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TOWER LANE PROPERTIES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

TOWER LANE PROPERTIES, INC., a  
California corporation

Petitioner and Plaintiff,

v.

CITY OF LOS ANGELES, a municipal entity,  
MICHAEL LOGRANDE, an individual, JIM  
TOKUNAGA, an individual, JEFFREY  
DURAN, an individual, and DOES 1-25,  
inclusive,

Respondents and Defendants.

CASE NO.

BS141623

VERIFIED PETITION FOR WRIT OF  
MANDATE PURSUANT TO CODE OF  
CIVIL PROCEDURE SECTION 1085 AND  
COMPLAINT FOR (1) DECLARATORY  
RELIEF; (2) VIOLATION OF  
SUBSTANTIVE AND PROCEDURAL DUE  
PROCESS; AND (3) DENIAL OF EQUAL  
PROTECTION OF THE LAWS

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*Ann I Jones*  
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

FEB - 5 2013

John A. Clarke, Executive Officer/Clerk  
BY *M. Flores* Deputy  
Mary Flores

## I.

INTRODUCTORY STATEMENT

1. This is a case about abuses of governmental powers in their most naked forms. Petitioner and Plaintiff Tower Lane Properties, Inc. ("Tower Lane") brings this action to correct those abuses and to recover the millions of dollars in damages inflicted upon it as a result of a conspiracy perpetuated by a group of City of Los Angeles (the "City") officials bent on preventing the lawful development of Tower Lane's property -- damages which Tower Lane estimates to be no less than twenty-five million dollars (\$25,000,000).

2. Tower Lane owns three separate, legal lots in Benedict Canyon and seeks to construct single-family homes on each of them (the "Project"). The Project complies in all respect with all applicable ordinances and regulations, involves no discretionary clearances, and the City of Los Angeles has a ministerial duty to issue Tower Lane's requested building and grading permits (the "Permits").

3. However, certain well-heeled neighbors who oppose the Project and have the financial wherewithal to purchase access to the highest levels of City government have waged an unprecedented campaign in an effort to prevent the Project from ever going forward. To further their aims, the opposition has enlisted an army of lawyers, lobbyists, engineers and other representatives for the specific purpose of inventing ways to stop the Project. Spurred on by the Project opponent, all of whom have been granted by the City unprecedented access to and influence over what would otherwise be a normal plan check process relative to Tower Lane's permit applications, the City has thrown up one unjustifiable obstacle after another to the issuance of the Permits. In certain instances, the City has attempted to apply to the Project regulations that are plainly inapplicable. In other cases, the City has seen fit to "clear" various conditions to issuance of the Permits only to later "un-clear" them or add "newly-discovered" clearance items (in reality clearance items spawned from the imagination of the opponents' lawyers) as Tower Lane inched towards issuance of the permits. The City has invented out of whole cloth new procedures, supposedly applicable to all hillside lots, then granted *every* property owner who requested it -- except one: Tower Lane -- a waiver from their requirements. The City adopted an adversarial

1 posture vis-à-vis Tower Lane long ago even though it is supposed to be a neutral arbiter processing  
2 a routine building permit. It has exaggerated bond amounts, refused to process certain portions of  
3 Tower Lane's applications, illegally revoked permits previously issued and now refuses to clear a  
4 condition related to a private street providing Tower Lane access to its properties even though the  
5 street has existed in its current form for almost half a century.

6 4. This is also the second case brought by Tower Lane to correct the City's abuses and  
7 unlawful actions. Prior to the filing of the first case, *Tower Lane Properties, Inc. v. City of Los*  
8 *Angeles*, Los Angeles Superior Court Case No. BS137339 (*Tower Lane I*), the City had indicated to  
9 Tower Lane that before it would process its permit applications further, Tower Lane would be  
10 required to seek approval of a discretionary tentative tract map -- a procedure utilized in cases  
11 involving subdivisions -- complete with full-scale environmental review, even though the Project  
12 does not involve a subdivision. Judge Chalfant issued a writ of mandate in *Tower Lane I* forbidding  
13 the City from further applying to the Project the subdivision ordinance.

14 5. Undaunted by the result of *Tower Lane I*, the City's illegal intent and desire to  
15 prevent the issuance of ministerial building and grading permits persist. Finding no other way to  
16 upend it, the City, taking up the cause originally imagined by the neighborhood opponents (as it has  
17 done so many times since the permit applications were originally filed), has reached back across the  
18 decades and focused its attention upon the private street from which Tower Lane's property takes  
19 access. The street was originally approved and constructed in the early part of the 20th Century and  
20 extended in the 1960s meaning that the private street has existed in its present form for almost half a  
21 century. Structures have been erected, demolished and erected again in the decades since.  
22 Nevertheless, and even though the City has issued permit after permit for construction and grading  
23 activities on the Properties and has recognized on a multitude of occasions that the private street is  
24 validly existing under the City's laws, the City now contends the private street is not valid because,  
25 supposedly, there does not exist secondary access to the Properties. This despite the facts that the  
26 (1) secondary access plainly *does* exist; and (2) the Los Angeles Fire Department -- the City  
27 department responsible for imposing the secondary access condition upon the private street in the  
28 first place and ensuring secondary access exists -- reviewed Tower Lane's plans for conformance

with the Fire Code, including the secondary access requirement, determined that Tower Lane's plans *do* comply and directed the Planning Department to clear the secondary access condition.

6. In what is probably the first time it has happened in the history of the City of Los Angeles, the Planning Department -- astonishingly -- refused to abide by the Fire Department's determination respecting the Fire Code and refuses to clear the secondary access condition and recognize the approval and validity of the private street.

7. Accordingly, Tower Lane brings this action and hereby petitions this court for a writ of mandate pursuant to Code of Civil Procedure Section 1085 directing the City to clear the private street condition in respect to the Permits and to issue the Permits immediately. Tower Lane also seeks to recover the millions of dollars in damages it has suffered as a result of the unlawful acts of the City.

## II.

### THE PARTIES AND VENUE

8. Petitioner and Plaintiff Tower Lane Properties, Inc. is a California corporation and owns fee title to the three adjacent legal lots that are the subject of this proceeding. The ultimate beneficial owner of Tower Lane is Saudi prince Abdulaziz bin Abdullah bin Abdulaziz Al-Saud who is the current Deputy Foreign Minister of Saudi Arabia, and who acquired the subject properties with the intent to build residences for himself and his family.

9. Respondent and Defendant City of Los Angeles is a municipal corporation and charter city, organized and existing under the laws of the state of California, with the capacity to sue and be sued. As used herein, the term "City" includes, but is not limited to, City employees, officers, agents, boards, commissions, departments, and their members, all equally charged with complying with duties under the City Charter, and with the Constitutions and laws of the State of California and the United States.

10. Defendant Michael LoGrande is the Director of Planning for the City of Los Angeles. Upon information and belief, Defendant LoGrande is a resident of Los Angeles County, California.

12. Defendant Jeffrey Duran is a Building Inspector employed by the City's Department of Building and Safety. Upon information and belief, Defendant Duran is a resident of Los Angeles County, California.

14. Tower Lane does not know the true names or capacities, whether individual, corporate, associate or otherwise, of Respondent Does 1 through 25, inclusive, and therefore sues said Respondents under fictitious names. Tower Lane will amend this Petition to show their true names and capacities when and if the same have been ascertained.

15. Venue is proper with this Court since the actions complained of in this Petition, the subject property, and the proposed development took place or is or would be sited in Los Angeles County.

## BACKGROUND

16. The subject properties (collectively, the "Properties") are three separate legal lots with the addresses of 9933, 9937 and 9941 West Tower Lane, Los Angeles California. Originally developed in the 1920's, they contained the estate home of King Vidor until it was demolished pursuant to validly issued permits in 2005-2006. The three separate Properties are located off of Benedict Canyon north of Sunset Boulevard. The Properties are zoned RE20-1-H, with development standards governed primarily by LAMC section 12.07.01 ("RE" Residential Estate Zone). These legal lots were created many years ago pursuant to tract map No. 6073 and were modified in 1998, with final approvals granted by the Board of Zoning Appeals in 2000, by a Lot Line Adjustment and Private Street modification approval to allow the construction of residences on

each of the three lots.

**Prior Permit History**

17. The Permits currently held hostage by the City are by no means the first permits for substantial construction on the Properties. For years, Petitioner's predecessor in interest has sought and obtained permits from the City related to the construction activities on the Properties. Petitioner and petitioner's predecessor spent millions of dollars pursuing the necessary entitlements and related development activities, including, among other things, erecting large retaining walls, demolishing an existing residence and constructing a 13-car parking garage only to see the City reverse course in response to political pressures after Tower Lane purchased the Properties in 2009 and sought the final house and grading permits related to the final construction.

18. Among others, the City has issued:

(a) Permit No. 05020-30001-00112, issued in 2005 for the construction of a 542 foot long, 26 foot high retaining wall, modifying previous plans for a 442 foot long wall. The construction is complete, and the City has conducted approximately 40 inspections during the course of construction under this permit;

(b) Permit No. 05030-30001-00127, issued in 2005 for site grading for the 542 foot long retaining wall involving over 2,400 cubic yards of earth work;

(c) Permit No. 05019-30000-02596, issued in 2005 to allow the demolition of the existing two story single-family dwelling and an existing detached two car garage. The permit was issued, the work completed and inspections finalized;

(d) Permit No. 05030-30002-00127, issued in 2006, expanding the site grading for the retaining wall to include site grading for a substantial subterranean garage, approved with building permit No. 06010-30000-01012 below; and

(e) Permit No. 06010-30000-01012, issued in 2006, for a subterranean parking garage consisting of 6,256 square-feet for at least 13 parking spaces, issued as an "Early Start" permit allowing construction of the subterranean garage prior to the construction of the single-family dwelling of which it is a part. The garage has been completed after nearly 60 City inspections, and the single-family residence proposed for 9941 West Tower Lane will sit on top of

1 it.

2 19. The City also issued *discretionary* approvals for the Properties. For example, in  
3 2000 the City approved a modification to Private Street No. 275-B to provide legal access to 9941  
4 West Tower Lane, thus allowing the construction of a single-family residence on that lot as well as  
5 on 9933 and 9937 West Tower Lane. Concurrent with this approval the City adopted Categorical  
6 Exemption CE 98-0548 pursuant to CEQA. The categorical exemption also covered a lot line  
7 adjustment and parcel map exemption (AA-1998-54-PMEX) in conjunction with the private street  
8 modification for the purpose of facilitating development of the Properties by providing legal  
9 frontage and access. In connection with this discretionary entitlement, the City considered and  
10 imposed grading conditions manifestly directed at the contemplated construction of single-family  
11 dwellings on the three lots.

12 20. All of the foregoing was undertaken by Tower Lane's predecessor for one objective:  
13 namely, to construct a single-family residence with ancillary structures on the Properties. Tower  
14 Lane relied on the foregoing approvals in order to carry out the similar objective of constructing a  
15 single-family residence with ancillary structures on each Property.

16 **The Permits in Question**

17 21. Tower Lane purchased the Properties, including the above-described entitlements, in  
18 2009. In or around June 2010, Tower Lane, through its architect, Landry Design, and its civil  
19 engineering firm, LC Engineering Group, Inc., submitted to the City full sets of plans together with  
20 building and grading permit applications for construction of a proposed single-family residence on  
21 each of the three (3) lots that constitute the Properties. Thereafter, on or about May 3, 2011, Tower  
22 Lane submitted a scaled-back version of the plans in response to concerns raised by neighbors.

23 22. The permit applications have been assigned the following permit numbers  
24 (hereinafter, the "Permits"):

25 **9933 West Tower Lane:**

- 26 a) 11010-10000-00917 for a new two story single-family dwelling (1 of 4);  
27 b) 11010-10000-00918 for a new two car garage (2 of 4);  
28 c) 11020-10000-00906 for two new retaining walls (3 of 4); and

d) 11030-10000-02052 for site grading (4 of 4).

9937 West Tower Lane:

a) 11010-10000-00901 for a new single-family dwelling with attached garage (1 of 5);

b) 11020-10000-00882 for two new retaining walls and to reduce the height of an existing retaining wall (2 of 5);

c) 11030-10000-02007 for site grading (3 of 5);

d) 11020-10000-00884 for a water fall water feature (4 of 5) ; and

e) 11047-10000-00398 for a pond water feature (5 of 5).

