FREDRIC D. WOOCHER (SBN 96689)
BEVERLY GROSSMAN PALMER (SBN 234004)
STRUMWASSER & WOOCHER LLP
10940 Wilshire Boulevard, Suite 2000
Los Angeles, California 90024
Telephone: (310) 576-1233
Facsimile: (310) 319-0156
E-mail: bpalmer@strumwooch.com

Attorneys for Petitioner and Plaintiff
Fix the City, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FIX THE CITY, INC., a California nonprofit corporation, Petitioner and Plaintiff, v. CITY OF LOS ANGELES, a municipal corporation; LOS ANGELES CITY PLANNING COMMISSION; VINCENT P. BERTONI, in his capacity as Director of City Planning for the City of Los Angeles; and DOES 1 through 100, inclusive, Respondents and Defendants.	Case No. 19STCP03740 Related to Case No. 20STCP01569 Related Case No. 20STCP03529 Assigned for All Purposes to the Hon. Mitchell L. Beckloff, Dept. 86 **PETITIONER'S REPLY TO REAL PARTIES IN INTEREST'S OPPOSITION BRIEF AND RESPONDENTS' OPPOSITION BRIEF ON PROJECT SPECIFIC ISSUES** Dept.: 86 Trial Date: July 14, 2021 Time: 9:30 a.m.
ELLIOT NAYSSAN; ROBHANA, INC.; NHD TERRACE, LLC; and ROES 1 through 100, inclusive, Real Parties in Interest.	

TABLE OF CONTENTS

TABLE OF AUTHORITIES 3

INTRODUCTION 4

ARGUMENT 5

I. THE EXHAUSTION DOCTRINE DOES NOT BAR THE PETITION 5

A. Petitioner Was Unable To Exhaust Administrative Remedies Because Respondents Failed To Provide Public Notice of the Project's Approval. 5

B. Petitioner Lacked An Adequate Administrative Remedy For Raising Its Objections to the Award of Improper Discretionary Incentives and Non-Compliance with the Alquist-Priolo Act 7

II. RESPONDENTS DEMONSTRATE THAT THE PROJECT DOES NOT COMPLY WITH THE REQUIREMENTS OF THE ALQUIST-PRIOLO ACT AND CITY PROVISIONS TO IMPLEMENT THE ACT 9

CONCLUSION 12

TABLE OF AUTHORITIES

State Cases

Park Area Neighbors v. Town of Fairfax (1994) 29 Cal.App.4th 1442 8

Stockton Citizens for Sensible Planning v. City of Stockton (2010) 48 Cal.4th 481 6

Tahoe Vista Concerned Citizens v. County of Placer (2000) 81 Cal.App.4th 577 5

Unnamed Physician v. Board of Trustees of Saint Agnes Medical Center (2001) 93 Cal.App.4th 607 7

Statutes

Code Civ. Proc.,

§ 1086 9

Regulations

Cal. Code Regs., tit. 14,

§ 3601 10

§ 3603 12

Municipal

Los Angeles Municipal Code,

§ 12.22 A 25 8

§ 16.05 G 3 6

§ 16.05 H 2 6

INTRODUCTION

Respondents City of Los Angeles, Los Angeles City Planning Commission and Vincent Bertoni ("Respondents" or "the City") and Real Parties in Interest Elliot Nayassan et al ("RPI") take two different tacks to attempt to defeat Petitioner Fix the City's ("Petitioner's") challenges to the approval of the project at 10400 Santa Monica Boulevard ("the Project"). RPIs take the procedural tack, arguing that Petitioner failed to exhaust remedies and is unable to pursue this litigation at all, while Respondents attempt to bolster the City's compliance with the Alquist-Priolo Act (and reiterate their arguments regarding the TOC Incentives).

