

1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

9 Larry Slade, Esq., SBN 212276
10 SLADE LAW
11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
22 a New York corporation d/b/a Saucy Bird,

23 Petitioner and Plaintiff,

24 vs.

25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**PETITIONER'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT; DECLARATIONS OF DARIN
MARGULES, ESQ., BRIAN
COLLESANO, DEBORA C.
FLIEGELMAN and OTHERS;
[PROPOSED] ORDERS RE TRO AND
OSC**

Pursuant to Code of Civil Procedure §527, California Rules of Court 3.1150-3.1152 and
California Rules of Court 3.1200-3.1207, Plaintiff Plated Personal Chef Services Ltd d/b/a Saucy

1 Bird applies *ex parte* for a Temporary Restraining Order and Order to Show Cause re: Preliminary
2 Injunction, enjoining Defendants City of Los Angeles and City of Los Angeles City Council and
3 their agents, servants, employees, officers, representatives, successors, partners, assigns, and any
4 and all persons acting in concert or participating with them, from taking any further action to
5 interfere with public use of Lot 707 as a parking lot, and to restore Lot 707 to its lawfully approved
6 public parking lot use.

7 This application is based on the irreparable harm suffered by Plaintiff as a result of
8 violations of Code of Civil Procedure §1245.245, as Defendants have violated and are violating the
9 requirement that following an acquisition by eminent domain, a change of use from the use
10 contained in the adopted Resolution of Necessity that supported the original acquisition requires
11 the City to adopt a new Resolution of Necessity authorizing the new use. That new Resolution of
12 Necessity must be adopted by a super-majority of the City Council and must set forth the same
13 findings for the changed use that the original resolution required. Code of Civil Procedure
14 §1245.245.

15 Further, pending the hearing on the OSC re: Preliminary Injunction, and on the same
16 grounds for which Plaintiff is applying for the Preliminary Injunction, Plaintiff requests that
17 Defendants be temporarily enjoined from taking any further action to interfere with public use of
18 Lot 707 as a parking lot and to restore Lot 707 to its lawfully approved public parking lot use.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff seeks a temporary restraining order to stop the City of Los Angeles from
4 continuing to convert a public parking lot it obtained by eminent domain into a homeless housing
5 facility without having made the required findings of necessity or issuing the proper resolution, in
6 violation of Code of Civil Procedure §1245.245. The businesses that depend on that off-street
7 parking lot are at imminent risk of economic collapse because their patrons literally have nowhere
8 to park, particularly during the busy peak hours of 4-7 pm. The City failed to make the proper
9 findings that conversion of the lot from vital public parking to a homeless facility was in the public
10 good or necessity or was planned or located in the manner that will be the most compatible with the
11 greatest public good and the least private injury.

12 The City’s homeless project has been cloaked in secrecy and plagued by numerous
13 procedural irregularities, which are the subject of an ongoing lawsuit.¹ Despite promises by the
14 City not to break ground on the project until replacement parking had been secured for the
15 businesses that have relied on the existence of that lot since 1990 when the City first recognized its
16 importance, on August 18, 2024, the City simply closed the lot without warning and immediately
17 began demolition, leaving the local businesses with no available parking. Plaintiff has suffered and
18 will continue to suffer irreparable injury as a result of the City’s actions.

19 **II. STATEMENT OF FACTS**

20 **A. The Parking Lot**

21 The lot located at 2377 Midvale Avenue (“Lot 707”) is the only public, off-street parking
22 available for the businesses on the stretch of Pico Boulevard near the Lot. The City of Los Angeles
23 acquired Lot 707 by eminent domain in 1990 for the express purpose of establishing a public off-
24 street parking lot. Ordinance No. 166003, passed by the City Council on April 11, 1990, and
25 approved by Mayor Tom Bradley on April 18, 1990, stated that “the public interest and necessity”
26 required the City to take this property and use it for “public off-street parking facilities” for the
27

28 ¹ Concurrent with this Application, Plaintiff is filing a Notice of Related Case, relating this action
to *Fix the City, Inc. v. City of Los Angeles*, Los Angeles Superior Court Case No. 23STCP04410.

1 businesses along this stretch of Pico. The Ordinance stated that this parking use was “most
2 compatible with the greatest public good.” Request for Judicial Notice (“RFJN”), Declaration of
3 Larry Slade (“Slade Decl.”), Exhibit B.

4 The affected stretch of Pico is now subject to an “anti-gridlock” zoning ordinance, pursuant
5 to LAMC §80.70 and Ordinance No. 177753. RFJN, Slade Decl., Exh. C. Parking is therefore
6 prohibited between the hours of 4-7 p.m.; the rules are strictly enforced, and cars are towed
7 immediately. The surrounding residential neighborhood does not allow street parking after 6 p.m.
8 except by permit for residents. These rules are also strictly enforced, and cars are ticketed
9 immediately. Declaration of Brian Collesano (“Collesano Decl.”) at ¶4.

10 **B. The homeless housing project**

11 The Project is a proposed “low-barrier” interim housing project using 8 x 8 prefab plastic
12 units to provide 33 sleeping cabins, on-site laundry facilities, storage bins and a storage module,
13 pet area, office/case management conferencing space, dining area/community space, security
14 fencing, additional “wrap-around” services, and two staff parking spaces. The Project site, Lot 707,
15 is approximately 16,860 square feet and is actually two small parcels bisected by a public alley,
16 with frontages along Pico Boulevard and Midvale Avenue.

17 On July 24, 2023, Council District 5 announced the Project after site selection had been
18 completed, and after a vendor and provider had already been selected by the Councilmember. On
19 October 20, 2023, the City Council approved the use of Lot 707 for a low-barrier interim housing
20 project, but only approved partial funding for the Project. The October 20, 2023, approval did not
21 include a Resolution of Necessity or authorization to change the use of Lot 707 from a public
22 parking facility to a homeless facility as required by California Code of Civil Procedure §1245.245.
23 On October 27, 2023, the Mayor approved the City Council’s action. At that point, the City
24 Council claimed the Project still had a nearly \$1 million shortfall; thus, before the Project could
25 actually be considered final, the Council had to come up with additional funding. Accordingly, on
26 June 11, 2024, the Council adopted a motion to approve the additional funding, again without the
27 Resolution of Necessity required by §1245.245. On June 13, 2024, the Mayor approved the
28 Council’s action, making approval of the Project final. An additional \$1.2 million was secretly

1 allocated to the project on July 10, 2024, in a wholly unrelated council file related to a completely
2 different project (CF 20-0841-S49, titled “3248 Riverside Drive/1479 South La Cienega
3 Boulevard/Statutory Exemption/Bridge Housing/Interim Housing/California Environmental
4 Quality Act/Lease”).

5 Throughout the process, the Project faced significant public opposition, both because of the
6 secrecy involved and because of the nature of the project itself. Various stakeholders proposed
7 other locations that would have been less expensive and provided more beds and would not have
8 had the parking issue of this location, but they were ignored. Collesano Decl. at ¶¶16, 18.

9 **C. The City’s promise not to break ground until alternate parking is obtained**

10 Recognizing the critical nature of the parking lot, Council Member Katy Yaroslavsky
11 repeatedly promised her colleagues and stakeholders the City would not begin dismantling Lot 707
12 until it had secured adequate alternate parking for the businesses affected by the loss of Lot 707.
13 For example, during an August 7, 2023, zoom call with the public, in response to the question of
14 whether replacement parking was being secured, Council Member Katy Yaroslavsky said: “Yes.
15 We're in discussions with owners of private lots nearby to open them to the public, like joint
16 shared-use parking agreements. This includes Hudson Properties, which owns the West Side
17 Pavilion property just south right across the street from the proposed project site. We hope to be
18 able to announce a partnership soon so that if that parking is needed, we'll figure out whether it's a,
19 a shared valet for local where, where those cars will be parked across the street, or if people will
20 just be able to park there across the street and walk, walk wherever they need to go.” Declaration
21 of Debora C. Fliegelman (“Fliegelman Decl.”) at ¶6.