9941 West Tower Lane:

a) 11014-10000-01468 for adding a two story single-family dwelling with basement to the existing permitted subterranean garage (1 of 7);

b) 11010-10000-00903 for a new two story accessory living quarters (2 of 7);

c) 11010-10000-00904 for a new pool cabana building with attached decks (3 of 7);

d) 11010-10000-01076 for a new pool service and equipment building with attached decks (4 of 7);

e) 11047-10000-00399 for a new swimming pool and detached spa (5 of 7);

f) 11020-10000-00885 for two new retaining walls (6 of 7); and

g) 11030-10000-02010 for site grading (7 of 7).

23. 9933 West Tower Lane is approximately 1.69 acres. Tower Lane has submitted to the City for issuance of building and grading permits, plans for construction on the 9933 West Tower Lane lot consisting of a 5,156 square foot single-family residence, a detached garage, retaining walls and associated site grading.

24. 9937 West Tower Lane is approximately 1.26 acres. Tower Lane has submitted to the City for issuance of building and grading permits, plans for construction on the 9937 West Tower Lane lot consisting of a 2,824 square foot single-family residence with an attached garage, retaining walls and associated site grading.

25. 9941 West Tower Lane is approximately 2.3 acres. Tower Lane has submitted to the City for issuance of building and grading permits, plans for a new 24,472 square foot two story



single-family residence addition to a previously permitted and constructed subterranean garage, an accessory pool cabana building, a pool service and equipment building, accessory living quarters, pool and spa, retaining walls and associated site grading.

26. Grading activities on each of the Properties will occur on site. There will be a nominal export of 52 cubic yards of earth from the 9933 West Tower Lane lot; 671 cubic yards of earth from the 9937 West Tower Lane lot; and 246 cubic yards of earth from the 9941 West Tower Lane lot. Whether measured individually or collectively, the net export of earth from the Properties will be below the City's threshold of 1,000 cubic yards of dirt export, above which an application for a haul route approval from the City is required.

27. The submitted building and grading plans for the Properties are in full compliance with all zoning and building regulations and require no variances, adjustments, or any other discretionary approvals.

#### **The Conspiracy to Defeat the Project**

28. Resistance to Tower Lane's development activities materialized after Tower Lane purchased the properties in 2009 and sought final building and grading permits for construction of the proposed residences. That opposition has been spearheaded by Bruce and Martha Karsh, extraordinarily wealthy neighbors who live on a nearly three-acre estate adjacent to Tower Lane's property. The Karshes are represented by attorneys from Latham & Watkins who have unloaded on the City a barrage of correspondence raising issue after supposed issue all urging the same result: that the City intervene to prevent the issuance of the Permits. Latham & Watkins has interjected itself in all aspects of the Project and the City's review of it, lobbying numerous false and outlandish allegations against Tower Lane in the process.

29. Sometime in 2011, the Karshes created a website, [www.savebenedictcanyon.com](http://www.savebenedictcanyon.com), in an effort to enlist further opposition to the Project. Among other things, the website contains links to various press releases ostensibly issued by a community group, but containing the contact information of individuals named Steve Sugerman and Heather Herndon -- lobbyists employed by the Karshes to pressure the City to deny the Permits.

30. The Karshes' representatives have made repeated reference to the beneficial owner of

1 Tower Lane to foster ethnic hostility as a way to incite further opposition to the Project. The  
 2 website as well as slick mailers and e-mails urging readers to visit the website generated by the  
 3 Karshes' lobbyists are blatantly xenophobic. They consistently make reference to Tower Lane and  
 4 the Saudi Deputy Foreign Minister as "the Prince" (an obvious epithet and clear reference to the  
 5 Deputy Foreign Minister's ethnicity), refer to Tower Lane's plans as a "residential compound", and  
 6 accuse the "Prince" of doing "anything to avoid public review of his mega-compound". They urge  
 7 the community to "remain vigilant" and "stay involved to protect *our* community from the Prince's  
 8 massive plans". (Emphasis supplied).

9 31. An example of the mailers created by the Karshes and their lobbyists is attached  
 10 hereto as Exhibit A. Reference is made to "the Prince" six times. "What's he trying to hide?", the  
 11 mailer asks, as it exclaims to its readers: "We can't let him get away with it!"

12 32. In the past few years homes larger than that proposed by the Saudi Deputy Foreign  
 13 Minister have been proposed and built in the Benedict Canyon area without any opposition from  
 14 local neighbors.

15 33. Along with Latham & Watkins and the Sugerman Group, the Karshes have retained  
 16 at least 3 other lobbying firms and various engineering firms and other construction professionals to  
 17 further pressure the City. They have influenced Councilman Koretz to bring political pressure upon  
 18 City officials into finding some way to force Tower Lane to submit to a lengthy and expensive, full-  
 19 scale environmental review even though the Project involves only ministerial building and grading  
 20 permits.

21 34. Documents obtained by Tower Lane through Public Records Act requests  
 22 demonstrate that the Karshes and their lawyers and lobbyists have been granted unprecedented  
 23 access to and influence over Tower Lane's plan check process. Records reflect extensive meetings  
 24 between Karsh representatives and City officials as they pore over Tower Lane's plans and  
 25 strategize over ways to defeat the Project.. One e-mail from a Bureau of Engineering  
 26 representative, Kevin Azarmahan, sent well after the close of normal business hours notes that he  
 27 just completed a six-hour meeting with two Karsh engineers and a Karsh attorney from Latham &  
 28 Watkins in which each of them "looked at all proposed construction documents in detail[]".

35. The City has purported to justify these extensive meetings by claiming an obligation to listen to opposition concerns. However, City e-mails show that in many cases it was *the City*, including Azarmahan and Urban Forestry officials, that initiated meetings with Karsh representatives to discuss and strategize over newly-minted "issues" with Tower Lane's plans as Tower Lane cleared the old "issues." In one telling e-mail, Azarmahan goes so far as to suggest to a Karsh lobbyist additional ways they might seek to oppose the Project through additional City agencies.

36. In the case of Urban Forestry, City officials reached out to a Karsh lobbyist to schedule meetings to discuss the potential of the Project for disturbing protected trees, an issue raised by the Karshes hoping to force Tower Lane to seek approval of a discretionary tree permit. One e-mail, to Aaron Green, the Director of Political and Community Relations for the Afriat Consulting Group, states: "I would appreciate sitting down with you to discuss the disputed trees on Tower Lane." Another e-mail shows that an Urban Forestry Division official and the President of the Board of Public Works even invited the lobbyist and an arborist on his "team" to accompany him on a site visit to the Tower Lane property. When Tower Lane learned of the proposed trespass and objected in communications to the City Attorney, the City responded by falsely claiming that the request to have the Karsh lobbyist present on site was made by Latham & Watkins and that the City merely relayed the request to Tower Lane's arborist. E-mails from the City prove that the City's representation was false and it was the City that extended the invitation to the "Karsh team" to intervene.

37. Internal City e-mails make reference to the pressure brought to bear by senior City officials upon those responsible for processing the Permit applications. One e-mail from a Department of Building and Safety official notes that the City's review of the Project is "a VERY political job according to Shahren" -- a senior LADBS engineer. Another e-mail from Azarmahan calls the Project "controversial" even though it involves nothing more than the construction of proposed residences pursuant to ministerial permits.

38. In each case, the roadblocks to issuance of the Permits, including the current Private Street issues detailed below, have originated with Karsh representatives as the City, including

1 Azarmahan, LoGrande and Tokunaga, continually "moves the goal posts" as Tower Lane clears the  
2 additional items. Clearances items related to a supposed water course and site drainage originally  
3 cleared by one official has been "uncleared" or added soon after meetings with Karsh-funded  
4 lobbyists and engineers. Those issues remain outstanding because Azarmahan refused to take  
5 further action while Tokunaga and LoGrande refuse to clear issues related to the private street, as  
6 alleged in detail below. A clearance related to trees on the property was originally cleared, then un-  
7 cleared after meetings described above, only to be re-cleared when the City was forced to admit that  
8 the opposition's claims were meritless.

9 39. In one episode, the City had issued permits to Tower Lane to perform corrective  
10 work on a retaining wall built in 2005 by Tower Lane's predecessor in title after the City had issued  
11 Orders to Comply to the then owner of the Properties as a result of construction he had apparently  
12 performed in respect to the wall not in strict compliance with approved plans. As Tower Lane was  
13 in the midst of the corrective work, the City suddenly reversed course and issued a notice that it  
14 intended to revoke the permits as a result of supposed construction delays. When Tower Lane  
15 moved forward to complete the work prior to the expiration date (unilaterally imposed by the City),  
16 Defendant Duran -- incredibly -- issued a stop work order claiming that the permits had already  
17 expired even though the notice it had just issued plainly stated that the permits would not expire for  
18 weeks.

19 40. The City never explained the discrepancy of its actions. Instead, when Tower Lane  
20 attempted to address the issue, Duran asserted he would not revisit the issue because a new one had  
21 arisen: the supposed application of a City ordinance that the City claimed (spurred on by Latham &  
22 Watkins) required Tower Lane to obtain approval of a discretionary tentative tract map. Not until  
23 Tower Lane received that approval, Duran insisted, would the City address the status of Tower  
24 Lane's permits in respect to the retaining walls.

25 41. The City's position in respect to the tentative tract map was, of course, contrived just  
26 like many of the others detailed herein. Approval of a tentative tract map -- as both state law and  
27 the Los Angeles Municipal Code make clear -- is required only where a project proposes a  
28 subdivision. However, the Project involves absolutely no division of land. Nevertheless, the City

1 effectively put the Project on hold as it undertook to invent new procedures that would supposedly  
2 require all projects on lots in hillside areas greater than 60,000 square feet to obtain approval of a  
3 tentative tract map before undertaking any grading work.

4 42. The City's position was championed by the Karshes and their lawyers who continued  
5 to press the issue with the various City departments demanding that they refuse to continue the plan  
6 check process until tentative tract map approval was obtained. The Karshes' position on this issue  
7 was the ultimate display of chutzpah as City records disclosed that the Karshes themselves had  
8 undertook multiple grading projects on their hillside lot, which exceeds 100,000 square feet,  
9 without ever once being required to obtain approval of a tentative tract map. In fact, City records  
10 disclosed that *never once* was a property owner who did not propose a subdivision required by the  
11 City to obtain approval of a tentative tract map in connection with a proposed project.

12 43. The City's artifice culminated in the creation of a new "Filing Procedures  
13 Memorandum" -- issued by the City's Planning Department without Council approval -- which  
14 purported to lay out the procedures required to obtain approval of a tentative tract map in  
15 connection with non-subdivision projects. The Filing Procedures Memorandum also created a  
16 process to "waive" the entire tentative tract map process upon application of affected property  
17 owners. Confirming that these new-found procedures were designed by the City for one purpose --  
18 to defeat Tower Lane's Project -- the City granted such a waiver to every single property owner who  
19 applied for it except one: Tower Lane.

20 44. The City's actions resulted in the filing of *Tower Lane I*, a lawsuit in which the  
21 Karshes were allowed to intervene. At the hearing on the Petition for Writ of Mandate, Judge  
22 Chalfant saw through the City's scheme and issued a writ of mandate ordering the City to refrain  
23 from further applying the requirements of the Filing Procedures Memorandum to the Project.

24 45. Although the City had previously represented it would abide by the Court's ruling on  
25 the writ, it filed a notice of appeal the moment judgment was entered in Tower Lane's favor.  
26 Indeed, far from abiding by the Court's ruling and processing the Permit applications to completion,  
27 as the following facts illustrate in respect to the private street, the City has doubled down.  
28

### Private Street Clearance

46. Before building and grading permits can issue, as reflected above, they often require clearances by multiple City departments to ensure that all facets of the permit are reviewed for compliance with City codes. Tower Lane has undergone an extensive "plan check" review process, complete with multiple reviews by City staff. Such clearances are noted on "Clearance Summary Worksheets", which identify the various conditions to approval of the permits.

47. In this extraordinary case, the Clearance Summary Worksheets in respect to the Permits reflect a moving target. On many occasions, Tower Lane has received approvals of a clearance only to see the City "un-clear" them later. In other instances, the City has added additional clearances as Tower Lane inched closer to issuance. Nevertheless, Tower Lane has for the most part achieved clearances of those additional conditions and "un-cleared" items.

