. During consideration of Item 9I, numerous comments were made complaining about flying aircraft. One commenter said, “The Walteria neighborhood has been bombarded by south training pattern flights from flight schools....” “Torrance should not allow any private flight school to use a public resource for its own benefit while disrespecting the residents who live near that resource and help pay for it through their taxes. The city should either permanently reduce the number of flight schools that can operate out of Torrance Airport...” Another commentor said, “The city should address this issue by incorporating the following enforcement strategies: [¶]...[¶] Restrict the number of training flights, ensuring that they turn at the ocean when making their loops. Currently there are 7 flight training schools at the Torrance Airport, which is too many for a municipal airport surrounded by so many residential tracts. There are only two flight training schools each at the Hawthorne and Santa Monica Airports.” Further, Ms. Ramirez gave a staff presentation on Item 9I, in which she said the number of repetitive flights over

1 surrounding neighborhoods has increased, commenting: “An additional tool to curb the number of  
 2 repetitive flights would be the implementation of landing fees.” Council member Lewis stated: “So I  
 3 am in 110 percent in support of trying to figure out a viable solution if that is landing fees or....”  
 4 Council member Griffiths agreed: “Again, there are fee for landing fees that should be a no-brainer.”

5 19. Now driven by the resident complaints and City Council’s hostility to flying aircraft,  
 6 City Council embarked on a campaign to severely limit aircraft flying overhead. This hostility has  
 7 come to a feverous pitch when City Council decided to take a number of actions to curb flying aircraft  
 8 under City Council Agenda Item 9A, Transportation Committee - Accept and File April 12, 2023  
 9 Meeting Minutes and Provide Direction Regarding Airport Landing Fees, Air Noise Mitigation  
 10 Efforts, and Phase Out of Leaded Gas. Expenditure: None on July 25, 2023. During the course of  
 11 considering Agenda Item 9A, numerous comments were made about noise from flying aircraft. “It is  
 12 not uncommon to receive complaints of low-flying noisy aircraft west of Anza Avenue and Pacific  
 13 Coast Highway.” (Meeting time, 2:33:15.) “You know less people are going to want to fly and quite  
 14 honestly I think that’s really the end goal is to reduce the amount of traffic over our skies.” (*Id.*  
 15 2:57:50.) “A lot of the email complaints that we get is are people that are doing those constant circles  
 16 over people’s houses.” (*Id.* 3:02:13.) “The loud noise and frequency of planes is intolerable, I can no  
 17 longer enjoy my home or yard without constant revving of engines flying low overhead at time them  
 18 plane going over every minute.” (*Id.* 3:44:15.) “It would eliminate a ton of noise over all of our HOA  
 19 area when the pilots miss that they kind of cut right over our neighborhood and that’s what we’re  
 20 getting this really low you know flying noise.” (*Id.* 4:12:41.) “Nonstop fly [ing] needs to stop.” (*Id.*  
 21 4:19:37.) “Hopefully, we will be able to hear a little bit without a whole of airplane noise flying  
 22 overhead.” (*Id.* 8:05:48.) The reason for the landing fees and the action being considered was to  
 23 regulate and limit flying aircraft. “The Transportation Committee (Committee) met on December 14,  
 24 2022 and April 12, 2023 to receive input and provide direction regarding concerns about the Torrance  
 25 Municipal Airport - Zamperini Field (Airport). Items discussed were options for reduction of aircraft  
 26 operations and noise[.]” And, “Discussion from both Torrance residents and the aviation community  
 27 was heard, each with proposals and feedback as *how to best mitigate the* noise and *frequency of flights*  
 28 *in the areas surrounding the Airport.*” (Emph. added.) During public comment on Item 9A, Jim

1 Gates, an officer and member of TAA, Christy Haworth, Michael Calabrese, Lee Unger, Anne Minder,  
2 Marilyn McPoland, Richard Smith, Richard Shaw, Marianne Wightman, Eric Hansen, Ronald K.  
3 Williams, Oded Yossifor, Lon Sobel, Linda Abrams, Walter Tondou, Venessa Gibson, Emilio H.  
4 Morales, Gorge Cohen, Scott Osborn, Betty Taylor, Brandon Mercade, Stephen D. Nordel, Eric Roth,  
5 and others objected that landing fees are the answer to reducing flying aircraft.

