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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 NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT; DECLARATIONS OF BRIAN  
COLLESANO, TOM WATERS, DARIN  
MARGULES, ESQ., DEBORA C.  
FLIEGELMAN and OTHERS**

Pursuant to California Code of Civil Procedure §§ 526 and 527, and California Rules of Court 3.110 to 3.1116, 3.1150 to 3.1162, and 3.1300 – 3.1312, Petitioner Plated Personal Chef

1 Services Ltd d/b/a Saucy Bird applies for a Preliminary Injunction, enjoining Defendants City of  
2 Los Angeles and City of Los Angeles City Council and their agents, servants, employees, officers,  
3 representatives, successors, partners, assigns, and any and all persons acting in concert or  
4 participating with them, from taking any further action to interfere with public use of Lot 707 as a  
5 parking lot, and to restore Lot 707 to its lawfully approved public parking lot use.

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

14 This application is based on this application and memorandum of points and authorities, the  
15 complaint, temporary restraining order and other documents on file herein, the attached  
16 declarations and exhibits thereto, any reply that may be filed, and such evidence and argument as  
17 the Court may hear at the time of the hearing, or of which the Court may take judicial notice.

18 Respectfully submitted,

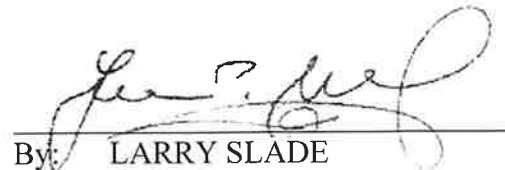
19 Dated: SEPTEMBER 6, 2024

LAW OFFICES OF DARIN MARGULES, PLC



21 By: DARIN MARGULES  
22 Attorney for Petitioner  
23 SAUCY BIRD

24 SLADE LAW



26 By: LARRY SLADE  
27 Attorney for Petitioner  
28 SAUCY BIRD

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Petitioner seeks a preliminary injunction to stop the City of Los Angeles from continuing to  
4 convert a public parking lot it obtained by eminent domain into a homeless housing facility without  
5 having made the required findings of necessity or issuing the proper resolution, in violation of  
6 Code of Civil Procedure §1245.245. The businesses that depend on that off-street parking lot are at  
7 imminent risk of economic collapse because their patrons literally have nowhere to park,  
8 particularly during the busy peak hours of 4-7 pm. The City failed to make the proper findings that  
9 conversion of the lot from vital public parking to a homeless facility was in the public good or  
10 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.<sup>1</sup> 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 very limited available parking, including no  
18 off-street ADA compliant parking spaces. Petitioner has suffered and will continue to suffer  
19 irreparable injury as a result of the City’s actions.

20 **II. STATEMENT OF FACTS**

21 **A. The Parking Lot**

22 The lot located at 2377 Midvale Avenue (“Lot 707”) is the only public, off-street parking  
23 available for the businesses on the stretch of Pico Boulevard near the Lot. The City of Los Angeles  
24 acquired Lot 707 by eminent domain in 1990 for the express purpose of establishing a public off-  
25 street parking lot. Ordinance No. 166003, passed by the City Council on April 11, 1990, and  
26

27 <sup>1</sup> *Fix the City, Inc. v. City of Los Angeles*, Los Angeles Superior Court Case No. 23STCP04410.  
28 Notices of Related Case have been filed and are pending. Judge Chalfant has scheduled a status  
conference with the parties in that case for September 17, 2024, to consider the matter.

1 approved by Mayor Tom Bradley on April 18, 1990, stated that “the public interest and necessity”  
2 required the City to take this property and use it for “public off-street parking facilities” for the  
3 businesses along this stretch of Pico. The Ordinance stated that this parking use was “most  
4 compatible with the greatest public good.” Request for Judicial Notice (“RFJN”), Declaration of  
5 Larry Slade (“Slade Decl.”), Exhibit B.

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

12 Lot 707 also provides another key component to Petitioner and the surrounding businesses,  
13 compliance with City and Federal requirements for off-street parking and disabled parking  
14 sufficient to meet the American with Disabilities Act (ADA) and local municipal code  
15 requirements. In fact, one of Petitioner’s neighbors, the Los Angeles Performing Arts Conservancy  
16 located at 10931 Pico Blvd., was required by the City of Los Angeles as recently as 2022 to use  
17 Lot 707 to satisfy the ADA parking requirements in order to obtain a building permit. See  
18 Declaration of Tom Waters (“Waters Decl.”) at ¶¶ 6-9. Without this parking lot, there is a  
19 significant risk that Petitioner and the surrounding businesses will be unable to obtain permits due  
20 to this lack of parking and may also run this risk of violating both City parking requirements and  
21 the ADA. Waters Decl. ¶ 13.

### 22 **B. The homeless housing project**

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



1           On July 24, 2023, Council District 5 announced the Project after site selection had been  
2 completed, and after a vendor and provider had already been selected by the Councilmember. On  
3 October 20, 2023, the City Council approved the use of Lot 707 for a low-barrier interim housing  
4 project, but only approved partial funding for the Project. The October 20, 2023, approval did not  
5 include a Resolution of Necessity or authorization to change the use of Lot 707 from a public  
6 parking facility to a homeless facility as required by California Code of Civil Procedure §1245.245.  
7 On October 27, 2023, the Mayor approved the City Council’s action. At that point, the City  
8 Council claimed the Project still had a nearly \$1 million shortfall; thus, before the Project could  
9 actually be considered final, the Council had to come up with additional funding. Accordingly, on  
10 June 11, 2024, the Council adopted a motion to approve the additional funding, again without the  
11 Resolution of Necessity required by §1245.245. On June 13, 2024, the Mayor approved the  
12 Council’s action, making approval of the Project final. An additional \$1.2 million was secretly  
13 allocated to the project on July 10, 2024, in a wholly unrelated council file related to a completely  
14 different project (CF 20-0841-S49, titled “3248 Riverside Drive/1479 South La Cienega  
15 Boulevard/Statutory Exemption/Bridge Housing/Interim Housing/California Environmental  
16 Quality Act/Lease”).

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

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

22           Recognizing the critical nature of the parking lot, Council Member Katy Yaroslavsky  
23 repeatedly promised her colleagues and stakeholders the City would not begin dismantling Lot 707  
24 until it had secured adequate alternate parking for the businesses affected by the loss of Lot 707.  
25 For example, during an August 7, 2023, zoom call with the public, in response to the question of  
26 whether replacement parking was being secured, Council Member Katy Yaroslavsky said: “Yes.  
27 We're in discussions with owners of private lots nearby to open them to the public, like joint  
28 shared-use parking agreements. This includes Hudson Properties, which owns the West Side

1 Pavilion property just south right across the street from the proposed project site. We hope to be  
2 able to announce a partnership soon so that if that parking is needed, we'll figure out whether it's a  
3 a shared valet for local where, where those cars will be parked across the street, or if people will  
4 just be able to park there across the street and walk, walk wherever they need to go.” Declaration  
5 of Debora C. Fliegelman (“Fliegelman Decl.”) at ¶6.