48. The history of the private street approval reflects these facts. Included in the Clearance Summary Worksheets is an approval (the "Private Street Condition") described as:

- Approval of Private Street # (LAMC 18.00):

As reflected in numerous iterations of the Clearance Summary Worksheets, Tower Lane originally obtained a clearance of the Private Street Condition on January 13, 2012. According to the "Comments" noted on the Clearance Summary Worksheet: "PS-275B was approved by AA [the Advisory Agency] on February 24, 2000, the map configuration is consistent with [PMEX] 98-054 approved by AA on 6/7/2002 and recorded as doc. inst. #02-0986813 & 02-0993129".

49. Also included on Clearance Summary Worksheets are clearances related to the private street approval (the "Related Conditions"), described as:

- Verify street(s) at lot frontage(s) are 20 ft. minimum per Hillside Ordinance.
- Verify sewer connection for dwellings located 200 feet or less from a sewer mainline (per the Hillside Ord. 12.2A17(g))
- Verify continuous paved roadway is 20 ft. minimum but < 28 ft., from driveway apron to boundary of Hillside Area per Hillside Ordinance.
- Verify continuous paved roadway is 28 ft. minimum, from driveway apron to boundary of Hillside Area per Hillside Ordinance.

- Verify street classification (Standard or Substandard) & Improvement/dedication requirements per Hillside Ordinance

As reflected in numerous iterations of the Clearance Summary Worksheets, Tower Lane originally obtained clearances of the Related Clearances on October 4, 2011, and March 27, 2012.

### **History of Private Street**

50. The history of the private street -- Tower Lane -- from which primary access is gained to Tower Lane's property dates back to the early part of the 20th Century when it was originally constructed to provide access to certain lots to the south of the Properties. In the 1960s, the road was extended to provide access to the southern two (9933 and 9937 W. Tower Lane) of the three lots currently owned by Tower Lane. Access to the northern lot (9941 W. Tower Lane) was had historically from a driveway that extended from the northern lot, through the middle lot (9937 W. Tower Lane) to the private street. The City approved the extension of the private street to the Properties in 1966. That approval is also known as PS-275-B.

51. The March 10, 1966 approval letter for PS-275-B includes a sentence approving the private street and providing for conditions associated with the grading, construction, utilities infrastructure, among other things:

Pursuant to Chapter 1, Article 8, of the Los Angeles Municipal Code, the Deputy Director of Planning on March 9, 1966 approved Parcels A and B as legal building sites to be served by a private street as indicated on the revised map of Private Street No. 275B, dated March 3, 1966, lying southerly of Beverly Grove Drive and easterly of Benedict Canyon Drive, subject to the following conditions:

52. In a letter dated March 30, 1970, the City verified that all conditions of approval for PS-275-B had been satisfied thereby verifying the completion of the 1966 private street approval.

53. In 1998, the then owner of the Properties sought to adjust the lot line between the northern two of the three lots. The purpose of the lot line adjustment was to bring the property line of the northern lot (9941 W. Tower Lane) down to meet the private street to provide the 20 feet of street frontage. Given regulations enacted since the extension of the private street in the 1960s requiring that all lots front an approved street for at least 20 feet, the lot line adjustment was necessary for any further development of the northern lot.

54. On October 22, 1998, the City approved the lot line adjustment pursuant to Parcel

Map Exemption No. 98-054 ("PMEX 98-054"). Lot line adjustment submittal letter, dated June 17, 1998, from L. Liston Associates, Inc. filed with PMEX 98-054 clearly states the objective of the lot line adjustment application: to "provide frontage to the northern two lots along Private Street Number 275B." In other words, the lot line adjustment was designed to move the property line of 9941 Tower Lane to correspond to the location of the already existing PS 275-B. It did not change the location or configuration of the pre-existing PS 275-B. Nor did it result in the addition of any new cars to the private street as access to the northern lot was already taken from the private street via the long driveway extending across the middle lot.

55. A condition of approval of PMEX 98-054 required a modification to the approval of PS 275-B to document that the existing private street was approved to serve three lots, rather than the two lots previously recognized. The approval of that modification, known as PS 275-B-Mod, was obtained on February 24, 2000, and explicitly stated that it was "a modification to Private Street No. 0275-B to provide legal access to Parcel No. 3, as a legal building site located at 9941 Tower Lane to be served by a private street . . . ." PS 275-B-Mod did not create or modify the configuration or improvement of the private street. It merely added one pre-existing parcel to those that already fronted on the street.

56. Although the City has contended otherwise, the approval of PS 275-B-Mod was not made conditional. While there were conditions stated in the approval, they were not conditions to the approval itself but rather conditions to the issuance of subsequent permits based upon the approval. The approval provided that subsequent permits could only "be issued pursuant to this approval following receipt of satisfactory evidence of compliance with" the conditions thereafter laid out. Most of those conditions were simply carry forwards of the conditions that had been imposed and long-ago satisfied with the approval and establishment of the pre-existing PS 275-B.

57. The complete first sentence of the February 24, 2000 PS-275-Mod approval letter states:

Pursuant to Chapter 1, Article 8, of the Los Angeles Municipal code, the Deputy to the Director of Planning approved a modification to Private Street No. 0275-B to provide legal access to Parcel No. 3, as a legal building site located at 9941 Tower Lane to be served by a private street as indicated on the revised map of Private Street No. 0275-B, stamp dated December 3,



1 1999, lying westerly of Tower Grove Drive and south easterly of Delresto  
 2 Drive.

3 58. This sentence makes no reference to any conditions associated with the private street  
 4 modification approval -- only that the modification to the private street is approved. The second  
 5 sentence stands alone and addresses the issuance of permits and states:

6 The Deputy to the Director of Planning will advise the department of  
 7 Building and Safety that the necessary permits may be issued pursuant to this  
 8 approval following receipt of satisfactory evidence of compliance with the  
 9 following conditions.

10 59. The reference to conditions in the second sentence pertains solely to the issuance of  
 11 permits -- not the modification to the private street.

12 60. A neighbor subsequently appealed the approval of PS 275-B-Mod to the Board of  
 13 Zoning Appeals ("BZA"). The BZA denied the appeal on November 15, 2000, and in doing so,  
 14 expressly left the conditions imposed by the Advisory Agency unmodified.

15 61. Following denial of the appeal, the City issued and allowed the recordation of  
 16 Certificates of Compliance. In approving PMEX 98-054, the Advisory Agency noted that the final  
 17 step of the approval process was to obtain from the City and record Certificates of Compliance.  
 18 Those Certificates are issued and recorded pursuant to the Subdivision Map Act, Gov't Code  
 19 § 66499.35 to provide notice -- most particularly to successors in title -- that the subject lots are  
 20 legally existing and compliant with the Map Act and ordinances enacted thereunder. The  
 21 Certificates of Compliance were issued and recorded only after PS 275-B-Mod was approved by the  
 22 Advisory Agency thereby completing the last step necessary for approval of the lot line adjustment.  
 23 True and correct copies of the Certificates of Compliance are attached hereto as Exhibit B.

24 62. Given the approval of PMEX 98-054 and the recordation of the Certificates of  
 25 Compliance verifying the completion and finalization of the lot line adjustment and associated  
 26 modification to the private street, Tower Lane's predecessor in interest and subsequently Tower  
 27 Lane thereafter undertook the years-long efforts to develop the property spending millions of dollars  
 28 in the process. For its part, Tower Lane relied upon the approvals and entitlements in purchasing  
 the Properties -- indeed, no title insurance could even have been obtained had the City not allowed  
 the recording of the Certificates of Compliance verifying that each of the three lots were validly

1 existing legal lots, including appropriate street frontage -- and thereafter expending millions of  
2 dollars in connection with the Project, including the construction of large retaining walls, associated  
3 site grading, construction of a large underground garage upon which the proposed residence on the  
4 9941 W. Tower Lane lot is designed to sit, and pursuing the current Project and Permits that are at  
5 issue in this litigation.

6 63. At no point in time during the course of those construction activities did the City  
7 ever raise any issues concerning the private street even though the validity of the private street was  
8 a condition of approval of the associated permits. For example, the City issued Permit No. 06010-  
9 30000-01012 for the construction of the underground garage and motor court totaling 6,256 square  
10 feet on the 9941 W. Tower Lane lot in 2006. Conditions of approval to that permit included the  
11 ***exact same*** Private Street and Related Conditions that the City now refuses to clear in connection  
12 with the subject Permits. The City cleared each of those conditions prior to issuing that permit.

13 64. The Private Street Condition was also a condition of approval of at least Permit Nos.  
14 06030-30000-00779 for site grading in connection with the construction of the garage issued in  
15 2006; Permit No. 05030-30002-00127 in connection with additional grading issued in 2006, and  
16 Permit No. 05020-30001-00112 in connection with the construction of a 442 foot-long, 26 foot-high  
17 retaining wall issued in 2005. In each instance the City cleared the Private Street Condition and  
18 issued the permits -- approvals upon which Tower Lane and its predecessor relied in spending  
19 millions of dollars constructing the retaining walls, garage and motor court. and pursuing the current  
20 entitlements.

21 **The City Unlawfully "Un-Clears" the Private Street and Related Conditions**

22 65. On June 26, 2012, while *Tower Lane I* remained pending, Latham & Watkins, wrote  
23 a lengthy letter to the Director of Planning concerning the Private Street Condition. Latham &  
24 Watkins argued that as a result of the 2000 private street modification recounted above, certain  
25 conditions were placed upon the continued validity of the private street; that the conditions had not  
26 been complied with by the prior owner; that, as a result, the 2000 private street approval had  
27 expired; and that therefore, the Permits could not issue. The City subsequently invited Latham &  
28 Watkins to a meeting with various City representatives to discuss and strategize concerning the

1 allegations.

2 66. Following a later meeting between City representatives and representatives of Tower  
3 Lane on July 18, 2012, to discuss Latham & Watkins' latest allegations, the City, on July 20, 2012,  
4 took the bait laid by Latham & Watkins and notified Tower Lane that it had removed the clearances  
5 of the Private Street Condition previously obtained.

6 67. Subsequently, on July 23, 2012, the City notified Tower Lane that it had removed the  
7 clearances previously obtained of the Related Conditions given Latham & Watkins' allegations  
8 concerning the private street.

9 68. On July 27, 2012, counsel for Tower Lane responded to the City's actions and  
10 Latham & Watkins' allegations. In a lengthy and detailed response recounting the history of the  
11 private street, counsel offered a point-by-point rebuke of Latham & Watkins' allegations, including  
12 the point laid out above that the 2000 private street modification approval was not conditional in the  
13 first place, that the City had recognized over and over again the continued validity of the private  
14 street, and that the latest allegations were nothing more than the latest contrivances fabricated by  
15 Latham & Watkins to prevent the issuance of the Permits.

16 69. The City responded to Tower Lane on September 7, 2012. In it, the City contended  
17 that the issuance of the Certificates of Compliance by the City in 2000 was an error and that the  
18 Certificates "should not have been issued". "Nonetheless [the City continued], in light of Tower  
19 Lane's reliance on the certificates, Planning will not void the private street."

20 70. However, the City also contended that the approval of the private street modification  
21 in 2000 was itself subject to various conditions. Thus, according to the City, "before Planning will  
22 remove the private street clearance for the Project permit applications, Tower Lane must  
23 demonstrate that the approved plans will result in a development that complies with all of the  
24 conditions of the year 2000 approval." The City further directed Tower Lane to work with Planning  
25 official Jim Tokunaga "to demonstrate compliance with all of the conditions."

26 71. Tower Lane responded to the City noting that it continues to disagree "with the City's  
27 position that the 2000 private street approval was conditional, and believe[s] the City's position is  
28 unsupportable both factually and legally." However, Tower Lane also noted that it believed it was

making progress in its efforts to obtain clearances of the purported conditions of the 2000 approval and that therefore "our dispute at this point is purely academic." Tower Lane further noted that to the extent "the matter is subject to further proceedings or debate Tower Lane reserves its right to maintain and argue its position that, regardless of and/or in addition to the merits of an estoppel argument, the private street approval was not conditioned in the first instance and the City has and had no authority to 'void the private street.'"

