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10 *Fix the City, Inc.*

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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.

ELLIOT NAYSSAN; ROBhana, INC.; NHD TERRACE, LLC; and ROES 1 through 100, inclusive,

Real Parties in Interest.

Case No. 19STCP03740
Related Case No. 20STCP01569

Assigned to the Hon. Mitchell L. Beckloff, Dept. 86

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER'S REPLY BRIEFS

Dept.: 86
Trial Date: July 14, 2021
Time: 9:30 a.m.

1 Petitioner and Plaintiff Fix the City, Inc. respectfully requests that the Court take judicial notice of the
2 following documents in connection with its Reply Brief:

3 **Exhibit 1:** Attached hereto is a true and correct copy of the November 22, 2016 Motion of the Los
4 Angeles City Council regarding the approval of Measure JJJ by the voters in the November 8, 2016 election.

- 5 • **Grounds:** The Court should take judicial notice of this document because the motion constitutes an
6 enactment of the City Council. (Evid. Code, § 452, subd. (b); *Edgerly v. City of Oakland* (2012) 211
7 Cal.App.4th 1191, 1194, fn. 1 [taking judicial notice of city charter, together with the various regulations
8 and legislative enactments relied on by the parties].) The document is also publicly available, is not
9 reasonably subject to dispute, and is capable of immediate and accurate determination by resort to sources
10 of reasonably indisputable accuracy. (Evid. Code § 452, subd. (h).)
- 11
- 12 • **Relevance:** The November 2016 Motion is relevant because Petitioner argues that aspects of the
13 TOC Guidelines that modify other City ordinances were required to be enacted by ordinance, and the
14 Motion shows that the City Council anticipated enacting an ordinance to “[c]reate a new affordable
15 housing incentive program for developments near major transit stops.”

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17 **Request 2:** Petitioner requests that the Court take judicial notice that the straight line distance between
18 10400 Santa Monica Boulevard and 10604 Santa Monica Boulevard is approximately 0.4 miles and the
19 straight line distance between 1645 South Beverly Glen Boulevard and 10400 Santa Monica Boulevard is
20 approximately 0.1 miles.

21 **Grounds:** The Court may take judicial notice of these distances because this information is publicly
22 available, is not reasonably subject to dispute, and is capable of immediate and accurate determination by
23 resort to sources of reasonably indisputable accuracy. (Evid. Code § 452, subd. (h).)

24 **Relevance:** The information above is relevant because Respondents contend that geologic studies
25 at 10604 Santa Monica Boulevard and 1645 South Beverly Glen were “immediately adjacent” to 10400
26 Santa Monica Boulevard.

27 A complete copy of the materials in this Request for Judicial Notice has been provided to
28 Respondents and Real Parties in Interest in this matter in compliance with California Rules of Court, rule

1 3.1306(c).

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3 DATED: June 7, 2021

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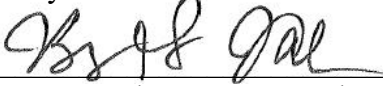
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Respectfully Submitted,

STRUMWASSER & WOOCHELLP

Fredric D. Woocher

Beverly Grossman Palmer

By 

Beverly Grossman Palmer

Attorneys for Petitioner Fix the City, Inc.

EXHIBIT 1

13

MOTION

On November 8, 2016, a citizen sponsored ballot initiative was approved by the voters of Los Angeles entitled *Affordable Housing and Labor Standards Related to City Planning*, Initiative Ordinance JJJ (Council File No. 16-0684).

In summary, the JJJ ballot initiative requires the adoption of an ordinance to:

1. Require that certain residential development projects of 10 or more units seeking General Plan amendments or certain zoning changes to provide affordable housing and meet training, local hiring, and prevailing wage requirements.
2. Limit the City's ability to deny General Plan amendments for projects that satisfy all of the following:
 - are located near transit stops or meet other geographic requirements, or are entirely comprised of affordable housing units;
 - meet training, local hiring, and prevailing wage requirements;
 - provide affordable housing;
3. Require the City to assess the impacts of Community Plan changes to ensure that the changes do not:
 - reduce the capacity for affordable housing and access to local jobs; or
 - undermine State or other affordable housing incentive programs;
4. Create a new affordable housing incentive program for developments near major transit stops.

It is imperative that the implementation process of this ballot initiative be fully vetted and discussed by policy makers and all interested stakeholders.

I THEREFORE MOVE that the Council request the City Attorney, with the assistance of the Planning Department, and in consultation with the Bureau of Contract Administration, to prepare a report on the implementation, enforcement, resources needed, timeline to implement, and any other impacts of the *Affordable Housing and Labor Standards Related to City Planning* Initiative Ordinance JJJ (Council File No. 16-0684).

PRESENTED BY:



MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY:



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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 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER'S REPLY TO OPPOSITION ON TOC LEGAL 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

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