6 At that same meeting, she also told the public the Council would not simply “ignore the  
7 impacts there will be by removing the available parking,” but that “some shared parking agreement  
8 will be worked out.” Fliegelman Decl. at ¶ 7. At the October 20, 2023, City Council Meeting  
9 preceding the vote to approve the project, Council Member Yaroslavsky stated: “For the  
10 businesses on Pico, *you have my word* that we’re going to secure additional parking before we  
11 break ground on this Project.” Fliegelman Decl. at ¶3. She made the same promise in a video  
12 posted to her official FaceBook page: “*I made a commitment to secure additional parking for*  
13 *local businesses before we break ground on this Project.*” Fliegelman Decl. at ¶5.

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

15 Despite these repeated assurances, on Friday, August 16, 2024, at approximately 4:35 p.m.,  
16 the City informed some affected business owners along Pico – but not all of them – that the Lot  
17 would be closed effective Sunday, August 18, 2024. By Monday morning August 19, 2024,  
18 fencing had been installed around the lot and parking was no longer permitted there. Collesano  
19 Decl. at ¶10. No notices were posted and the public was not informed. As of Friday, August 23,  
20 2024, the City began demolishing the lot in preparation for building the Project. They installed a  
21 mobile office and brought in a dumpster, along with excavator vehicles such as a backhoe and  
22 skidsteer. Trees were cut down and portions of asphalt removed. Declaration of Darin Margules  
23 (“Margules Decl.”) at ¶¶4, 5. The work continued until issuance of the TRO. The City represented  
24 in its opposition to the TRO that the cost to restore Lot 707 to a parking lot is minimal and not a  
25 burden.<sup>2</sup>

26  
27  
28 <sup>2</sup> “The project is designed so that when the shelter use ends, the shelter is removed, and parking  
uses can quickly resume with little work.” Of course, since the shelters have not yet been installed

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

5 **E. Petitioner and other businesses suffer immediate and irreparable harm**

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

17 Petitioner would not have signed its lease if Lot 707 had not been available because the on-  
18 street and other available parking without Lot 707 is insufficient for the needs of the restaurant.  
19 Indeed, the success of the restaurant depends on the ability of customers to visit throughout the  
20 day, especially during evening hours. Convenient and accessible parking is crucial for attracting  
21 and retaining customers during these peak dining hours. Collesano Decl. at ¶2, 3, 13, 14; *see also*  
22 Declarations of Waters, Rodriguez, Aunchisa, Cai, Nezal, Cerolami, Chojolan, Jirele, Lopez, Saini,  
23 Chong, Nilsen, and Herman.

24 ///

25 ///

26 ///

27 \_\_\_\_\_  
28 and the work was stopped by the TRO, the restoration of the parking lot at this time will be even  
easier.

1       **III. THE COURT SHOULD ISSUE A PRELIMINARY INJUNCTION.**

2               **A. Applicable Law**

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

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

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

11               Following an acquisition by eminent domain, a change of use from the use contained in the  
12       adopted Resolution of Necessity that supported the original acquisition requires the City to adopt a  
13       new Resolution of Necessity authorizing the new use. That new Resolution of Necessity must be  
14       adopted by a super-majority of the City Council and must set forth the same findings for the  
15       changed use that the original resolution required. Code of Civil Procedure §1245.245. In  
16       particular, the City must make findings to support a Resolution that contains the following  
17       information:

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

25       *Id.*

26               With respect to Lot 707 and the City's change from a parking lot to a homeless facility, no  
27       such new Resolution of Necessity was adopted or even considered by the City of Los Angeles.  
28       This step was simply ignored.

1                   **B. Despite the City’s contentions, Code of Civil Procedure §1245.245 is applicable to**  
2                   **Lot 707 and prevents the City from changing the use of Lot 707 without first**  
3                   **adopting a new Resolution of Necessity.**

4                   During the TRO proceedings, the City relied on language from Senate Bill 1650, which  
5                   adopted Code of Civil Procedure §1245.245, to argue that §1245.245 is not applicable to Lot 707  
6                   because Lot 707 was acquired by Eminent Domain in 1990 which is before what the City says is  
7                   the earliest date to which §1245.245 applies. The City contends that based on Section 4 of Senate  
8                   Bill 1650 §1245.245 only applies to those properties acquired after January 1, 2007. A copy of  
9                   Senate Bill 1650 is provided in RFJN, Slade Decl., Exh. D.

10                  The City’s reliance on Section 4 of Senate Bill 1650 is misplaced because this language  
11                  does not appear anywhere in any of the statutes that were adopted by Senate Bill 1650 (namely,  
12                  §1245.245, §1263.615 and an amendment to §1263.510), and the language of §1245.245 is clear  
13                  and unambiguous. Simply put, the January 1, 2007, effective date is not part of the codified  
14                  statutes. This then begs the question, what is the impact of Section 4 of Senate Bill 1650?  
15                  Fortunately, the Supreme Court has made clear the impact and limitations of what it has referred to  
16                  as an “uncodified” part of a bill or a “plus section” of a bill. *People v. Canty* (2004) 34 Cal. 4<sup>th</sup>  
17                  1266; *People v. Allen* (1999) 21 Cal. 4<sup>th</sup> 846.

18                   **1. Rules of statutory construction and interpretation require Courts to first focus on**  
19                   **the language of the statute and when that language is clear and unambiguous there**  
20                   **is no need for construction and Courts should not indulge in it.**

21                  “When the statutory language is clear and unambiguous, there is no need for  
22                  construction, and courts should not indulge in it. The legislature is presumed to have meant what it  
23                  said, and the plain meaning of the statute governs. Whether or not legislative history is ever  
24                  relevant, it need not be consulted when the statutory text is unambiguous, and there should be no  
25                  reason to resort to legislative history or other indicia of legislative intent.

26                  The rules relating to the construction of statutes generally are applicable only where  
27                  statutory language is uncertain and ambiguous. If the words of the statute, given their ordinary and  
28                  usual meaning, are reasonably free from uncertainty, the courts will look no further to ascertain the

1 legislative intent. Moreover, where the Legislature has manifested its intention, courts may not  
2 manufacture ambiguity in order to defeat that intent.” 58 Cal. Jur. 3d § 88.

3 Here, there is no ambiguity and § 1245.245 is clear. No where in § 1245.245, or for that  
4 matter anywhere else in any of the statutes pertaining to Eminent Domain, is there any language  
5 that would suggest that the statute is only applicable to properties taken by Eminent Domain after  
6 2007. Had the legislature intended to include this as part of the statute it easily could have done so,  
7 but it did not - twice. See Section 3, below. Based on long standing rules of interpretation, the  
8 clear and unambiguous nature of § 1245.245 should end the Courts’ analysis and § 1245.245  
9 should be read to apply to all properties for which a Resolution of Necessity was issued, regardless  
10 of when acquired.

11 **2. Even if the Court elects to look at Section 4 of Senate Bill 1650 for assistance in**  
12 **interpreting § 1245.245, this uncodified text should be ignored because it seeks to**  
13 **confer power, determine rights and diminish the scope of a measure.**

14 The Supreme Court has made clear that uncodified “plus sections” of a bill that enacted  
15 legislation are not conclusive, may only be considered in interpreting a statute, and they may not  
16 “confer power, determine rights or enlarge the scope of a measure.” *Canty* at p. 1280; *Allen* at p.  
17 860.