**The Secondary Access Condition**

72. The 2000 private street modification approval contained 16 conditions imposed by various City Departments. According to Planning Department officials, the practice of the department when it receives an application for approval of a private street or a private street modification is to send the application to the relevant City departments for review and consideration. Those departments will respond with either a recommendation of denial, approval, or approval with conditions.

73. As a result of that practice, on June 28, 1999, the Los Angeles Fire Department ("LAFD") issued a memorandum in connection with the application to modify the private street. In it, the LAFD recommended approval subject to certain conditions including the condition (the "Secondary Access Condition"):

Fire lanes, where required and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

A true and correct copy of the June 28, 1999 LAFD memorandum is attached hereto as Exhibit C.

74. Pursuant to City practice, LAFD's conditions of approval were incorporated verbatim into the 2000 private street modification approval, including the Secondary Access Condition, along with the conditions imposed by the other City departments.

75. Compliance with the Secondary Access Condition here is easily demonstrated as the Properties are located near a public road -- Delresto Drive -- which runs near the western boundary of the Properties. To ensure access from Delresto Drive, Tower Lane's plans call for the installation of a stairway from Delresto Drive across an ingress-egress easement to the dwelling on the Properties.

1           76. That access is fully compliant with the Fire Code (although there is no Fire Code  
2 Section cited in the Secondary Access Condition). The Fire Code provides that an entrance to a  
3 residential dwelling unit be provided no further than 150 feet from the edge of the roadway of an  
4 approved street providing access for Fire Department apparatus:

5           If any portion of the first story exterior walls of any building structure is more than  
6 150 feet from the edge of the roadway of an approved street, an approved fire lane  
shall be provided so that such portion is within 150 feet of the edge of the fire lane.

7           **EXCEPTION:**

8           An entrance to any dwelling unit or guest room shall not be more than 150 feet in  
9 distance of horizontal travel from the edge of roadway of an improved street or  
approved fire lane." Fire Code Section 57.09.03 B.

10          77. Regarding dead ending streets more than 700 feet long, the Fire Code provides:

11          When required access is provided by an improved street, fire lane or combination of  
12 both which results in a dead end in access [sic] of 700 feet in length from the nearest  
13 cross street, at least one additional ingress-egress roadway shall be provided in such  
a manner that an alternative means of ingress-egress is accomplished. Fire Code  
Section 57.09.03 C.

14          78. Thus, compliant Fire Department access is achieved when the edge of the roadway  
15 or fire lane providing access for Fire Department apparatus is within 150 feet, measured  
16 horizontally, to any entrance to a dwelling unit.

17          79. Tower Lane's plans reveal that primary access is provided via a fire lane extending  
18 from the terminus of PS 275-B, *i.e.*, Tower Lane, to a compliant *cul-de-sac* turnaround near an  
19 entrance to the proposed residence. Secondary access is provided via on-grade stairs extending  
20 from the edge of Delresto Drive to the Properties westerly property line and to an entrance to the  
21 proposed residence. The horizontal distance measured from the edge of the roadway of the fire lane  
22 *cul-de-sac* to an entrance of the residence, as well as the horizontal distance measured from the edge  
23 of the roadway on Delresto Drive, an approved street, to an entrance to the residence, is under 150  
24 feet.

25          80. As directed by the City, Tower Lane has worked with Defendant Tokunaga to  
26 demonstrate compliance with the conditions of the 2000 private street modification approval. In  
27 respect to the conditions imposed by LAFD, including the Secondary Access Condition, Tokunaga  
28 directed Tower Lane to obtain clearances of the conditions from LAFD. In doing so, Tokunaga

1 acknowledged his instructions were consistent with decades of uninterrupted practice of the  
2 Advisory Agency relying on LAFD to confirm compliance with any and all conditions originating  
3 from LAFD related to private streets and subdivisions. Tokunaga further indicated that the LAFD  
4 clearance would be in the form of a memo to the City Planning Department referencing the  
5 conditions originated by LAFD. Tokunaga also indicated he would honor the LAFD clearance  
6 memo, and that he relies on LAFD guidance given its expertise in the Fire Code.

7 81. Tokunaga explained this process in a sworn declaration filed in *Tower Lane I*.  
8 According to Tokunaga:

9 [M]any of the conditions in the private street modification approval must be  
10 approved by the Fire Department, or the Bureau of Engineering. Under the City's  
11 practice, the Fire Department and the Bureau of Engineering will send a letter to the  
12 Planning Department confirming their approval once the applicant satisfies the  
13 conditions.

14 82. Thus, according to Tokunaga, (1) the approval of the conditions imposed by the  
15 LAFD must come from the LAFD; and (2) it is the "city's practice" to clear the condition through a  
16 memorandum issued by LAFD. A true and correct copy of Tokunaga's declaration is attached  
17 hereto as Exhibit D.

18 83. At the direction of Tokunaga, Tower Lane worked with LAFD to demonstrate  
19 compliance with the LAFD conditions, including the Secondary Access Condition. As a result, on  
20 October 17, 2012, LAFD issued a memorandum to the Director of Planning, stating:

21 Subject property has been investigated by members of the Fire Department.

22 RECOMMENDATION:

23 The Fire Department has reviewed and approved plot plans. You may clear  
24 Conditions 9 through 15.

25 The Secondary Access Condition was Condition No. 12 to the 2000 Private Street modification  
26 approval. A true and correct copy of the LAFD's October 17, 2012 memorandum is attached hereto  
27 as Exhibit E.

28 84. Nevertheless, despite the facts that (1) secondary access to the Properties exists as set  
forth above; (2) Tower Lane followed City-mandated procedures to demonstrate compliance with  
the Secondary Access Condition; and (3) LAFD -- the department that imposed the condition in the

1 first place and the unit responsible for enforcing the Los Angeles Fire Code -- determined that the  
 2 Secondary Access Condition has been satisfied and should be cleared, the City and Tokunaga *still*  
 3 refuse to clear the Private Street Condition asserting -- without explanation or other justification --  
 4 that the Secondary Access Condition has not been satisfied.

5 85. Unbeknownst to Tower Lane, on November 7, 2012, Defendant LoGrande issued a  
 6 memorandum to Bud Ovrom, General Manager of the Department of Building and Safety, asserting  
 7 that the current plans for Tower Lane's Properties do not comply with the Secondary Access  
 8 Condition, and that therefore the clearance for the Private Street Condition will not be issued and,  
 9 consequently, the Permits are not to be issued for the subject Properties. Incredibly, Tower Lane  
 10 was not provided with a copy of the memorandum and discovered its existence only as a result of  
 11 obtaining a copy of yet another letter written by Latham & Watkins, which had been given a copy  
 12 of the memorandum and had attached it as an exhibit to its letter.

13 86. Notably, LoGrande offered no analysis or justification for his conclusions. A true  
 14 and correct copy of LoGrande's November 7, 2012 memorandum is attached hereto as Exhibit F.

15 87. In a letter dated January 11, 2013, Tower Lane offered a detailed rebuke of  
 16 Tokunaga's and LoGrande's refusal to clear the Secondary Access and Private Street Conditions in  
 17 light of the LAFD approval. On January 28, 2013, the City responded in a letter from the Deputy  
 18 City Attorney. In it, the City acknowledged that the LAFD's actions were proper and legal under  
 19 the Los Angeles Municipal Code and that Tower Lane's plans, which called for the installation of  
 20 additional fire safety measures at the direction of LAFD, provided fire protection equal to or greater  
 21 than anything required by the Fire Code. Nevertheless, the City claimed that the LAFD did not  
 22 actually recommend a clearance of the Secondary Access Condition (even though the LAFD's  
 23 October 17, 2012 memorandum plainly did just that) but instead granted Tower Lane a waiver of  
 24 the requirement pursuant to the Fire Code. The City further claimed that although LAFD has the  
 25 authority under the Fire Code to grant a waiver, the Zoning Code contains no similar provision  
 26 meaning that the Planning Department will not honor the determinations of the LAFD in respect to  
 27 this fire, life and safety condition that was imposed by LAFD in the first instance.

28 88. The City's attempts to re-interpret the LAFD approval is plainly absurd. Tower Lane

1 did not apply for and was not granted a "waiver" of any sort. Nor does the LAFD memorandum  
 2 make reference to a waiver or any provision of the Fire Code giving LAFD authority to grant a  
 3 waiver. The memorandum advises the Planning Department that the condition has been satisfied  
 4 and should be cleared.

5 89. The City's unlawful refusal to clear the Private Street Condition and Related  
 6 Conditions is just another in a long line of unjustified abuses designed to prevent issuance of the  
 7 Permits. The City has a present, ministerial duty to clear the Private Street Condition and Related  
 8 Conditions and issue the subject Permits but refuses to do so.

#### 9 IV.

#### 10 STANDING AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

11 90. Tower Lane is the owner of the properties that are the subject of the Permits and is  
 12 therefore beneficially interested in the subject of this Petition and Complaint.

13 91. Tower Lane sought issuance of the Permits through the City's defined approval  
 14 process.

15 92. Tower Lane has no plain, speedy or adequate remedy in the course of ordinary law  
 16 unless this Court grants the requested writ of mandate. In the absence of such remedies, the City's  
 17 refusal to clear the Private Street Condition and issue the Permits will form the basis for a decision  
 18 taken in violation of state law.

19 93. Tower Lane has exhausted all administrative remedies available to it. Tower Lane  
 20 has engaged the City in a lengthy and comprehensive dialogue concerning compliance with the  
 21 Secondary Access Condition, written numerous and lengthy letters, submitted voluminous evidence  
 22 to the City supporting its position, and attended lengthy meetings. The memorandum issued by Mr.  
 23 LoGrande on November 7, 2012 directing that the Permits not issue and the City Attorney's further  
 24 correspondence on the issue dated January 28, 2013 constitute the City's final word and position on  
 25 the subject of the Secondary Access Condition. No further administrative actions are available to  
 26 Tower Lane to challenge the City's refusal to clear the Private Street Condition and Related  
 27 Conditions. In addition, and alternatively, to the extent the City contends that administrative  
 28 appeals are available to Tower Lane it would be futile in these circumstances to require Tower Lane



to engage in the lengthy and expensive process of complying with them when the City has already made and announced a final decision on the matter.

### FIRST CAUSE OF ACTION

#### **(Petition for Writ of Mandate Against Respondent City of Los Angeles to Command Clearance of Secondary Access Condition and Issuance of Permits)**

94. Tower Lane re-alleges Paragraphs 1 through 93, which are incorporated herein by this reference.

95. The clearance of the Private Street Condition and Related Conditions and issuance of building and grading permits for a project that complies with the zoning and building codes of a city is a ministerial act. In the City of Los Angeles, absent legislation of a kind not present here, the issuance of building and grading permits are ministerial acts.

96. LAMC section 91.106.4.1 provides that, "[w]hen the department determines that the information on the application and plans is in conformance with this Code and other relevant codes and ordinances, the department *shall* issue a permit upon receipt of the total fees." (Emphasis added).

97. All information on the applications for the Permits and the plans submitted in connection therewith is in conformance with the LAMC and other relevant codes and ordinances. The City therefore has a present, ministerial duty to clear the subject condition and issue the Permits.

98. The City has no authority to refuse to clear the Private Street Condition and Related Conditions and therefore must issue the Permits being that the Project under review complies with all ordinances and regulations of the City.

99. The City has a ministerial duty to clear the Private Street Condition and Secondary Access Condition because (1) the Project, as designed satisfies the Secondary Access Condition in that the Properties are located next to a public road -- Delresto Drive -- which runs near the western boundary of the Properties and that, to ensure access from Delresto Drive, Tower Lane's plans call for the installation of a stairway from Delresto Drive across an ingress-egress easement to the

dwelling on the Property thereby providing access for Fire Department apparatus within 150 feet, measured horizontally, to any the entrance of the proposed residence; (2) Tower Lane adequately demonstrated compliance with the Secondary Access Condition in that (a) secondary access to the Properties exists as set forth above; (b) Tower Lane followed City-mandated procedures to demonstrate compliance with the Secondary Access Condition; and (c) LAFD -- the department that imposed the condition in the first place and the unit responsible for enforcing the Los Angeles Fire Code -- determined that the Secondary Access Condition has been satisfied and should be cleared.