RPIs' exhaustion challenge lacks merit for several reasons. First, RPIs do not identify any issues that Petitioner did not bring to the attention of the City prior to its decision to approve the Project. Second, RPIs do not identify any remedy that was available to Petitioner that Petitioner did not exhaust. Petitioner received no notice of the original decision of the Planning Director to approve the Project, in spite of notifying the Planning Department of its interest in the Project, and the determination was not made publicly available in any way during the very limited 15-day period during which an appeal could be taken. Moreover, Petitioner does not challenge the one aspect of the approval that it could have appealed: this litigation does not challenge the decision to grant a Site Plan Review or any of those findings. Therefore, Petitioner had no remedies to exhaust. Petitioner raised its contentions regarding the Project and therefore exhausted the issues it is litigating herein.

Respondents' arguments regarding the Alquist-Priolo Act are premised significantly on a major factual error. Respondents repeatedly contend that the applicant's Geologic Report considered data from "immediately adjacent sites" to determine that there were no fault traces within 50 feet of the site's property lines. The sites that were studied were located 0.4 miles (roughly 2,000 feet) and 0.1 miles (roughly 670 feet) away from the Project, while ignoring a Metro study with a boundary less than 100 feet from the Project. The operative question is whether the applicant had proved that there is *no* trace of an active earthquake fault located within 50 feet of the project site, as required by state law and the City policies that implement state law. When there has been *no* off-site study, the presence of fault traces off-site is presumed, and here, the applicant's own report provided that it was "not able to distinguish or refute the existing evidence of faulting within 50 feet of the property." (AR1325.) It was

an abuse of discretion to ignore state and city law regarding the presumption of off-site fault traces in reliance on these distant sites. Replacing the otherwise required setback with a reinforced foundation under these circumstances is unsupported by the facts before the city and inconsistent with the law, and must be reversed.

ARGUMENT

I. THE EXHAUSTION DOCTRINE DOES NOT BAR THE PETITION

Rather than engage with the merits of Petitioner's writ of mandate, Real Parties in Interest ("RPIs") premises their entire opposition to Petitioner's challenge on their contention that Petitioner failed to exhaust administrative remedies and thus should be barred from maintaining this action. (Opp.. at p. 6.) The exhaustion doctrine should not bar the Petition in this case because Petitioner did not have notice and opportunity to pursue administrative remedies, and because Petitioner lacked an administrative remedy through which it could raise its objections.

A. Petitioner Was Unable To Exhaust Administrative Remedies Because Respondents Failed To Provide Public Notice of the Project's Approval.

As RPIs note, "[w]hether a party has exhausted administrative remedies in a given case depends on the procedures applicable to the public agency in question." (*Tahoe Vista Concerned Citizens v. County of Placer* (2000) 81 Cal.App.4th 577, 591-92 ("*Tahoe Vista*").) Though the Los Angeles Municipal Code ("LAMC") is hardly a model of clarity on this question, RPIs properly identify the LAMC provisions and internal cross-references setting forth the applicable procedures for administrative appeals of project approvals. (Opp., pp. 5-6.) While it is indeed undisputed that Petitioner did not appeal the Project approval within 15 days of the January 17, 2019 Determination of the Director of City Planning (Opp., pp. 5-6), it is also undisputed that Respondents did not provide the public, let alone Petitioner, with notice of that Determination in time for Petitioner to file an appeal by the deadline. (AR0579 [affidavit of mailing]; Lake Decl., ¶¶ 3-4.) Respondents failed to provide notice of the Determination to Petitioner as an "Interested Party" even though Petitioner had submitted a letter commenting on the Project to Rudolf Kinar Melikoff at the Department of City Planning ("DCP") and Hagu Soloman-Cary of Council District 5 in the months leading up to the Determination. (AR0695-696.)