22 At that same meeting, she also told the public the Council would not simply “ignore the
23 impacts there will be by removing the available parking,” but that “some shared parking agreement
24 will be worked out.” Fliegelman Decl. at ¶ 7. At the October 20, 2023, City Council Meeting
25 preceding the vote to approve the project, Council Member Yaroslavsky stated: “For the
26 businesses on Pico, *you have my word* that we’re going to secure additional parking before we
27 break ground on this Project.” Fliegelman Decl. at ¶3. She made the same promise in a video
28

1 posted to her official FaceBook page: “*I made a commitment to secure additional parking for*
2 *local businesses before we break ground on this Project.*” Fliegelman Decl. at ¶5.

3 **D. The City suddenly and without warning shuts the lot and breaks ground**

4 Despite these repeated assurances, on Friday, August 16, 2024, at approximately 4:35 p.m.,
5 the City informed some affected business owners along Pico – but not all of them – that the Lot
6 would be closed effective Sunday, August 18, 2024. By Monday morning August 19, 2024,
7 fencing had been installed around the lot and parking was no longer permitted there. Collesano
8 Decl. at ¶10. No notices were posted and the public was not informed. As of Friday, August 23,
9 2024, the City began demolishing the lot in preparation for building the Project. They installed a
10 mobile office and brought in a dumpster, along with excavator vehicles such as a backhoe and
11 skidsteer. Trees were cut down and portions of asphalt removed. Declaration of Darin Margules
12 (“Margules Decl.”) at ¶¶4, 5. The work has continued since then.

13 No additional or substitute parking has been secured, though the City falsely claimed to
14 have secured replacement parking. Even if it had been true, the identified parking was too far
15 away to mitigate the negative impact and inconvenience on business operations for Plaintiff and its
16 neighbors. Collesano Decl. at ¶11.

17 **E. Plaintiff and other businesses suffer immediate and irreparable harm**

18 The businesses that relied on Lot 707 now have **no public off-street parking** for their
19 patrons, **no public or street parking at all** during the hours of 4 – 7 p.m., no available street
20 parking in the surrounding neighborhood after 6 p.m., and most have no onsite parking capable of
21 meeting their needs. In addition, there are no public off-street ADA-compliant spaces available.
22 Without Lot 707, the public simply has little to no available parking, especially during the busy
23 dinner hours of 4 – 7 p.m. With Pico being “Tow-Away, No Stopping,” customers are unable to
24 park, or even stop, on the street in front of the restaurant; indeed, even food delivery services like
25 Uber Eats and Door Dash cannot leave their cars outside for the two minutes it takes to run in and
26 pick up an order because they will be immediately towed or ticketed. Collesano Decl. at ¶6, 13;
27 *see also* Declarations of Rodriguez, Aunchisa, Cai, Nezal, Cerolami, Chojolan. The same holds
28 true for valets.

1 Even before the Lot was closed to the public without notice, local businesses began to feel
2 the effects of the impending loss of the Lot. For example, Plaintiff has been informed that a new
3 tenant was about to sign a lease for one of the spaces on this stretch of Pico, but when he learned of
4 the Project, he rejected the location. Another tenant had plans to expand but was denied because of
5 the lack of parking.

6 Plaintiff would not have signed its lease if Lot 707 had not been available because the on-
7 street parking without that lot is not sufficient for the needs of the restaurant. Indeed, the success
8 of the restaurant depends on the ability of customers to visit throughout the day, especially during
9 evening hours. Convenient and accessible parking is crucial for attracting and retaining customers
10 during these peak dining hours. Collesano Decl. at ¶¶2, 3, 13, 14; *see also* Declarations of
11 Rodriguez, Aunchisa, Cai, Nezal, Cerolami, Chojolan..

12 **III. THE COURT SHOULD ISSUE A TEMPORARY RESTRAINING ORDER AND**
13 **ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD**
14 **NOT ISSUE.**

15 **A. Applicable Law**

16 The Eminent Domain Law requires the condemning agency to adopt a Resolution of
17 Necessity as a prerequisite to being able to use the power of eminent domain. Code of Civil
18 Procedure §§1240.040, 1245.230. A Resolution of Necessity requires that certain findings be
19 made, including:

- 20 • The public interest and necessity require the proposed project.
- 21 • The proposed project is planned or located in the manner that will be the
most compatible with the greatest public good and the least private injury.
- 22 • The property is necessary for the proposed project

23 Code of Civil Procedure §1245.230; *see also* §1240.030.

24 Following an acquisition by eminent domain, a change of use from the use contained in the
25 adopted Resolution of Necessity that supported the original acquisition requires the City to adopt a
26 new Resolution of Necessity authorizing the new use. That new Resolution of Necessity must be
27 adopted by a super-majority of the City Council and must set forth the same findings for the
28 changed use that the original resolution required. Code of Civil Procedure §1245.245. In

1 particular, the City must make findings to support a Resolution that contains the following
2 information:

- 3 a. A general statement of the new public use that is proposed for the property and a
4 reference to the statute that would have authorized the public entity to acquire the
5 property by eminent domain for that use;
- 6 b. A description of the general location and extent of the property proposed to be used
7 for the new use, with sufficient detail for reasonable identification; and
- 8 c. A declaration that the governing body has found and determined each of the
9 following:
 - 10 i. The public interest and necessity require the proposed use.
 - 11 ii. The proposed use is planned and located in the manner that will be most
12 compatible with the greatest public good and least private injury.
 - 13 iii. The property described in the resolution is necessary for the proposed use.

14 *Id.*

15 **B. Plaintiff will succeed on the merits and will suffer greater interim harm than**
16 **Defendants.**

17 Plaintiff will likely succeed in showing that the City violated §1245.245(a) when it decided
18 to change the public use of the off-street public parking lot for its ill-advised, rushed, secretive, and
19 deeply opposed project without making any of the necessary findings regarding the changed use or
20 issuing the resolution needed to show that the change in use was in the public interest or was most
21 compatible with the greatest public good and least private injury. That private injury is substantial
22 in this case because the approximately two dozen businesses on Pico that relied on the lot for its
23 patrons are at serious risk of going out of business now that their customers lack any viable
24 parking, especially during the peak business hours of 4 – 7 p.m. Collesano Decl. at ¶14.

25 A court must weigh “two interrelated factors” in deciding whether to issue injunctive relief:
26 “(1) the likelihood that the moving party will ultimately prevail on the merits and (2) the relative
27 interim harm to the parties from issuance or nonissuance of the injunction.” *Butt v. State of*
28 *California* (1992) 4 Cal. 4th 668, 677-78. “[T]he more likely it is that plaintiffs will ultimately
prevail, the less severe must be the harm that they allege will occur if the injunction does not
issue.” *Right Site Coalition v. Los Angeles Unified School District* (2008) 160 Cal. App. 4th 336,
342 (emphasis omitted).

