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Superior Court of California
County of Los Angeles
04/26/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: J. De Luna Deputy

7 Attorney for Petitioners/Plaintiffs
8 THE SILVER LAKE HERITAGE TRUST and
9 ANNIE SPERLING

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
12 **UNLIMITED CIVIL CASE**
13

14 THE SILVER LAKE HERITAGE TRUST, and
15 ANNIE SPERLING,

16 Petitioners/Plaintiffs,

17 v.

18 CITY OF LOS ANGELES,
19 CITY COUNCIL OF THE CITY OF LOS
20 ANGELES, and DOES 1 through 10, inclusive,

21 Respondents/Defendants.
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24
25 1911 SUNSET INVESTORS, LLC,
26 HOLLAND PARTNER GROUP, LLC, and
27 DOES 11 through 30, inclusive,

28 Real Parties in Interest/Defendants.
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Case No. 21STCP02612

**FIRST AMENDED VERIFIED PETITION
FOR WRIT OF MANDATE AND
COMPLAINT FOR DECLARATORY
RELIEF**

Contains a CEQA cause of action.

ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE JAMES C. CHALFANT

Department: 85

Action Filed: August 11, 2021

Trial Setting Conf.: May 3, 2022 at 1:30 p.m.

1 **I. SUMMARY OF PLEADING AND ACTION CHALLENGED.**

2 1. Petitioners/Plaintiffs The Silver Lake Heritage Trust (**Heritage Trust**) and Annie
3 Sperling (collectively, **Petitioners**) challenge the legal validity under Respondent/Defendant City of Los
4 Angeles' (**City**) Cultural Heritage Ordinance (Los Angeles Administrative Code [**LAAC**], § 22.117 et
5 seq.), the California Environmental Quality Act (**CEQA**; Pub. Resources Code, § 21000 et seq.) and the
6 State CEQA Guidelines (**Guidelines**; Cal. Code Regs., tit. 14, § 15000 et seq.) and the Ralph M. Brown
7 Act (**Brown Act**; Gov. Code, § 54950 et seq.), of action taken on January 26, 2022 by
8 Respondents/Defendants City and City Council of the City of Los Angeles (collectively, **Respondents**).

9 2. The challenged City Council action and the council's manner of proceeding in taking it
10 blocked the designation as a Historic-Cultural Monument under the City's Cultural Heritage Ordinance
11 (hereafter sometimes the **Ordinance**; Los Angeles Administrative Code [**LAAC**], § 22.171 et seq.), of
12 the historic, 60-year old Taix French Restaurant and Lounge building (**Taix French Restaurant** or
13 **Taix**). The City Council's action flouts a unanimous determination made by the City's Cultural Heritage
14 Commission (hereafter sometimes the **Commission**), a five-member body of experts knowledgeable in
15 historic preservation which determined on December 17, 2020 that the Taix French Restaurant qualifies
16 as a City Historic-Cultural Monument under the Ordinance. The Taix is an iconic Los Angeles
17 institution located in the City's Echo Park community. It was recognized to be of particular historic and
18 cultural significance to the City long before the City Council's action denying it Historic-Cultural
19 Monument status. The council's action adopted a January 18, 2022 recommendation of its Planning and
20 Land Use Management (**PLUM**) Committee, driven by wants and desires of Real Parties in
21 Interest/Defendants 1911 Sunset Investors, LLC and Holland Partner Group, LLC (collectively **Real**
22 **Parties**) that are extraneous to the merits of designating the Taix French Restaurant a City Monument.

23 3. The Cultural Heritage Commission determined that the existing Taix French Restaurant
24 qualifies as a City Historic-Cultural Monument under the Ordinance on the ground that it "exemplifies
25 significant contributions to the broad cultural, economic or social history of the nation, state, city or
26 community." (LAAC, § 22.171.7 (1), commonly referred to as "Monument Designation Criterion 1".)
27 The Commission found that the Taix French Restaurant "bears a significant association with the
28 commercial identity of Los Angeles[.]" noting that "Since 1962, Taix French Restaurant has remained in
29 continuous operation at its location in Echo Park" with "a reputation as one of Los Angeles' most iconic
30 dining establishments."

31 4. The City's Office of Historic Resources expert staff, the Heritage Trust, the Los Angeles
32 Conservancy, its own independent consultants, and other highly qualified experts in historic preservation
33 and many other stakeholders in the Silver Lake, Echo Park and Elysian Valley communities, without
34 reservation and wholeheartedly, supported the Historic-Cultural Monument nomination of the Taix. As

1 the Los Angeles Conservancy observed in comments submitted to the Cultural Heritage Commission:
2 “Taix has been identified multiple times now as an eligible historic resource for local listing by
3 SurveyLA and staff of the Office of Historic Resources, including within the staff recommendation for
4 this pending HCM [Historic Cultural Monument].” (Los Angeles Conservancy comment letter, dated
5 Dec. 17, 2020.) (SurveyLA is a partnership between the City and the J. Paul Getty Trust that resulted in
6 a citywide historic resources survey. It provides the foundation for the City’s historic preservation
7 program.) Holland Partner Group’s own consultant, as the Los Angeles Conservancy further observed,
8 agreed that the Taix French Restaurant is “an eligible historic resource and retaining integrity from its
9 period of significance, 1962-1980.” (*Id.*)

10 5. The Cultural Heritage Commission specifically found that “Although the property has
11 experienced some interior and exterior alterations since Taix relocated [from downtown Los Angeles] to
12 the subject property in 1962, all changes are associated with the restaurant’s growth over time and are
13 compatible with the original continental dining design intent. Therefore, the subject property retains a
14 high level of integrity of location, design, setting, materials, workmanship, feeling, and association to
15 convey its significance.”

16 6. The City Council’s action serves to fast-track public review and accelerate the
17 development of a six-story mixed-use project of Real Parties that would demolish the Taix French
18 Restaurant. It satisfies Real Parties’ desire to raze the landmark, unrestrained by the procedural
19 safeguards in the Cultural Heritage Ordinance (triggered by applications for demolition permits), and
20 unrestrained by environmental review under CEQA. Unveiled in the spring of 2020, Real Parties’
21 mixed-use project had been undergoing City planning review for months before the Cultural Heritage
22 Commission heard the application nominating the Taix French Restaurant for Monument designation.

23 7. The City Council’s challenged action attempts to disguise its adverse impact on the Taix
24 French Restaurant. While proclaiming that “the subject property conforms with the definition of a
25 Monument pursuant to Section 22.171.7 of the Los Angeles Administrative Code[,]” the council adopted
26 the findings of the Cultural Heritage Commission “*as amended* by the PLUM Committee to include . . .
27 supplemental Findings in [a] communication from the Council District (CD) 13 Office, dated December
28 6, 2021, attached to the Council file[,] as the Findings of Council.” (PLUM Committee Report, dated
29 Jan. 18, 2022, emphasis added.) It is these supplemental findings that prompted Petitioners to bring this
30 action. For the reasons explained next, these findings have sparked a vortex of public protest and
31 outrage.