18 Here, it is undisputed that § 1245.245 does not include any language that makes it  
19 applicable only to properties acquired by Eminent Domain after January 1, 2007. Thus, Section 4  
20 of Senate Bill 1650 is not part of the statute and is the same as a preamble or other statement of  
21 intent expressed by the legislature in adopting a statute. However, Section 4 of Senate Bill 1650 is  
22 not merely expressing some intent of the legislature to assist in understanding the purpose of a  
23 statute, but the City looks to use this language to confer power, determine rights or diminish the  
24 scope of a measure. The City urges the Court to apply Section 4 of Senate Bill 1650 to limit the  
25 scope of Section 1245.245. The Court, however, cannot change the plain meaning of the codified  
26 statute in a way that directly impacts whom it affects. *Canty* at p. 1280. Even if the legislature  
27 intended to restrict the applicability of this statute to properties acquired after 2007 it needed to do  
28 so by including this restriction as part of the statute itself. *Canty* at p. 1280; *Allen* at p. 860.

1 Having failed to do that, this provision is not part of the law, and the law should be read and  
2 interpreted without the inclusion of any date based restriction.

3 **3. Even if Section 4 of Senate Bill 1650 is considered part of § 1245.245, the**  
4 **subsequent amendment of § 1245.245 pursuant to Assembly Bill 299 in 2007 did**  
5 **not adopt the date restrictive language and suggests that the legislature did not**  
6 **intend to include the 2007 restriction in the final and current version of § 1245.245.**

7 On July 27, 2007, almost one year after the adoption of the original § 1245.245 pursuant to  
8 Senate Bill 1650, § 1245.245 was amended in its entirety. As stated in the preamble to Assembly  
9 Bill 299, the purpose of the bill was to “make technical, nonsubstantive changes in various  
10 provisions of law to effectuate the recommendations made by the Legislative Counsel to the  
11 Legislature.” These changes did not include, nor did they even reference, the language of Section  
12 4 of Senate Bill 1650. A copy of Assembly Bill 299 is provided in RFJN, Slade Decl., Exh. E.

13 This amendment constituted a second chance for the legislature to include the 2007 date  
14 restriction as part of the law. Again, the legislature did not do this. There does not appear to be  
15 anything in the legislative record that addresses the 2007 restriction, and we are left to wonder why  
16 this provision was not included by the legislature as part of the statute on two separate occasions.  
17 At best, the purpose of this section and the legislative intent are a mystery. It is for this very reason  
18 why the Supreme Court adopted the rules set forth in Canty and Allen. If the legislature wants any  
19 provision to be a part of the statute, it must include it in the codified statute itself. This way there  
20 can be no confusion. If it fails to include something as part of the statute, but includes it in a bill  
21 that adopts the statute, then such provision can only be used to help to interpret a law if the law is  
22 unclear or ambiguous, it cannot be made part of the law and it cannot effect anyone’s rights, confer  
23 power or enlarge (or diminish) the scope of a measure. To do so, would constitute a rewrite of the  
24 law without legislative approval.

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1           4. **Even if Section 4 of Senate Bill 1650 is considered part of § 1245.245, to achieve the**  
2 **overall legislative intent § 1245.245 should be read to only apply to an acquisition**  
3 **of a property after January 1, 2007 by Eminent Domain and to a change of use**  
4 **after January 1, 2007 for a property acquired before January 1, 2007 by Eminent**  
5 **Domain.**

6           The City’s proposed interpretation would neuter the legislative intent of Section 1245.245.

7           **“The courts are not at liberty to impute a particular intention to the legislature when nothing**  
8 **in the language of the statute implies such intention since the judicial function is limited to**  
9 **interpreting the statute and such interpretation must be based on the language used. A**  
10 **legislative intent that finds no expression in the words of the statute cannot be found to exist.**  
11 **A court cannot insert or omit words to cause the meaning of a statute to conform to a**  
12 **presumed intent that is not expressed.”** 58 Cal. Jur. 3d § 85. Emphasis added.

13           A review of the preamble and entire text of Senate Bill 1650 makes it clear that the primary  
14 purpose of the bill was to force the acquiring governmental agency to make use of the property in  
15 accordance with the purpose to which the property was taken, to do so within a prescribed amount  
16 of time, to provide the property owner whose property is being taken with certain rights, and to  
17 require the governmental agency to repeat the authorization process if it wanted to change the use  
18 of the property. The thrust of the bill was to ensure that acquiring government agencies could not  
19 play games or acquire property that they then failed to use for the prescribed purpose or changed to  
20 another purpose.

21           The failure of the legislature to make Section 4 of Senate Bill 1650 part of the statute is  
22 telling. It suggests that Section 4 of Senate Bill 1650 was only added to provide guidance and make  
23 clear that these provision regarding acquisition of a new parcel should only apply after the law was  
24 enacted. Section 4 does not specifically address a change of use for a property acquired before  
25 2007. It appears to only apply to and be concerned with the initial acquisition, not a subsequent  
26 change. It is this interpretation that is consistent with the legislative purpose.

27           To interpret Section 4 of Senate Bill 1650 as the City suggests would make no sense. That  
28 interpretation would defeat the overall purpose of the law to make sure that government agencies  
are using the property for the use pursuant to which they were taken, or to change that use only



1 after satisfying rigorous safeguards against abuse. Petitioner’s interpretation supports the overall  
2 legislative intent while the City’s interpretation would create two separate rules related to Eminent  
3 Domain based on when they were first acquired. The City would be free to do whatever it wants  
4 with property acquired before 2007 but would have to seek a new Resolution of Necessity for  
5 property acquired after 2007. This simply makes no sense and would be counter to the overall  
6 legislative intent. Absent a clear and unambiguous statement by the legislature that is included as  
7 part of the actual statute, the Court should reject the City’s interpretation of § 1245.245.

8 **C. Petitioner will succeed on the merits and will suffer greater interim harm than**  
9 **Defendants.**

10 Petitioner will likely succeed in showing that the City violated §1245.245(a) when it  
11 decided to change the public use of the off-street public parking lot for its ill-advised, rushed,  
12 secretive, and deeply opposed project without making any of the necessary findings regarding the  
13 changed use or issuing the resolution needed to show that the change in use was in the public  
14 interest or was most compatible with the greatest public good and least private injury. That private  
15 injury is substantial in this case because the approximately two dozen businesses on Pico that relied  
16 on the lot for its patrons and compliance with legal parking requirements are at serious risk of  
17 going out of business now that their customers lack any viable parking, especially during the peak  
18 business hours of 4 – 7 p.m. Collesano Decl. at ¶14. *see also* Declarations of Waters, Rodriguez,  
19 Aunchisa, Cai, Nezal, Cerolami, Chojolan, Jirele, Lopez, Saini, Chong, Nilsen, and Herman.