6 20. Also, during City Council's consideration of Agenda Item 9A on July 23, 2023,  
7 Council member Mattucci stated, "On December 14, 2022, and April 12, 2023, the Transportation  
8 Committee met to receive input and provide direction regarding concerns about the Torrance  
9 Municipal Airport - Zamperini Field. Items to discuss were operation for reduction of aircraft  
10 operations and noise, including the limitation and revision of runways, enforcement of early left turn  
11 violations, and the commissioning of a noise study to potentially expand the existing noise monitoring  
12 system. Additional topics includes the implementation of landing fees and the development of a  
13 voluntary letter of agreement between the Torrance based six fixed-wing flight operations and the City  
14 of Torrance. Discussion from both Torrance residents and the aviation community was heard, each  
15 with proposals and feedback as to how best mitigate the noise and frequency of flights in the area  
16 surrounding the airport." Council member Sheikh stated, "So even with the landing fee, I mean, that's  
17 a deterrent, but there is no promise that it would reduce the noise level." Council member Sheikh also  
18 asked a commenter whether landing fees would reduce noise pollution, to which the commenter  
19 replied, "Yes, sir." Council member Mattucci further stated, "So on Item 209 A [sic], approve  
20 implementation of landing fees. I'm a big supporter of landing fees." He went on to say, "And quite  
21 honestly, I think that's the end goal, to reduce the amount of traffic over our skies."

22 21. On July 25, 2023, during the proceedings on City Council Agenda Item 9A, a motion  
23 was made and carried to impose landing fees.

24 22. On September 12, 2023, City Council considered Agenda Item 9F, City Manager and  
25 City Attorney – Reconsideration of a Council Action Not to Ban Touch and Goes at Torrance  
26 Municipal Airport – Zamperini Field. Expenditure: None. Numerous comments were made  
27 complaining about flying aircraft.

28 23. On October 17, 2023, City Council considered Agenda Item 9G, City Manager and

1 City Attorney – City Council Consideration of a Ban on Touch and Goes at Torrance Municipal  
 2 Airport – Zamperini Field. Expenditure: None. Numerous comments were made complaining about  
 3 flying aircraft.

4 24. On November 14, 2023, City Council considered Agenda Item 10B; during public  
 5 comment, Kety Chu, Cheryl Carter, Aircraft Owners and Pilots Association, Frank Vidjak, Laurice  
 6 Churchill (also stated that landing fees are not needed to offset City’s costs), Christy Carter, Christy  
 7 Haworth, Taylor Brodsky, Michael Haworth, Amir Fadlallah, Thomas W. LaGrelus, John Renquist,  
 8 Jeff Wachner, Daniel Catugy, Dyan De Vlede, and others all objected to the landing fees; yet, City  
 9 Council still decided to approve a contract for the logging and collection of landing fees.

10 25. On November 28, 2023, City Council conducted a public hearing and the first reading  
 11 of the Landing Fees Ordinance under Agenda Item 10B. Sean Flynn, Grace Flynn, Ken Brummage,  
 12 Bill Nelsen, Edward Hurst, Linda Howard, Chris Schane, Dyan Van De Velde, Michael Cannata, Jim  
 13 Gates, Eileen Bardolph, Michael Stauber, Jose Alanjene Stohner, Zoltan Taguibao, Richard McKay,  
 14 Richard Bohner, Chris Parker, Gregory Robert, AOPA, Laurice Churchill, and others objected to the  
 15 imposition to landing fees. City Council nonetheless adopted the Landing Fees Ordinance.

16 26. On December 12, 2023, City Council conducted the second reading of the Landing  
 17 Fees Ordinance and adopted it as Ordinance No. 3927. This action amended Torrance Municipal Code  
 18 sections 51.2.30, “Definition of Revenue Operations” and 51.2.31, “Fee for Revenue Operations,” and  
 19 repealed section 51.2.32, “Refusal for Clearance.”

20 27. On February 1, 2024, the Landing Fee Ordinance went into effect.

21 **LANDING FEES ORDINANCE IS PREEMPTED BY FEDERAL LAW**

22 28. City regulation of flying aircraft is additionally preempted by federal law. As an  
 23 overarching matter, the regulation of aircraft flight rests solely with the Federal Aviation  
 24 Administration (“FAA”). Per Title 49 United States Code section 40103(a)(1), “The US Government  
 25 has exclusive sovereignty of airspace of the United States.” This means that any attempt by City to  
 26 regulate the airspace above Torrance Airport has been preempted. This includes the regulation of  
 27 flights.

28 29. Both in 2020 and 2022, the FAA repeatedly told City it cannot regulate flight; only the



1 FAA can. In a letter dated February 18, 2020, to the Torrance Airport Association, the FAA stated,  
 2 “Congress has long vested the FAA with authority to regulate the areas of airspace use, management  
 3 and efficiency; air traffic control; safety; navigational facilities; and aircraft noise at its source.” In  
 4 response to a question about Torrance Municipal Code section 5.2.3(e), which prohibits aircraft from  
 5 turning left until it has reached the ocean or attained an altitude of fifteen hundred (1,500) feet, the  
 6 FAA readily struck it down explaining:

7 “Because the Torrance code provision applies to aircraft in flight, it is not consistent  
 8 with the Federal statutory and regulatory framework described above. Enforcement of  
 9 the provision would be at odds with various court opinions. As noted, state and local  
 10 governments lack the authority to regulate airspace use, management and efficiency;  
 11 air traffic control; and aircraft noise at its source. Federal courts have found that a  
 navigable airspace free from inconsistent state and local restrictions is essential to the  
 maintenance of a safe and sound air transportation system.”