32 8. The City Council adopted the supplemental findings in response to a baffling request
33 made by City Councilmember Mitch O’Farrell, Council District 13’s elected representative. They were
34 contained in an attachment to a letter from Mr. O’Farrell’s planning deputy, Craig Bullock, expressing

1 Mr. O’Farrell’s belief that a salvage operation limited to preserving a narrow neon blade sign that says
2 “COCKTAILS,” another neon billboard that says “TAIX,” and a cherrywood bar top of indeterminate
3 size would satisfy City Monument designation Criterion 1 for the Taix site. Real Parties’ project, if
4 approved, would reutilize the wooden bar top in a new, smaller 5,000 square-foot restaurant planned
5 within space the project dedicates to commercial uses. The signs allegedly would be grafted onto the
6 façade of the proposed new building which is predominantly an apartment building. According to Mr.
7 O’Farrell, these “character-defining physical features” sufficiently “convey the restaurant’s historic
8 significance and justify its designation as a Historic-Cultural Monument, as well as its eligibility for
9 inclusion in the California Register of Historic Resources.” (Dec. 6, 2021 Supp. Findings.)

10 9. Petitioners bring this citizen action seeking writ of mandate and declaratory relief not
11 only because the City Council’s approval of the O’Farrell findings guts the Cultural Heritage
12 Commission’s determination in this case, but also because it sanctions an aberrant and absurd gloss of
13 the City’s Cultural Heritage Ordinance, purporting to accord City Historic-Cultural Monument status to
14 an as yet nonexistent building or restaurant space by cherry-picking a few pieces from the very historic
15 resource the Cultural Heritage Commission found to merit Historic-Cultural Monument status, before
16 that resource is reduced to rubble. Invoking the Taix French Restaurant’s existence as a “legacy
17 business” all the while ignoring immanent character-defining features, such as Taix’ Continental Dining
18 design (key to the Taix building’s historic integrity), the council reduced a “Historic-Cultural
19 Monument” (LAAC, § 22.171.7) to a portable portfolio, if not a label, transferable from one building or
20 spatial setting to another, as though a City Monument was an intangible asset lacking physical
21 materiality. The council’s action leaves nothing against which the Secretary of the Interior’s Standards
22 for Rehabilitation, incorporated in the Cultural Heritage Ordinance (LAAC, § 22.171.14), can be
23 assessed, and so, with the mixed-used project built as planned, the council’s action makes the Taix
24 French Restaurant unrecognizable to a historical contemporary from its period of significance (1962-
25 1980). Eviscerating the very concept of “Monument” as it is used in the Cultural Heritage Ordinance
26 and the Secretary of the Interior’s Standards, the council’s action corrupts meaningful application of the
27 Ordinance in future cases when a real estate developer’s project design and site planning proposes to
28 demolish an historic resource. It negates historic preservation teachings and practice under the
29 Ordinance.

30 10. By purporting to approve the Cultural Heritage Commission’s determination that the Taix
31 French Restaurant property qualifies as a City Monument under the Ordinance yet in effect superseding
32 the Commission’s findings, the City Council prejudicially erred under the Ordinance and Code of Civil
33 Procedure section 1094.5, subdivision (b), in that its action severely misconstrues the Ordinance, its
34 intent and its purpose. The council likewise prejudicially abused its discretion in that no substantial

1 evidence supports the finding that a salvage operation rescuing two signs and a bar top from demolition
2 is sufficient or appropriate “to convey the restaurant’s historic significance” (Dec. 6, 2021 Supp.
3 Findings.)

4 11. The City Council further prejudicially abused its discretion under CEQA and the
5 Guidelines in that it determined that its action is categorically exempt from CEQA, pursuant to
6 Guidelines section 15308 (Class 8) and section 15331 (Class 31). These exemptions apply to regulatory
7 actions “as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement,
8 or protection of the environment” (Class 8); and “projects limited to maintenance, repair, stabilization,
9 rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a
10 manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties
11 with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995),
12 Weeks and Grimmer.” (Class 31.) While appropriate for the Cultural Heritage Commission’s
13 determination in this case, those categorical exemptions are no longer legally defensible or supported by
14 substantial evidence, given the council’s adoption of the PLUM Committee’s acceptance of the
15 O’Farrell findings.

16 12. Finally, the City Council prejudicially abused its discretion under the Brown Act (Gov.
17 Code, § 54950 et seq.), as further shown in part IV of this pleading and the attached Exhibit 1.
18

19 **II. PARTIES TO THIS PROCEEDING.**

20 13. Petitioner/Plaintiff The Silver Lake Heritage Trust is a California nonprofit public benefit
21 corporation incorporated under the laws of the State of California, striving to retain neighborhood
22 diversity and community integrity in the local communities of Silver Lake, Echo Park and the Elysian
23 Valley, with a focus on cultural heritage preservation; housing security (threatened in these and other
24 Los Angeles human communities by mass evictions and loss of irreplaceable rent-stabilized housing);
25 and respect for the environment.

26 14. The Heritage Trust’s members and supporters include property owners and tenants in the
27 Silver Lake, Echo Park and Elysian Valley communities and beyond, united in their advocacy for the
28 preservation of historic sites and buildings that play a significant role in generations of residents and
29 visitors’ historical and experiential knowledge of and relationship to a place or locality.

30 15. The Heritage Trust submitted and caused to be submitted detailed comments and expert
31 analysis to, and has testified before, the Commission and the PLUM Committee, supporting designation
32 of the Taix French Restaurant as a City Historic-Cultural Monument.

33 16. Petitioner/Plaintiff Annie Sperling is a City resident of Echo Park since 1996, a City
34 voter and a City taxpayer. Ms. Sperling is the applicant on behalf of the Heritage Trust, named on the

1 Cultural-Historic Monument Nomination Form for the Taix French Restaurant, on file with the City’s
2 Office of Historic Resources. Under the Cultural Heritage Ordinance, “Any interested individual may
3 apply for a proposed designation of a Monument.” (LAAC, § 22.171.10, sub. (b).) Ms. Sperling has
4 submitted and caused to be submitted, detailed comments and expert analysis to, and testified before, the
5 Commission and the PLUM Committee, supporting designation of the Taix French Restaurant as a City
6 Historic-Cultural Monument.