It bears noting that no public hearing was held before the Director issued the Determination,

notwithstanding the fact that the LAMC provides for public hearings on Site Plan Review applications "[i]f the Director finds that the matter may have a significant effect on neighboring properties." (LAMC § 16.05 G.3(b).) Had the matter been set for public hearing, Respondents would have been obligated to provide public notice of that hearing (*id.* [requiring notice of public hearing to be published in at least one publication in a newspaper of general circulation in Los Angeles], and Petitioner would have participated in that hearing. (Lake Decl., ¶ 6.)

Instead, Petitioner did not learn of the Determination until after the window to file an appeal had closed, and only by virtue of a member of Petitioner observing the posted public hearing on the site. (Lake Decl., ¶ 10.) Even though LAMC section 16.05 H.2 broadly permits "any interested person aggrieved by the Decision of the Director" to file an appeal, the 15-day appeal window begins on the date "of the mailing of the decision *to the applicant*" (LAMC § 16.05 H.2, emphasis added) regardless of whether all potentially interested persons have received notice. It is thus wholly possible that these 15 days will run without an interested party having any knowledge of a project approval—particularly where that project has been approved in the first instance without a hearing. In addition, the Letter of Determination was not posted on the Planning website for the public to read. (Lake Decl., ¶ 5.)

Respondents' failure to provide public notice of project approvals undermines the public's ability to participate in the administrative appeal process. (*Cf. Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481, 502 ["Public notification serves the public's right … to be informed of, and to have a voice in, the process of evaluating the environmental issues surrounding a contemplated action or decision. . . . Where constructive notice is provided by this overt means, the statute contemplates that lawsuits making such claims thereafter will be filed expeditiously."].)

In fact, Respondents' failure to provide public notice of determinations has been the source of confusion and controversy. Respondents are aware of this confusion. In the related case number 20STCP01569, the Director of Planning for Council District 4 testified at a January 9, 2020 City Planning Commission ("CPC") hearing regarding the difficulty of tracking down Letters of Determination ("LODs"), noting that while some LODs are on the website, some aren't. "LODs come to our offices in all kinds of ways, I get hard copies, I get electronic versions, they come to different e-mails depending which – which email signed up. . . . I spend a lot of time tracking down the LODs for

constituents and these determination letters matter substantially to communities. It tells them what exactly was approved and gives them a timeframe in which to decide if they wanna face an appeal." (*Fix the City v. City of Los Angeles*, 20STCP01569, AR0871:16-872:3.) The CPC President responded that he would "make a formal request to have a commission discussion about everything that Emma just presented to us and hopefully, out of that presentation to us from the director, we can take some concrete steps forward to address some of these issues." (*Id.,* AR0877:9-13.)

As RPIs recount, on February 1, 2019, the Century Glen Homeowners Association (the "HOA") appealed the Project approval to the CPC. (AR0637-644.) The appeal was set for hearing by the CPC on May 9, 2019. (AR0671-672.) Respondents once again failed to provide Petitioner with notice of the CPC hearing, despite the fact that Petitioner had, on February 13, 2019, sent a letter to the Director of DCP formally requesting that DCP send it "Director's Determinations [in all TOC Guidelines cases] at the same time that parties within 100 feet of a project are notified," and requested all relevant documents be sent electronically. (AR0665.) When Petitioner did learn of the hearing by virtue of a public notice posted on the site, counsel for Petitioner sent a letter to the CPC on April 29, 2019, requesting a continuance of the hearing and an opportunity to appeal the decision, given the lack of public notice of the Determination. (AR0694.)[1] Petitioner never received a response from the CPC. (Lake Decl., ¶ 13.)

B. Petitioner Lacked An Adequate Administrative Remedy For Raising Its Objections to the Award of Improper Discretionary Incentives and Non-Compliance with the Alquist-Priolo Act.

It is well-established that the exhaustion doctrine is inapplicable where administrative remedies are inadequate, unavailable, or futile. (*Unnamed Physician v. Board of Trustees of Saint Agnes Medical Center* (2001) 93 Cal.App.4th 607, 620.) The exhaustion doctrine should not bar Petitioner's challenge because even if Petitioner had received notice of the LOD in time to appeal to the CPC, Petitioner would have lacked an adequate administrative remedy to raise its objections.