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

27 ///

1                   **1. Petitioner 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. 4<sup>th</sup> 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. 4<sup>th</sup> 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. 4<sup>th</sup> 1211, 1232  
16                  (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 Petitioner 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 Petitioner if the preliminary injunction is denied is greater**  
23                   **than any harm the City might suffer if the injunctive relief is issued.**

24                  It is similarly indisputable that Petitioner 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 preliminary  
26                  injunction is needed precisely because Petitioner will continue to suffer irreparable harm before  
27                  this matter can go to trial or otherwise be fully resolved. Time is of the essence; a restaurant simply  
28                  cannot survive without customers. Each day the parking lot is closed is another day Petitioner and

1 the other businesses head toward financial ruin. *See, e.g., Costa Mesa City Employees' Ass'n v.*  
2 *City of Costa Mesa* (2012) 209 Cal. App. 4<sup>th</sup> 298 (loss of job and income amounts to irreparable  
3 harm); *Alliant Ins. Services, Inc. v. Gaddy* (2008) 159 Cal. App. 4<sup>th</sup> 1292 (closing of business is  
4 irreparable harm); *MCA Records, Inc. v. Newton-John* (1979) 90 Cal. App. 3d 18 (loss of profits  
5 and goodwill is irreparable 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.” Petitioner  
12 and other business owners are already feeling those impacts. Every day the parking lot is closed  
13 creates additional injury to Petitioner.

14 Further, the loss of Lot 707 may not only mean lost customers, but it is also likely to place  
15 Petitioner, and the surrounding businesses, in violation of City parking requirements and ADA  
16 parking requirements. Lot 707 is for Petitioner the only ADA compliant spaces available to his  
17 business. Collesano Decl. at ¶13. *see also* Declarations of Waters, Rodriguez, Aunchisa, Cai,  
18 Nezal, Cerolami, Chojolan, Jirele, Lopez, Saini, Chong, Nilsen, and Herman.

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

21 In addition, if the City is permitted to continue construction on the parking lot, it will  
22 become more and more expensive to halt construction and restore the parking lot. Though some  
23 work has been done, if the City were to stop right now it would require minimal expense and effort  
24 by the City to make the lot usable again for its intended purpose as public off-street parking that  
25 includes ADA compliant spaces.

26 On the other hand, the City will not suffer any harm if the injunction issues. In fact, in light  
27 of the challenges set forth in this lawsuit and the ongoing lawsuit filed by Fix The City, Inc.

1 seeking to halt the entire project, the City will actually benefit from this injunction before it does  
2 too much work that it would have to undo if and when the lawsuits are successful.

3 **IV. CONCLUSION**

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

9  
10 Dated: September 6, 2024

LAW OFFICES OF DARIN MARGULES, PLC

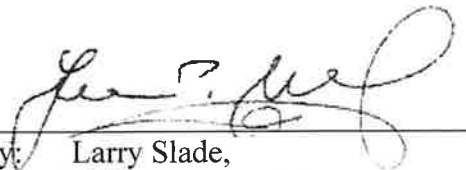
11  
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Darin Margules  
Attorney for Petitioner  
Saucy Bird

14  
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17 SLADE LAW

18  
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20 By



Larry Slade,  
Attorney for Petitioner  
Saucy Bird

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16 Attorneys for Plaintiff  
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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 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.

- 1 2. I signed a five-year lease on June 6, 2023, and a material inducement for me to sign this  
2 lease was the existence of the public parking Lot 707. Without Lot 707, I would not have  
3 signed this lease, as I would consider the available parking to be insufficient for the needs  
4 of my business.
- 4 3. My restaurant's success depends on the ability of customers to visit throughout the day,  
5 especially during evening hours. Convenient and accessible parking is crucial for attracting  
6 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.
- 8 5. Lot 707 (the Midvale Lot) provided 41 parking spaces -- including two ADA-compliant  
9 spaces -- directly across Pico Blvd. from my front door. It was the only public parking  
10 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during  
11 the critical evening hours when parking on the street is restricted. The two ADA-compliant  
12 parking spaces are currently the only off street ADA compliant parking available to my  
13 business that I am aware of.
- 12 6. Lot 707 was the only safe and legal location where delivery drivers could park while  
13 picking up food for services like DoorDash and UberEats in the evening.
- 14 7. The City of Los Angeles acquired Lot 707 via eminent domain specifically for off-street  
15 parking, as authorized by Ordinance 166003 on April 18, 1990. The ordinance was initiated  
16 by then-Councilmember Zev Yaroslavsky, and the need for this lot remains critical today.
- 16 8. On or about July 24, 2023, the City announced its intention to convert Lot 707 into a  
17 homeless housing project for 33 individuals. The project was revealed to the public as a  
18 "done deal."
- 18 9. My understanding is that the City promised to provide alternative parking before  
19 proceeding with construction.
- 20 10. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,  
21 2024, with the closure taking effect on Monday, August 19. No public notices were posted  
22 at the lot in advance of the closure and no notice was provided to me, or to my knowledge,  
23 other business owners.
- 23 11. On August 19, 2024, I learned that the council office claimed to have secured replacement  
24 parking, but that representation turned out to be false. Even if it had been true, the identified  
25 parking was too far away to mitigate the negative impact and inconvenience on business  
26 operations for my business and my neighbors.
- 26 12. I am aware that a lawsuit challenging the City's legal authority to develop the homeless  
27 project on Lot 707 was filed on February 23, 2024 (Case No. 23STCP04410). Despite the  
28 legal challenges, the City has refused to delay the project until the court issues a ruling. In

1 fact, on August 19, 2024, the City began demolishing the parking lot to prepare for building  
2 the project without providing any alternative or substitute parking.

3 13. The loss of Lot 707 will cause irreparable harm to my business and other local businesses  
4 as customers and delivery services will have nowhere to park, leading to a significant  
5 decline in business during peak hours. Without Lot 707 I will have no off-street ADA-  
6 compliant parking spaces to make available to my customers.

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

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

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

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

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

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 September 6, 2024, at Los Angeles, CA.