7 17. The Heritage Trust and Ms. Sperling have standing to bring this action and bring this
8 action, each on their own behalf, on behalf of The Heritage Trust’s members and supporters, and on
9 behalf of all City residents and taxpayers and California citizens aggrieved by the PLUM Committee’s
10 manner of proceeding and recommendations of January 18, 2022, and the City Council’s manner of
11 proceeding and action of January 26, 2022.

12 18. Like all City residents and taxpayers and California citizens benefiting from this
13 enforcement action, The Heritage Trust, its members and supporters and Ms. Sperling have a substantial,
14 beneficial interest in the relief they seek, and have a present interest in the enforcement of the City’s
15 public duties under the laws supporting judicial relief in this case, including the Cultural Heritage
16 Ordinance, CEQA and the Guidelines, and the Brown Act.

17 19. Neither The Heritage Trust nor Ms. Sperling bring this action to stop or delay a housing
18 development on the Taix property. They have reached out to City representatives and Real Parties to
19 promote thoughtful design incorporating an alternative housing plan balancing historic preservation and
20 housing needs. The Taix property can accommodate preservation of the historic resource and new
21 housing development. It has a surface parking lot next to the restaurant building, the footprint of which
22 is larger than the footprint of the building. The Taix French Restaurant can be preserved by site planning
23 and project design that concentrates new development on the parking lot area.

24 20. Respondent/Defendant City of Los Angeles is a municipal corporation organized as a
25 charter city, located in the County of Los Angeles, California. The City has a legally enforceable public
26 duty to comply with the laws and regulations that form the legal bases of this action.

27 21. Respondent/Defendant City Council of the City of Los Angeles is the City’s elected
28 legislative and governing body. It is composed of 15 members, elected by districts as provided in the
29 Los Angeles City Charter.

30 22. As “trustees of the public welfare” (*Hubbell v. City of Los Angeles* (1956) 142
31 Cal.App.2d 1, 5) and City officers (Los Angeles City Charter, § 200), the members of the City Council
32 “are expected to conform to the highest standards of personal and professional conduct.” (*Id.*, § 209.)
33 “All political power” [being] inherent in the people” (Cal. Const., art. II, § 1), the members of the City
34 Council are “public servants” whose delegated authority from the people does not give them “the right

1 to decide what is good for the people to know and what is not good for them to know.” (Gov. Code, §
2 54950.) They have a legally enforceable public duty to comply with the laws and regulations that form
3 the legal bases of this action.

4 23. The City Council has specific responsibility under the Cultural Heritage Ordinance to
5 approve applications for a proposed designation of a City Historic-Cultural Monument, following due
6 consideration of a report and an approval recommendation from the Cultural Heritage Commission. (See
7 LAAC, § 22.171.9, subd. (c)(4).) The City Council also has final administrative responsibility to
8 determine the adequacy of CEQA documents. (See Pub. Resources Code, § 21151, subd. (c);
9 Guidelines, § 15074, subd. (f).)

10 24. Real Party in Interest/Defendant 1911 Sunset Investors, LLC is a single member limited
11 liability company formed pursuant to the Delaware Limited Liability Company Act. (6 Del. C § 18-101
12 et seq.) Petitioners are informed and believe that Sunset Investors is the owner of the parcels that make
13 up the Taix French Restaurant property.

14 25. Real Party in Interest/Defendant Holland Partner Group, LLC is a real estate investment
15 company formed and headquartered in the State of Washington, with offices in the City of Long Beach,
16 California. Petitioners are informed and believe that Holland Partner Group is the developer of the
17 mixed-use project proposing on the Taix French Restaurant property.

18 26. Petitioners are currently unaware of the true names and capacities of Does 1 through 30,
19 inclusive, and therefore sue those parties by fictitious names. Petitioners are informed and believe that
20 Does 1 through 15, inclusive, are agents of the City or Real Party, and are responsible in some manner
21 for the conduct described in this pleading. Petitioners are informed and believe that Does 11 through 30,
22 inclusive, are persons or entities who may have an ownership or other legally cognizable interest in the
23 Taix property or the development of the proposed mixed-use project. If necessary, Petitioners will seek
24 leave to amend this pleading to state the true names and capacities of the fictitiously named parties when
25 they have been ascertained.

26
27 **III. JURISDICTION AND VENUE.**

28 27. This Court has jurisdiction over this action pursuant to California Constitution article VI,
29 section 10. This Court has personal jurisdiction over Respondents and Real Parties because they are
30 present or are engaged in real estate business operations within Los Angeles County’s jurisdictional
31 limits.

32 28. Venue properly lies in this Court because an action against a city may be tried in the
33 superior court of the county in which the city is situated (Code Civ. Proc., § 394, subd. (a)), or where
34 some or all defendants reside at the commencement of the action. (*Id.*, § 395, subd. (a).) Venue is also

1 appropriate in this Court because the adverse impacts on the cultural heritage and historic resource at
2 issue in this action occur in Los Angeles County. (*California State Parks Foundation v. Superior Court*
3 (2007) 150 Cal.App.4th 826, 834, fn. 2 [“when plaintiffs are challenging an official act, the cause of
4 action arises where the effects of that act are felt”]; *People v. Selby Smelting & Lead Co.* (1912) 163
5 Cal. 84, 88-91 [nuisance action to restrain air pollution originating with processes of smelting ores
6 properly commenced in the county in which public health and environment were adversely affected].)
7

8 **IV. ADDITIONAL FACTUAL, PROCEDURAL AND REGULATORY BACKGROUND.**

9 29. The Taix French Restaurant is located on two parcels, at 1911-1929 West Sunset
10 Boulevard and 1910-2018 West Reservoir Street. These parcels form a trapezoidal lot that is home to the
11 mostly one-story, 18,000 square-foot restaurant building; and an adjacent surface parking lot (to the west
12 of the restaurant), facing a porte-cochère, supported by two rectangular decorative brick faced pillars.
13 The porte-cochère leads to the main entrance consisting of a set of large vertical plank wooden double
14 doors.

15 30. The Taix site is bounded by West Reservoir Street to the northeast, North Alvarado Street
16 to the northwest and West Sunset Boulevard to the south. It is within the City’s Silver Lake-Echo Park-
17 Elysian Valley Community Planning area.

18 31. Originally located on Commercial Street in Downtown Los Angeles, the Taix French
19 Restaurant was established by Marius Taix, Jr., the son of Marius Taix, Sr. who in the 1880s’
20 immigrated to Los Angeles from the Hautes-Alpes in southeastern France.

21 32. The restaurant building on Sunset Boulevard was built in a commercial vernacular style
22 in 1929. It housed another restaurant until 1960, before changing ownership and undergoing interior and
23 exterior remodeling exhibiting a French Norman Revival architectural style. It opened as the Taix
24 French Restaurant in 1962.