RPIs maintain that Petitioner cannot maintain this action "because Petitioner did not avail itself of prescribed administrative remedies." (Opp., p. 6.) The LOD itself sets forth the two available administrative remedies:

[1] Even in the days leading up to the hearing on the appeal, the LOD was not publicly available online. (Lake Decl., ¶ 5.)

1. "Pursuant to LAMC Section 12.22A.25(g)(2(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal this Determination" to the City Planning Commission; and
2. "The applicant or any person aggrieved by the Site Plan Review may appeal the decision to the City Planning Commission."

(AR0615.) But RPI neglects the reality that Petitioner could not have raised its objections via either of these prescribed administrative remedies. Without notice, no remedies are possible.

First, RPI fails to acknowledge that Petitioner was ineligible to bring an appeal pursuant to LAMC Section 12.22A.25(g)(2(i)(f), which is limited to abutting property owners and tenants. Next, RPI likewise fails to acknowledge that the remaining avenue for an administrative appeal is available only to a "person aggrieved by the Site Plan Review." (*Id.*) Petitioner has never contested the Site Plan Review, and RPIs' opposition thus neglects the fact that the issues raised by Petitioner—"that the TOC component relied on fundamentally improper TOC Guidelines … and failure to comply with the Alquist-Priolo Act"—thus fall outside the permissible scope of this administrative remedy. (Opp. Br. at 6.) Petitioner does not challenge the Site Plan Review findings in this action, but rather challenges the award of discretionary TOC incentives and the failure to comply with the setback requirements of the Alquist-Priolo Act in the absence of an off-site investigation. Neither of those issues directly impacts Site Plan Review.

In that sense, *Park Area Neighbors v. Town of Fairfax* (1994) 29 Cal.App.4th 1442, relied on by RPI, supports Petitioner. In *Park Area Neighbors*, a group of neighbors opposing a project failed to bring an administrative appeal of a planning commission determination regarding a permit and variances. (29 Cal.App.4th at p. 1447.) The court concluded that the failure to utilize available appellate processes meant that the neighbors failed to exhaust their remedies on those grounds, but that as to traffic impact permit, where no administrative appeal was available, the neighbors could pursue the claims that they had properly raised before the town council. (*Id.* at pp. 1447 & 1450.) Unlike the plaintiffs in *Park Area Neighbors*, Petitioner is not challenging the findings in support of Site Plan Review. Although RPI misleadingly implies that the issues in Petitioner's litigation were not raised to the City, *the record contains Petitioner's comments on all of the issues that Petitioner raises* in this

litigation. (See AR07820-789 [Alquist-Priolo issues]; AR0665-680 [comments on TOC program incentives].) RPI even responded to Petitioner's comments. (AR0804-805.) Petitioner's litigation concerns issues for which there was no administrative remedy available to Petitioner and therefore Petitioner may pursue the issues that it raised during the administrative proceedings.

In fact, a petition for writ of mandate will lie where, among other things, a petitioner has no "plain, speedy, and adequate alternative remedy." (Code Civ. Proc. § 1086.) Petitioner's lack of an alternative remedy is precisely the basis for its resort to the courts. Petitioner lacked an appropriate administrative channel through which it could raise the issues with the Project approval that it raises in this lawsuit. (See AR838-839 [stating that decision "is final and effective upon the mailing of this determination letter and not further appealable].)