12 30. In response, by letter dated August 16, 2021, and then through its attorneys on  
 13 September 20, 2022, City asked the FAA if the early left turn prohibition was grandfathered. The  
 14 FAA said no.

15 31. On April 12, 2023, the City’s Transportation Committee was presented with options to  
 16 provide direction on reducing allowable flights. One of those options was to impose landing fees.

17 32. On information and belief, TAA thereon alleges that Ordinance No. 3927 was adopted  
 18 for the improper purpose of regulating flying aircraft by reducing the number of flights into the Airport  
 19 by imposing a discouraging landing fee on aircraft. Regulating flying aircraft is clearly preempted by  
 20 federal law.

21 33. As of February 1, 2024, City is in the process of invoicing and collecting landing fees.

22 **ADOPTION OF LANDING FEES ORDINANCE WAS ARBITRARY AND CAPRICIOUS**  
 23 **AND NOT SUPPORTED BY SUBSTANTIAL EVIDENCE**

24 34. Ordinance No. 3927 is in the nature of a zoning ordinance because it imposes a fee for  
 25 landing an aircraft on City property (i.e., the Airport), which is a restriction on the use of property.

26 35. For the first time, on November 28, 2023, City staff included in City Council Agenda  
 27 Item 10B an express finding claiming, “The landing fees, as adopted, are necessary to offset the City’s  
 28 costs incurred in maintaining and operating the airport facilities.” However, no evidence was

1 presented or expressed to support this finding.

2 36. The City's Charter, Article 15 – Airport Fund section 1500 requires that “all fees, toll,  
3 rentals, charges, proceeds from the sale of property, and other revenues received by the City from or  
4 in connection with the use or operation of any airport facilities owned, controlled or operated by the  
5 City shall be placed in the said Airport Fund.”

6 37. City Charter section 1501 requires, “Moneys in the Airport Fund shall be used only for  
7 the following purposes and in the following order of priority, to wit: [¶] 1) For the payment or  
8 providing for payment, including payments into any reserve or sinking funds, as the same falls due, of  
9 the principal of and interest on any bonds of the City, issued for the acquisition, construction,  
10 improvement or financing of airport facilities or for additions, betterments, extensions or capital  
11 improvements thereto. [¶] 2) For the current, necessary and reasonable costs and expenses to the City  
12 of operating and maintaining airport facilities owned, controlled or operated by the City, but without  
13 allowance for depreciation or obsolescence, or for additions, betterments, extensions or capital  
14 improvements thereto. [¶] 3) After paying or providing for all payments under subparagraph (1)  
15 above which are due or which will become due during the next ensuing twelve (12) months' period,  
16 and after paying or providing for all current costs and expenses under subparagraph (2) above, any  
17 balance which remains from time to time in the Airport Fund and the several accounts therein may be  
18 used for the purpose of acquiring, constructing, or improving airport facilities or for additions,  
19 betterments, extensions or capital improvements thereto (including deposits in reserve or depreciation  
20 reserves or accounts established for that purpose), and any part of such balance not then needed for  
21 such purposes may be used for any lawful purpose.”

22 38. Annually, City diverts millions of dollars from the Airport Fund to the City's General  
23 Fund.

24 39. On information and belief, TAA thereon alleges that the City's annual diversion of  
25 moneys from the Airport Fund to the City's General Fund is approximately 10 million dollars per year  
26 and constitutes substantial evidence that City does not need landing fees for the operation or  
27 maintenance of the Airport, but for the improper purpose of regulating flying aircraft by financially  
28 discouraging flights to the Airport.

40. On November 28, 2023, during the first reading of the Landing Fees Ordinance, Jim Gates and others provided testimony and evidence that City diverted \$10 million from the Airport Fund to the City's General Fund annually and thus, the landing fees revenue is unnecessary.

41. Since City does not require revenue of landing fees to maintain or improve the Airport, the adoption of Ordinance No. 3927 is in excess of the City's police power. City cannot arbitrarily or capriciously enact unneeded landing fees under its police power.

42. As a result, the City's adoption and imposition of landing fees per Ordinance No. 3927 was, and is, arbitrary and capricious because there is no evidence to support City's express finding of economic need.

**Ordinance No. 3927 Is an Invalid Special Tax that Has Not Been Voter Approved.**

43. Per Government Code section 50076, landing fees at the Airport is a special tax subject to the two-thirds vote requirement of section 4 article 13A of the California Constitution.