1 **1. Plaintiff will likely succeed in showing that the City violated §1245.245(a).**

2 Here, the “interrelated factors” weigh heavily in favor of granting the requested TRO.
3 First, there is no question the City has violated §1245.245(a). It simply failed to issue the requisite
4 Resolution of Necessity. This is not merely an administrative oversight; the City further failed to
5 take any of the steps needed to support such a resolution, such as to “review the evidence at a
6 public hearing to make the essential findings” required by §1245.245. *City of Stockton v. Marina
7 Towers LLC* (2009) 171 Cal. App. 4th 93, 108. There have been no findings regarding the “public
8 interest and necessity” of using the parking lot for a homeless facility; such findings require an
9 assessment of “all aspects of the public good including but not limited to social, economic,
10 environmental, and esthetic considerations.” *Id.*

11 “Statutory language defining eminent domain powers is strictly construed” with any doubts
12 being “resolved against the entity.” *Shapiro v. Board of Directors of Centre City Dev. Corp.*
13 (2005) 134 Cal. App. 4th 170, 176 n.6. In addition, “adoption of a resolution of necessity is a
14 legislative act. . . . Repeal of legislative acts by implication is disfavored, and all presumptions are
15 against a repeal by implication.” *City of Lincoln v. Barringer* (2002) 102 Cal. App. 4th 1211,
16 1232 (internal citations and quotations omitted). This is especially true where the legislative act
17 implicates a constitutional right like eminent domain. Thus, to the extent the City claims its
18 approval of the Project impliedly repealed the Resolution of Necessity, this argument should be
19 rejected. It is therefore likely that Plaintiff will succeed on the merits of its claim against the City
20 for its violation of the requirement in §1245.245(a) to issue a Resolution of Necessity authorizing
21 the change in use.

22 **2. The harm to Plaintiff if the TRO is denied is greater than any harm the
23 City might suffer if the injunctive relief is issued.**

24 It is similarly indisputable that Plaintiff has suffered and will continue to suffer significant
25 and irreparable harm as a result of the City’s violation of the statute. Indeed, a TRO is needed
26 precisely because Plaintiff will continue to suffer irreparable harm before this matter can be heard
27 on a regularly noticed motion. Time is of the essence; a restaurant simply cannot survive without
28 customers. Each day the parking lot is closed is another day Plaintiff and the other businesses head

1 toward financial ruin. *See, e.g., Costa Mesa City Employees' Ass'n v. City of Costa Mesa* (2012)
2 209 Cal. App. 4th 298 (loss of job and income amounts to irreparable harm); *Alliant Ins. Services,*
3 *Inc. v. Gaddy* (2008) 159 Cal. App. 4th 1292 (closing of business is irreparable harm); *MCA*
4 *Records, Inc. v. Newton-John* (1979) 90 Cal. App. 3d 18 (loss of profits and goodwill is irreparable
5 harm).

6 The City has already acknowledged that parking is vital to the success of the businesses on
7 this strip. First, it made specific findings when it initially created the public off-street parking lot
8 that “the public interest and necessity require” the lot and that the lot was “the most compatible
9 with the greatest public good.” In addition, Councilmember Yaroslavsky explicitly acknowledged
10 the importance of finding substitute parking for these businesses. As she told constituents, the City
11 Council would not “ignore the impacts there will be by removing the available parking.” Plaintiff
12 and other business owners are already feeling those impacts. Every day the parking lot is closed
13 creates additional injury to Plaintiff.

14 Thus, Plaintiff has both a high probability of success on the merits and a high level of
15 irreparable harm, which weighs heavily in favor of granting the requested relief.

16 In addition, if the City is permitted to continue construction on the parking lot, it will
17 become more and more expensive to halt construction and restore the parking lot (which is no
18 doubt the City’s intent at this point). Though some work has been done, if the City were to stop
19 right now it would require minimal expense and effort by the City to make the lot usable again for
20 its intended purpose as public off-street parking.

21 On the other hand, the City will not suffer any harm if the injunction issues. In fact, in light
22 of the challenges set forth in this lawsuit and the ongoing lawsuit filed by Fix The City, Inc.
23 seeking to halt the entire project, the City will actually benefit from this injunction before it does
24 too much work that it would have to undo if and when the lawsuits are successful.

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1 **IV. CONCLUSION**

2 Because Defendants have committed, and continue to commit, a violation of California law,
3 including failing to comply with the laws regarding changing the use of a previously authorized
4 taking through Eminent Domain, and because that violation has caused and will continue to cause
5 irreparable harm to Plaintiff, Plaintiff respectfully requests that this Court exercise its statutory
6 authority and issue a temporary restraining order and preliminary injunction.

7
8 Dated: August 29, 2024

LAW OFFICES OF DARIN MARGULES, PLC

9
10
11 By *Darin Margules*

Darin Margules
Attorney for Plaintiff
Saucy Bird

12
13
14
15 SLADE LAW

16
17 *Larry Slade*

18 By: Larry Slade,
Attorney for Plaintiff
19 Saucy Bird

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28 Respondents and Defendants.

CASE NO. 24STCP02773

**[PROPOSED] ORDER TO SHOW
CAUSE REGARDING PRELIMINARY
INJUNCTION; [PROPOSED]
TEMPORARY RESTRAINING ORDER**

Based upon the Application for Order to Show Cause and Temporary Restraining Order of Plaintiff Plated Personal Chef Services Ltd d/b/a Saucy Bird, on he Memorandum of Points and Authorities in Support, on the supporting declarations attached thereto, and on the argument of the parties made by counsel at the *ex parte* hearing on August 29, 2024 in Department ___ of the above-title court, the following are ordered by this court:

ORDER TO SHOW CAUSE

To Defendants City of Los Angeles and City of Los Angeles City Council:

Based upon the verified complaint filed in this action, you are ordered to appear on

_____, 2024, at _____ in Department ___ of this Court located at _____, to show cause why a preliminary injunction pending trial of this action should not be ordered restraining and enjoining you, your employees, agents, or any other person acting with you or on your behalf:

(1) From taking any further action to interfere with public use of Lot 707 as a parking lot, and

(2) to restore Lot 707 to its lawfully approved public parking lot use.

This Order to Show Cause and supporting papers shall be served on Defendants no later than _____, 2024, by _____. Proof of such service shall be filed and delivered to the court hearing the Order to Show Cause no later than _____, 2024. Any reply papers shall be filed and served by Defendants on Plaintiff by _____, 2024, no later than _____ a.m./p.m. on _____, 2024.

Dated: _____, 2024

Judge of the Superior Court

1 **TEMPORARY RESTRAINING ORDER**

2 Pending hearing on the above Order to Show Cause, Defendants, their employees, agents,
3 and/or any other persons acting with them or on their behalf, are restrained and enjoined:

4 (1) From taking any further action to interfere with public use of Lot 707 as a
5 parking lot, and

6 (2) to restore Lot 707 to its lawfully approved public parking lot use.

7 **IT IS SO ORDERED.**

8
9 Dated: _____, 2024

10 _____
11 Judge of the Superior Court

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28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF BRIAN
COLLESANO IN SUPPORT OF
VERIFIED PETITION FOR WRIT OF
MANDAMUS AND COMPLAINT FOR
INJUNCTIVE RELIEF**

I, Brian Collesano, declare as follows:

1. I am the owner of Saucy Bird, a restaurant located at 10914 Pico Boulevard, Los Angeles, California. See Exhibit A, with Saucy Bird circled in red. The blue line represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely on it for public parking.
2. I signed a five-year lease on June 6, 2023, and a material inducement for me to sign this lease was the existence of the public parking Lot 707. Without Lot 707, I would not have

1 signed this lease, as I would consider the available parking to be insufficient for the needs
2 of my business.