II. RESPONDENTS DEMONSTRATE THAT THE PROJECT DOES NOT COMPLY WITH THE REQUIREMENTS OF THE ALQUIST-PRIOLO ACT AND CITY PROVISIONS TO IMPLEMENT THE ACT

Respondent's Opposition Brief on Project Specific Issues makes several critical admissions that simplify the legal issues associated with the Project and the Alquist-Priolo Act. First, there is no dispute that the Project site is located in a mapped Alquist-Priolo Earthquake Fault Zone in which compliance with the requirements of the Alquist-Priolo Act is mandatory. (Respondents' Project Specific Opp. ("PSO"), p. 5:6-13.) Respondents agree that the Alquist-Priolo Act, the regulations of the State Mining and Geology Board, and the Los Angeles Department of Building and Safety Bulletin P/BC 2017-129 ("Bulletin 2017-129") apply to the construction of the Project. (PSO, pp. 9:24-10:22; 10:25-11:23.) Respondents agree that the City must adopt equal or more stringent criteria to state law. (PSO, p. 10:25-27.) Respondents do not dispute that Bulletin 2017-129 "requires a 50-foot setback" unless data regarding the location, trend and nature of a particular fault trace justifies the reduction. (*Id.*, p. 11:24-25.) Respondents also do not contest that the Project's Geologic Report did not include any off-site study. (*Id.*, p. 12:23-25.)[2]

Respondents therefore recognize the applicable law, but they have erred in following that law in

[2] Respondents note that the study did not extend off-site to north. Nor was there off-site study to the east, south, or west, even though the entire site lies with the Alquist-Priolo Earthquake Fault Zone. (AR1332; AR1321; Petitioner's Request for Judicial Notice, Exhibit 2.)

the approval of the Project. First, it is necessary to clarify some terminology. Respondents' Project Specific Opposition utilizes the terms "fault" and "fault trace" interchangeably. (Compare PSO, p. 9:24-25 ["The purpose of the Alquist-Priolo Act is to prohibit new construction of structures for human occupancy on top of an existing fault."] to p. 9:26-28 [purpose of Act is to "'provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults.'"].) These terms are not the same. An "active fault" is "a fault that has had surface displacement within Holocene time (about the last 11,000 years), hence constituting a potential hazard to structures that might be located across it." (Cal. Code Regs., tit. 14, § 3601(a).) A "fault trace" is "that line formed by the intersection of a fault and the earth's surface, and is the representation of a fault as depicted on a map, including maps of earthquake fault zones." (*Id*., subd. (b).) So, a fault trace is not necessarily located in the precise same location as an active fault. An active fault may have many fault traces as shown in the Metro map of fault investigation along Santa Monica Boulevard adjacent to the project site. (AR0784-785.) The question here is not whether the active fault is present on or immediately off the project site, but whether the applicant can refute the *presumption* that a fault trace exists immediately off site.

Next, a factual error in Respondents' Project Specific Opposition must be corrected. Respondents assert at several points that the applicant's Geologic Report referenced prior investigations "immediately adjacent to the site." (PSO, pp. 5:21; 12:13; see also p. 13:21 ["adjacent sites"].) As noted in Petitioner's Opening Brief on Project Specific Issues, while the applicant's study contended that it utilized studies conducted from properties "directly west" and "directly north" of the subject site (AR1316-1317), both of these previous studies are located multiple city blocks distant from the project site (AR1331). Specifically, 10604 Santa Monica Boulevard is 0.4 miles (2,000 feet) and 1645 S. Beverly Glen is approximately 0.1 miles (670 feet) from the Project site at 10400 Santa Monica Boulevard. (Petitioner's Reply Request for Judicial Notice, Request 2.) These sites are not "immediately adjacent," and particularly where the relevant metric is whether something is within 50 feet of a site, a study that looks at sites hundreds to thousands of feet away is not the same as one that looks at data "adjacent or nearby," because such as site is not informative as to location, trend, and nature of a

particular fault as required.[3]

Respondents' Project Specific Opposition quotes at length from Bulletin 2017-129, setting forth in full three key paragraphs. (PSO, p. 11:16-23.) The first paragraph provides that "[t]he default building setback from an active fault is 50 feet. Reduced setbacks can be considered if the location, trend, and nature of a particular fault trace are accurately established by several data points." These provisions make clear that the 50-foot setback is required *unless* "the location, trend, and nature of a particular fault trace are accurately established by several data points." These provisions refer to a "particular fault trace," meaning that a study has identified a trace and mapped its location sufficiently such that a reduced set back can be supported. These provisions do not apply to the Project's Geologic Report because it did not locate a particular fault trace or establish any "location, trend, and nature" of a trace.