24 

25 \_\_\_\_\_  
26 Brian Collesano  
27

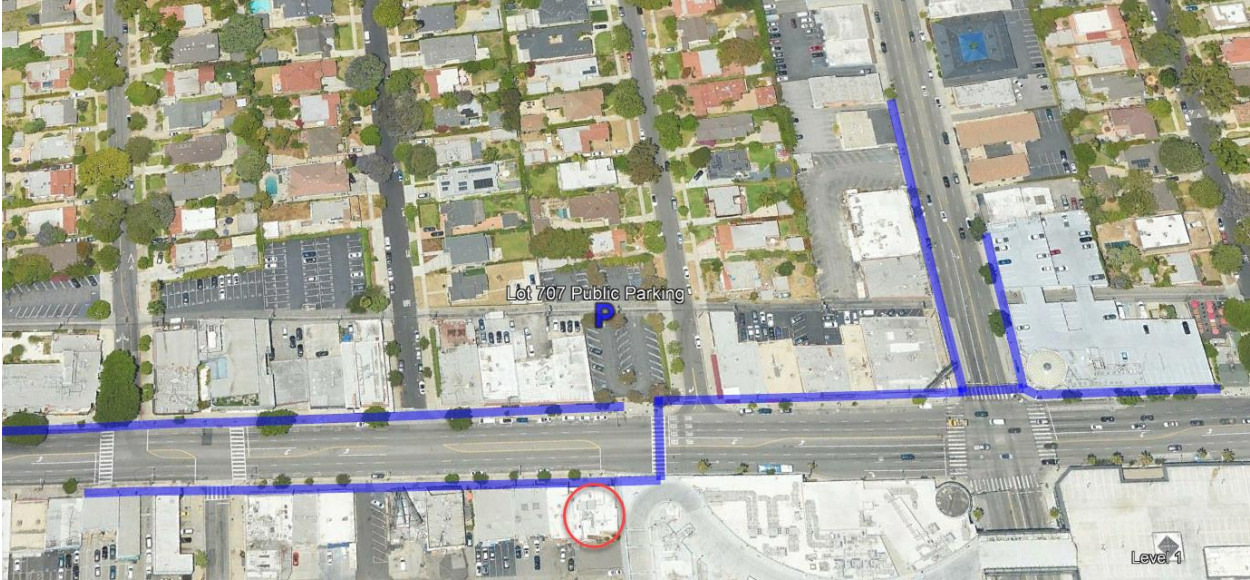
## **EXHIBIT A**



**Exhibit A – Map**

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

The RED circle is my business, Saucy Bird



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17 Petitioner and Plaintiff,

18 vs.

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

22 Respondents and Defendants.

**CASE NO. 24STCP02773**

**DECLARATION OF TOM WATERS IN  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF**

1 I, Tom Waters, declare as follows:

- 2 1. I am a board member and officer of the Los Angeles Performing Arts Conservancy located  
3 at 10931 Pico Boulevard, Los Angeles, California, at the corner of Pico Boulevard and  
4 Kelton Avenue.
- 5 2. The Los Angeles Performing Arts Conservatory (LAPAC) provides training in acting,  
6 screenwriting, and filmmaking for beginners, advanced artists, as well as those that are  
7 transitioning into English-speaking markets.
- 8 3. Our school is approved by the California Bureau for Private Postsecondary Education as a  
9 degree granting institution and we offer an Associate of Occupational Science – Acting,  
10 an Associate of Occupational Science – Screenwriting, and a series of non-degree  
11 certificate programs.
- 12 4. Approval to operate means the institution is compliant with the minimum standards  
13 contained in the California Private Postsecondary Education Act of 2009 (as amended) and  
14 Division 7.5 of Title 5 of the California Code of Regulations.
- 15 5. In or about April 2022, we took possession of our new location at the address listed above.
- 16 6. We then began the city permitting process. During the permitting process, the city informed  
17 us that we were required to have ADA-compliant parking spaces. We pointed out to the  
18 city that our building has no on-site parking lot.
- 19 7. In response to continued demands by the city for ADA parking, we provided pictures of Lot  
20 707's ADA spaces and measurements from those spaces to our business.
- 21 8. In response, the city accepted Lot 707 as providing the required ADA spaces and approved  
22 our permit. Lot 707 (also known as the Midvale Lot) provided 41 parking spaces, including  
23 two ADA-compliant spaces. Lot 707 had been in existence since approximately 1990 when  
24 the city acquired the property via eminent domain explicitly for off-street parking.
- 25 9. We relied on public parking Lot 707 to secure our permit from the city and for the parking  
26 needs of our employees, actors and patrons.
- 27 10. On Monday August 19, 2024, the city fenced off and removed access to Lot 707, providing  
28 notice to us only at 4:35 p.m. on Friday, August 16, 2024.
11. On October 20, 2023, the city approved the conversion of the parking lot without any plans  
in place to replace the code-required parking provided by the lot. At that meeting, Katy  
Yaroslavsky stated to the public and to her colleagues prior to the vote as follows: "*For the  
businesses on Pico, you have my word that we're going to secure additional parking before  
we break ground on this Project.*"
12. I depended on that promise. To date, no additional parking has been provided.
13. We are deeply concerned that the loss of Lot 707 will cause our business to be non-  
conforming with city-required ADA parking requirements as well as other parking  
requirements under the LAMC.

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14. We are also deeply concerned that our disabled employees, actors and patrons will have nowhere to park.

15. Pico Boulevard is "tow-away, no stopping" from 4 p.m. to 7 p.m. and the residential area immediately north does not allow parking, except for residents, after 6 p.m.

16. The closing of Lot 707 has caused us and our employees to seek parking much further away – perhaps 1,000 feet away instead of 180 feet when Lot 707 was in operation. We have no idea where our patrons will park when our new show opens.

17. Since the closing of Lot 707, I have personally seen restaurant customers park in the neighborhood despite the restrictions as Lot 707 was no longer available. Each of the non-resident cars received a parking ticket.

18. I believe it is just a matter of time before the extreme hardship of visiting Pico businesses will drive customers away and further irreparably harm our businesses.

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

Executed on 9/6/79 at Los Angeles, CA.





# LAPAC ACADEMIC CALENDAR 2024



LACONSERVATORY.EDU INFO@LACONSERVATORY.COM +1 (424) 273-4562 +1 (310) 924 9804 (WhatsApp)

## WINTER

**JAN 16th - MAR 30th**

MID TERM BREAK  
FEB 24 - MAR 02

HOLIDAYS  
OBSERVED:  
M.Luther King Day-  
JAN 15  
Presidents Day-  
FEB 19

## SPRING

**APR 15th - JUN 29th**

MID TERM BREAK  
MAY 18 - MAY 27

HOLIDAYS  
OBSERVED:  
Memorial Day-  
MAY 27  
Juneteenth- JUN 19

## SUMMER

**JUL 15th - OCT 4th**

MID TERM BREAK  
AUG 24 - SEP 02

HOLIDAYS  
OBSERVED:  
Independence Day-  
JUL 04  
Labor Day- SEP 02

## FALL

**OCT 15th - Dec 13th**

MID TERM BREAK  
NOV 23 - NOV 30

HOLIDAYS  
OBSERVED:  
Indigenous/Columbus  
Day-  
OCT 14  
Thanksgiving-  
NOV 28 & 29

CLASSES ARE DETERMINED BY THE LEVEL OF THE STUDENTS ENROLLED. CLASSES INCLUDE:

WRITING THE FEATURE FILM  
WRITING THE SHORT FILM  
THE PATHOLOGY KEY  
MOVEMENT AND VOICE  
ON CAMERA DYNAMICS

SANFORD MEISNER TECHNIQUE  
IMPROVISATION  
LAUNCHING YOUR FILM CAREER  
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**Certificate & Degree Programs**  
in **Acting,**  
**Screenwriting & Filmmaking**



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# LOS ANGELES PERFORMING ARTS CONSERVATORY

SUMMER TERM / JULY 15, 2024  
ACTING WEEKLY SCHEDULE



FOLLOW US!