100. The City has repeatedly recognized that the standards for clearing the Private Street Condition and Secondary Access Condition have been met. The City issued the Certificates of Compliance and acquiesced in their recording. The City also issued numerous building and grading permits, conditions of approval of which included the Private Street Condition, and routinely and repeatedly cleared the Private Street Condition and Related Conditions. Tower Lane and its predecessors in title relied upon the actions and representations of the City in obtaining the subject permits, completing the construction activities contemplated by such permits -- including construction of large retaining walls, a subterranean garage and motor court and associated site grading -- purchasing the property, pursuing the entitlements at issue, and expending tens of millions of dollars in connection therewith.

101. In refusing to clear the Private Street Condition and Related Conditions and issue the Permits, the City's actions are in clear contravention of its ministerial duties and are unlawful, discriminatory, arbitrary, and capricious and have denied Tower Lane its rights under the laws of the City and the State of California and the Constitution of the United States.

## SECOND CAUSE OF ACTION

### **(Declaratory Relief Against Respondent and Defendant City of Los Angeles Re Satisfaction of Private Street Condition and Entitlement to Issuance of the Permits)**

102. Tower Lane re-alleges Paragraphs 1 through 101, which are incorporated herein by this reference.

103. An actual controversy exists among Tower Lane and the City, inasmuch as Tower Lane contends that (1) the Project, as designed satisfies the Secondary Access Condition in that the

Properties are located next to a public road -- Delresto Drive -- which runs near the western boundary of the Properties and that, to ensure access from Delresto Drive, Tower Lane's plans call for the installation of a stairway from Delresto Drive across an ingress-egress easement to the dwelling on the Property thereby providing access for Fire Department apparatus within 150 feet, measured horizontally, to any entrance of the proposed residence; (2) Tower Lane adequately demonstrated compliance with the Secondary Access Condition in that (a) secondary access to the Properties exists as set forth above; (b) Tower Lane followed City-mandated procedures to demonstrate compliance with the Secondary Access Condition; and (c) LAFD -- the department that imposed the condition in the first place and the unit responsible for enforcing the Los Angeles Fire Code -- determined that the Secondary Access Condition has been satisfied and should be cleared; and that (3) the City has a ministerial duty to clear the Private Street Condition and Related Conditions and issue the Permits.

104. Upon information and belief, the City denies Tower Lane's contentions.

105. Therefore Tower Lane seeks and desires a judicial declaration to the effect that: (1) the Project, as designed satisfies the Secondary Access Condition; (2) Tower Lane adequately demonstrated compliance with the Secondary Access Condition; and (3) the City has a ministerial duty to clear the Private Street Condition and Related Conditions and issue the Permits.

### **THIRD CAUSE OF ACTION**

#### **(Denial of Substantive and Procedural Due Process in Violation of the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983 Against All Defendants)**

106. Tower Lane re-alleges Paragraphs 1 through 104, which are incorporated herein by this reference.

107. The Fourteenth Amendment to the United States Constitution prohibits the deprivation of property by a state without due process of law.

108. 42 United States Code Section 1983 ("Section 1983") prohibits those acting under the color of law of any state from depriving "any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws."

109. Defendants were, at all relevant times herein, acting under the color of state law.

110. California courts have held that "a deliberate flouting of the law that trammels significant personal or property rights" is actionable under the Fourteenth Amendment and Section 1983. *Galland v. City of Clovis* 24 Cal.4th 1003 (2001).

111. Defendants deliberately and egregiously violated the City's laws with respect to Tower Lane's Properties, and in doing so deprived Tower Lane of significant property rights by conspiring with neighborhood Project opponents to prevent the development of the Properties even though the Project complies in all respects with the ordinances and regulations of the City and the City has a present ministerial duty to issue the Permits.

112. Defendants' flouting of the law has prejudicially, wrongfully, and unlawfully restricted Tower Lane's use and development of its Properties. As a direct and proximate result of the Defendant's actions, Tower Lane has suffered substantial damages, which include but are not limited to the purchase price of the Properties, which are effectively valueless given that the City unlawfully refuses to allow Tower Lane to develop them, costs of construction to date; and fees and costs incurred in connection with the retention of architects, consultants, engineers, lawyers and others. These damages will be proven at trial, but total at least twenty-five million dollars (\$25,000,000).

#### **FOURTH CAUSE OF ACTION**

##### **(Denial of Equal Protection Under the Law in Violation of the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983 Against All Defendants)**

113. Tower Lane re-alleges Paragraphs 1 through 111, which are incorporated herein by this reference.

114. Defendants were, at all relevant times herein, acting under the color of state law.

115. Under the Equal Protection clause of the United States Constitution, laws which treat similarly situated individuals or groups differently must have a proper basis for their adoption or application to be enforced.

116. Defendants denied Tower Lane equal protection of the law by deliberately and egregiously violating the City's laws with respect to Tower Lane's property, advancing the improper

and unlawful aims of the Project opponents, and treating Tower Lane differently than other property owners and developers, and in doing so depriving Tower Lane of significant property rights. Defendants have conspired with neighborhood Project opponents to prevent the development of the Properties even though the Project complies in all respects with the ordinances and regulations of the City and the City has a present ministerial duty to issue the Permits.

117. In denying Tower Lane equal protection of the law and prejudicially, wrongfully, and unlawfully restricting Tower Lane's use and development of its Properties, Defendants directly and proximately caused Tower Lane to suffer substantial damages, which include but are not limited to the purchase price of the Properties, which are effectively valueless given that the City unlawfully refuses to allow Tower Lane to develop them, costs of construction to date; and fees and costs incurred in connection with the retention of architects, consultants, engineers, lawyers and others. These damages will be proven at trial, but total at least twenty-five million dollars (\$25,000,000).

### PRAYER FOR RELIEF

WHEREFORE, Tower Lane prays for judgment against all Respondents and Defendants, and each of them as follows:

1. For a writ of mandate to issue commanding the City to clear any and all permit conditions related to the Secondary Access Condition, the Private Street Condition and the Related Conditions and to issue Tower Lane's Permits forthwith;

2. For a declaration to the effect that (1) the Project, as designed satisfies the Secondary Access Condition; (2) Tower Lane adequately demonstrated compliance with the Secondary Access Condition; and (3) the City has a ministerial duty to clear the Private Street Condition and Related Conditions and issue the Permits;


3. For a declaration to the effect that the City is estopped from denying that the Project, as designed, satisfies the Private Street Condition and Related Conditions and that the Permits should issue;

///

- 1           4.       For compensatory damages in an amount subject to proof at trial but in any event no
- 2 less than twenty-five million dollars (\$25,000,000);
- 3           5.       For punitive or exemplary damages;
- 4           6.       For costs of suit and reasonable attorneys' fees pursuant to applicable provisions of
- 5 law; and
- 6           7.       For such other relief as the Court may deem just and proper.
- 7

8 DATED: February 4, 2013

JEFFER MANGELS BUTLER & MITCHELL LLP  
ROBERT E. MANGELS  
BENJAMIN M. REZNIK  
MATTHEW D. HINKS

11 By:   
12 ROBERT E. MANGELS  
13 Attorneys for Petitioner TOWER LANE  
14 PROPERTIES, INC.

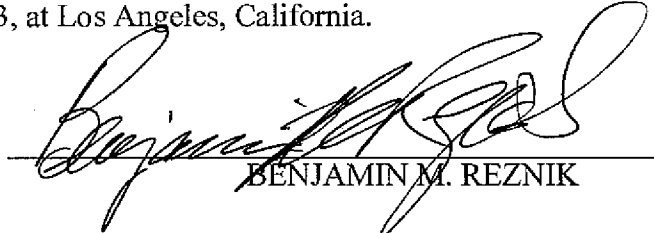
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**VERIFICATION****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Verified Petition for Writ of Mandate Pursuant to Code of Civil Procedure § 1085 and Complaint for (1) Declaratory Relief; (2) Violation of Substantive and Procedural Due Process; and (3) Denial of Equal Protection of the Laws and know its contents.

I am counsel for Tower Lane Properties, Inc, the Petitioner in this action. I make this verification because: (1) the facts set forth in this Petition are within my knowledge and not personally known to Tower Lane Properties, Inc.; (2) I have personal knowledge of the facts set forth in this Petition as a result of my representation of Tower Lane Properties, Inc.; and (3) I have been personally engaged in the efforts to secure the Permits that are the subject of this Petition. I am authorized to make this verification for and on behalf of Tower Lane Properties, Inc., and I make this verification for that reason. I have read the foregoing document and know its contents. The contents are true of my own knowledge, except as to matters stated therein on information and belief, and as to those matters I believe them to be true.

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

Executed on February 4, 2013, at Los Angeles, California.

  
\_\_\_\_\_  
BENJAMIN M. REZNIK

# **EXHIBIT A**



**save**  
benedict  
canyon

The Prince will do anything to avoid public review of his mega-compound  
**The More We Find, The Worse it Gets.**  
**WE CAN'T LET HIM GET AWAY WITH IT!**

## The Prince Didn't Get His Way, SO NOW HE'S SUING!

Unbelievably, he's asking the court to immediately require the City to issue all building permits for his mega-compound without environmental review or compliance with building or grading codes.

The City has told the Prince repeatedly that environmental review is required for his mega-compound.

**"The City cannot issue permits for the Project until that review is completed,"** the City stated in its response to the Prince's lawsuit.

But the Prince decided that he is above the law. His representative has said "public input is irrelevant." He now clearly believes that City input is irrelevant too.



229.00 \*\*\*\*\*ECRWSS\*\*C058 P-1 P12

**WE CAN'T LET HIM GET AWAY WITH IT!**

## Apparently, he'll do anything to avoid public review. What's he trying to hide?

The lawsuit comes immediately after the **City requested additional information about his mega-compound.**  
**Instead of complying, he ran to court!**

The Prince's latest maneuver shows contempt not only for the community but the City as well by trying to build his massive, commercial-scale compound in a sensitive hillside area without complying with environmental laws, mitigating any of the enormous impacts the multi-year project could cause, or providing any information to the city.



**ACT  
TODAY**

Please visit [www.savebenedictcanyon.com](http://www.savebenedictcanyon.com)  
and sign up to **support your community**

 Like us on Facebook

# **EXHIBIT B**



LEAD SHEET

48-084

02 0993129

RECEIVED  
CITY OF LOS ANGELES  
JUN 07 2002

CITY PLANNING  
DIVISION OF LAND

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA

10:41 AM APR 30 2002

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$16	P
DAF \$2	
C-20	4

D.T.T.

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED L. AND MAIL TO:

02 0993129

Department of City Planning  
200 N. Spring Street, Room 763  
Los Angeles, CA 90012-4801

\*\*\*\*\* SPACE ABOVE THIS LINE FOR RECORDER'S USE \*\*\*\*\*

OWNER: Page Jenkins, as Trustee of the BP9 Trust

SITE ADDRESS: 9941 Tower Lane

ASSESSOR PARCEL NO. 4356-026-025, 4356-026-024, 4356-027-033

DISTRICT MAP NO.: 144 B 157

LEGAL DESCRIPTION:

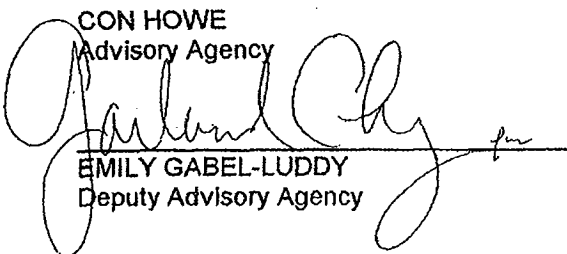
See Exhibits "A" and "B" Herein Attached

**CERTIFICATE OF COMPLIANCE  
FOR LOT-LINE ADJUSTMENT  
CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING**

The purpose of filing this Certificate of Compliance is to verify that all necessary deeds to adjust the boundaries of the subject parcel have been approved and recorded pursuant to Parcel Map Exemption No. 98-054.