- 3 3. My restaurant's success depends on the ability of customers to visit throughout the day,
4 especially during evening hours. Convenient and accessible parking is crucial for attracting
5 and retaining customers during these peak dining times.
- 6 4. Parking on Pico Boulevard is prohibited (tow-away) from 4:00 p.m. to 7:00 p.m., forcing
7 customers to rely on available off-street parking. The surrounding neighborhood is permit-
8 only parking after 6:00 p.m., further limiting parking options.
- 9 5. Lot 707 (the Midvale Lot) provided 41 parking spaces -- including two ADA-compliant
10 spaces -- directly across Pico Blvd. from my front door. It was the only public parking
11 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
12 the critical evening hours when parking on the street is restricted.
- 13 6. Lot 707 was the only safe and legal location where delivery drivers could park while
14 picking up food for services like DoorDash and UberEats in the evening.
- 15 7. The City of Los Angeles acquired Lot 707 via eminent domain specifically for off-street
16 parking, as authorized by Ordinance 166003 on April 18, 1990. The ordinance was initiated
17 by then-Councilmember Zev Yaroslavsky, and the need for this lot remains critical today.
- 18 8. On or about July 24, 2023, the City announced its intention to convert Lot 707 into a
19 homeless housing project for 33 individuals. The project was revealed to the public as a
20 "done deal."
- 21 9. My understanding is that the City promised to provide alternative parking before
22 proceeding with construction.
- 23 10. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,
24 2024, with the closure taking effect on Monday, August 19. No public notices were posted
25 at the lot in advance of the closure and no notice was provided to me, or to my knowledge,
26 other business owners.
- 27 11. On August 19, 2024, I learned that the council office claimed to have secured replacement
28 parking, but that representation turned out to be false. Even if it had been true, the identified
parking was too far away to mitigate the negative impact and inconvenience on business
operations for my business and my neighbors.
12. I am aware that a lawsuit challenging the City's legal authority to develop the homeless
project on Lot 707 was filed on February 23, 2024 (Case No. 23STCP04410). Despite the
legal challenges, the City has refused to delay the project until the court issues a ruling. In
fact, on August 19, 2024, the City began demolishing the parking lot to prepare for building
the project without providing any alternative or substitute parking.
13. The loss of Lot 707 will cause irreparable harm to my business and other local businesses
as customers and delivery services will have nowhere to park, leading to a significant
decline in business during peak hours.

1 14. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services
2 from visiting my business, potentially forcing me out of business. I currently employ 14
3 employees, plus various contractors and vendors, whose livelihoods, along with mine,
depend on customers being able to access our restaurant.

4 15. On August 21, 2024, concerned neighbors held a protest of the closing of Lot 707 at the lot.
5 Fox News covered the protest, and I was interviewed, talking about how the closing of the
lot will cause irreparable harm to my business.


6 16. The reporter also interviewed members of the neighborhood association, who discussed
7 how the City had rejected various proposals for placing the project in alternate locations in
our district, which would have been less expensive to the taxpayers.

8 17. She also interviewed landlord Ed Jirele, who said he cannot find new tenants and his
9 building will basically be “dead.”

10 18. This is a link to the broadcast of that interview: [https://www.foxla.com/news/west-la-
11 residents-business-owners-concerned-about-homeless-housing](https://www.foxla.com/news/west-la-residents-business-owners-concerned-about-homeless-housing)

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
and correct.

13 Executed on August 29, 2024, at Los Angeles, CA.

14 
15 _____

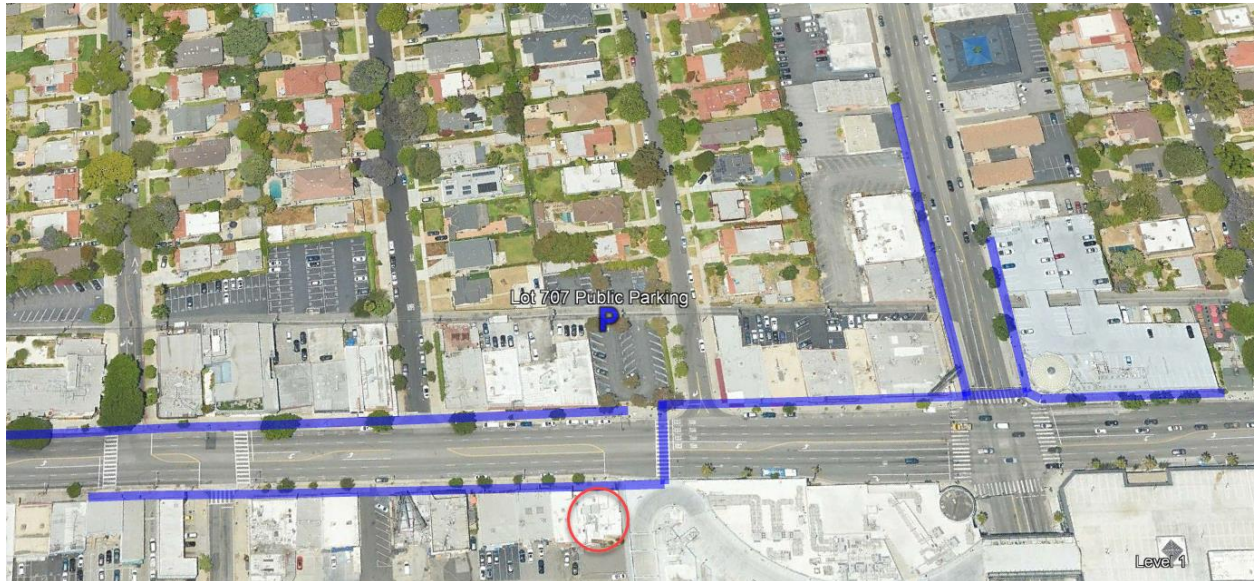
16 Brian Collesano

EXHIBIT A

Exhibit A – Map

BLUE represents the businesses provided code required parking (within 750')

The RED circle is my business, Saucy Bird



1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

9 Larry Slade, Esq., SBN 212276
10 SLADE LAW
11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
22 a New York corporation d/b/a Saucy Bird,

23 Petitioner and Plaintiff,

24 vs.

25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF DARIN
MARGULES IN SUPPORT OF
APPLICATION FOR TRO/OSC**

I, Darin Margules, declare as follows:

1. I am an attorney licensed in the State of California and am a counsel of record in this action, representing Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird. I have personal knowledge of the following matters and if called as a witness, I could and would

1 so testify. I hereby submit this declaration in support of Petitioner's Application for
2 TRO/OSC.

- 3
- 4 2. On August 23, 2024, I attended a meeting with my client at the restaurant located at 10914
5 Pico Boulevard. It was a Friday afternoon and I could not find anywhere to park to meet
6 with my client. After circling the area, I eventually had to tandem park behind the
7 restaurant, sharing the spot with one of the dishwashers. Midway through my meeting, I
8 had to move my car so the dishwasher could get out.
- 9
- 10 3. I noticed there was no one in the dining room of the restaurant at 6 pm on a Friday night.
- 11
- 12 4. I walked over to Lot 707 and saw that there was a fence surrounding the entire lot. In
13 addition, I saw that there were construction vehicles like a skidsteer and backhoe, in the lot.
14 There was also a mobile office.
- 15
- 16 5. I noticed that trees had been cut down and some portions of the asphalt had been removed.
17 All parking equipment like pay stations had been removed. I did not see any notices
18 informing the public that the lot was closed or directing them to alternate public parking.

19

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed on August 29, 2024, at Encino, California.

22

23

24 

25 Darin Margules

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2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

9 Larry Slade, Esq., SBN 212276
10 SLADE LAW
11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
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19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
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25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF DEBORA C.
FLIEGELMAN IN SUPPORT OF
APPLICATION FOR TRO/OSC**

I, Debora C. Fliegelman, declare as follows:

1. I am a contract lawyer providing assistance to Larry Slade and Darin Margules, counsel of record in this action, representing Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird. I have personal knowledge of the following matters and if called as a witness, I could

1 and would so testify. I hereby submit this declaration in support of Petitioner’s Application
2 for TRO/OSC.

3
4 2. I watched a recording of the meeting of the October 20, 2023 Los Angeles City Council
5 meeting at which Councilmember Katy Yaroslavsky spoke about the 2377 Midvale Avenue
6 project.