25 33. The Taix building’s south façade is adorned with decorative features in French revival
26 style. The restaurant is prominently visible from Sunset Boulevard, as is its large square tower with a
27 sloped pyramidal roof and an attached illuminated blade sign that reads “TAIX French,” at the
28 building’s southwest corner.

29 34. To this day, the Taix French Restaurant functions as a popular, much cherished French
30 restaurant, banqueting facility and cocktail lounge. As stated in the staff report prepared by the Office of
31 Historic Resources for the Cultural Heritage Commission’s final hearing on Petitioners’ application to
32 list the Taiz as Historic-Cultural Monument: “Over the course of its nine decades in business, the
33 restaurant has become known for serving country French dishes in its stylish, dimly lit dining rooms and
34 cocktail lounge. Its banquet rooms have often been used as gathering places for large parties, especially

1 before and after games at nearby Dodger Stadium. Taix French Restaurant is considered a legacy
2 business and a beloved community institution, inextricably tied to this physical location and restaurant
3 design, earning it a reputation as one of Los Angeles’ most iconic dining establishments.”

4 35. In August 2020, Petitioners submitted to the City’s Office of Historic Resources
5 (hereafter sometimes the **Office**) their application for the designation of the Taix French Restaurant as a
6 City Historic-Cultural Monument. Upon finding the application complete, the Office prepared an initial
7 staff report recommending that the Cultural Heritage Commission take the nomination under
8 consideration. The Ordinance tasks the Commission with considering and determining nominations of
9 sites, buildings or structures as City Historic-Cultural Monuments. Each of the Commission’s five
10 members must have “a demonstrated interest, competence or knowledge of historic preservation.”
11 (LAAC, § 21.171.1, subd. (a).)

12 36. The Cultural Heritage Ordinance defines a Historic-Cultural Monument as “any site
13 (including significant trees or other plant life located on the site), building or structure of particular
14 historic or cultural significance to the City of Los Angeles.” (LAAC, § 22.171.7.) The Ordinance
15 establishes three alternative Monument designating criteria. It provides:

16 “A proposed Monument may be designated by the City Council upon the
17 recommendation of the Commission if it meets at least one of the following criteria: 1. Is
18 identified with important events of national, state, or local history, or exemplifies
19 significant contributions to the broad cultural, economic or social history of the nation,
20 state, city or community; [¶] 2. Is associated with the lives of historic personages
21 important to national, state, city, or local history; or [¶] 3. Embodies the distinctive
22 characteristics of a style, type, period, or method of construction; or represents a notable
23 work of a master designer, builder, or architect whose individual genius influenced his or
24 her age.”

25 37. On October 15, 2020, pursuant to LAAC section 22.171.10, subdivision (c)(4), the
26 Commission held an initial hearing on Petitioners’ application to determine whether the proposed
27 designation merits further consideration. (*Id.*) The Commission determined it did.

28 38. Following the Commission’s initial determination, the Office of Historic Resources, after
29 thorough evaluation of a wealth of evidence relevant to the Taix French Restaurant’s status as a City
30 Historic-Cultural Monument, prepared its staff report for the Commission’s final hearing. The report
31 states: “The opening of Taix French Restaurant at its Echo Park location in 1962 coincided with a
32 national interest in French cuisine during the post-World War II period, which is expressed in the
33 subject property’s continental-themed interior and French Norman Revival-style exterior. Following
34 World War II, many American dining establishments, such as Taix French Restaurant, incorporated
references to various foreign locales encountered by servicemen during the war, as well as cultures
middle-class Americans were exposed to in the wake of the advent of transatlantic flights. As

1 demonstrated by the subject property, postwar French cuisine and continental-themed interior and
2 exterior design did not exist separate from one another. Taix French Restaurant is *one of the last*
3 *buildings in Los Angeles that exemplifies this trend in restaurant culture.*” (Emphasis added.)

4 39. The Office of Historic Resources’ report concluded: “Although the property has
5 experienced some interior and exterior alterations since Taix relocated to the subject property in 1962,
6 all changes are associated with the restaurant’s growth over time and are compatible with the original
7 continental dining design intent. Therefore, the subject property retains a high level of integrity of
8 location, design, setting, materials, workmanship, feeling, and association to convey its significance.”

9 40. The Commission held its final hearing on the designation on December 17, 2020. Under
10 the Ordinance, it may recommend approval “in whole or in part” of an application to designate a
11 Monument. (LAAC, § 22.171.10, subd. (c)(1).) Approval is within the City Council’s purview. (*Id.*)

12 41. After hearing public comment, the Cultural Heritage Commission agreed with its staff’s
13 recommendation. Finding that the Taix French Restaurant “exemplifies significant contributions to the
14 broad cultural, economic or social history of the nation, state, city or community,” the Commission
15 unanimously determined that the Taix property “conforms with the definition of a Monument pursuant
16 to Section 22.171.7 of the [LAAC]”; and that the proposed designation is exempt from CEQA under the
17 Guidelines’ Class 8 and Class 31 categorical exemptions. The Commission summarized its findings in a
18 two-page report for the City Council, dated January 26, 2021.

19 42. Thereafter, pursuant to LAAC section 22.171.10, subdivision (c)(4), the Office
20 forwarded the Commission’s recommendation for adding the Taix French Restaurant to the City’s
21 official list of Historic-Cultural Monuments to the City Council.

22 43. On May 4, 2021, the City Council’s PLUM Committee held a remote, telephonic hearing
23 on the Commission’s recommendation. As pled in Petitioners’ initial pleading, filed on August 11, 2021,
24 Brown Act violations occurred in connection with the PLUM Committee meeting.

25 44. On the evening of May 3, 2021, less than 24 hours before the PLUM Committee hearing,
26 City Councilmember O’Farrell’s planning deputy, Craig Bullock, sent a letter to the committee,
27 informing it of a request by councilmember O’Farrell to “modify and supplement the Cultural Heritage
28 Commission’s January 26, 2021 Final Letter of Determination” Attached to this letter was a
29 document entitled “Taix Modified and Supplemental Findings.” The next day, May 4, Mr. Bullock
30 forwarded another version of those findings including new language the first time referencing the
31 salvage operation for the two outdoor signs and the cherrywood bar top, “to convey the restaurant’s
32 historic significance and justify its designation as a Historic-Cultural Monument, as well as its eligibility
33 for inclusion in the California Register of Historical Resources” The PLUM Committee adopted the
34 findings submitted by Mr. O’Farrell.

1 45. On June 2, 2021, at a remote, telephonic meeting, the City Council adopted the PLUM
2 Committee report. As pled in Petitioners’ initial pleading, Brown Act violations occurred in connection
3 with the City Council meeting.

