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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 • **Relevance:** The November 2016 Motion is relevant because Petitioner argues that aspects of the
12 TOC Guidelines that modify other City ordinances were required to be enacted by ordinance, and the
13 Motion shows that the City Council anticipated enacting an ordinance to “[c]reate a new affordable
14 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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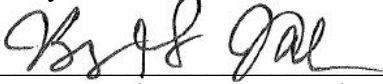
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Respectfully Submitted,

STRUMWASSER & WOOCHELLP

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Beverly Grossman Palmer

By 

Beverly Grossman Palmer

Attorneys for Petitioner Fix the City, Inc.