7
8 3. I have verified the accuracy of the transcription of her comments at that meeting. She said:
9 “For the businesses on Pico, you have my word that we’re going to secure additional
10 parking before we break ground on this Project.”

11
12 4. I watched a recording of a video posted to Councilmember Yaroslavsky’s official
13 FaceBook page.

14
15 5. I verified the accuracy of the transcription of her comments. She said: “I made a
16 commitment to secure additional parking for local businesses before we break ground on
17 this Project.”

18
19 6. I reviewed an automated transcript, transcribed by www.sonix.ai, of a zoom call
20 Councilmember Yaroslavsky held with the public. The transcript reflects that in response
21 to the question of whether replacement parking was being secured, Council Member Katy
22 Yaroslavsky said: “Yes. We're in discussions with owners of private lots nearby to open
23 them to the public, like joint shared-use parking agreements. This includes Hudson
24 Properties, which owns the West Side Pavilion property just south right across the street
25 from the proposed project site. We hope to be able to announce a partnership soon so that if
26 that parking is needed, we'll figure out whether it's a, a shared valet for local where, where
27 those cars will be parked across the street, or if people will just be able to park there across
28 the street and walk, walk wherever they need to go.”

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7. The transcript also reflects that Councilmember Yaroslavsky told the public the Council would not simply “ignore the impacts there will be by removing the available parking,” but that “some shared parking agreement will be worked out.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 29, 2024, at Westlake Village, California.


Debora C. Fliegelman

1 Darin R. Margules, SBN 195282
Nicole V. Rosenberg SBN154485
2 **LAW OFFICE OF DARIN MARGULES, PLC**
17835 Ventura Blvd., Suite 104
3 Encino, CA 91316
Telephone: (818) 344-5900
4 Facsimile: (818) 344-7711
darin@marguleslawfirm.com

5 Larry Slade, SBN 212276
6 **SLADE LAW**
14146 Killion St., Suite 100
7 Sherman Oaks, CA 91401
Telephone: (818) 997-8585
8 Facsimile: (818) 475-5323
larry@sladelaw.com

9
10 Attorneys for Plaintiff
PLATED PERSONAL CHEF SERVICES LTD
11 D/B/A SAUCY BIRD

12 **SUPERIOR COURT OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14
15
16 PLATED PERSONAL CHEF SERVICES LTD,
a New York corporation d/b/a Saucy Bird,

17 Petitioner and Plaintiff,

18 vs.

19 CITY OF LOS ANGELES, a municipal
corporation; CITY OF LOS ANGELES CITY
20 COUNCIL; and DOES 1 through 10, inclusive,

21 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION REGARDING
NOTICE OF EX-PARTE
APPLICATION**

22
23 I, Elizabeth K. Cruz, declare as follows:

24 1. I am not a party to the above-entitled action. I am over the age of 18 and my
25 business address is 14146 Killion Street, Suite 100, Sherman Oaks, CA 91401. I have personal
26 knowledge of the facts stated in this declaration foregoing, and if called as a witness could and
27 would testify competently thereto to the truth of the facts stated herein.
28

1 2. On August 28, 2024, at 9:25 a.m. I called the Los Angeles City Clerk at (213)
2 978-1133 and spoke with a gentleman regarding their office’s ex parte process and procedures
3 for accepting notice. I was informed that their office accepts telephonic notice before 10:00 a.m.
4 I further inquired with him regarding the manner of service for our moving papers. He stated
5 that a hard copy of the documents can be delivered to their office, located at 200 N. Spring St.,
6 Room 360, Los Angeles, CA 90012, between the hours of 8:00 a.m. and 4:30 p.m. I thanked the
7 gentleman for this information and the call ended. The outgoing call lasted for about two (2)
8 minutes.
9

10 3. On August 29, 2024, at 9:45 a.m. I called the Los Angeles City Clerk at (213)
11 978-1133 and spoke with Mike. I informed them that our office represents Petitioner and that we
12 would be filing an ex-parte application. Mike advised me that their office will not be accepting
13 ex parte notice via telephone. I asked Mike why his office would not accept notice. He
14 informed me that all ex parte applications and other supporting documents must be delivered to
15 their office. I inquired with him about providing an electronic copy of our moving papers. He
16 stated they would accept a courtesy copy via fax and providing the following address:
17 clerk/publicservices@lacity.org. The outgoing call lasted for about three (3) minutes.
18

19 4. On August 30, 2024, I submitted a true and correct copy of Petitioner’s Ex Parte
20 Application: (1) **PETITIONER’S EX PARTE APPLICATION FOR TEMPORARY**
21 **RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY PRELIMINARY**
22 **INJUNCTION SHOULD NOT ISSUE; MEMORANDUM OF POINTS AND**
23 **AUTHORITIES IN SUPPORT; DECLARATIONS OF DARIN MARGULES, ESQ.,**
24 **BRIAN COLLESANO, DEBORA C. FLIEGELMAN and OTHERS; [PROPOSED]**
25 **ORDERS RE TRO AND OSC (2) PETITIONER’S REQUEST FOR**
26
27
28

1 **JUDICIAL NOTICE IN SUPPORT OF APPLICATION FOR TRO/OSC (3) NOTICE OF**
2 **RELATED CASE (4) SUMMONS (5) CIVIL CASE COVER SHEET (6) VERIFIED**
3 **PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR INJUNCTIVE**
4 **RELIEF** and (7) **NOTICE OF CASE ASSIGNMENT** to On Call Legal for personal delivery
5 of these documents to Los Angeles City Clerk, located at 200 N Spring St., Room 360, Los
6 Angeles, CA 90012, by or before 10:00 a.m.

8 I declare under penalty of perjury under the laws of the state of California that the
9 foregoing is both true and correct. Executed this 30th day of August 2024 at La Mirada,
10 California.

11
12
13 *Elizabeth K. Cruz*
14 ELIZABETH K. CRUZ
15 Legal Assistant to Slade Law
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1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

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10 SLADE LAW
11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
22 a New York corporation d/b/a Saucy Bird,

23 Petitioner and Plaintiff,

24 vs.

25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF MARCO RODRIGUEZ
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF**

29 I, Marco Rodriguez, declare as follows:

- 30 1. I am the owner of LA Serenata, a Restaurant located at 10924 W. Pico Blvd
31 LA 90064 Pico
32 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
33 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
34 on it for public parking. Parking restrictions are also noted.

- 1 2. My business' success depends on the ability of customers to visit throughout the day,
2 especially during evening hours. Convenient and accessible parking is crucial for attracting
3 and retaining customers during these peak dining times.
- 4 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,
5 eliminating parking options for customers of my business and other businesses on Pico
6 Boulevard.
- 7 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,
8 was established by the City Council effective November 15, 1985.
- 9 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need
10 for off-street parking as the reason for the taking. The taking was authorized by Ordinance
11 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance
12 was initiated by then-Councilmember Zev Yaroslavsky.
- 13 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it
14 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
- 15 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being
16 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street
17 parking even more of a necessity.
- 18 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant
19 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking
20 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
21 the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 22 9. Lot 707 was the only safe and legal location where delivery drivers could park while
23 picking up food for services like DoorDash and UberEats in the evening.
- 24 10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot
25 is even more critical today than it was in 1990.
- 26 11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a
27 homeless housing project for 33 individuals. The project was revealed to the public as a
28 "done deal."
- 22 12. At the October 20, 2023, City Council meeting where the project was approved,
23 Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of
24 parking, stated on the record: "For the businesses on Pico, you have my word that we are
25 going to secure additional parking before we break ground on this project." This promise
26 immediately preceded the council's vote.
- 27 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,
28 2024, with the closure taking effect on Monday, August 19. No public notices were posted
at the lot in advance of the closure and no notice was provided to me, or to my knowledge,
other business owners. Demolition of the lot began on August 19, 2024.
14. No replacement parking was secured.