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>The Tripple S System 2:30 - 5:30pm</p> <p>Incorporates the Acting Techniques of Stanislavsky, Strasberg, and Suzuki. Designed to allow actors to create believable characters and help them to really put themselves in the place of a character.</p> 	<p>Staging on Camera Drama &amp; Comedy 6:00 - 9:00pm</p> <p>For Actors &amp; Directors: Teaches how to stage a scene physically, emotionally, psychologically, and most importantly, clearly.</p> 	<p>Launching Your Film Career 3:00 - 6:00pm</p> <p>A course in the basics of The Business of Entertainment. Learn to balance creativity with the realities of show business. Learn the requirements of what the industry expects.</p>	<p>Staging on Camera Drama &amp; Comedy 6:00 - 9:00pm</p> <p>Learn emotional and practical tools for creating memorable filmic performances for both drama and comedy genres.</p> 	<p>The Tripple S System 2:30 - 5:30pm</p> <p>Centered around the Given Circumstances, the Magic If, and Character Tasks, the course also incorporates elements of the Strasberg and Suzuki Methods in order to create believable performances.</p> 

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19 **SUPERIOR COURT OF CALIFORNIA**  
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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

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

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

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 Encino, California.

  
Darin Margules



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2 NICOLE V. ROSENBERG SB#154485  
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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**

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 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

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

2. I watched a recording of the meeting of the October 20, 2023 Los Angeles City Council meeting at which Councilmember Katy Yaroslavsky spoke about the 2377 Midvale Avenue project.
3. I have verified the accuracy of the transcription of her comments at that meeting. She said: “For the businesses on Pico, you have my word that we’re going to secure additional parking before we break ground on this Project.”
4. I watched a recording of a video posted to Councilmember Yaroslavsky’s official FaceBook page.
5. I verified the accuracy of the transcription of her comments. She said: “I made a commitment to secure additional parking for local businesses before we break ground on this Project.”
6. I reviewed an automated transcript, transcribed by [www.sonix.ai](http://www.sonix.ai), of a zoom call Councilmember Yaroslavsky held with the public. The transcript reflects that in response to the question of whether replacement parking was being secured, Council Member Katy Yaroslavsky said: “Yes. We're in discussions with owners of private lots nearby to open them to the public, like joint shared-use parking agreements. This includes Hudson Properties, which owns the West Side Pavilion property just south right across the street from the proposed project site. We hope to be able to announce a partnership soon so that if that parking is needed, we'll figure out whether it's a, a shared valet for local where, where those cars will be parked across the street, or if people will just be able to park there across 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

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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**

21 PLATED PERSONAL CHEF SERVICES LTD,  
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24 vs.

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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 Boulevard, Los Angeles, California. See Exhibit A, with my location circled. The blue line  
32 represents all of the businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely  
33 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  
and retaining customers during these peak dining times.
- 3 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,  
4 eliminating parking options for customers of my business and other businesses on Pico  
5 Boulevard.
- 6 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,  
was established by the City Council effective November 15, 1985.
- 7 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need  
8 for off-street parking as the reason for the taking. The taking was authorized by Ordinance  
9 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance  
was initiated by then-Councilmember Zev Yaroslavsky.
- 10 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it  
11 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
- 12 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being  
13 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street  
14 parking even more of a necessity.
- 15 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant  
16 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking  
17 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during  
the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 18 9. Lot 707 was the only safe and legal location where delivery drivers could park while  
19 picking up food for services like DoorDash and UberEats in the evening.
- 20 10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot  
21 is even more critical today than it was in 1990.
- 22 11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a  
23 homeless housing project for 33 individuals. The project was revealed to the public as a  
24 "done deal."
- 25 12. At the October 20, 2023, City Council meeting where the project was approved,  
26 Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of  
27 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.
- 28 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,  
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.

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- 15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
- 16. The council office has also represented that it is “working” on a valet program. A valet program on a street that is “no stopping” is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
- 17. I am aware that a lawsuit challenging the City’s legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup>, 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
- 18. 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.
- 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
- 20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
- 21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

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

  
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Exhibit A

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2 NICOLE V. ROSENBERG SB#154485  
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9 Larry Slade, Esq., SBN 212276  
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15 [larry@sladelaw.com](mailto: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 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 N. 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.

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- 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16, 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, the owner, or to my knowledge, other businesses. Demolition of the lot began on August 19, 2024.
- 14. No replacement parking was secured.
- 15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
- 16. The council office has also represented that it is "working" on a valet program. A valet program on a street that is "no stopping" is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
- 17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup> 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
- 18. 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.
- 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
- 20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
- 21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

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

Archiya

Exhibit A



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1 DARIN R. MARGULES, SB #195282  
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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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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 Ozagyan Cai  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF**

1 I, Grayan Cai, declare as follows:

- 2 1. I am the manager of Pico Thai Massage SPA located at 1088 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.

13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16, 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, the owner, or to my knowledge, other businesses. Demolition of the lot began on August 19, 2024.
14. No replacement parking was secured.
15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
16. The council office has also represented that it is "working" on a valet program. A valet program on a street that is "no stopping" is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup> 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
18. 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.
19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

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

  
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Exhibit A



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1 DARIN R. MARGULES, SB #195282  
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15 [larry@sladelaw.com](mailto:larry@sladelaw.com)

16 Attorneys for Plaintiff  
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19 **SUPERIOR COURT OF CALIFORNIA**  
20 **FOR THE COUNTY OF LOS ANGELES**

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

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

28 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 BLOCH, 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,  
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- 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.

13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16, 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, the owner, or to my knowledge, other businesses. Demolition of the lot began on August 19, 2024.
14. No replacement parking was secured.
15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
16. The council office has also represented that it is "working" on a valet program. A valet program on a street that is "no stopping" is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup> 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
18. 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.
19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

Executed on 8/29/2024 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  
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15 [larry@sladelaw.com](mailto: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 Ceivolani, 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.
- 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.

13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16, 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, the owner, or to my knowledge, other businesses. Demolition of the lot began on August 19, 2024.
14. No replacement parking was secured.
15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
16. The council office has also represented that it is "working" on a valet program. A valet program on a street that is "no stopping" is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
17. I am aware that a lawsuit challenging the City's legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup> 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
18. 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.
19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

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  
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15 [larry@sladelaw.com](mailto: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 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 Tshirt 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,  
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 5<sup>th</sup> 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.



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](mailto: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 Edward Tjirele**  
**SUPPORT OF VERIFIED PETITION**  
**FOR WRIT OF MANDAMUS AND**  
**COMPLAINT FOR**  
**INJUNCTIVE RELIEF**

1 I, Edward Jirele, declare as follows:

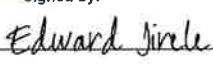
- 2 1. I am the owner of the property at located at 10911-17 w. Pico Boulevard, Los Angeles,  
3 California. See Exhibit A, with my location circled. The blue line represents all of the  
4 businesses that are within 750 feet of Lot 707 (Midvale Lot) and rely on it for public  
5 parking. Parking restrictions are also noted.
- 6 2. My ability to lease my building depends on the ability of my tenant's customers to visit  
7 throughout the day, especially during evening hours. Convenient and accessible parking is  
8 crucial for attracting 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.