4 46. Following submittal of cure-and-correct demands, Petitioners commenced this action on
5 August 11, 2021. Petitioners’ cure-and-correct demands are attached to their initial pleading as Exhibits
6 H and I.

7 47. On November 11, 2021, Petitioners were notified by the City Attorney that the PLUM
8 Committee would be re-hearing the Historical Cultural Monument application for the Taix French
9 Restaurant on November 30, 2021.

10 48. On November 24, 2021 Petitioners received an email from the PLUM Committee clerk
11 with an attached revised public hearing notice that indicated the committee would re-hear the item on
12 December 7, 2021. The notice states in part:

13 “Consideration of rescission of the City Council’s prior action taken on June 2, 2021 for
14 Council file No. 21-0119 (Case No. CHC-2020-5524-HCM), in which the City Council
15 determined that the proposed designation of the Taix French Restaurant, located at 1911-
16 1929 West Sunset Boulevard and 1910-2018 West Reservoir Street, as a Historic-
17 Cultural Monument is categorically exempt from the California Environmental Quality
18 Act (CEQA), and that the subject property conforms with the definition of a Monument
19 pursuant to Section 22.171.7 of the Los Angeles Administrative Code; adopted the
20 Findings of the Cultural Heritage Commission (CHC), as amended by the PLUM
21 Committee on May 4, 2021, as the Findings of Council; and, approved the
22 recommendations of the CHC relative to the inclusion of the Taix French Restaurant in
23 the list of Historic-Cultural Monuments.

24 “Consideration of a Categorical Exemption from CEQA pursuant to Article 19, Section
25 15308, Class 8, and Article 19, Section 15331, Class 31 of the State CEQA Guidelines,
26 and a report from the CHC relative to the inclusion of the Taix French Restaurant, located
27 at 1911-1929 West Sunset Boulevard and 1910-2018 West Reservoir Street, in the list of
28 Historic-Cultural Monuments.”

29 49. On December 6, 2021, Councilmember O’Farrell’s office submitted the letter with the
30 attachment containing the supplemental findings referred to in paragraphs 7 and 8, above. The findings
31 include new language not found in the May 3 and May 4, 2021 supplemental findings. Purporting to
32 “convey Councilmember O’Farrell’s support for the designation of the Taix site[,]” Mr. O’Farrell, again,
33 put forth his salvage proposal for the two neon signs and the bar top, now referring to these elements as
34 “character-defining physical features of Taix Restaurant.” By then, the proposal was mired in public
controversy. The December 6, 2021 O’Farrell findings made clear they were intended to preempt the
Cultural Heritage Commission’s final determination of December 17, 2020. The introductory paragraph
in the findings document attached to councilmember O’Farrell’s planning deputy’s letter states: “The

1 City Council adopts the following findings, which correct [sic] *and supersede* the [Commission’s]
2 January 21, 2021 Final Determination Staff Recommendation Report.” (Emphasis added.)

3 50. On December 7, 2021, after waiting for three hours for the Taix item to be called, the
4 public was told the matter would be continued to January 18, 2022.

5 51. As on May 4, 2021, on January 18, 2022, members of the public, including but not
6 limited to citizens Azalia Snail and Alison Jill Plesset, who had their virtual hands raised, were not
7 called upon to speak. Furthermore, neither the December 7, 2021 nor the January 18, 2022 PLUM
8 Committee agendas fairly and correctly disclosed the subject matter of the action to be voted upon.
9 Rather, the agenda description of the Taix item was misleading and ambiguous. It confusingly stated
10 that the PLUM Committee will “consider [¶] Consideration [sic] of a Categorical Exemption from
11 CEQA pursuant to Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 of the
12 State CEQA Guidelines, and a report from the CHC relative to the inclusion of the *Taix French*
13 *Restaurant*, located at 1911-1929 West Sunset Boulevard and 1910-2018 West Reservoir Street, in the
14 list of Historic-Cultural Monuments.” (Emphasis added.)

15 52. The Taix agenda item, as described by the City, fails to give public proper notice of what
16 is actually proposed for the City’s elected officials’ consideration *and action*. The lack of candor is
17 astounding: there is no notice that, contrary to the Cultural Heritage Commission’s report, fragments of
18 the Taix French Restaurant are proposed for salvage.

19 53. The same lack of candor and ambiguity permeate the recommendations to the City
20 Council, made by the PLUM Committee the same day, January 18, 2022. They read as follows:

21 “RESCIND the City Council’s prior action taken on June 2, 2021 for Council file No. 21-
22 0119, Case No. CHC-2020-5524-HCM, in which the City Council determined that the
23 proposed designation of the Taix French Restaurant, located at 1911-1929 West Sunset
24 Boulevard and 1910-2018 West Reservoir Street, as a Historic-Cultural Monument is
25 categorically exempt from [CEQA], and that the subject property conforms with the
26 definition of a Monument pursuant to Section 22.171.7 of the [LAAC]; adopted the
27 Findings of the Cultural Heritage Commission (CHC), as amended by the PLUM
28 Committee on May 4, 2021, as the Findings of Council; and, approved the
29 recommendations of the [Commission] relative to the inclusion of the Taix French
30 Restaurant in the list of Historic-Cultural Monuments.

31 “DETERMINE that the proposed designation is categorically exempt from CEQA,
32 pursuant to Article 19, Section 15308, Class 8 and Article 19, Section 15331, Class 31 of
33 the State CEQA Guidelines.

34 “DETERMINE that the subject property conforms with the definition of a Monument
pursuant to Section 22.171.7 of the [LAAC].

“ADOPT the FINDINGS of the Cultural Heritage Commission (CHC), as amended by
the PLUM Committee to include the supplemental Findings in the communication from
the Council District (CD) 13 Office, dated December 6, 2021, attached to the Council

1 file; as the Findings of Council.

2 “APPROVE the recommendations of the CHC relative to the inclusion of the Taix
3 French Restaurant, located at 1911-1929 West Sunset Boulevard and 1910-2018 West
4 Reservoir Street, in the list of Historic-Cultural Monuments.”

5 54. On January 26, 2022, the City Council held a remote meeting to take action upon the
6 PLUM Committee’s recommendations. The agenda again misleadingly claims that the council action
7 will involve a “DETERMIN[ATION] that *the subject property* conforms with the definition of a
8 Monument pursuant to [LAAC] Section 22.171.7”; and “APPROV[AL] [of] *the recommendations of the*
9 *CHC* relative to the inclusion of the Taix French Restaurant, located at 1911-1929 West Sunset
10 Boulevard and 1910-2018 West Reservoir Street, in the list of Historic-Cultural Monuments.”
11 (Emphasis added.)

12 55. On January 26, 2022, the City Council approved its PLUM Committee’s
13 recommendations. The City describes the council’s action as follows: “PLANNING AND LAND USE
14 MANAGEMENT COMMITTEE REPORT - ADOPTED FORTHWITH.”