- 1 15. On August 19, 2024, I learned that the council office claimed to have secured replacement
2 parking, but that representation turned out to be false. Even if it had been true, the identified
3 parking was too far away to mitigate the negative impact and inconvenience on business
4 operations for my business and my neighbors.
- 5 16. The council office has also represented that it is "working" on a valet program. A valet
6 program on a street that is "no stopping" is contrary to common sense and was already
7 deemed too impactful for Pico Boulevard by the city in 2008.
- 8 17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless
9 project on Lot 707 was filed on December 5th, 2023 (Case No. 23STCP04410). Despite the
10 legal challenges, the City has refused to delay the project until the court issues a ruling.
- 11 18. The loss of Lot 707 will cause irreparable harm to my business and other local businesses
12 as customers and delivery services will have nowhere to park, leading to a significant
13 decline in business during peak hours.
- 14 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services
15 from visiting my business, potentially forcing me out of business.
- 16 20. I am also deeply concerned for disabled customers to be able to have access to my business
17 and other businesses during all hours of the day, and especially during peak periods, due to
18 the loss of Lot 707.
- 19 21. The livelihoods of my employees, plus various contractors and vendors, along with mine,
20 depend on customers being able to access my business.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
22 and correct.

23 Executed on 8-29-24, at Los Angeles, CA.

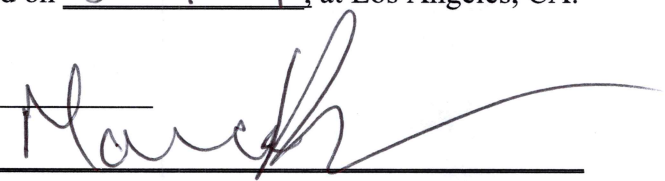
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Exhibit A



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1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

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11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
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16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

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26 corporation; CITY OF LOS ANGELES CITY
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28 Respondents and Defendants.

CASE NO. 24STCP02773

DECLARATION OF Aunchisa
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF

1 I, Aunchisa, declare as follows:

- 2 1. I am the manager of Chilli Thai, a restaurant located at 10889 W. Pico
3 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
4 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
5 on it for public parking. Parking restrictions are also noted.
- 6 2. My business' success depends on the ability of customers to visit throughout the day,
7 especially during evening hours. Convenient and accessible parking is crucial for attracting
8 and retaining customers during these peak dining times.
- 9 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,
10 eliminating parking options for customers of my business and other businesses on Pico
11 Boulevard.
- 12 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,
13 was established by the City Council effective November 15, 1985.
- 14 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need
15 for off-street parking as the reason for the taking. The taking was authorized by Ordinance
16 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance
17 was initiated by then-Councilmember Zev Yaroslavsky.
- 18 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it
19 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
- 20 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being
21 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street
22 parking even more of a necessity.
- 23 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant
24 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking
25 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
26 the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 27 9. Lot 707 was the only safe and legal location where delivery drivers could park while
28 picking up food for services like DoorDash and UberEats in the evening.
10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot
is even more critical today than it was in 1990.
11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a
homeless housing project for 33 individuals. The project was revealed to the public as a
"done deal."
12. At the October 20, 2023, City Council meeting where the project was approved,
Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of
parking, stated on the record: "For the businesses on Pico, you have my word that we are
going to secure additional parking before we break ground on this project." This promise
immediately preceded the council's vote.

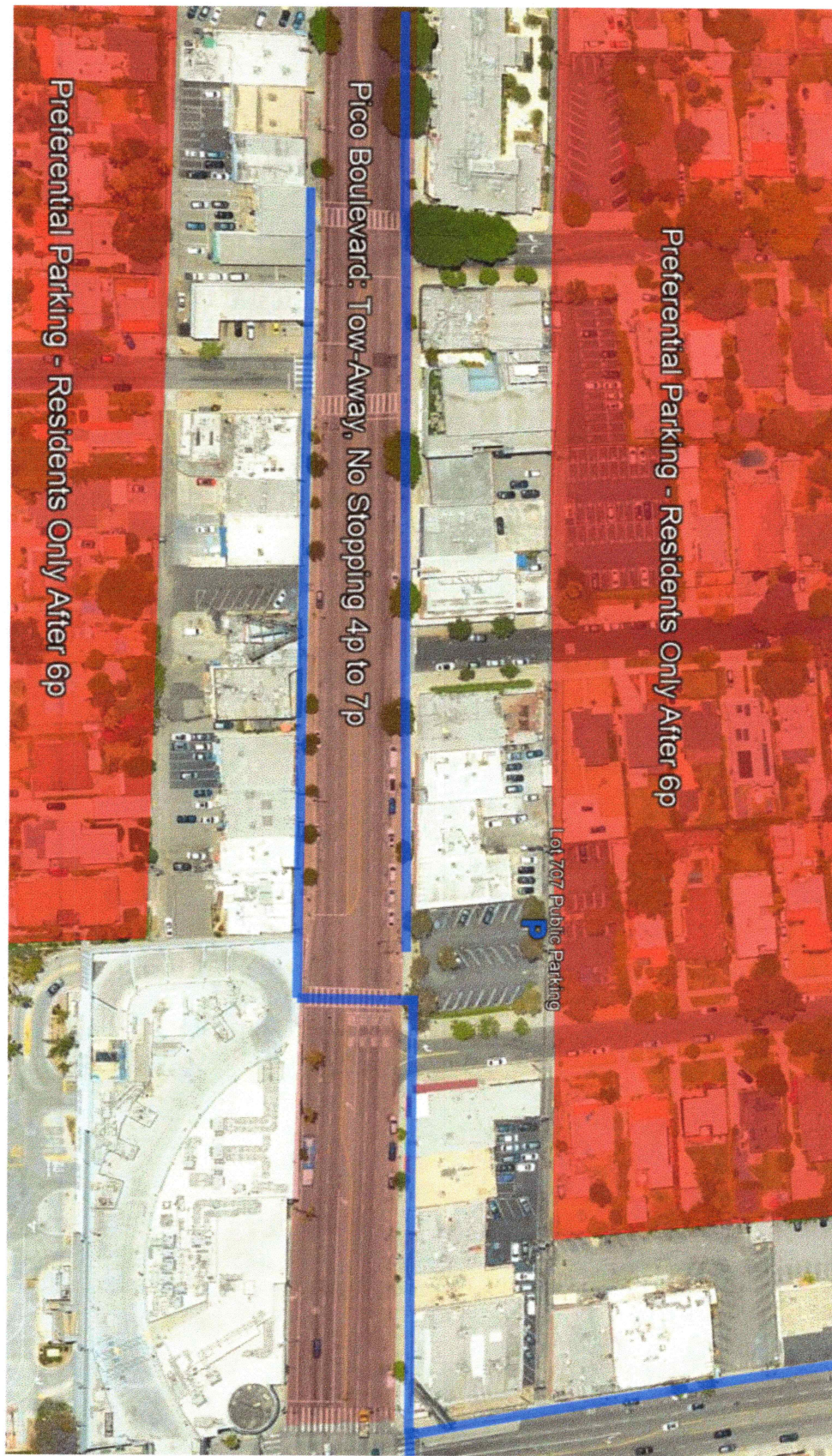
- 1 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,
2 2024, with the closure taking effect on Monday, August 19. No public notices were posted
3 at the lot in advance of the closure and no notice was provided to me, the owner, or to my
4 knowledge, other businesses. Demolition of the lot began on August 19, 2024.
- 5 14. No replacement parking was secured.
- 6 15. On August 19, 2024, I learned that the council office claimed to have secured replacement
7 parking, but that representation turned out to be false. Even if it had been true, the identified
8 parking was too far away to mitigate the negative impact and inconvenience on business
9 operations for my business and my neighbors.
- 10 16. The council office has also represented that it is “working” on a valet program. A valet
11 program on a street that is “no stopping” is contrary to common sense and was already
12 deemed too impactful for Pico Boulevard by the city in 2008.
- 13 17. I am aware that a lawsuit challenging the City’s legal authority to develop the homeless
14 project on Lot 707 was filed on December 5th, 2023 (Case No. 23STCP04410). Despite the
15 legal challenges, the City has refused to delay the project until the court issues a ruling.
- 16 18. The loss of Lot 707 will cause irreparable harm to my business and other local businesses
17 as customers and delivery services will have nowhere to park, leading to a significant
18 decline in business during peak hours.
- 19 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services
20 from visiting my business, potentially forcing me out of business.
- 21 20. I am also deeply concerned for disabled customers to be able to have access to my business
22 and other businesses during all hours of the day, and especially during peak periods, due to
23 the loss of Lot 707.
- 24 21. The livelihoods of my employees, plus various contractors and vendors, along with mine,
25 depend on customers being able to access my business.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
27 and correct.