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- 14. No replacement parking was secured.
- 15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
- 16. The council office has also represented that it is “working” on a valet program. A valet program on a street that is “no stopping” is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
- 17. I am aware that a lawsuit challenging the City’s legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup>, 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
- 18. The loss of Lot 707 has and will cause irreparable harm to my ability to secure tenants for my property as prospective tenants and their customers will have nowhere to park rendering my property unleaseable.
- 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my tenant’s business, potentially forcing them and then me out of business.
- 20. I am also deeply concerned for disabled persons to be able to have access to my tenant’s businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
- 21. The livelihoods of my employees, my tenants, their employees, plus various contractors and vendors, along with mine, depend on customers being able to access my tenant’s businesses.

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

Executed on 8/29/2024 | 9:54, PT Los Angeles, CA.

Signed by:  
  
 2F219E6507B5407

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Exhibit A

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1 DARIN R. MARGULES, SB #195282  
2 NICOLE V. ROSENBERG SB#154485  
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16 Attorneys for Plaintiff  
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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 Norma Lopez  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF

I, Norma Lopez, declare as follows:

1. I am the owner of Level-UP Hair, a Salon located at 10962 W. Pico Boulevard, Los Angeles, California. See Exhibit A, with my location circled. 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. 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.
- 3 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,  
4 eliminating parking options for customers of my business and other businesses on Pico  
5 Boulevard.
- 6 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,  
7 was established by the City Council effective November 15, 1985.
- 8 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need  
9 for off-street parking as the reason for the taking. The taking was authorized by Ordinance  
10 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance  
11 was initiated by then-Councilmember Zev Yaroslavsky.
- 12 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it  
13 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
- 14 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being  
15 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street  
16 parking even more of a necessity.
- 17 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant  
18 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking  
19 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during  
20 the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 21 9. Lot 707 was the only safe and legal location where delivery drivers could park while  
22 picking up food for services like DoorDash and UberEats in the evening.
- 23 10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot  
24 is even more critical today than it was in 1990.
- 25 11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a  
26 homeless housing project for 33 individuals. The project was revealed to the public as a  
27 "done deal."
- 28 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.
13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,  
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 5<sup>th</sup>, 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 August 29  
24 2024, at Los Angeles, CA.

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1 DARIN R. MARGULES, SB #195282  
2 NICOLE V. ROSENBERG SB#154485  
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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**

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 Behi R. Saini  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF

I, BEHI R. SAINI, declare as follows:

1. I am the owner of JAI VUI, a Restaurant located at 10916 W Pico Boulevard, Los Angeles, California. See Exhibit A, with my location circled. 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. 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  
and retaining customers during these peak dining times.
- 3 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,  
4 eliminating parking options for customers of my business and other businesses on Pico  
5 Boulevard.
- 6 4. Preferential Parking District 26, which covers the neighborhood north of Pico Boulevard,  
was established by the City Council effective November 15, 1985.
- 7 5. The City of Los Angeles acquired Lot 707 via eminent domain specifically citing the need  
8 for off-street parking as the reason for the taking. The taking was authorized by Ordinance  
9 166,003 on April 18, 1990, based on a motion made on December 12, 1989. The ordinance  
was initiated by then-Councilmember Zev Yaroslavsky.
- 10 6. The City created "anti-gridlock" zones on August 22, 2006, as Ordinance 177,753, where it  
11 shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone,
- 12 7. The city declared Pico an "anti-gridlock zone" under LAMC 80.70, resulting in Pico being  
13 Tow-Away, No Stopping (TANS) from 4:00p to 7:00p, making the need for off-street  
14 parking even more of a necessity.
- 15 8. Lot 707 (the Midvale Lot) provided 41 parking spaces, including two ADA-compliant  
16 spaces, to serve businesses like mine. Lot 707 was the only off-street public parking  
17 facility available for businesses in the 10900 and 10800 blocks of Pico, particularly during  
the critical evening hours when parking on Pico and in the neighborhood is restricted.
- 18 9. Lot 707 was the only safe and legal location where delivery drivers could park while  
19 picking up food for services like DoorDash and UberEats in the evening.
- 20 10. Given the preferential parking and restrictions on Pico Boulevard, the necessity for this lot  
21 is even more critical today than it was in 1990.
- 22 11. On or about July 24, 2023, the city announced its intention to convert Lot 707 into a  
23 homeless housing project for 33 individuals. The project was revealed to the public as a  
24 "done deal."
- 25 12. At the October 20, 2023, City Council meeting where the project was approved,  
26 Councilmember Katy Yaroslavsky, recognizing the necessity for, and critical nature of  
27 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.
- 28 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16,  
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 5<sup>th</sup>, 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 8/29/2024 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  
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15 [larry@sladelaw.com](mailto: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 Joshua Chong  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF

1 I, Joshua Chang, declare as follows:

- 2 1. I am the manager of The Bul Daddy, a restaurant located at 10928 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 5<sup>th</sup> 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.

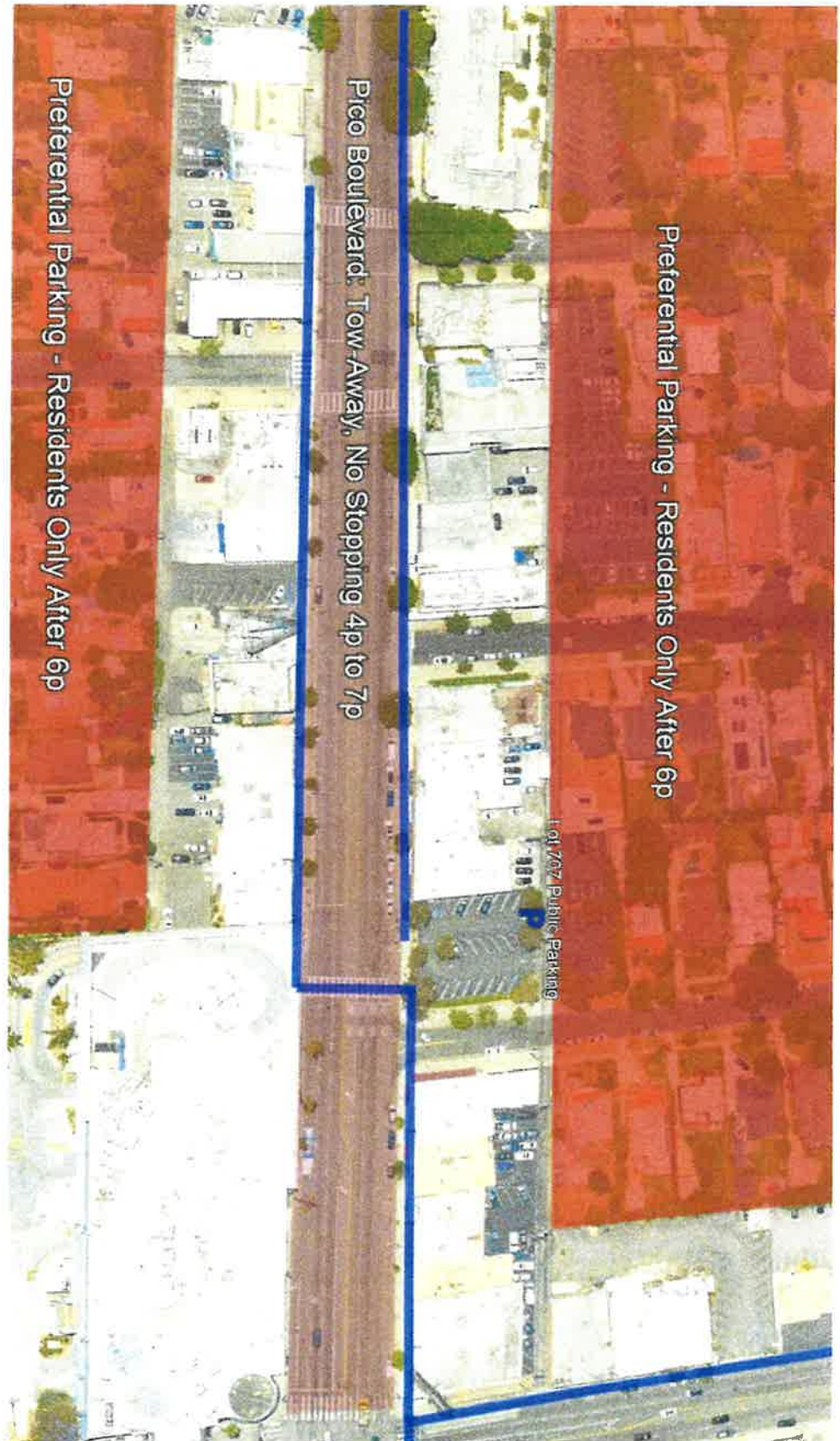
26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
27 and correct.