15 56. On February 15, 2022, Petitioners mailed the Defendants a cure-and-correct letter. This
16 letter is attached as Exhibit 1 to this amended pleading and incorporated herein by reference. To this
17 day, the City Council has failed to cure and correct the Brown Act violations that occurred in connection
18 with the January 18 and January 26, 2022 public hearing notices and hearings.

19 **V. CLAIMS FOR RELIEF.**

20 **FIRST CAUSE OF ACTION**

21 **Writ of Mandate for Violation of the Cultural Heritage Ordinance**

22 *By Petitioners Against Respondents and Real Parties in Interest*

23 57. Petitioners incorporate by reference paragraphs 1 through 56 of this pleading, as though
24 fully set forth.

25 58. The O’Farrell findings approved by the City Council on January 26, 2022 supersede the
26 Cultural Heritage Commission’s findings and its ultimate determination. As such, the council’s action of
27 January 26, 2022 severely misconstrues the Cultural Heritage Ordinance, its intent and its purpose. The
28 adopted O’Farrell findings fail to secure Monument status for the Taix French Restaurant building,
29 contrary to the undisputed evidence in record establishing its eligibility, and they exclude application of
30 the procedural safeguards of LAAC sections 22.171.11 to 22.171.15 to the building.

31 59. Furthermore, the council’s finding that a salvage operation rescuing two signs and a bar
32 top from demolition is sufficient or appropriate to convey the Taix French Restaurant’s historic
33 significance as a Historic-Cultural Monument is say-so unsupported by any evidence. It cannot seriously
34

1 be disputed that with the mixed-used project built as planned, a historical contemporary would not
2 recognize the Taix French Restaurant from its period of significance. The limited salvage operation
3 approved by the council leaves nothing against which the Secretary of the Interior’s Standards for
4 Rehabilitation, incorporated in the Cultural Heritage Ordinance (LAAC, § 22.171.14), can be assessed.

5 60. By approving the December 6, 2021 O’Farrell findings and predicating its ultimate
6 determination thereon, the City Council prejudicially abused its discretion under the Ordinance and
7 Code of Civil Procedure section 1094.5, subdivision (b). Accordingly, writ of mandate relief as
8 requested in the prayer to this pleading is indispensable.

9 **SECOND CAUSE OF ACTION**

10 **Writ of Mandate for Violation of CEQA and the Guidelines**

11 *By Petitioners Against Respondents and Real Parties in Interest*

12 61. Petitioners incorporate by reference paragraphs 1 through 56 of this pleading, as though
13 fully set forth.

14 62. The Cultural Heritage Commission determined that the designation of the Taix French
15 Restaurant it recommended to the City Council is exempt from CEQA under the categorical exemptions
16 set out in Guidelines sections 15308 (Class 8; “Actions by Regulatory Agencies for Protection of the
17 Environment”) and 15331 (Class 31; “Historical Resource Restoration/Rehabilitation”).

18 63. Guidelines sections 15308 exempts from CEQA “actions taken by regulatory agencies, as
19 authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or
20 protection of the environment where the regulatory process involves procedures for protection of the
21 environment.” It then specifically cautions: “Construction activities and relaxation of standards allowing
22 environmental degradation are not included in this exemption.”

23 64. Guidelines sections 15331 exempts from CEQA “projects limited to maintenance, repair,
24 stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical
25 resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of
26 Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing
27 Historic Buildings (1995), Weeks and Grimmer.”

28 65. In support of its determination applying these categorical exemptions, the Commission
29 found, inter alia: “The purpose of the [Monument] designation is to prevent significant impacts to a
30 Historic-Cultural Monument through the application of the standards set forth in the LAAC. Without the
31 regulation imposed by way of the pending designation, the historic significance and integrity of the
32 subject property could be lost through incompatible alterations and new construction and the demolition
33 of an irreplaceable historic site/open space. The Secretary of the Interior’s Standards for Rehabilitation
34 are expressly incorporated into the LAAC and provide standards concerning the historically appropriate

1 construction activities which will ensure the continued preservation of the subject property.”

2 66. The City Council exempted its own January 26, 2022 action from CEQA in reliance on
3 the provisions of Guidelines sections 15308 and 15331. But the City Council’s radical alteration of the
4 Cultural Heritage Commission’s Monument designation can no longer legally justify or support those
5 exemptions. Due to the council’s adoption of the supplemental, superseding O’Farrell findings
6 facilitating the destruction of the Taix French Restaurant, the council’s challenged action cannot
7 possibly be characterized as a “regulatory process involv[ing] procedures for protection of the
8 environment” or a project “limited to maintenance, repair, stabilization, rehabilitation, restoration,
9 preservation, conservation or reconstruction of historical resources.”

10 67. By Public Resources Code section 21084, subdivision (e), “A project that may cause a
11 substantial adverse change in the significance of a historical resource, as specified in Section 21084.1,
12 shall not be exempted from [CEQA] pursuant to subdivision (a). By section 21084.1, such a change
13 must be treated as “a project that may have a significant effect on the environment.” “[A]n historical
14 resource is a resource listed in, or determined to be eligible for listing in, the California Register of
15 Historical Resources. Historical resources included in a local register of historical resources, as defined
16 in subdivision (k) of [Public Resources Code] Section 5020.1, or deemed significant pursuant to criteria
17 set forth in subdivision (g) of [Public Resources Code] Section 5024.1, are presumed to be historically
18 or culturally significant for purposes of this section, unless the preponderance of the evidence
19 demonstrates that the resource is not historically or culturally significant.” (*Id.*)

20 68. The preponderance of the evidence (to say the least) in this case demonstrates that the
21 Taix French Restaurant building is historically and culturally significant. Its proposed demolition is a
22 substantial adverse change in its significance. (Guidelines, § 15064.5, subd. (b).)

23 69. Because the categorical exemptions of Guidelines sections 15308 and 15331 are
24 inapplicable to and unsupported by the City Council’s challenged action, the council prejudicially
25 abused its discretion under CEQA and the Guidelines by determining that its empty designation of the
26 Taix French Restaurant as a City Monument is exempt from CEQA review. Accordingly, writ of
27 mandate relief as requested in the prayer to this pleading is indispensable.

28 **THIRD CAUSE OF ACTION**

29 **Writ of Mandate for Violation of the Brown Act**

30 *By Petitioners Against Respondents and Real Parties in Interest*

31 70. Petitioners incorporate by reference paragraphs 1 through 56 of this pleading, as though
32 fully set forth.