28 Executed on 8, 29 2024, at Los Angeles, CA.

Archiya

Exhibit A



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1 DARIN R. MARGULES, SB #195282
NICOLE V. ROSENBERG SB#154485
2 **LAW OFFICE OF DARIN MARGULES, PLC**
17835 Ventura Blvd., Suite 104
3 Encino, CA 91316
Telephone: (818) 344-5900
4 Facsimile: (818) 344-7711
darin@marguleslawfirm.com

5 Larry Slade, Esq., SBN 212276
6 SLADE LAW
14146 Killion St., Suite 100
7 Sherman Oaks, CA 91401
Telephone: (818) 997-8585
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larry@sladelaw.com

9
10 Attorneys for Plaintiff
11 PLATED PERSONAL CHEF SERVICES LTD
D/B/A SAUCY BIRD

12 **SUPERIOR COURT OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**
14

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16 a New York corporation d/b/a Saucy Bird,

17 Petitioner and Plaintiff,

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20 corporation; CITY OF LOS ANGELES CITY
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21 Respondents and Defendants.
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CASE NO. 24STCP02773

**DECLARATION OF Ozagyan Cai
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF**

1 I, Qingyan Cai, declare as follows:

- 2 1. I am the manager of Pico Thai Massage a SPA located at 10887 W Pico
3 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
4 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
5 on it for public parking. Parking restrictions are also noted.
- 6 2. My business' success depends on the ability of customers to visit throughout the day,
7 especially during evening hours. Convenient and accessible parking is crucial for attracting
8 and retaining customers during these peak dining times.
- 9 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,
10 eliminating parking options for customers of my business and other businesses on Pico
11 Boulevard.
- 12 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,
13 was established by the City Council effective November 15, 1985.
- 14 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need
15 for off-street parking as the reason for the taking. The taking was authorized by Ordinance
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17 was initiated by then-Councilmember Zev Yaroslavsky.
- 18 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it
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21 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street
22 parking even more of a necessity.
- 23 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant
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25 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
26 the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 27 9. Lot 707 was the only safe and legal location where delivery drivers could park while
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- 10 Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot
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- 11 On or about July 24, 2023, the city announced its intention to convert Lot 707 into a
homeless housing project for 33 individuals. The project was revealed to the public as a
"done deal."
- 12 At the October 20, 2023, City Council meeting where the project was approved,
Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of
parking, stated on the record: "For the businesses on Pico, you have my word that we are
going to secure additional parking before we break ground on this project." This promise
immediately preceded the council's vote.

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2 2024, with the closure taking effect on Monday, August 19. No public notices were posted
3 at the lot in advance of the closure and no notice was provided to me, the owner, or to my
4 knowledge, other businesses. Demolition of the lot began on August 19, 2024.
- 5 14. No replacement parking was secured.
- 6 15. On August 19, 2024, I learned that the council office claimed to have secured replacement
7 parking, but that representation turned out to be false. Even if it had been true, the identified
8 parking was too far away to mitigate the negative impact and inconvenience on business
9 operations for my business and my neighbors.
- 10 16. The council office has also represented that it is "working" on a valet program. A valet
11 program on a street that is "no stopping" is contrary to common sense and was already
12 deemed too impactful for Pico Boulevard by the city in 2008.
- 13 17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless
14 project on Lot 707 was filed on December 5th 2023 (Case No. 23STCP04410). Despite the
15 legal challenges, the City has refused to delay the project until the court issues a ruling.
- 16 18. The loss of Lot 707 will cause irreparable harm to my business and other local businesses
17 as customers and delivery services will have nowhere to park, leading to a significant
18 decline in business during peak hours.
- 19 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services
20 from visiting my business, potentially forcing me out of business.
- 21 20. I am also deeply concerned for disabled customers to be able to have access to my business
22 and other businesses during all hours of the day, and especially during peak periods, due to
23 the loss of Lot 707.
- 24 21. The livelihoods of my employees, plus various contractors and vendors, along with mine,
25 depend on customers being able to access my business.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
27 and correct.

28 Executed on 08/29/2024 at Los Angeles, CA.

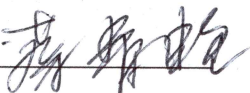


Exhibit A



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1 DARIN R. MARGULES, SB #195282
NICOLE V. ROSENBERG SB#154485
2 **LAW OFFICE OF DARIN MARGULES, PLC**
17835 Ventura Blvd., Suite 104
3 Encino, CA 91316
Telephone: (818) 344-5900
4 Facsimile: (818) 344-7711
darin@marguleslawfirm.com

5 Larry Slade, Esq., SBN 212276
6 SLADE LAW
14146 Killion St., Suite 100
7 Sherman Oaks, CA 91401
Telephone: (818) 997-8585
8 Facsimile: (818) 475-5323
larry@sladelaw.com

9
10 Attorneys for Plaintiff
11 PLATED PERSONAL CHEF SERVICES LTD
D/B/A SAUCY BIRD

12 **SUPERIOR COURT OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14
15 PLATED PERSONAL CHEF SERVICES LTD,
16 a New York corporation d/b/a Saucy Bird,

17 Petitioner and Plaintiff,

18 vs.

19 CITY OF LOS ANGELES, a municipal
20 corporation; CITY OF LOS ANGELES CITY
COUNCIL; and DOES 1 through 10, inclusive,

21 Respondents and Defendants.

CASE NO. 24STCP02773

DECLARATION OF Ranaei Nezal
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF

Ranaei

1 I, NEZAL, declare as follows:

- 2 1. I am the manager of MARCI Blodgett a Salon located at 10877W Pico
3 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
4 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
5 on it for public parking. Parking restrictions are also noted.
- 6 2. My business' success depends on the ability of customers to visit throughout the day,
7 especially during evening hours. Convenient and accessible parking is crucial for attracting
8 and retaining customers during these peak dining times.
- 9 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,
10 eliminating parking options for customers of my business and other businesses on Pico
11 Boulevard.
- 12 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,
13 was established by the City Council effective November 15, 1985.
- 14 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need
15 for off-street parking as the reason for the taking. The taking was authorized by Ordinance
16 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance
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- 20 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being
21 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street
22 parking even more of a necessity.
- 23 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant
24 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking
25 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
26 the critical evening hours when parking on Pico and in the neighborhood is restricted.
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10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot
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12. At the October 20, 2023, City Council meeting where the project was approved,
Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of
parking, stated on the record: "For the businesses on Pico, you have my word that we are
going to secure additional parking before we break ground on this project." This promise
immediately preceded the council's vote.

