

Bond Case Briefs

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Tejon Real Estate, LLC v. City of Los Angeles

Court of Appeal, Second District, Division 4, California - January 22, 2014 - Cal.Rptr.3d - 2014 WL 232598

Owner of vacant lot engaged in discussions with city representatives concerning the conditions under which it could obtain an extension of water service to its lot, and whether installation of a fire hydrant would be required prior to building a residence. Having obtained informal opinions from city and fire department representatives concerning the cost of the water extension and the necessity of the hydrant, appellant initiated an action for declaratory relief, seeking interpretation of the Department of Water and Power Rules Governing Water and Electric Service (DWP Rules) and the Fire Code.

The Superior Court sustained city's demurrer without leave to amend, and lot owner appealed.

The Court of Appeal held that:

- Any administrative decisions based on regulations could not be challenged by declaratory judgment, and
- Lot owner was required to exhaust administrative remedies and obtain a final administrative decision from city before bringing action.

While owner was provided preliminary opinions and cost estimates from city personnel, owner never applied for any building permit, did not receive a final determination from the City, and could not say with certainty what charges would be imposed or conditions enforced once the City rendered a final decision based on specific plans for construction.