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

CON HOWE  
Advisory Agency

  
EMILY GABEL-LUDDY  
Deputy Advisory Agency

Date: 4-11-02

02 0993129

## LEGAL DESCRIPTION

## PROPOSED LOT 1:


THAT PORTION OF LOT 15 OF TRACT NO. 6073 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 12 AND 13 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES, CALIFORNIA, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THAT CERTAIN COURSE IN THE EASTERLY BOUNDARY OF SAID LOT 15, HAVING A BEARING OF SOUTH 06°30'40" EAST AND A LENGTH OF 276.22 FEET, DISTANT THEREON NORTH 06°30'40" WEST 14.59 FEET FROM THE SOUTHERLY END OF SAID COURSE; THENCE LEAVING SAID EASTERLY BOUNDARY SOUTH 75°00'00" WEST 16.38 FEET MORE OR LESS TO THE NORTHERLY TERMINUS OF THE FINAL COURSE OF THE STRIP OF LAND, 25 FEET WIDE, LYING 12.5 FEET ON EACH SIDE OF A CENTERLINE DESCRIBED IN AN AGREEMENT FOR FUTURE PROPOSED ROAD DEDICATION BY GEOFFREY SWAEBE RECORDED FEBRUARY 6, 1968 AS INSTRUMENT NO. 3047 IN BOOK M-2769, PAGE 308 AND AN AGREEMENT TO MAINTAIN FREE AND CLEAR OF OBSTRUCTIONS ROAD BASEMENTS BY GEOFFREY SWAEBE RECORDED FEBRUARY 6, 1968 AS INSTRUMENT NO. 3049 IN BOOK M-2769, PAGE 312 ALL OF OFFICIAL RECORDS, SAID FINAL COURSE HAVING A BEARING OF NORTH 15°00'00" WEST AND A LENGTH OF 18.65 FEET; THENCE SOUTH 75°00'00" WEST 12.50 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED 25-FOOT WIDE STRIP OF LAND; THENCE ALONG SAID WESTERLY LINE SOUTH 15°00'00" EAST 18.65 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 310.56 FEET; THENCE SOUTHEASTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 00°14'57" AN ARC DISTANCE OF 1.35 FEET; THENCE LEAVING SAID WESTERLY LINE NORTH 89°45'39" WEST 139.26 FEET; THENCE, SOUTH 52°32'28" WEST 28.83 FEET; THENCE, SOUTH 90°00'00" WEST 33.34 FEET; THENCE, NORTH 50°27'48" WEST 28.06 FEET; THENCE, NORTH 89°45'39" WEST 111.09 FEET MORE OR LESS TO THE SOUTHERLY END OF THAT CERTAIN COURSE IN THE WESTERLY BOUNDARY OF SAID LOT 15 HAVING A BEARING OF NORTH 37°11'20" WEST AND A LENGTH OF 142.19 FEET.

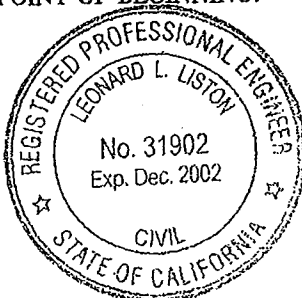
ALONG WITH THAT PORTION OF LOT 1 OF TRACT NO. 6073 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 12 AND 13 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 15 OF SAID TRACT NO. 6073; THENCE, NORTH 89°49'45" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1 A DISTANCE OF 63.94 FEET; THENCE, LEAVING SAID SOUTHERLY LINE, NORTH 57°23'33" WEST 4.06 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 16.94 FEET, A RADIAL LINE TO SAID CURVE AT SAID POINT BEARS SOUTH 67°18'03" EAST; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°56'01" AN ARC DISTANCE OF 6.48 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 84.50 FEET; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°07'34" AN ARC DISTANCE OF 44.43; THENCE NORTH 63°59'48" WEST 55.85 FEET; THENCE NORTH 53°12'47" WEST 89.00 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTH 28°39'30" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING.

SIGNED:

  
LEONARD LISTON RCE 31902

ch:w5d\leg60734.LL





02 0993129

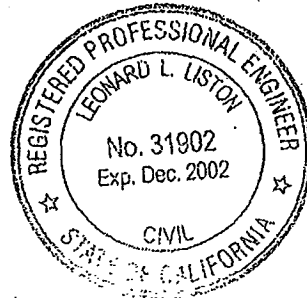
LEGAL DESCRIPTION

PROPOSED LOT 2:

THAT PORTION OF LOT 15 OF TRACT NO. 6073 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 12 AND 13 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES, CALIFORNIA, LYING NORTHERLY OF THE HEREIN DESCRIBED LOT 1 AND SOUTHEASTERLY AND SOUTHWESTERLY OF THE HEREIN DESCRIBED LOT 3.

SIGNED:

  
LEONARD LISTON RCE 31902



02 0993129

LEGAL DESCRIPTION

PROPOSED LOT 3:

THAT PORTION OF LOT 15 OF TRACT NO. 6073 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 12 AND 13 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES, CALIFORNIA, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT A POINT ON THAT CERTAIN COURSE IN THE EASTERLY BOUNDARY OF SAID LOT 15, HAVING A BEARING OF SOUTH 06°30'40" EAST AND A LENGTH OF 276.22 FEET, DISTANT THEREON NORTH 06°30'40" WEST 14.59 FEET FROM THE SOUTHERLY END OF SAID COURSE; THENCE LEAVING SAID EASTERLY BOUNDARY SOUTH 75°00'00" WEST 16.38 FEET MORE OR LESS TO THE NORTHERLY TERMINUS OF THE FINAL COURSE OF THE STRIP OF LAND, 25 FEET WIDE, LYING 12.5 FEET ON EACH SIDE OF A CENTERLINE DESCRIBED IN ALL AGREEMENTS FOR FUTURE PROPOSED ROAD DEDICATION BY GEOFFREY SWAEBE RECORDED FEBRUARY 6, 1968 AS INSTRUMENT NO. 3047 IN BOOK M-2769, PAGE 308 AND AN AGREEMENT TO MAINTAIN FREE AND CLEAR OF OBSTRUCTIONS ROAD BASEMENTS BY GEOFFREY SWAEBE RECORDED FEBRUARY 6, 1968 AS INSTRUMENT NO. 3049 IN BOOK M-2769, PAGE 312 ALL OF OFFICIAL RECORDS, SAID FINAL COURSE HAVING A BEARING OF NORTH 15°00'00" WEST AND A LENGTH OF 18.65 FEET; THENCE SOUTH 75°00'00" WEST 13.95 FEET TO A POINT IN A LINE THAT IS LOCATED 30.00 FEET WEST OF THE EASTERLY BOUNDARY OF SAID LOT 15; THENCE ALONG SAID 30.00 FOOT OFFSET LINE NORTH 06°30'40" WEST 259.01 FEET TO AN ANGLE POINT; THENCE NORTH 33°07'55" WEST 48.77 FEET; THENCE LEAVING SAID 30.00 FOOT OFFSET LINE NORTH 83°48'45" WEST 83.76 FEET; THENCE SOUTH 03°15'34" EAST 187.98 FEET; THENCE SOUTH 00°14'30" WEST 83.69 FEET; THENCE, SOUTH 46°13'13" WEST 40.70 FEET; THENCE SOUTH 82°24'33" WEST 36.68 FEET; THENCE NORTH 44°33'35" WEST 138.78 FEET; THENCE SOUTH 83°46'56" WEST 26.96 FEET; THENCE SOUTH 88°00'36" WEST 88.96 FEET MORE OR LESS TO THE NORTHWESTERN END OF THAT CERTAIN COURSE IN THE WESTERLY BOUNDARY OF SAID LOT 15 HAVING A BEARING OF NORTH 37°11'20" WEST A DISTANCE OF 142.19 FEET.

SIGNED:

  
LEONARD LISTON RCE 31902



ch:w5d\leg60734.LL



98-054 1



LEAD SHEET

02 0986813

RECEIVED  
CITY OF LOS ANGELES  
JUN 07 2002

CITY PLANNING  
DIVISION OF LAND

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
APR 30 2002  
AT 8 A.M.

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

D.T.T.

FEE \$ 34 - D

CODE  
20

D.A. FEE Code 20

10

\$ 2 -

CODE  
19

NCPF Code 19 \$ 30.00

CODE  
9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

3

LEGAL DESCRIPTION

**PROPOSED LOT 4:**

**PARCEL 1**

THAT PORTION OF LOT 1 OF TRACT NO. 6073 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 63, PAGES 12 AND 13 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 1;

THENCE SOUTH  $31^{\circ}26'00''$  EAST 325.39 FEET;

THENCE PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT SOUTH  $61^{\circ}20'40''$  WEST 210.63 FEET TO THE WESTERLY LINE OF TOWER GROVE DRIVE 40 FEET WIDE AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO JACOB PERLMAN AND WIFE, RECORDED ON SEPTEMBER 26, 1952 AS INSTRUMENT NO. 308 IN BOOK 39935 PAGE 246 OFFICIAL RECORDS OF SAID COUNTY, SOUTH  $61^{\circ}20'40''$  WEST 10.00 FEET NORTH  $28^{\circ}38'20''$  WEST 50.00 FEET, SOUTH  $61^{\circ}20'40''$  WEST 100.00 FEET AND SOUTH  $48^{\circ}00'00''$  WEST 157.67 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT;

THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO A POINT THEREON SOUTH  $28^{\circ}39'30''$  EAST 46.00 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT;

THENCE ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL 2 OF THE DEED TO HARRY N. SWEET AND WIFE RECORDED ON OCTOBER 14, 1954 AS INSTRUMENT NO. 1841 IN BOOK 45832 PAGE 24 OFFICIAL RECORDS OF SAID COUNTY, SOUTH  $78^{\circ}37'25''$  EAST 200.51 FEET AND NORTH  $61^{\circ}20'40''$  EAST 50 FEET;

THENCE ALONG THE SOUTHEASTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF THE DEED TO JOSEPH L. LEVY AND WIFE, RECORDED APRIL 6, 1954 AS INSTRUMENT NO. 3608 IN BOOK 44260 PAGE 228 OFFICIAL RECORDS OF SAID COUNTY, NORTH  $61^{\circ}20'40''$  EAST 200.18 FEET TO THE WESTERLY LINE OF SAID TOWER GROVE DRIVE 40 FEET WIDE;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 15 OF SAID TRACT NO. 6073; THENCE, NORTH  $89^{\circ}49'45''$  EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1 A DISTANCE OF 63.94 FEET; THENCE, LEAVING SAID SOUTHERLY LINE, NORTH  $57^{\circ}23'33''$  WEST 4.06 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 16.94 FEET, A RADIAL LINE TO SAID CURVE AT SAID POINT BEARS SOUTH  $67^{\circ}18'03''$  EAST; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $21^{\circ}56'01''$  AN ARC DISTANCE OF 6.48 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 84.50 FEET; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $30^{\circ}07'34''$  AN ARC DISTANCE OF 44.43 FEET; THENCE NORTH  $63^{\circ}59'48''$  WEST 55.85 FEET; THENCE NORTH  $53^{\circ}12'47''$  WEST 89.00 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTH  $28^{\circ}39'30''$  EAST ALONG SAID WESTERLY LINE A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING.

**PARCEL 2**

AN EASEMENT TO USE, FOR ROAD PURPOSES, THAT CERTAIN 25 FOOT STRIP OF LAND, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF HILLSIDE DRIVE, DISTANT SOUTH  $13^{\circ}47'40''$  WEST 7.35 FEET FROM THE NORTHEAST CORNER OF LOT 5 OF TRACT 8263, RECORDED IN BOOK 95 PAGES 80 AND 81 OF MAPS;

THENCE, NORTH 13°47'40" EAST 39.74 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THIS COURSE; THENCE, ALONG SAID CURVE WITH A CENTRAL ANGLE OF 74°51'15" AND A RADIUS OF 59.16 FEET, 77.32 FEET TO A POINT OF REVERSE CURVATURE; THENCE, ALONG A CURVE CONCAVE TO THE NORTHEAST TANGENT TO THE LAST MENTIONED CURVE WITH A CENTRAL ANGLE OF 27°49'45" AND A RADIUS OF 129.16 FEET, 82.74 FEET TO A POINT OF REVERSE CURVATURE; THENCE, ALONG A CURVE CONCAVE TO THE SOUTH, TANGENT TO THE LAST MENTIONED CURVE, WITH A CENTRAL ANGLE OF 76°15'20" AND A RADIUS OF 56.59 FEET, 75.32 FEET TO ITS POINT OF TANGENCY WITH THE NEXT SUCCEEDING COURSE; THENCE, SOUTH 70°28'50" WEST 40.33 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND TANGENT TO THIS COURSE; THENCE, ALONG SAID CURVE WITH A CENTRAL ANGLE OF 63°28'25" AND A RADIUS OF 64.67 FEET, 71.65 FEET TO ITS POINT OF TANGENCY WITH THE NEXT SUCCEEDING COURSE; THENCE, NORTH 46°02'45" WEST 29.42 FEET TO A TWO-INCH IRON PIPE IN THE NORTH LINE OF LOT 1 OF SAID TRACT NO. 8263.