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3 at the lot in advance of the closure and no notice was provided to me, the owner, or to my
4 knowledge, other businesses. Demolition of the lot began on August 19, 2024.
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7 parking, but that representation turned out to be false. Even if it had been true, the identified
8 parking was too far away to mitigate the negative impact and inconvenience on business
9 operations for my business and my neighbors.
- 10 16. The council office has also represented that it is “working” on a valet program. A valet
11 program on a street that is “no stopping” is contrary to common sense and was already
12 deemed too impactful for Pico Boulevard by the city in 2008.
- 13 17. I am aware that a lawsuit challenging the City’s legal authority to develop the homeless
14 project on Lot 707 was filed on December 5th 2023 (Case No. 23STCP04410). Despite the
15 legal challenges, the City has refused to delay the project until the court issues a ruling.
- 16 18. The loss of Lot 707 will cause irreparable harm to my business and other local businesses
17 as customers and delivery services will have nowhere to park, leading to a significant
18 decline in business during peak hours.
- 19 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services
20 from visiting my business, potentially forcing me out of business.
- 21 20. I am also deeply concerned for disabled customers to be able to have access to my business
22 and other businesses during all hours of the day, and especially during peak periods, due to
23 the loss of Lot 707.
- 24 21. The livelihoods of my employees, plus various contractors and vendors, along with mine,
25 depend on customers being able to access my business.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
27 and correct.

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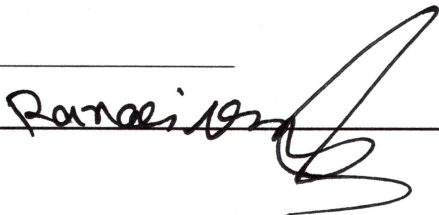


Exhibit A



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1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
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15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
22 a New York corporation d/b/a Saucy Bird,

23 Petitioner and Plaintiff,

24 vs.

25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF Edith Cevolani
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF**

1 I, Edith Cevolani, declare as follows:

- 2 1. I am the manager of The Futon Shop, a Furniture Store located at 10865 W. Pico
3 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
4 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
5 on it for public parking. Parking restrictions are also noted.
- 6 2. My business' success depends on the ability of customers to visit throughout the day,
7 especially during evening hours. Convenient and accessible parking is crucial for attracting
8 and retaining customers during these peak dining times.
- 9 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,
10 eliminating parking options for customers of my business and other businesses on Pico
11 Boulevard.
- 12 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,
13 was established by the City Council effective November 15, 1985.
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15 for off-street parking as the reason for the taking. The taking was authorized by Ordinance
16 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance
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19 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
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21 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street
22 parking even more of a necessity.
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25 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during
26 the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 27 9. Lot 707 was the only safe and legal location where delivery drivers could park while
28 picking up food for services like DoorDash and UberEats in the evening.
10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot
is even more critical today than it was in 1990.
11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a
homeless housing project for 33 individuals. The project was revealed to the public as a
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12. At the October 20, 2023, City Council meeting where the project was approved,
Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of
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- 13 17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless
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28 Executed on 8/29/24, at Los Angeles, CA.



Exhibit A



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PLATED PERSONAL CHEF SERVICES LTD
11 D/B/A SAUCY BIRD

12 **SUPERIOR COURT OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

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17 Petitioner and Plaintiff,

18 vs.

19 CITY OF LOS ANGELES, a municipal
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20 COUNCIL; and DOES 1 through 10, inclusive,

21 Respondents and Defendants.

CASE NO. 24STCP02773

DECLARATION OF Adelayda Chojolan
SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDAMUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF

1 I, Adelayda Chojolan, declare as follows:

- 2 1. I am the manager of T-shirt Lab Inc. Print Shop located at 10895 W. Pico
3 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line
4 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely
5 on it for public parking. Parking restrictions are also noted.
- 6 2. My business' success depends on the ability of customers to visit throughout the day,
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8 and retaining customers during these peak dining times.
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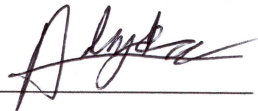
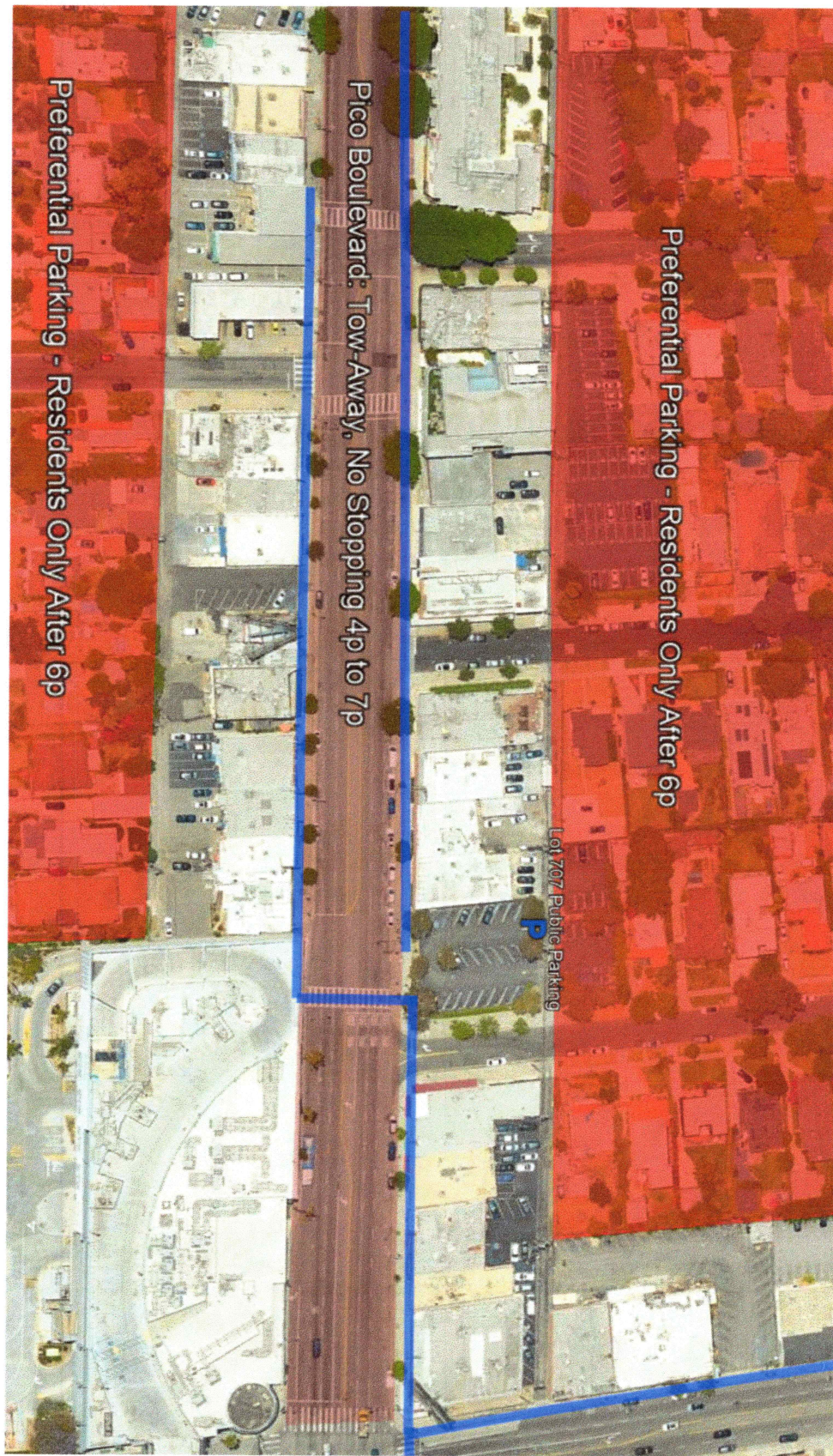


Exhibit A



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