

JUSTIFICATION/REASON FOR APPEAL

The Appellants file this appeal on the following grounds:

1. The City Zoning Administrator's of the discontinuance of the motel use and imposition of the Conditions at the subject property motel, and the City's actions in bringing this action, violated the First Amendment Petition and Grievances Clause, the First Amendment Association Clause, the Second Amendment, the Fourth Amendment Search and Seizure Clause, the Fifth Amendment Takings Clause, the Fourteenth Amendment Due Process Clause and the Equal Protection Clause of the United States Constitution and parallel provisions of the California Constitution.
2. There is no credible evidence that the subject property motel has, or is operating in violation of any local, state, or federal law, or has operated as a public nuisance justifying the conditions by the City Zoning Administrator.
3. Even if, in arguendo, the subject property motel, is operating as a nuisance, which Appellants deny, the discontinuance of the use is oppressive and not proportional and violates substantive due process and other constitutional provisions, when less onerous conditions could be placed as conditions of use allowing the subject property motel to operate. See *Bauer v City of San Diego*, 75 Cal.App.4th 1281 (1999).
4. The City Zoning Administrator has pretextually imposed discontinuance of the use as a motel and imposed conditions claiming to abate the alleged nuisance at the subject property motel, for the purposes of driving the Appellants out of business in order to close the motel and transfer the property to a third party developer or party. Discontinuance of use as a motel effectively places the Appellants out of business and will cause them great economic and personal harm.