33 71. The City Council proceeded in violation of its public duties under the Brown Act in
34 connection with both the agenda noticing for the PLUM Committee meeting of January 18, 2022 and the

1 City Council meeting of January 26, 2022, and the conduct of the hearing of January 18, all as described
2 above and in the attached Exhibit 1.

3 72. By failing to call on members of the public who waited on hold for their opportunity to
4 address the PLUM Committee and be heard, and by noticing a highly misleading and ambiguous
5 description of the Taix item of business to be acted upon at the January 18 and January 26, 2022
6 meetings, the City Council failed to proceed in the manner required by the Brown Act. (See Gov. Code,
7 §§ 54954.2, subd. (a), 54954.3.) Accordingly, writ of mandate and declaratory relief as provided by
8 Government Code sections 54960 and 54960.1, and as requested in the prayer to this pleading is
9 indispensable.

10
11 **FOURTH CAUSE OF ACTION**

12 **Declaratory Relief**

13 *By Petitioners Against Respondents and Real Parties in Interest*

14 73. Petitioners incorporate by reference paragraphs 1 through 72 of this pleading, as though
15 fully set forth.

16 74. An actual and present controversy has arisen and exists between, on the one hand,
17 Petitioners and, on the other hand, the City Council, concerning the council's public duties pled in this
18 action.

19 75. Petitioners contend that Defendants violated their public duties under the Cultural
20 Heritage Ordinance, CEQA and the Guidelines, and the Brown Act, all as shown in this amended
21 pleading.

22 76. Petitioners are informed and believe, and based thereon allege, that Defendants and Real
23 Parties contend to the contrary.

24 77. A judicial determination and declaration of the public rights and duties of the parties is
25 therefore necessary and appropriate. “ ‘An action for declaratory relief lies when the parties are in
26 fundamental disagreement over the construction of particular legislation, or they dispute whether a
27 public entity has engaged in conduct or established policies in violation of applicable law.’ [Citation.]”
28 (*City of Cotati v. Cashman* (2002) 29 Cal.4th 69, 79; see *Squire v. City and County of San Francisco*
29 (1970) 12 Cal.App.3d 974, 976, 979; see Gov. Code, §54960.)

30
31 **VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES AND INADEQUATE REMEDIES**
32 **AT LAW.**

33 78. Petitioners have exhausted all available administrative remedies they were required to
34 exhaust.

1 79. Petitioners have no plain, speedy and adequate remedy at law. Without the relief prayed
2 for in this pleading, their public rights and the public rights of their members, supporters and all citizens
3 similarly situated, under the Cultural Heritage Ordinance, CEQA and the Brown Act, will be defeated as
4 a result of the City Council’s spurious City Monument designation, its unsupported determination to
5 exempt its action from CEQA, and its violation of the Brown Act.

6
7 WHEREFORE, Petitioners pray for relief as follows:

8 ON THE FIRST, SECOND AND THIRD CAUSES OF ACTION

9 That the Court issue a peremptory writ of mandate commanding the City Council:

10 1. To set aside and void the City Council’s findings euphemistically described by the City
11 as “the FINDINGS of the Cultural Heritage Commission (CHC), as amended by the PLUM Committee
12 to include the supplemental Findings [contained] in the communication from the Council District (CD)
13 13 Office, dated December 6, 2021”

14 2. To set aside and void the City Council’s determination that the Monument designation as
15 proposed and recommended to it by the PLUM Committee, i.e., the designation eviscerating the Cultural
16 Heritage Commission findings based on the superseding O’Farrell findings, is categorically exempt
17 from CEQA under Guidelines sections 15308 and 15331.

18 3. To take such further action as is specially enjoined upon the City Council by law,
19 including without limitation, the Cultural Heritage Ordinance, CEQA and the Guidelines, and the Brown
20 Act.

21 4. To refrain from issuing any permit for any demolition or alteration of the Taix French
22 Restaurant building and its signage pending full compliance with the Cultural Heritage Ordinance and
23 CEQA.

24 ON THE FOURTH CAUSE OF ACTION

25 That the Court enter judgment including the following binding judicial declaration:

26 1. The O’Farrell findings and the City Council’s adoption thereof violate the Cultural
27 Heritage Ordinance. When a proposed Monument consists of a building and that building qualifies for
28 designation as a City Historic-Cultural Monument under LAAC section 22.171.7, such as the Taix
29 French Restaurant, it is the building that is designated as a City Historic-Cultural Monument, and all
30 procedural safeguards intended to preserve City Monuments, set forth in or incorporated into the Los
31 Angeles Administrative Code, including sections 22.171.11 to 22.171.15, apply to protect that
32 Monument.

33 2. The categorical exemptions of Guidelines sections 15308 and 15331 are inapplicable to
34 the City Council’s action of January 26, 2022. Because the mixed-use project proposed by Real Parties,

1 if approved, would demolish the Taix French Restaurant building, it will cause a substantial adverse
2 change in the significance of a historical resource and, therefore, is subject to environmental review
3 under CEQA.

4 3. The PLUM Committee has violated Government Code section 54954.3, subdivision (a)
5 and article I, section 3, subdivision (b) of the California Constitution by failing to provide members of
6 the public interested in addressing the PLUM Committee on the Taix agenda item an opportunity to do
7 so and to be heard. The PLUM Committee and the City Council have violated Government Code section
8 54954.2, subdivision (a) and article I, section 3, subdivision (b) of the California Constitution by posting
9 agenda notices for the January 18, 2022 PLUM Committee meeting and the January 26, 2022 City
10 Council meeting, containing misleading and ambiguous descriptions of the Taix item of public business.

11
12 ON ALL CAUSES OF ACTION

13 1. That the Court award Petitioners reasonable attorney fees pursuant to Code of Civil
14 Procedure section 1021.5.

15 2. That the Court award Petitioners their court costs pursuant to Code of Civil Procedure
16 sections 1032 and 1033.5.

17 3. That the Court grant Petitioners such other and further relief as the Court may deem just
18 or proper.

19 DATED: April 26, 2022

ANGEL LAW
Frank P. Angel

20
21 By:


Frank P. Angel

22 Attorney for Petitioners/Plaintiffs
23 THE SILVER LAKE HERITAGE TRUST and
24 ANNIE SPERLING
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2568 Griffith Park Boulevard #277
Los Angeles, CA 90039
www.silverlakeheritage.org

February 15, 2022

To: Office of the City Clerk of Los Angeles

Re: Council File: **21-0119**, January 18, 2022 second PLUM RE-HEARING, Agenda Item # 8;
Taix French Restaurant, 1911 Sunset Blvd, Los Angeles, CA 90026;
Historic Cultural Monument case # CHC-2020-5524-HCM;
Notice of Brown Act Violation, Cure or Correct Demand, and Cease and Desist Demand

Pursuant to Section 54960.1(b) of California Government Code, this letter serves as a demand to cure or correct the Brown Act violations that took place at the remotely held Planning and Land Use Management Committee (“PLUM” or “Committee”) meeting on January 18, 2022.