The second quoted paragraph of Bulletin 2017-129 applies to the situation "[w]here exploration does not extend 50 feet beyond a property line." When there is no such exploration "an active trace at the property line ***must be considered present and require a setback***." (Emphasis added.) This paragraph applies to the Project site, where there was no exploration beyond the property line. (AR1325.)[4]

The second paragraph then notes that "[d]ata from ***adjacent*** or ***nearby*** sites can be used to *possibly reduce* a property line setback." (Emphasis added.) This does not apply to the Geologic Report for the Project site. No data from adjacent or nearby sites was provided. In the context of the question whether the Geologic Report has *refuted* the presumption that the area within 50 feet of the site is underlain by fault traces, the two sites identified on the map at AR1331 could not possibly rule out a fault trace within fifty feet of the site. As Petitioner pointed out in its Opening Brief on Project Specific Issues and in its pre-approval comments, *Metro's study identified fault traces nearby the site, which, if extended, could closely approach or possibly traverse the site*. (AR0784.) These data points from Metro

[3] Respondents also contend that the April 2017 Soils Report Approval Letter at AR1436-1439 is the final approval of the Project's Geologic Report. The City claims that this report responded to "several rounds of comments." (PSO, p. 5:17.) The April 2017 report also references a March 2017 submittal by the applicant. (AR1433.) None of these comments nor the March 2017 report is included in the administrative record. Petitioner would have no way of knowing what these comments said or what was provided in the March 2017 report, and nor would the Court.

[4] In fact, the study provided a single "transect" or line of study running 10' from the south property line to 10 feet from the northern property line. The single transect was well in excess of 50 feet from the eastern and western property lines. (AR1325.)

were far closer to the Project than the sites referenced in the Geologic Report. The sites at 10604 Santa Monica Boulevard and 1645 South Beverly Glen are certainly not adjacent and not "nearby" in any relevant sense. Moreover, the setback here was not *reduced*. The setback was *ignored.*

Finally, the third quoted paragraph of Bulletin 2017-129 provides that "[s]pecial/reinforced foundations may be used to mitigate minor ground displacements that could occur near a more significant fault trace." This paragraph does not even mention setbacks, nor that compliance is grounds to reduce a setback as the prior paragraph states. There is no indication in this paragraph that it is intended to allow for disregarding of the presumption established in the prior paragraph, and that in the absence of any off-site data or data from adjacent or nearby sites that the setback can be entirely disregarded and replaced with a special foundation.

As the City acknowledged, the Alquist-Priolo Act does not allow for cities to adopt any criteria less stringent than state law required. Under the act and its regulations, "*the area within fifty (50) feet of such active faults shall be presumed to be underlain by active branches of that fault* <u>*unless proven otherwise*</u> by an appropriate geologic investigation and report . . . no such structures shall be permitted in this area." (Cal. Code Reg., tit. 14, § 3603, subd. (a).) The record does not contain evidence that, under the City's own Bulletin 2017-129, the applicant *proved* that the area within 50 fifty feet of the site is free of fault traces, and thus the City's failure to require the 50-foot setback or off-site investigation was an abuse of discretion.

CONCLUSION

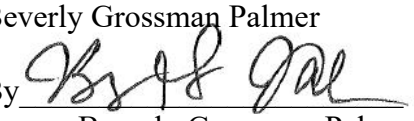
Petitioner exhausted the remedies it had available to raise the issues that are being addressed in this litigation. It raised all issues that are being litigated in this case to the attention of the City, thus satisfying requirements of exhaustion. The Project approval was in violation of the Alquist-Priolo Act, because the information in the record before the City does not refute the presumption, required by state law, that the area immediately off-site is underlain by fault traces. A writ of mandate should issue to void the Project approvals in their entirety.