28 Executed on August 29, 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  
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15 [larry@sladelaw.com](mailto: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 Kate Nilsen  
SUPPORT OF VERIFIED PETITION  
FOR WRIT OF MANDAMUS AND  
COMPLAINT FOR  
INJUNCTIVE RELIEF

1 I, Kate Nilsen, declare as follows:

- 2 1. I am the manager of Coldstone Creamery Ice cream shop located at 10875 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.

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- 13. The council office announced the closure of Lot 707 at 4:35 p.m. on Friday, August 16, 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, the owner, or to my knowledge, other businesses. Demolition of the lot began on August 19, 2024.
- 14. No replacement parking was secured.
- 15. On August 19, 2024, I learned that the council office claimed to have secured replacement 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.
- 16. The council office has also represented that it is “working” on a valet program. A valet program on a street that is “no stopping” is contrary to common sense and was already deemed too impactful for Pico Boulevard by the city in 2008.
- 17. I am aware that a lawsuit challenging the City’s legal authority to develop the homeless project on Lot 707 was filed on December 5<sup>th</sup> 2023 (Case No. 23STCP04410). Despite the legal challenges, the City has refused to delay the project until the court issues a ruling.
- 18. 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.
- 19. I am deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting my business, potentially forcing me out of business.
- 20. I am also deeply concerned for disabled customers to be able to have access to my business and other businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.
- 21. The livelihoods of my employees, plus various contractors and vendors, along with mine, depend on customers being able to access my business.

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

Executed on 8/29/2024 | 9:46 am at Los Angeles, CA.


Signed by:  
  
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Exhibit A



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1 DARIN R. MARGULES, SB #195282  
NICOLE V. ROSENBERG SB#154485  
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5 Larry Slade, Esq., SBN 212276  
6 SLADE LAW  
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7 Sherman Oaks, CA 91401  
Telephone: (818) 997-8585  
8 Facsimile: (818) 475-5323  
[larry@sladelaw.com](mailto: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 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.  
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**CASE NO. 24STCP02773**

**DECLARATION OF MICHAEL  
HERMAN IN SUPPORT OF VERIFIED  
PETITION FOR WRIT OF MANDAMUS  
AND COMPLAINT FOR  
INJUNCTIVE RELIEF**

1 I, Michael Herman, declare as follows:

- 2 1. I am Member-Manager of the owner (the "Property Owner") of the property located at  
3 10914 West Pico Boulevard, Los Angeles, California (the "Property"). See Exhibit A, with  
4 the Property location circled. It is my understanding that the blue line represents all the  
5 businesses that are within 750 feet of Lot 707 (Midvale Lot).
- 6 2. Our existing tenant's ability to operate its business successfully depends on the ability of  
7 our tenant's customers to visit throughout the day, especially during evening hours. Our  
8 tenant informs us that convenient and accessible parking is crucial for attracting and  
9 retaining customers during these peak dining times.
- 10 3. The surrounding neighborhood is permit-only parking for residents after 6:00 p.m.,  
11 reducing parking options for customers of our tenant's business.
- 12 4. Lot 707 (the Midvale Lot) provided parking spaces, including two ADA-compliant spaces,  
13 to serve businesses like that of our tenant. Lot 707 was the only off-street public parking  
14 facility adjacent to businesses in the 10900 and 10800 blocks of West Pico Boulevard,  
15 particularly during the critical evening hours when parking on West Pico Boulevard and in  
16 the surrounding neighborhood is restricted.
- 17 5. Given the preferential parking and restrictions on West Pico Boulevard, the Property Owner  
18 believes that the necessity for this lot for parking is even more critical today than it was in  
19 1990.
- 20 6. It is my understanding that, on or about July 24, 2023, the City of Los Angeles announced  
21 its intention to convert Lot 707 into a homeless housing project for 33 individuals.
- 22 7. It is my understanding that the office of City Council member Katy Yaroslavsky announced  
23 the closure of Lot 707 on Friday, August 16, 2024, with the closure taking effect on  
24 Monday, August 19, 2024. No public notices were provided to the Property Owner, or, to  
25 my knowledge, other business owners on the 10900 block of West Pico Boulevard. It is my  
26 understanding that demolition of the lot began on August 19, 2024.
- 27 8. No replacement parking was secured.
- 28 9. I am aware that a lawsuit challenging the City's legal authority to develop the homeless  
project on Lot 707 was filed in the Los Angeles Superior Court on December 5, 2023. It is  
my understanding that, despite the legal challenges, the City has refused to delay the project  
until the court issues a dispositive ruling.
10. The Property Owner supports taking all reasonable steps to address the plight of those  
individuals within the City of Los Angeles who are without homes. However, the loss of  
Lot 707 has and will substantially impair the Property Owner's ability to secure tenants for  
the Property as prospective tenants and their customers would have fewer options for  
parking.

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11. The Property Owner is deeply concerned that the loss of Lot 707 will prevent customers and delivery services from visiting our tenant's business, potentially forcing our tenant out of business.

12. The Property Owner is also deeply concerned that disabled persons will have limited access to our tenant's businesses during all hours of the day, and especially during peak periods, due to the loss of Lot 707.

13. The livelihoods of our tenant and its employees, plus various contractors and vendors, depend on customers being able to access our tenant's businesses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge, information and belief.

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

  
\_\_\_\_\_  
Michael Herman, Member-Manager

Exhibit A



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