SIGNED:



LEONARD LISTON

RCE 31902



ch:w5d\lot2egd.LL

EXHIBIT A CONTINUED

02 0986813

# **EXHIBIT C**

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

June 28, 1999

TO: Darryl Fisher, Supervisor  
Department of City Planning

FROM: Fire Department

SUBJECT: PRIVATE STREET NO. 275 - (9941 TOWER LANE)

Subject property has been investigated by members of the Fire Department.

**RECOMMENDATIONS:**

- Submit plot plans indicating access road and turning area for Fire Department approval.
- The width of private roadways for general access use and fire lanes shall not be less than 20 feet clear to the sky.
- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.

Mr. Darryl Fisher  
June 28, 1999  
Page 2

- Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.

WILLIAM R. BAMATTRE  
Chief Engineer and General Manager

A handwritten signature in black ink, appearing to read "Michael S. Fulmis". The signature is written in a cursive, flowing style.

Michael S. Fulmis, Assistant Fire Marshal  
Bureau of Fire Prevention and Public Safety

MSF:JJ:lq:aps275.w

# **EXHIBIT D**

**CARMEN A. TRUTANICH**, City Attorney (SBN 86629x)  
**TERRY KAUFMANN MACIAS**, Supervising Attorney (SBN 137182)  
**MICHAEL J. BOSTROM**, Deputy City Attorney (SBN 211778)  
 700 City Hall East  
 200 North Main Street  
 Los Angeles, CA 90012  
 Telephone: 213.978.8068  
 Facsimile: 213.978.8214  
 E-Mail: [Michael.Bostrom@lacity.org](mailto:Michael.Bostrom@lacity.org)

Attorneys for Respondent  
**CITY OF LOS ANGELES**

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

TOWER LANE PROPERTIES, INC., a  
 California corporation,

Petitioner,

v.

CITY OF LOS ANGELES, and DOES 1-25,  
 inclusive,

Respondents.

MARTHA KARSH and BRUCE KARSH,

Intervenors-Respondents.

Case No. BS137339

Hon. James C. Chalfant

Dept. 85

**DECLARATION OF JIM TOKUNAGA IN  
 SUPPORT OF CITY OF LOS ANGELES'  
 OPPOSITION BRIEF**

Hearing Date: August 23, 2012

Location: Dept. 85

Time: 9:30 a.m.

Petition Filed: May 18, 2012



1 I, Jim Tokunaga, declare that I have personal knowledge of the following facts, and if called  
2 as a witness could, and would testify as follows:

3 1. I am an employee of the City of Los Angeles' Department of City Planning  
4 ("Planning"). I have been employed by Planning for the past 26 years. My current title is Senior City  
5 Planner. I am the head of Planning's Division of Land Section, and am also head of Planning's  
6 Expediting Unit. I am also a Deputy Advisory Agency.

7 2. Among other things, the Advisory Agency reviews applications for divisions of land,  
8 also referred to as subdivisions. Although termed an "agency," in fact, certain individual City  
9 Planners are appointed as Deputy Advisory Agencies and are charged with making decisions on  
10 subdivision applications. Thus, individual City planners decide subdivision applications, not multi-  
11 person agencies. Deputy Advisory Agencies do, however, seek input from other City departments  
12 with expertise, including the Bureau of Engineering and the Fire Department.

13 3. Deputy Advisory Agencies use their expertise to ensure that proposed subdivisions are  
14 consistent with the policies set forth in the City's General Plan, and are designed to protect the health  
15 and safety of the surrounding community. The Deputy Advisory Agency must have broad expertise  
16 to determine whether the grading, design, layout, street access, fire responder access, and other  
17 infrastructure will be suitable for the proposed subdivision.

18 4. Because of the Deputy Advisory Agencies' special expertise, the Division of Land  
19 Section and the Deputy Advisory Agencies in particular are sometimes assigned to review important  
20 aspects of projects, even where the project proposes no subdivision. For example, the Division of  
21 Land Section reviews private street applications even when no subdivision is proposed. The Advisory  
22 Agency also reviews applications for the approval of grading on large sites in the hillside areas under  
23 Los Angeles Municipal Code Section 91.7006.8.2, even when no division of land is proposed.

24 **APPLICATIONS FOR WAIVERS UNDER LAMC SECTION 91.7006.8.2**

25 5. In January of this year, Planning took steps to strengthen its efforts to ensure that  
26 Section 91.7006.8.2 is applied consistently and uniformly across that City. As part of that process, on  
27 January 11, 2012, the Deputy Director of Planning issued a Memorandum setting forth new  
28 procedures for reviewing grading plans in hillside areas having an area in excess of 60,000 square

1 feet. A true and correct copy of that Memorandum is attached as Tab 19 to Respondents' Joint  
2 Exhibits.

3 6. Section 91.7006.8.2 states that grading on a hillside site exceeding 60,000 square feet  
4 must obtain a tentative tract map approval, or a waiver of the tentative tract map requirement, from  
5 the Advisory Agency.

6 7. The Memorandum states that the Advisory Agency may only waive Section  
7 91.7006.8.2's tentative map requirement in two instances:

8 **2. Required Environmental Clearance and Findings for Waivers**

9 \* \* \* \*

- 10 a. **The applicant has a valid discretionary entitlement for the project**  
11 **and the CEQA clearance for that entitlement considered the**  
12 **proposed grading.**

13 \* \* \* \*

14 **OR**

- 15 b. **The Advisory Agency determines that the proposed project is 1)**  
16 **exempt under CEQA, or 2) adopts a negative declaration for the**  
17 **project, and finds that a waiver will not adversely impact the**  
18 **hillside area or neighboring properties.**

19 (See Memorandum, RJE Tab 19 at pp.2-4.)

20 In both instances, the Advisory Agency must find that waiving the tentative map requirement  
21 will not adversely impact the hillside area or neighboring properties. (*Id.*)

22 **TOWER LANE PROPERTIES' APPLICATIONS FOR WAIVERS**

23 8. On April 13, 2012, Tower Lane Properties, Inc. applied for waivers of Section  
24 91.7006.8.2's grading map requirement for the residential project proposed for 9933, 9937, and 9941  
25 W. Tower Lane. (A true and correct copy of excerpts Master Land Use Applications for the waivers  
26 is attached as Tab 17 to Respondents' Joint Exhibits.)

27 9. The application for 9933 W. Tower Lane described the project as "Demolish existing  
28 single family and unapproved retaining walls. Construct new single family dwelling, detached

carport, retaining walls and site grading on a lot larger than 60,000 square feet.” The application indicated that 8,034 cubic yards of dirt will be graded on the site.

10. The application for 9937 W. Tower Lane described the project as “Construct new single family dwelling with attached garage, retaining walls and site grading on a lot larger than 60,000 square feet.” The application indicated that 3,407 cubic yards of dirt will be graded on the site.

11. Finally, the application for 9941 W. Tower Lane described the project as “Add new two story single family dwelling to an existing permitted garage, accessory pool cabana building, pool service and equipment building, accessory living quarters, pool and spa, retaining walls and site grading on a lot larger than 60,000 square feet.” The application indicates that 9,274 cubic yards of dirt will be graded on the site.

12. Tower Lane Properties did not include a new environmental clearance with the applications, but instead sought a waiver under **Section 2.a.** above, which requires a valid discretionary entitlement for the project wherein the CEQA clearance for the project considered the grading that is now proposed. **Section 2.a.** also requires the Advisory Agency to make a finding that waiving the tentative map requirement “will not adversely impact the hillside area or neighboring properties.”

13. Tower Lane Properties’ waiver application sought to rely upon an environmental clearance that the City originally issued for a 1998 lot line adjustment. That environmental clearance was also later used for a discretionary private street modification the City approved in 2000. (A true and correct copy of the exemption is attached as Tab 17, page 430 to Respondents’ Joint Exhibits.) The 2000 private street modification authorized the applicant to extend an existing private street, which served 9933 and 9937 Tower Lane, so that it would also provide access to 9941 W. Tower Lane. (A true and correct copy of the Private Street Modification is attached as Exhibits G and H to Tab 8 of Respondents’ Joint Exhibits.)

14. On April 30, 2012, I received a detailed letter from lawyers representing Martha and Bruce Karsh opposing the waiver application. The letter outlined the Karshes’ concerns that the project will create significant environmental impacts on land use, noise, air quality, trees, wildlife,

1 hydrology, jurisdictional waters, geology, traffic, fire safety, and aesthetics. The Karshes' detailed  
2 letter contains numerous expert reports as evidence of these impacts. (A true and correct copy of that  
3 letter is attached as Tab 16 to Respondents' Joint Exhibits.)

4 15. On May 2, 2012, I received another letter from the Karshes' lawyers arguing that the  
5 Categorical Exemption that Tower Lane Properties relied upon for the waiver application was  
6 originally issued for a lot line adjustment, and not for the current grading or construction project  
7 under review. The letter also stated that the categorical exemption was inappropriate for the current  
8 project in light of the slope of the properties, which the Karshes' engineers had calculated "to be 38.9  
9 percent (the southern parcel, 9933), 55 percent (the middle parcel 9937), and 40.2 percent (the  
10 northern parcel, 9941) . . . ." (A true and correct copy of that letter is attached as Tab 15 to  
11 Respondents' Joint Exhibits.)

12 16. In reviewing all of the materials before me, I found no evidence that the Categorical  
13 Exemption that was issued for the prior lot line adjustment and used for the subsequent private street  
14 approval actually considered the impacts of the grading Tower Lane Properties now proposes for the  
15 construction project. In fact, I found no evidence that when approving the lot line adjustment or the  
16 private street, the City considered any specific building plans at all. As such, **Section 2.a's**  
17 requirement that the CEQA clearance for the project must have considered the proposed grading was  
18 not satisfied.

19 17. In light of the scope of the proposed grading and construction, the history of  
20 unpermitted grading and retaining walls on the properties (the Department of Building and Safety  
21 advised me that they have issued a number of Orders to Comply which remain outstanding), the steep  
22 terrain of the parcels, and the expert reports the Karshes submitted on the project's potential  
23 environmental impacts, I determined that the City needed to conduct its own environmental review of  
24 the project before further processing the waiver application.

25 18. I do realize that the Karshes, who live next to the Tower Lane Properties' parcels, may  
26 have their own interests in attempting to delay or defeat the project. But I must review the evidence  
27 presented to me on its own merits without regard to the messenger of that evidence. At this point, the  
28

1 expert reports I received seem plausible on their face. The City needs to conduct an environmental  
2 study to determine whether they, in fact, have merit.

3 19. For that reason, on or about May 10, 2012, I prepared a notice to Tower Lane  
4 Properties that Planning was suspending their application for a waiver for lack of an adequate  
5 environmental study. The notice directed Tower Lane Properties to prepare an Environmental  
6 Assessment Form so that Planning can start the initial study on the environmental impacts of the  
7 project. (A true and correct copy of the notice I prepared, which the Planning Director signed, is  
8 attached as Tab 13 to Respondents' Joint Exhibits.) To date, Tower Lane Properties has not filed the  
9 Environmental Assessment Form. As such, Tower Lane Properties' application for a waiver of the  
10 tentative map requirement remains suspended.

11 **TOWER LANE PROPERTIES' APPLICATION FOR A WAIVER IS DIFFERENT**  
12 **THAN OTHER WAIVER APPLICATIONS I HAVE APPROVED**

13 20. I have reviewed Kevin McDonnell's July 2, 2012 Declaration in this action, wherein  
14 he states that Planning has singled out Tower Lane Properties' applications for grading map waivers  
15 for "disparate treatment." Mr. McDonnell is incorrect. It is true that I have granted a number of  
16 waivers since the Deputy Director of Planning issued the Memorandum, but these applications were  
17 materially different from Tower Lane Properties' application. A true and correct copy of those  
18 waivers is attached as Tab 18 to Respondent's Joint Exhibits.