44. On information and belief, TAA thereon alleges that the landing fees of Ordinance No. 3927 exceeds the reasonable cost of providing the service or the regulatory activity for which it is charged.

45. City failed to provide substantial evidence that the landing fees of Ordinance No. 3927 is a reasonable cost of providing the service or the regulatory activity for which it is charged.

46. On information and belief, TAA thereon alleges that Ordinance No. 3927 is also an unreasonable, unconstitutional special tax subject to the two-thirds vote requirement of section 4 article 13A of the California Constitution.

47. City did not conduct an election to obtain voter approval to impose the landing fees of Ordinance No. 3927. Thus, Ordinance No. 3927 is invalid.

**FIRST CAUSE OF ACTION**

**(Writ of Administrative Mandamus pursuant to Code of Civil Procedure section 1094.5 to Command City to Vacate Ordinance No. 3927 and Return All Collected Landing Fees.)**

**[As Against City and ROES 1 through 100]**

48. TAA realleges and incorporates by reference each paragraph above and below, as though fully set forth herein.

50. TAA's members, as represented by TAA, has a clear, present, and legal right to not pay landing fees for the improper purpose of regulating and limiting flying aircraft and paying fees that are not necessary for the operation of the Airport.

51. TAA has exhausted all available administrative remedies required to be pursued by it.

52. TAA lacks any plain, speedy, and adequate legal remedy to challenge City's decision to adopt and impose landing fees at the Airport because no provision of Torrance Municipal Code, statute or common law provides a legal cause of action to challenge Ordinance No. 3927.

53. Without substantial evidence of economic need, City's adoption of Ordinance No. 3927 was arbitrary and capricious.

54. City violated section 4 article 13A of the California Constitution by failing to submit Ordinance No. 3927 to the voters as a special tax.

55. TAA seeks this Court's Judgment and issuance of a peremptory writ ordering City to vacate and repeal Ordinance No. 3927 and refund all collected landing fees.

## SECOND CAUSE OF ACTION

**(Writ of Traditional Mandate pursuant to Code of Civil Procedure section 1085 to Compel  
City to Vacate Ordinance No. 3927.)**

**[As Against City and ROES 1 through 100]**

56. TAA realleges and incorporates by reference each paragraph above and below, as though fully set forth herein.

57. TAA has a beneficial interest in the outcome of the proceedings because its members are subject to the imposition of landings fees.

58. City arbitrarily and capriciously adopted Ordinance No. 3927, and thus, the Landing Fees Ordinance is invalid.

59. TAA has exhausted all available administrative remedies required to be pursued by it.

60. TAA lacks any plain, speedy, and adequate legal remedy to challenge City and ROES 1 through 100's decisions to impose landing fees.

1           61.     Without substantial evidence of economic need, City's adoption of Ordinance No. 3927  
2 was arbitrary and capricious.

3           62.     City violated section 4 article 13A of the California Constitution by failing to submit  
4 Ordinance No. 3927 to the voters as a special tax.

5           63.     TAA seeks this Court's Judgment and issuance of a peremptory writ ordering City to  
6 vacate and repeal Ordinance No. 3927 and refund all collected landing fees.

7                               **PRAYER FOR RELIEF**

8 WHEREFORE, TAA respectfully prays for judgment against Respondents, and each of them, as  
9 follows:

- 10           1.     For a writ of administrative mandamus pursuant to Code of Civil Procedure section  
11                   1094.5 commanding City and ROES 1 through 100 to vacate and repeal Ordinance No.  
12                   3927 and refund all collected landing fees.
- 13           2.     For a writ of traditional mandate pursuant to Code of Civil Procedure section 1085  
14                   commanding City and ROES 1 through 100 to vacate and repeal Ordinance No. 3927  
15                   and refund all collected landing fees.
- 16           3.     For Petitioner's costs of suit.
- 17           4.     For attorneys' fees pursuant to Code of Civil Procedure sections 1021.5 and 1032  
18                   and/or other applicable law.

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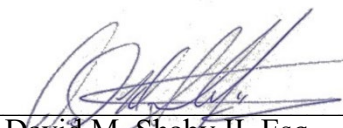
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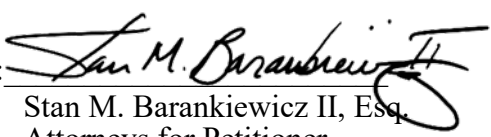
5. For such other and future relief as the Court deems just and proper.

DATED: March 8, 2024

DAVID M. SHABY II & ASSOCIATES, APC

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ASSOCIATION

**VERIFICATION**

I, the undersigned, declare:

I am the petitioner in this action. All facts alleged in the above document are true of my own personal knowledge. I have read the above Petition for Writ of Administrative Mandate and Traditional Mandate and know its contents. All facts alleged in the Petition are true of my own personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 8, 2024 at Torrance, California.



Peter Broen, President