//

//

DATED: June 7, 2021

Respectfully Submitted,
STRUMWASSER & WOOCHER LLP
Fredric D. Woocher
Beverly Grossman Palmer

By 
Beverly Grossman Palmer

Attorneys for Petitioner Fix the City, Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Re: *Fix The City v. City of Los Angeles et al.*
L.A.S.C. Case No. 19STCP03740
Related Case No. 20STCP01569
Related Case No. 20STCP03529

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10940 Wilshire Boulevard, Suite 2000, Los Angeles, California 90024. My electronic mail address is loliver@strumwooch.com.

On **June 7, 2021**, I served the foregoing document(s) described as **PETITIONER'S REPLY TO REAL PARTIES IN INTEREST'S OPPOSITION BRIEF AND RESPONDENTS' OPPOSITION BRIEF ON PROJECT SPECIFIC ISSUES** on all appropriate parties in this action, as listed on the attached Service List, by the method stated:

☒ If Electronic Filing Service (EFS) is indicated, I electronically filed the document(s) with the Clerk of the Court by causing the documents to be sent to One Legal, the Court's Electronic Filing Services Provider for electronic filing and service. Electronic service will be effected by One Legal's case-filing system at the electronic mail addresses indicated on the attached Service List.

☐ If fax service is indicated, by facsimile transmission this date to the fax number stated, to the attention of the person named, pursuant to Code of Civil Procedure section 1013(f).

☐ If U.S. Mail service is indicated, by placing this date for collection for mailing true copies in sealed envelopes, first-class postage prepaid, addressed to each person as indicated, pursuant to Code of Civil Procedure section 1013a(3). I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in the affidavit.

I am a resident or employed in the count where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this is executed on **June 7, 2021**, at Los Angeles, California.

LaKeitha Oliver

SERVICE LIST

Fix The City v. City of Los Angeles et al.
L.A.S.C. Case No. 19STCP03740
Related Case No. 20STCP01569
Related Case No. 20STCP03529

Via EFS Michael N. Feuer Terry K. Macias Donna Wong Morgan Hector 200 N. Main Street City Hall East Room 701 Los Angeles, California 90012-4131 Tel: 213-978-7121 ● Fax: 213-978-8090 Email: Morgan.Hector@lacity.org kimberly.huangfu@lacity.org *Attorneys for Respondents City of Los Angeles, Vincent P. Bertoni, in his capacity as Director of City Planning for the City of Los Angeles, and Los Angeles City Planning Commission*	*Via EFS* Andrew K. Fogg Alexander M. DeGood Adam Z. Bierman Cox, Castle & Nicholson, LLP 2029 Century Park East, Suite 2100 Los Angeles, California 90067 Tel: 310-284-2205 ● Fax: 310-284-2100 Email: adegood@coxcastle.com *Attorneys for Real Parties in Interest Elliot Nayssan, Robhana, Inc., NHD Terrace, LLC*
Via EFS Elisa L. Paster Glaser Weil Fink Howard Avchen & Shapiro 10250 Constellation Boulevard Los Angeles, California 90067 Tel: 310-556-7855 ● Fax: 310-843-2655 Email: epaster@glaserweil.com *Attorney for Real Parties in Interest 530 North Francisca, LLC, and Banarsi Agarwal*	*Via EFS* Ellia M. Thompson Allan B. Cooper Ervin, Cohen & Jessup, LLP 9401 Wilshire Boulevard, 9th Floor Beverly Hills, California 90212-2974 Tel: 310-273-6333 ● Fax: 310-859-2325 Email: ethompson@ecjlaw.com acooper@ecjlaw.com *Attorney for Real Party in Interest 5891 Boulevard LP*