19 21. Mr. McDonnell's declaration contends that Tower Lane Properties' application for a  
20 waiver is similar to the application I approved for Case No. AA-2012-854-WTM, located at 410 N.  
21 Barrington Avenue. Mr. McDonnell is incorrect. The Barrington application is based on a new  
22 environmental clearance that the City prepared specifically for the waiver application. Here, the City  
23 has not prepared a new environmental clearance for the Tower Lane Properties waiver because Tower  
24 Lane Properties has not yet filed an Environmental Assessment Form. There are additional  
25 differences between the two applications. The Barrington project proposes grading that will require  
26 approximately 1,760 cubic yards of cut, while the Tower Lane Properties' project will collectively  
27  
28

1 require 20,715 cubic yards of cut.<sup>1</sup> The Barrington property has no history of unpermitted grading or  
2 retaining walls that I am aware of, and I received no evidence that the Barrington project will result in  
3 any of the potential environmental impacts outlined in the expert reports Latham & Watkins  
4 submitted with its April 30, 2012 letter.

5 22. Mr. McDonnell's declaration also contends that Tower Lane Properties' application for  
6 a waiver is similar to the application I approved in Case No. AA-2012-540-WTM. This application  
7 sought approval for grading in connection with a cemetery. The City, however, studied the cemetery  
8 project when it granted a Conditional Use Permit and adopted a mitigated negative declaration in  
9 connection therewith. Unlike Tower Lane Properties' waiver application, I did not receive any  
10 evidence that the proposed grading would pose any new environmental impacts not already  
11 considered and mitigated by the City's prior environmental clearance. Additionally, I am not aware  
12 of any history of unpermitted grading and unpermitted construction of retaining walls on the cemetery  
13 site occurring after the City issued the MND for the project.

14 23. The same is true for the other waiver applications I approved. In those waivers, the  
15 scope of the proposed grading cuts were usually much smaller, there was no history of unpermitted  
16 grading or retaining walls, the City already analyzed the environmental impacts of the very project at  
17 issue in the waiver application, or the City prepared a new environmental clearance specifically for  
18 the waiver application.

19 **TOWER LANE PROPERTIES DOES NOT HAVE**  
20 **A VALID PRIVATE STREET APPROVAL**

21 24. In addition to reviewing Tower Lane Properties' application for a grading map waiver,  
22 the Division of Land Section must also ensure that each of Tower Lane Properties has adequate  
23 access before building permits may issue. As Mr. Reznik explains in his July 2, 2012 Declaration  
24 filed in this case, 9933, 9937 and 9941 Tower Lane are all served by Private Street #275-B, which the

25 <sup>1</sup> Because the word "site" in LAMC Section 91.7006.2 is defined in Section 91.7003 as "any  
26 lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is  
27 performed or permitted," the Advisory Agency must review the proposed grading on all three of  
28 Tower Lane Properties' parcels together since all three parcels are contiguous and under the same  
ownership.

1 City approved in 1959 and modified in 2000. (The 2000 modification is the entitlement discussed in  
2 connection with Tower Lane Properties' waiver application above.)

3 25. Los Angeles Municipal Code Section 18.10 provides that no building permit shall  
4 issue "for the erection of buildings on lots or building sites which are contiguous or adjacent to  
5 private streets or private road easements unless . . . the Director [] certi[fies] to the Department of  
6 Building and Safety that the conditions, if any, required by [the written findings approving the private  
7 street] have been fulfilled in a satisfactory manner . . . ." (A true and correct copy of LAMC Section  
8 18.10 is attached as Tab 38 to Respondents' Joint Exhibits.)

9 26. To make sure that Section 18.10 is followed, the Department of Building and Safety  
10 added a Planning Department private street clearance to Tower Lane Properties' building permit  
11 applications.

12 27. Previously, one of my staff signed off on the private street clearance for Tower Lane  
13 Properties' building permit applications. On June 26, 2012, however, I received a letter from the  
14 Karshes' lawyers contending that the conditions the City imposed as part of the 2000 private street  
15 modification were never satisfied and that my staff signed off on the clearance in error. (A true and  
16 correct copy of that letter is attached as Tab 8 to Respondents' Joint Exhibits.)

17 28. The 2000 private street modification approval required certain dedications,  
18 improvements, minimum widths, and other requirements. The approval also stated that it "will  
19 become void unless all conditions of approval are completed or fulfilled within three years from the  
20 effective date of this approval." (See Respondents' Joint Exhibits, Tab 8, Exhibit H, p. 101.) The  
21 Karshes' June 26, 2012, letter attached photographs and other documents showing that these  
22 conditions were not satisfied.

23 29. In addition, many of the conditions in the private street modification approval must be  
24 approved by the Fire Department, or the Bureau of Engineering. Under the City's practice, the Fire  
25 Department and the Bureau of Engineering will send a letter to the Planning Department confirming  
26 their approval once the applicant satisfies the conditions. The Planning Department file, however,  
27 contains no letter from the Fire Department or the Bureau of Engineering confirming their approval of  
28 the conditions.

1           30.     After receiving the letter, the City invited Tower Lane Properties to a meeting to  
2 discuss the issue. The meeting took place on July 18, 2012 at the Department of Building and  
3 Safety's Offices. I was present at the meeting, along with other Planning representatives.  
4 Representatives from the City Attorney's Office, the Fire Department, and the Bureau of Engineering  
5 were also present.

6           31.     At the meeting, the City Attorney summarized the 2000 private street modification  
7 approval requirements. I confirmed that the Planning Department file for the private street  
8 modification contained no letter from the Fire Department or the Bureau of Engineering stating that  
9 the conditions of the approval were satisfied. The Fire Department and Bureau of Engineering  
10 representatives also confirmed that their files contained no letter to the Planning Department  
11 conveying their approval.

12          32.     The City Attorney asked Tower Lane Properties' representatives for evidence that the  
13 conditions were, in fact, satisfied. The Tower Lane Properties' representatives, however, did not  
14 provide any evidence showing that the required dedications were made, that improvements were  
15 constructed, that the private street contains the required width, or that many of the other conditions  
16 were ever satisfied.



33. After the meeting, I decided, along with the other Planning representatives present, to rescind the private street clearance on the building permit applications. At this point, Planning cannot sign off on the building permit clearance for the private street until Tower Lane Properties either demonstrates to Planning that all the conditions of the private street approval were satisfied within the requisite three year deadline, or apply for a new private street approval. Because a private street approval is discretionary under Article 8 of the Los Angeles Municipal Code, the Planning Department will only proceed to a hearing on the private street after an environmental study is conducted.

34. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of July, 2012 at Los Angeles, California.

Jim Tokunaga  
Senior City Planner  
Deputy Advisory Agency

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On August 1, 2012, I served the foregoing documents described as: **DECLARATION OF JIM TOKUNAGA IN SUPPORT OF CITY OF LOS ANGELES' OPPOSITION BRIEF** on all interested parties in this action by placing copies thereof enclosed in a sealed envelope addressed as follows:

Robert E. Mangels, Esq.  
Benjamin M. Reznik, Esq.  
Matthew D. Hinks, Esq.  
1900 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, California 90067-4308

James L. Arnone, Esq.  
Benjamin J. Hanelin, Esq.  
Joseph B. Frueh, Esq.  
355 South Grand Avenue  
Los Angeles, California 90071-1560

- ☒ **BY MAIL** -I deposited such envelope in the mail at Los Angeles, California, with First class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit; and/or
- ☐ **BY PERSONAL SERVICE** - ( ) I delivered by hand, or ( ) I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.
- ☐ **BY FACSIMILE TRANSMISSION** - I caused the document to be transmitted to the offices of the addressee via facsimile machine at telephone number \_\_\_\_\_ on the date and time specified on the Transmission Report.
- ☐ **BY OVERNIGHT COURIER** - I deposited such envelope in a regularly maintained overnight courier parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was guaranteed by the next business day.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 1, 2012, at Los Angeles, California.

Zenia Rivera Almozara

# **EXHIBIT E**

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

October 17, 2012

TO: Michael J. LoGrande  
Director of Planning

Attention: Jim Tokunaga

FROM: Los Angeles Fire Department

SUBJECT: PRIVATE STREET 275-B

Subject property has been investigated by members of the Fire Department.

RECOMMENDATION:

The Fire Department has reviewed and approved plot plans. You may clear Conditions 9 through 15.

BRIAN L. CUMMINGS  
Fire Chief



Mark Stormes, Fire Marshal  
Bureau of Fire Prevention and Public Safety

TOC\rab

# **EXHIBIT F**

**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

November 7, 2012

TO: Robert Ovrom, General Manager  
Department of Building and Safety

FROM: Michael J. LoGrande  
Director of Planning



SUBJECT: PRIVATE STREET CLEARANCE FOR 9933, 9937, AND 9941 TOWER LANE

On September 7, 2012, the Department of Planning advised the applicant that the Private Street Clearance for the subject properties' grading and building permit applications would not be cleared without the Planning Department's determination that the project plans comply with all conditions of the February 24, 2000 Private Street Approval modifying Private Street No. 275-B (Tower Lane) to provide access to 9941 Tower Lane. The applicant was also advised that the conditions could not be waived or modified at the Fire Department counter. The current plans for the project do not comply with Condition No. 12 of the Private Street Approval requiring secondary vehicular access for a dead-end street or fire lane greater than 700 feet in length from the nearest intersection. Because the project plans do not comply with all conditions of the Private Street Approval, the private street clearance has not been cleared and no permits shall be issued for the subject properties. If the applicant requests a waiver or modification of Condition No. 12 of the February 24, 2000 Private Street Approval, the applicant must apply to the Department of Planning for a new private street modification, which will require environmental review.

# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

CITY OF LOS ANGELES, a municipal entity, MICHAEL LOGRANDE, an individual, JIM TOKUNAGA, an individual, JEFFREY DURAN, an individual, and DOES 1-25, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

TOWER LANE PROPERTIES, INC., a California corporation

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**CONFORMED COPY**  
**ORIGINAL FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

FEB - 5 2013

John A. Clarke, Executive Officer/Clerk  
BY Mary Flores, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Los Angeles Superior Court

111 N. Hill Street

Los Angeles, CA 90012

CASE NUMBER:

(Número del Caso):

BS141623

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Robert E. Mangels (Bar No. 48291); Benjamin M. Reznik (Bar No. 72364); Matthew D. Hinks (Bar No. 200750)

Tel: (310) 203-8080 Fax: (310) 203-0567

Jeffer Mangels Butler & Mitchell LLP

1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067

DATE:

(Fecha)

FEB 5 2013

JOHN A. CLARKE,

Clerk, by

(Secretario)

Mary Flores

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Robert E. Mangels (Bar No. 48291); Benjamin M. Reznik (Bar No. 72364);          Matthew D. Hinks (Bar No. 200750)          Jeffer Mangels Butler &amp; Mitchell LLP          1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067          TELEPHONE NO.: (310) 203-8080 FAX NO.: (310) 203-0567          ATTORNEY FOR (Name): TOWER LANE PROPERTIES, INC., a California corporation</b>		FOR COURT USE ONLY  <b>CONFORMED COPY          ORIGINAL FILED          SUPERIOR COURT OF CALIFORNIA          COUNTY OF LOS ANGELES</b>  <b>FEB - 5 2013</b>  John A. Clarke, Executive Officer/Clerk BY <u>Mary Flores</u> , Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b>  STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Central</b>			
CASE NAME: <b>TOWER LANE PROPERTIES, INC. v. CITY OF LOS ANGELES, et al.</b>			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)		<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	
<input type="checkbox"/> <b>Counter</b>		<input type="checkbox"/> <b>Joinder</b>	
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER:  <b>BS141623</b>	
JUDGE:		DEPT:	

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Four (4)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: February 5, 2013

Matthew D. Hinks

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36) Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

BS141623

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

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Non-Personal Injury/ Property  
Damage/ Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.



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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.



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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

**REASON:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐1. ☒2. ☐3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.

ADDRESS:

9933, 9937 and 9941 West Tower Lane

CITY:

Los Angeles

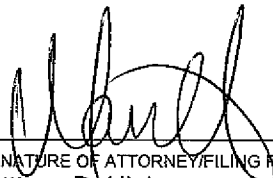
STATE:

CA

ZIP CODE:

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: February 5, 2013

  
(SIGNATURE OF ATTORNEY/FILING PARTY)  
Matthew D. Hinks

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

