

# THE INDEPENDENT

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## Storage Firm Seeks \$2 Million In Land Use Case

Having settled with Alameda County for \$500,000 in a court case involving Measure D, a storage locker firm will try to obtain \$2 million more in damages in a separate suit.

Neither suit concerns the legality or merits of Measure D, but deals with how the county acted in administering Measure D, said Tim Kassouni, a lawyer for Lockaway Storage.

The firm built a storage facility on the south side of Interstate 580 near Palomares Canyon Road. The development was slowed by the county for a year or more in the process, said Kassouni.

The \$500,000 settlement was part of a suit naming Erik Chambliss of the county counsel's office and five planning department employees. The storage firm contended that Chambliss acted incorrectly in instructing planning staff to deny grading and building

permits to the storage firm, said Kassouni. This occurred despite a writ from a judge, who ordered the county to give Lockaway the two permits.

The issue went to state appellate court. However, before the matter could be decided there, the county settled with Lockaway.

In the second suit, Lockaway maintains that the delay in the whole permitting process cost \$2 million in a combination of lost income and increased construction cost during the period in which it could have been built, between 2002 and 2005. The case is scheduled for trial in January.

County Counsel Richard Winnie was not available for comment before the Independent's deadline. The county's lead attorney in the case, an Oakland private practitioner, was traveling, and unavailable for comment.

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