The City violated section 54954.3. of the Brown Act, again, by failing to call on members of the public who patiently waited on hold for their opportunity to address the Committee, regarding the critical element to the item of business to be conducted, which was also omitted from the City’s Agenda.

The Agenda posted by the City fails to describe the item of business to be transacted pursuant to Government Code section 54954.2.

The Agenda mischaracterizes and misstates the item of business to be transacted.

The Agenda was not made available to the public in a posted location that is freely accessible to members of the public pursuant to Government Code section 54954.2, which has discriminated against members of the public who are without internet access.

The Brown Act requires that legislative bodies, including the City Council, “shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public.” (Gov. Code § 54954.3, subd. (a); see also Galbiso v. Orosi Public Utility Dist. (2008) 167 Cal.App.4th 1063, 1079–1080 and Gov. Code § 54954.3, subd. (c) [“The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body”].) This requirement remains mandatory during “teleconference meetings;” the legislative body “shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.” (Gov. Code §

54953, subd. (b)(3).) A teleconference meeting must “provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.” (Ibid.)

Government Code Section 54954.3 provides that members of the public must be permitted to address the legislative body on any item of interest to the public before or during the body’s consideration of that item. Having followed the instructions to call in and raise their virtual hand to address matters of public concern before PLUM, constituents Allison Plesset and Azalia Snail were never called on, leaving no opportunity for them to speak.

Generally speaking, the more public a venue is, the less latitude the government has to restrict speech. Also, generally speaking, restrictions that are content-neutral (i.e., not tied to a particular message) will generally be easier to uphold than restrictions based on a particular viewpoint, which are more often constitutionally suspect. This general principle is codified to some extent in Section 54954.3 of the Brown Act, which provides that “[t]he legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

The City’s actions in this matter are not complete, faithful, or uninterrupted compliance with the mandates of the Brown Act. The City has failed to proceed in the manner required by law.

As provided by Section 54960.1, you have 30 days from the receipt of this demand regarding the previous meeting to either cure or correct the challenged actions or **inform us of your decision not to do so**.

As a direct and proximate cause of the actions of the City, members of the public, and the council members themselves as the decision makers, were deprived of information concerning the importance of the Taix French Restaurant.

The City must cure and correct its violations of the Brown Act as specified in Government Code Section 54960.1, and cease and desist the systematic denial of public speaking rights at special meetings, pursuant to Government Code Section 54960.2.

Failure to cure or correct as demanded may leave us no recourse but to seek *additional* judicial invalidation of any prior actions pursuant to Section 54960.1, in which case we would also ask the court to order you to pay court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5. We intend to seek costs and fees related to all time and resources expended in our attempts to enforce the laws the City continues to violate.

In accordance with Section 54960.2.(a)(1)., a copy of this letter has been mailed via postal mail to the City Clerk.

Thank you.

The Silver Lake Heritage Trust

SENT VIA E-MAIL:

Los Angeles Office of the City Attorney Kenneth Fong, kenneth.fong@lacity.org
Los Angeles Office of the City Attorney Terry Kaufmann-Macias, Terry.Kaufmann-Macias@lacity.org
Los Angeles Office of the City Attorney Kimberly Huangfu, Kimberly.Huangfu@lacity.org
Deputy City Attorney Strefan Fauble, Strefan.Fauble@lacity.org
City Clerk holly.wolcott@lacity.org
Armando.Bencomo@lacity.org, clerk.plumcommittee@lacity.org
gilbert.cedillo@lacity.org
councilmember.lee@lacity.org
councilmember.blumenfield@lacity.org
councilmember.harris-dawson@lacity.org
councilmember.rodriquez@lacity.org
christine.jerian@lacity.org

SENT HARD COPY VIA USPS:

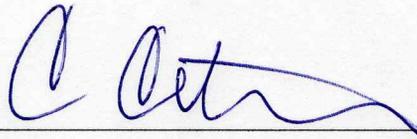
Office of the City Clerk
Ms. Holly Wolcott
200 N. Spring St., Room 360
Los Angeles, CA 90012

VERIFICATION

I, Carol Cetrone, declare:

I am the President of the Silver Lake Heritage Trust (**Heritage Trust**). I have full authority to file this action and execute this verification on behalf of the Heritage Trust. I have read the foregoing first amended petition for writ of mandate and complaint for declaratory relief. I know its contents. The facts alleged in this pleading are true to my personal knowledge, except for facts alleged on information and belief. Those facts I verify upon information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I have executed this verification on April 26, 2022, in the County of Los Angeles, California.



CAROL CETRONE

Angel Law
2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405

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VERIFICATION

I, Annie Sperling, declare:

I am an individual plaintiff in this action. I have read the foregoing first amended petition for writ of mandate and complaint for declaratory relief. I know its contents. The facts alleged in this pleading are true to my personal knowledge, except for facts alleged on information and belief. Those facts I verify upon information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I have executed this verification on April 26, 2022, in the County of Los Angeles, California.



ANNIE SPERLING

Angel Law
2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405

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Angel Law
2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405

PROOF OF SERVICE

I am employed with Angel Law in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 2601 Ocean Park Boulevard, Suite 205, Santa Monica, California 90405.

On April 26, 2022, I served the foregoing document, entitled **First Amended Verified Petition for Writ of Mandate and Complaint for Declaratory Relief**, on the person shown below by email. I emailed a true copy of this document in Portable Document Format from my email address, lmcmamus@angellaw.com, to the email address shown below.

Attorney for Respondents/Defendants City of Los Angeles & City Council of the City of Los Angeles:

<ul style="list-style-type: none"> • Kenneth T. Fong, Senior Deputy City Attorney – SBN 140609, kenneth.fong@lacity.org 	City of Los Angeles, Office of the City Attorney 200 N. Main St., City Hall East Rm. 701 Los Angeles, CA 90012 Tel.: (213) 978-8202
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Real Parties in Interest/Defendants 1911 Sunset Investors, LLC and Holland Partner Group, LLC have not appeared in this action yet. Therefore, following the filing of this pleading, I intend to promptly arrange for service of process by having the foregoing pleading delivered to their registered agent for service of process, shown below, in accordance with requirements of the Code of Civil Procedure for service of process:

Registered Agent for Service of Process for Real Parties in Interest/Defendants 1911 Sunset Investors, LLC & Holland Partner Group, LLC:

Unisearch, Inc.
4 Venture, Ste. 280
Irvine, CA 92618

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I have executed this proof of service in the County of Los Angeles, California, on April 26, 2022.


Lake McManus